

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order or rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.040, 386.250, 393.140, 393.290, and 393.291, RSMo 2016, the commission rescinds a rule as follows:

4 CSR 240-3.050 Small Utility Rate Case Procedure is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 15, 2017 (42 MoReg 1641). No changes have been made in the proposed rescission, so it is not reprinted here. The proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended December 15, 2017, and the commission held a public hearing on the proposed rescission on December 21, 2017. The commission did not receive any written comments about the rescission, and no one offered a comment about the rescission at the public hearing.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 10—Utilities**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.040, 386.250, 393.140, 393.290, and 393.291, RSMo 2016, the commission adopts a rule as follows:

4 CSR 240-10.075 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 15, 2017 (42 MoReg 1641-1643). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended December 15, 2017, and the commission held a public hearing on the proposed rule on December 21, 2017. The commission received timely written comments from the Office of the Public Counsel and from the staff of the commission. Jacob Westen, representing the commission's staff and Natelle Dietrich on behalf of staff, as well as Ryan Smith representing the Office of the Public Counsel and Keri Roth on behalf of Public Counsel, appeared at the hearing and offered comments. Both staff and Public Counsel offered comments about the specific provisions of the proposed rule. Those comments will be addressed in relation to those provisions.

COMMENT #1: Public Counsel suggested the definition of "small utility" found in subsection (1)(A) be modified to limit application of this rule to smaller, less sophisticated, utilities.

RESPONSE: The proposed rule defines a small utility, to which the procedures described in the rule would apply, as a gas utility serving ten thousand (10,000) or fewer customers, a water or sewer utility serving eight thousand (8,000) or fewer customers, or a steam utility serving one hundred (100) or fewer customers. As a practical matter there are currently no gas utilities or steam utilities in Missouri that meet the definition of a small utility so the rule will affect only small water and sewer utilities at this time. As Public Counsel indicates, some utilities that meet the definition of "small utilities" are more financially and operationally sophisticated than others. Some are, in fact subsidiaries of multi-national corporations. However, there is no clear number of customers that would delineate an unsophisticated from a sophisticated small utility. The customer numbers used to define a small utility in this rule are derived from the definitions of small utilities found in current Missouri statutes. No change will be made in response to this comment.

COMMENT #2: Staff proposed to change the definition of "disposition agreement" to clarify that a disposition agreement has the same force and effect as a "stipulation and agreement" as that term is generally used in practice before the commission. Public Counsel indicated it does not oppose that change.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with the proposed clarification and will adopt the revised language proposed by staff.

COMMENT #3: Public Counsel notes that the existing Small Utility Rate Case Procedure rule includes a provision that would allow the commission to summarily dismiss a small utility's request for rate relief if it fails to timely provide staff or Public Counsel with the information needed to investigate that request. It suggests that provision should be retained in this rule.

RESPONSE: The commission does not believe a provision for summary dismissal for failure to provide information is either necessary or workable in practice. No change will be made in response to this comment.

COMMENT #4: Public Counsel is concerned that subsection (3)(B), which allows a small utility rate case to be commenced by the filing

of a complaint by staff or any eligible entity pursuant to sections 386.390.1 or 393.260.1, RSMo, could be used to initiate a vexatious or frivolous rate case. Public Counsel advises the commission to require some intervening order from the commission to initiate a rate case to avoid that possibility.

RESPONSE: The commission does not share Public Counsel's concern. The referenced statutes already limit the ability of non-utility entities to bring a complaint seeking a change in the utility's rates. No further limitation within this rule is necessary. No change will be made in response to this comment.

COMMENT #5: Public Counsel suggests that if a small utility files a tariff to initiate a small rate case procedure, as it is allowed to do under subsection (3)(C), it should be required to affirmatively state that it intends to proceed under the staff assisted rate procedure rather than as a standard rate case.

RESPONSE AND EXPLANATION OF CHANGE: If such a tariff were to be filed by a utility, the commission would likely presume that the intent of the utility would be to follow a standard rate case procedure. But clarity in the rule is helpful, and the commission will modify the subsection as Public Counsel suggests.

COMMENT #6: Public Counsel comments that a provision of paragraph (3)(A)1. allows a utility to withdraw its request for a rate increase at any time before one hundred fifty (150) days after it files its request to initiate the procedure. Public Counsel suggests the utility be allowed to withdraw its request at any time during the process, as would be allowed under the currently effective rule.

RESPONSE: The commission does not agree with Public Counsel. After the procedure has reached the 150th day, staff will have proceeded sufficiently with its investigation and audit to have an idea of whether a rate increase, or possibly a rate decrease, is necessary to ensure the existence of just and reasonable rates. At that stage of the process it may no longer be appropriate to allow the utility to unilaterally withdraw from the ratemaking process. No change will be made in response to this comment.

COMMENT #7: Public Counsel is concerned that section (4), which indicates staff will assist a small utility in processing a small utility rate case to the extent that assistance is "consistent with staff's function and responsibilities to the commission," overstates the permissible involvement staff may have in the rate process. Specifically, Public Counsel contends staff may not represent the utility and may not undertake the utility's statutorily established burden of proving that its proposed rates are just and reasonable.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees its staff may not represent the utility and further, that section 393.150.2, RSMo establishes that the utility bears the burden of proving that its proposed rates are just and reasonable. This rule is not intended to change either fact. But the commission wants to clearly authorize staff to assist small utilities through the process established by this rule to the extent possible.

Assisted rate cases for small utilities are necessary to ensure that rates are periodically reviewed. Some small utilities can be intimidated by the prospect of a rate case, and, if not assisted through the process, may forego a necessary rate case. Some small utilities have waited more than twenty (20) years to request a rate case. At best, that means their ratepayers may face a very large rate increase when rates are finally adjusted. At worst, the small utility may not have sufficient revenue to meet its obligations and can enter a downward spiral of deferred or ignored maintenance, leading to poor or unsafe service, from which it may not be able to recover.

The commission will modify section (4) to make it clear that staff is neither authorized to represent the utility, nor to assume the utility's burden of proof.

COMMENT #8: Public Counsel is concerned about two (2) aspects of subsection (5)(A). That subsection allows staff and the small util-

ity to agree in writing to extend the procedural timeline established by this case by thirty (30) days without the approval of the commission or any other party, which in practice means Public Counsel. Staff explained that the allowable thirty- (30-) day extension would not extend the ultimate two hundred seventy- (270-) day deadline for issuance of the commission's final decision regarding the rate increase request that is required by section (13) of this rule.

Public Counsel urges the commission to allow for a sixty- (60-) day extension of the procedural timeline as is allowed under the commission's current rule, arguing that more time may be needed to process a small rate case. Public Counsel would also like to be included in the decision of whether the procedural timeline should be extended.

RESPONSE AND EXPLANATION OF CHANGE: The small utility should have a say in whether the procedural timeline should be extended, as it is the utility's request for a rate adjustment that will be delayed by any extension. But under the proposed rule, the requested extension does not delay the rate adjustment, rather it places a burden on Public Counsel to present its case in a shortened period and burdens the commission by reducing its time to deliberate and issue a decision. This revised rule already reduces the procedural timeline for final resolution of the rate request from eleven (11) months to two hundred seventy (270) days. If the timeline is extended, the entire timeline should be extended.

Staff is appropriately involved with any decision to extend the timeline because it is primarily responsible for conducting the investigation and audit of the small utility. With the modification extending the entire procedural timeline, Public Counsel's involvement in the extension decision becomes less important. The commission will allow for a thirty- (30-) day extension of each aspect of the timeline, but will leave that decision with the utility and staff. The commission will modify the rule accordingly.

COMMENT #9: Staff explained that section (6) of the revised rule will change the timing of any local public hearing the commission may have at a location near the service territory of the small utility. Under the current regulation, such a local public hearing, if held at all, would be scheduled later in the procedural schedule, after staff has completed its investigation and audit, and after a disposition agreement has been reached. The new rule would call for the local public hearing to be scheduled much earlier in the process; within sixty (60) days after the opening of the case. It would also require that such local public hearing be held unless all parties agree it is not necessary.

Public Counsel is concerned that having a local public hearing so early in the process will not be helpful because little information about the investigation and audit will be available to be shared with the ratepayers at that time. It suggests that if a local public hearing is held, it would be more productive later in the process. Public Counsel and staff agree it would not be advisable to have both an early and late local public hearing in the same case.

RESPONSE: Moving the local public hearing to an earlier time in the process will allow the commission, its staff, Public Counsel, and the utility to hear the concerns of the utility's customers about rates and the service they receive early enough in the process to make a difference in staff's investigation and audit, and to influence any resulting disposition agreement. The commission will not make any change in response to this comment.

COMMENT #10: Section (7) of the proposed rule establishes the notice to be given to a small utility's ratepayers; describing the filing of the request for the rate increase and indicating how ratepayers may participate in that process. Staff explained that the proposed rule ties that notice with the notice of the setting of the local public hearing early in the process. Even if no local public hearing is scheduled, the single notice would still be given early in the process. Public Counsel urges the commission to continue the practice under the current rule of issuing both an early notice at the start of the process, and a later

notice issued after completion of the audit and investigation and filing of a disposition agreement.

RESPONSE: The commission believes that a single notice as contemplated in the proposed rule is appropriate, particularly as applied to the revised timing of a local public hearing to occur earlier in the process. The issuance of notices at multiple times in the process could unnecessarily confuse ratepayers. Ratepayers who are given notice early in the process can follow the process to its completion if they choose to do so. The commission will not make any change in response to this comment.

COMMENT #11: Public Counsel comments that subsection (7)(C) notifies customers that they have thirty (30) days to submit comments about the proposed rate increase. Public Counsel contends there is no reason to put a time limit on such comments.

RESPONSE: The commission is willing to accept comments from the public at any time, but the time limit stated in the notice is appropriate so that such comments can be available to staff as it prepares its investigation and audit and to Public Counsel as it makes its preparations. The commission will not make any change in response to this comment.

COMMENT #12: Public Counsel points to a problem with how section (7) of the proposed rule is structured. As proposed, subsections (7)(A)–(D) are intended to delineate the content of the notice to be given to ratepayers. Subsection (7)(E) directs staff to file a copy of that notice in the file. But the way the rule is structured, subsection (7)(E) incorrectly appears to be another item to be included in the notice given to ratepayers.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with the comment. Section (7) will be restructured to create a subsection (7)(A) that includes the items to be included in the notice as paragraphs. The existing subsection (7)(E) is retained as a separate subsection.

COMMENT #13: Public Counsel is concerned that section (8), which describes the investigation and audit that shall be conducted by staff, and may be conducted by Public Counsel, could be interpreted in a way that would require Public Counsel to either undertake a detailed investigation or be barred from any participation in the case.

RESPONSE: The commission reassures Public Counsel that its intent in modifying this rule is not to limit Public Counsel's ability to fully participate in these rate cases involving small utilities. The specific provisions of the proposed rule that concern Public Counsel will be addressed in subsequent comments.

COMMENT #14: Public Counsel notes that subsection (8)(A) indicates staff's audit and investigation will follow staff internal procedures to ensure reasonable consistency. Public Counsel does not object to that provision, but asks that such internal procedures be made available to the public. Staff indicated such procedures are just general guidelines on how staff will conduct its investigations, not specific one-size-fits-all requirements. Staff internal policies would be made available to any member of the public that wishes to see them.

RESPONSE AND EXPLANATION OF CHANGE: The subsection's reference to staff's internal procedures is unnecessary and could be interpreted as incorporating an unpublished document into the rule. The commission will remove the reference to separate internal procedures from the subsection.

COMMENT #15: Subsection (8)(C) currently requires that data requests submitted to the utility are to be shared with all parties. Public Counsel suggests data request responses from the utility should also be shared.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees and the subsection will be modified to add that require-

ment

COMMENT #16: Public Counsel questions a provision in subsection (8)(E) that allows for the use of estimated values of normal expense items and rate base items in determining the small utility's cost of service. Public Counsel is concerned that such language in the rule would create confusion about whether the utility has met its statutory burden to prove that the rates it is requesting are just and reasonable and supported by competent and substantial evidence.

RESPONSE: The commission agrees that this rule cannot change the statutory burden of proof placed on the utility. Nothing in the rule is intended to do so. After hearing the evidence, the commission will decide whether any estimated value is sufficiently reliable to be competent and substantial evidence. No change will be made in response to this comment.

COMMENT #17: Public Counsel is concerned about subsection (8)(D), which requires an update of the utilities rate base be included in an "investigation," and subsection (8)(F), which requires staff to provide all parties with a report describing the results of its investigation and audit no later than ninety (90) days after the rate case is opened. In addition to directing staff to file its report, subsection (8)(F) directs Public Counsel to provide such a report if it is "conducting its own investigation." Public Counsel does not believe the commission has authority to require it to conduct any particular investigation, and is concerned that if it chooses not to conduct a full investigation it might be precluded from otherwise participating in the case.

RESPONSE AND EXPLANATION OF CHANGE: The commission does not intend to force Public Counsel to conduct any particular investigation and the intent of section (8) is to guide staff's investigation. To assuage Public Counsel's fears, the commission will change each reference to "the" investigation in this section to "staff's" investigation. In addition, the commission will add a new subsection (8)(G) to require Public Counsel to report the results of whatever investigation it chooses to conduct.

COMMENT #18: Section (9) directs staff to submit a confidential settlement proposal no later than one hundred twenty (120) days after the small utility rate case is opened. It also requires Public Counsel to submit its own confidential settlement proposal if it chooses to conduct its own investigation. Public Counsel objects to the provisions of the section that would require Public Counsel to submit a settlement proposal or that would specify the contents of any settlement proposal Public Counsel might choose to submit.

RESPONSE AND EXPLANATION OF CHANGE: The commission intended this rule to give Public Counsel an opportunity to submit a settlement proposal in any case if it wishes to do so. It also wants to give staff and the utility a fair opportunity to respond to whatever settlement proposal Public Counsel offers. However, the commission recognizes that Public Counsel may choose for itself the extent to which it chooses to participate in any case before the commission. For that reason, the commission will delete paragraph (9)(A)3. and modify paragraph (9)(A)4., which purport to require Public Counsel to include certain items in any settlement proposal it may choose to submit. In addition, the commission will modify subsection (9)(A) to clarify that Public Counsel may submit a settlement proposal, but is under no obligation to do so.

COMMENT #19: Public Counsel expressed concern about a provision of subsection (9)(C) that would require any party responding to a settlement proposal to provide audit workpapers, rate design workpapers, or other documents in its possession that support its suggestions. Public Counsel fears that many small utilities will not have such workpapers and documents to be able to include them with their response.

RESPONSE: The proposed subsection merely requires the responding parties to provide any such documents they possess. It does not

require them to create or produce any documents they do not already have in their possession. No change to the subsection will be made in response to the comment.

COMMENT #20: Public Counsel expressed concern about the appropriateness of the wording of paragraphs (11)(A)1. and 2. Staff suggested modifications to improve that wording.

RESPONSE AND EXPLANATION OF CHANGE: The commission will adopt the modified language proposed by staff.

COMMENT #21: Public Counsel suggests subsection (11)(C) be modified to require additional notice be sent to ratepayers to inform them that a rate tariff has been filed.

RESPONSE: The commission does not believe additional notice is needed at that point in the process. No change will be made in response to this comment.

COMMENT #22: Paragraph (11)(E)1. allows the small utility to request to be excused from participation in an evidentiary hearing where at least the staff and the utility have entered into a disposition agreement to fully resolve the rate case. Public Counsel objects that allowing the utility to avoid participation in the hearing would leave the utility unable to meet its statutory burden of proof and would improperly shift that burden of proof to staff.

RESPONSE: The commission does not share Public Counsel's concerns. As the commission clarified in response to comment #2, "disposition agreement" is defined to be the equivalent of a "stipulation and agreement" in practice before the commission. If staff and the small utility have entered into a disposition agreement to which another party has objected, then the disposition agreement becomes merely a joint position of the signatory parties, to which neither party is bound. But, if staff and the small utility choose to present the disposition agreement as their joint position, then staff can choose to present that position on its own behalf and the small utility does not need to duplicate staff's efforts at the hearing. Each aspect of the disposition agreement would need to be supported by competent and substantial evidence, but that supporting evidence could be provided by staff. No changes will be made in response to this comment.

COMMENT #23: Public Counsel is concerned that section (13) allows the commission only twenty (20) days to deliberate and decide a rate case after it has been finally submitted by the submission of final briefs.

RESPONSE AND EXPLANATION OF CHANGE: The commission shares that concern, but believes it is important to have a goal of completing these cases in a timely fashion so that just and reasonable rates can be established. However, the commission recognizes that circumstances may arise that will require additional time to deliberate and decide a case. For that reason, section (15) will be modified to explicitly provide that the two hundred seventy- (270-) day deadline for a final decision established in section (13) may be waived for good cause shown.

4 CSR 240-10.075 Staff Assisted Rate Case Procedure

(1) Definitions. As used in this rule, the following terms mean:

(B) A disposition agreement is a document that sets forth the signatories' proposed resolution of some or all of the issues pertaining to a small utility rate case, and has the same weight as a stipulation and agreement as defined in 4 CSR 240-2.115.

(3) Commencement. A small utility rate case may be commenced by—

(C) A proposed tariff stating a new rate or charge filed by a small utility pursuant to section 393.150.1, RSMo, if accompanied by a written statement requesting the use of the procedures established by this rule.

(4) Staff will assist a small utility in processing a small utility rate case insofar as the assistance is consistent with staff's function and responsibilities to the commission. Staff may not represent the small utility and may not assume the small utility's statutory burden of proof to show that any increased rate is just and reasonable.

(5) Rate Case Timeline. Within one (1) week after a small utility rate case is opened, staff will file a timeline under which the case will proceed, specifying due dates for the activities required by this rule.

(A) Staff and the utility may agree in writing that the deadlines set out in the rate case timeline, including the date for issuance of the commission's report and order, be extended for up to thirty (30) days. If an extension is agreed upon, staff shall file the agreement and an updated timeline reflecting the extension in the case file.

(7) Notice.

(A) At least ten (10) days prior to a local public hearing, or upon the filing of a notice that a local public hearing is not necessary, the utility shall mail a written notice, as approved by staff and the Office of the Public Counsel (OPC), to its customers stating—

1. The time, date, and location of the local public hearing, consistent with the order setting the hearing, if applicable;

2. A summary of the proposed rates and charges, the effect of the proposed rate increase on an average residential customer's bill, and any other company requests that may affect customers, if known;

3. An invitation to submit comments about the utility's rates and quality of service within thirty (30) days after the date shown on the notice and instructions as to how comments can be submitted electronically, by telephone, and in writing; and

4. Instructions for viewing the publicly available filings made in the case via the commission's electronic filing system.

(B) Staff will file a copy of the notice in the case file.

(8) Investigation and audit. After a small utility rate case is opened, the staff shall, and the public counsel may, conduct an investigation of the utility's request.

(A) Staff's investigation may include a review of any and all information and materials related to the utility's cost of providing service and its operating revenues, the design of the utility's rates, the utility's service charges or fees, all provisions of the utility's tariffs, and any operational or customer service issues that are discovered during the investigation. The staff's audit and investigation will ensure reasonable consistency in the recommended rate treatment of the utility's rate base, revenue, and expenses with that of other similarly situated utilities.

(B) Staff's investigation may include a review of the records generated since the utility's previous rate case, the case in which the utility was granted its Certificate of Convenience and Necessity, or the utility's transfer of assets case, whichever is most recent.

(C) If an investigation of the utility's request includes the submission of data requests to the utility, copies of the data requests shall be provided to all parties to the case when they are submitted to the utility. The utility's responses to such data requests shall also be shared.

(D) Staff's investigation shall include an update of the utility's rate base.

(F) Not later than ninety (90) days after a small utility rate case is opened, the staff shall provide to all parties, a report of its preliminary investigation, audit, analysis, and workpapers including:

1. An evaluation of the utility's record-keeping practices; and

2. A list of the cost of service items that are still under consideration with an explanation for why those items are not yet resolved.

(G) If the public counsel is conducting its own investigation it shall, not later than ninety (90) days after a small utility rate case is opened, provide to all parties a report regarding whatever investigation it has conducted.

(9) Settlement proposals.

(A) Staff's confidential settlement proposal. Not later than one hundred twenty (120) days after a small utility rate case is opened staff shall, and the public counsel if proposing its own settlement, may provide to all parties to the case, a confidential settlement proposal.

1. Staff's settlement proposal will address the following subjects:

- A. The utility's annual operating revenues;
- B. The utility's customer rates;
- C. The utility's service charges and fees;
- D. The utility's plant depreciation rates;
- E. The utility's tariff provisions;
- F. The operation of the utility's systems; and
- G. The management of the utility's operations.

2. Staff's settlement proposal will include the following documents:

- A. Draft revised tariff sheets reflecting the settlement proposal;
- B. A draft disposition agreement reflecting the settlement proposal;
- C. Staff's updated workpapers; and
- D. Any other documents supporting the staff's settlement proposal.

3. If OPC makes a settlement proposal, it shall include the following documents:

- A. OPC's updated workpapers; and
- B. Any other documents supporting OPC's settlement proposal.

(11) Disposition agreement.

(A) Not later than one hundred fifty (150) days after a small utility rate case is opened, staff shall file one (1) of the following:

- 1. A disposition agreement involving, at a minimum, staff and the utility, and providing for a full resolution of the small utility rate case;
- 2. A disposition agreement involving, at a minimum, staff and the utility, and providing for a partial resolution of the small utility rate case and a motion requesting that the case proceed to an evidentiary hearing; or
- 3. A motion stating that agreements cannot be reached on any of the issues related to the small utility rate case and asking that the case proceed to an evidentiary hearing.

(15) Waiver of Provisions of this Rule. Any provision of this rule, including the requirement that the commission's report and order to resolve the case be effective no later than two hundred seventy (270) days after the small utility rate case is opened, may be waived by the commission upon a finding of good cause.

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 500—Office of Adult Learning and
Rehabilitation Services**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under section 161.092, RSMo 2016, the board rescinds a rule as follows:

5 CSR 20-500.310 Reporting Requirements is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2017 (42 MoReg 1760). No changes have been made in the proposed rescis-

sion, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 500—Office of Adult Learning and
Rehabilitation Services**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under section 161.092, RSMo 2016, the board rescinds a rule as follows:

5 CSR 20-500.340 Standards for the Determination of Eligible Training Providers and Administration of Reimbursement for the Education of Persons Under the Workforce Investment Act of 1998 and Other Employment Training Funding Sources Contracting With the State Board of Education is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2017 (42 MoReg 1760). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 1—Organization; General Provisions**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 536.023, RSMo 2016, the commission amends a rule as follows:

7 CSR 10-1.010 Description, Organization, and Information is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2017 (42 MoReg 1643-1645). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 7—Transportation**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 208.265, RSMo 2016, the commission amends a rule as follows:

7 CSR 10-7.010 Distribution of Funds Appropriated to the Missouri Elderly and Handicapped Transportation Assistance Program is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2017 (42 MoReg 1645). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 12—Scenic Byways**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.020, 226.130(2), 226.797–226.799, and 227.030, RSMo 2016, the commission amends a rule as follows:

7 CSR 10-12.010 Scenic Byways is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2017 (42 MoReg 1646). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 12—Scenic Byways**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.020, 226.150, 226.797, 226.798, and 226.799, RSMo 2016, and section 1047 of the Intermodal Surface Transportation Efficiency Act of 1991, P.L. 102-240, the commission amends a rule as follows:

7 CSR 10-12.020 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2017 (42 MoReg 1646–1647). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Highways and Transportation Commission received one (1) comment on the proposed amendment.

COMMENT #1: Missouri Farm Bureau President Blake Hurst wrote a December 15, 2017 letter to the commission that generally supported the amended rules and urged the department to revise the proposed amended rule by keeping existing rule language that requires the inclusion of an action plan in the corridor management plan for a scenic byway.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with the Missouri Farm Bureau's request. Subsection (2)(B) of the amended rule will be changed to retain the inclusion of an action plan in the corridor management plan for a scenic byway.

7 CSR 10-12.020 Application Procedures

(2) Application. Information on the application submission process and the information to be included in an application can be found on the Missouri Department of Transportation website at <http://www.modot.org/scenicbyways/> or by sending a written request to the Missouri Department of Transportation, Attention: Scenic Byways Advisory Committee, PO Box 270, Jefferson City, MO 65102.

(B) Each application should include a corridor management plan that provides the community's vision of the proposed byway and outlines a process of commitment to specific strategies and actions to manage the route over time.

1. Guidelines for preparing a corridor management plan can be obtained from the Missouri Department of Transportation.

2. An action plan should be included in the corridor management plan. This action plan should provide general goals for a five- (5-) year period and more specific goals for the first year. This action plan should include timelines and schedules for the following:

A. Protection for the maintenance of points of interest, scenic, and historic qualities of the proposed byway;

B. Proposed improvements or developments along the route and any promotional or marketing activities;

C. Proposed public involvement allowing for local participation in the development of the corridor management plan; and

D. Availability of financial resources with which to upgrade, develop, promote, and otherwise make the scenic corridor available for its intended uses. If no funding is currently available, indicate how the applicant plans to locate funding sources.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 12—Scenic Byways**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.020, 226.150, 226.797, 226.798, and 226.799, RSMo 2016, and section 1047 of the Intermodal Surface Transportation Efficiency Act of 1991, P.L. 102-240, the commission amends a rule as follows:

7 CSR 10-12.030 Nomination Review Process is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2017 (42 MoReg 1647–1648). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Highways and Transportation Commission received one (1) comment on the proposed amendment.

COMMENT #1: Missouri Farm Bureau President Blake Hurst wrote a December 15, 2017 letter to the commission that generally supported the amended rules and also supported MoDOT's retention of current rule language that requires support from all governing bodies in order for a road nominated for scenic byway status to continue.

RESPONSE: No express change to the rule was requested so no change to the amendment is being made.