

Robin Carnahan

Secretary of State

Administrative Rules Division

RULE TRANSMITTAL

RECEIVED

AUG 19 2005

SECRETARY OF STATE
ADMINISTRATIVE RULESA "SEPARATE" rule transmittal sheet **MUST** be used for EACH individual rulemaking.A. Rule Number 4CSR 240-3.635Diskette File Name Proposed Rescission 3.635

Name of person to call with questions about this rule:

Content Keith Krueger Phone 573-751-4140 FAX 573-751-9285E-mail address keith.krueger@psc.mo.govData entry Sarah Fontaine Phone 573-522-4619 FAX 573-751-9285E-mail address sarah.fontaine@psc.mo.govInteragency mailing address GOB - 200 Madison St., 8th Floor Jefferson City, MOStatutory Authority 386.250Current RSMo date 2004

Date filed with the Joint Committee on Administrative Rules Exempt per Sections 586.024 and 536.037, RSMo 2000, and Executive Order No. 97-97 (June 27, 1997)

B. CHECKLIST guide for rule packets:

☒ This transmittal completed☐ Forms, number of pages _____☒ Cover letter☒ Authority section with history of the rule☒ Affidavit☒ Public cost statement☒ Small business impact statement☒ Private cost statement☐ Fiscal notes☐ Hearing date _____

C. RULEMAKING ACTION TO BE TAKEN

☐ Emergency rulemaking (choose one) ☐ rule, ☐ amendment, ☐ rescission, or ☐ termination**MUST** include effective date _____☒ Proposed Rulemaking (choose one) ☐ rule, ☐ amendment, or ☒ rescission☐ Order of Rulemaking (choose one) ☐ rule, ☐ amendment, ☐ rescission, or ☐ termination**MUST** complete page 2 of this transmittal☐ Withdrawal (choose one) ☐ rule, ☐ amendment, ☐ rescission or ☐ emergency)☐ Rule action notice ☐ In addition ☐ Rule under consideration

D. SPECIFIC INSTRUCTIONS: Any additional information you may wish to provide to our staff _____

Small Business Regulatory
Fairness Board (DED) Stamp

JCAR Stamp

RULE TRANSMITTAL (PAGE 2)

E. ORDER OF RULEMAKING: Rule Number _____

1a. Effective Date for the Order

☐ Statutory 30 days

Specific date _____

1b. Does the Order of Rulemaking contain changes to the rule text?

☐ YES

☐ NO

1c. If the answer is YES, please complete section F.

If the answer is NO, **STOP** here.

F. Please provide a complete list of the changes in the rule text for the order of rulemaking, indicating the specific section, subsection, paragraph, subparagraph, part, etc., where each change is found. It is especially important to identify the parts of the rule that are being deleted in this order of rulemaking. Give an explanation of each section, subsection, etc. which has been changed since the proposed rulemaking was published in the Register.

NOTE: ALL changes MUST be specified here in order for those changes to be made in the rule as published in the *Missouri Register* and the *Code of State Regulations*.

Add additional sheet(s), if more space is needed.



Commissioners

JEFF DAVIS
Chairman

CONNIE MURRAY

STEVE GAW

ROBERT M. CLAYTON III

LINWARD "LIN" APPLING

Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://www.psc.mo.gov>

WESS A. HENDERSON
Executive Director

ROBERT SCHALLENBERG
Director, Utility Services

WARREN WOOD
Director, Utility Operations

COLLEEN M. DALE
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

August 19, 2005

Honorable Robin Carnahan
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, Missouri 65101

Dear Secretary Carnahan:

Re: Rule 4 CSR 240-3.240 (Gas Utility Small Company Rate Increase Procedure)

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rescission lawfully submitted by the Missouri Public Service Commission on this 19th day of August 2005.

Section 536.300, RSMo Supp. 2004 requires state agencies to "determine whether the proposed rulemaking affects small businesses and, if so, the availability and practicability of less-restrictive alternatives that could be implemented to achieve the same results of the proposed rulemaking." A small business is defined to be "a for-profit enterprise consisting of fewer than fifty full- or part-time employees." A proposed rule "affects" a small business if it imposes any requirement that "will cause direct and significant economic burden upon a small business or minority small business."

The proposed rescissions and proposed new, rewritten rules that are the subject of Commission Case No. AX-2005-0363 do not impose any requirement that "will cause direct and significant economic burden upon a small business or minority small business," and the Commission thus certifies that it has determined that the proposed rules will not affect small businesses.


The Public Service Commission also certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo and that this proposed rescission does not constitute a taking of real property under relevant state and federal law.

Statutory authority: Section 386.250, RSMo Supp. 2004.

If there are any questions regarding the content of this rescission, please contact:

Name: Keith R. Krueger, Deputy General Counsel
Address: Missouri Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, Missouri 65102
Phone No.: (573) 751-4140
E-mail: keith.krueger@psc.mo.gov

BY THE COMMISSION



Colleen M. Dale
Secretary

Enclosures: Proposed Rescission 4 CSR 240-3.240 (Gas Utility Small Company Rate Increase Procedure); Affidavit; electronic copy on 3.5" diskette; Rule Transmittal.

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

PROPOSED RESCISSION

RECEIVED

AUG 19 2005

SECRETARY OF STATE
ADMINISTRATIVE RULES

4 CSR 240-3.635 Water Utility Small Company Rate Increase Procedure. This rule provided procedures for small water utilities to obtain rate increases without the necessity of filing a formal rate increase request.

PURPOSE: The commission is rescinding the current version of this rule and readopting a rewritten version of the rule, utilizing the same rule number, in a separate rulemaking action.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Rescinded: Filed August 19, 2005.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Secretary of the Commission, Attn: Data Center, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the Commission's offices within thirty (30) days after publication in the **Missouri Register**. Comments should include a reference to Commission Case No. AX-2005-0363. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the Commission's electronic filing and information system at <<http://www.psc.mo.gov/efis.asp>>. No public hearing is scheduled.*

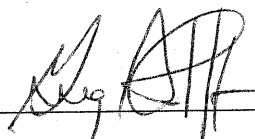
AFFIDAVIT
(PUBLIC NO COST)

STATE OF MISSOURI)

)

COUNTY OF COLE)

I, Gregory A. Steinhoff, Director of Economic Development, first being duly sworn on my oath, state that it is my opinion that the cost of the **Proposed Rescission of 4 CSR 240-3.635, Water Utility Small Company Rate Increase Procedure**, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.




Gregory A. Steinhoff

Director

Department of Economic Development

Subscribed and sworn to before me this 1 day of August, 2005. I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on August 12, 2008.



Notary Public



Robin Carnahan

Secretary of State

Administrative Rules Division

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ADMINISTRATIVE RULESA "SEPARATE" rule transmittal sheet **MUST** be used for EACH individual rulemaking.A. Rule Number 4 CSR 240-3.440Diskette File Name Proposed Rescission 3.440

Name of person to call with questions about this rule:

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Date filed with the Joint Committee on Administrative Rules Exempt per Sections 586.024 and 536.037, RSMo 2000, and Executive Order No. 97-97 (June 27, 1997)

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Small Business Regulatory
Fairness Board (DED) Stamp

JCAR Stamp

RULE TRANSMITTAL (PAGE 2)

E. ORDER OF RULEMAKING: Rule Number _____

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☐ Statutory 30 days

Specific date _____

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☐ YES ☐ NO

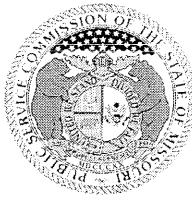
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If the answer is NO, **STOP** here.

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NOTE: ALL changes MUST be specified here in order for those changes to be made in the rule as published in the *Missouri Register* and the *Code of State Regulations*.

Add additional sheet(s), if more space is needed.



Commissioners

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Chairman

CONNIE MURRAY

STEVE GAW

ROBERT M. CLAYTON III

LINWARD "LIN" APPLING

Missouri Public Service Commission

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WARREN WOOD
Director, Utility Operations

COLLEEN M. DALE
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

August 19, 2005

Honorable Robin Carnahan
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, Missouri 65101

Dear Secretary Carnahan:

Re: Rule 4 CSR 240-3.440 (Small Steam Heating Utility Rate Increase Procedure)

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rescission lawfully submitted by the Missouri Public Service Commission on this 19th day of August 2005.

Section 536.300, RSMo Supp. 2004 requires state agencies to "determine whether the proposed rulemaking affects small businesses and, if so, the availability and practicability of less-restrictive alternatives that could be implemented to achieve the same results of the proposed rulemaking." A small business is defined to be "a for-profit enterprise consisting of fewer than fifty full- or part-time employees." A proposed rule "affects" a small business if it imposes any requirement that "will cause direct and significant economic burden upon a small business or minority small business."

The proposed rescissions and proposed new, rewritten rules that are the subject of Commission Case No. AX-2005-0363 do not impose any requirement that "will cause direct and significant economic burden upon a small business or minority small business," and the Commission thus certifies that it has determined that the proposed rules will not affect small businesses.

The Public Service Commission also certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo and that this proposed rescission does not constitute a taking of real property under relevant state and federal law.

Statutory authority: Section 386.250, RSMo Supp. 2004.

If there are any questions regarding the content of this rescission, please contact:

Name: Keith R. Krueger, Deputy General Counsel
Address: Missouri Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, Missouri 65102
Phone No.: (573) 751-4140
E-mail: keith.krueger @psc.mo.gov

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', is written over a faint, circular official stamp.

Colleen M. Dale
Secretary

Enclosures: Proposed Rescission 4 CSR 240-3.440 (Small Steam Heating Utility Rate Increase Procedure); Affidavit; electronic copy on 3.5" diskette; Rule Transmittal.

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

PROPOSED RESCISSION

RECEIVED

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SECRETARY OF STATE
ADMINISTRATIVE RULES

4 CSR 240-3.440 Small Steam Heating Utility Rate Case Procedure. This rule provided procedures for small steam heating utilities to obtain rate increases without the necessity of filing a formal rate increase request.

PURPOSE: The commission is rescinding the current version of this rule and readopting a rewritten version of the rule, utilizing the same rule number, in a separate rulemaking action.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Rescinded: Filed August 19, 2005.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

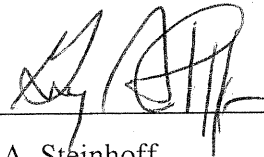
PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Secretary of the Commission, Attn: Data Center, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the Commission's offices within thirty (30) days after publication in the **Missouri Register**. Comments should include a reference to Commission Case No. AX-2005-0363. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the Commission's electronic filing and information system at <<http://www.psc.mo.gov/efis.asp>>. No public hearing is scheduled.*

AFFIDAVIT
(PUBLIC NO COST)

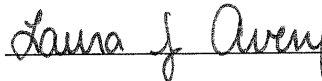
STATE OF MISSOURI)
)
COUNTY OF COLE)

I, Gregory A. Steinhoff, Director of Economic Development, first being duly sworn on my oath, state that it is my opinion that the cost of the **Proposed Rescission of 4 CSR 240-3.440, Small Steam Heating Utility Company Rate Case Procedure**, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.



Gregory A. Steinhoff
Director
Department of Economic Development

Subscribed and sworn to before me this 1 day of August, 2005. I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on August 12, 2008.



Notary Public



Robin Carnahan

Secretary of State

Administrative Rules Division

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Name of person to call with questions about this rule:

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☐ Statutory 30 days

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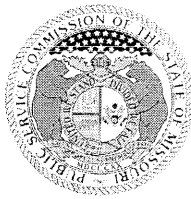
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Commissioners

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Chairman

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STEVE GAW

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COLLEEN M. DALE
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

August 19, 2005

Honorable Robin Carnahan
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, Missouri 65101

Dear Secretary Carnahan:

Re: Rule 4 CSR 240-3.330 (Sewer Utility Small Company Rate Increase Procedure)

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rescission lawfully submitted by the Missouri Public Service Commission on this 19th day of August 2005.

Section 536.300, RSMo Supp. 2004 requires state agencies to "determine whether the proposed rulemaking affects small businesses and, if so, the availability and practicability of less-restrictive alternatives that could be implemented to achieve the same results of the proposed rulemaking." A small business is defined to be "a for-profit enterprise consisting of fewer than fifty full- or part-time employees." A proposed rule "affects" a small business if it imposes any requirement that "will cause direct and significant economic burden upon a small business or minority small business."

The proposed rescissions and proposed new, rewritten rules that are the subject of Commission Case No. AX-2005-0363 do not impose any requirement that "will cause direct and significant economic burden upon a small business or minority small business," and the Commission thus certifies that it has determined that the proposed rules will not affect small businesses.

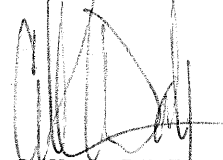
The Public Service Commission also certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo and that this proposed rescission does not constitute a taking of real property under relevant state and federal law.

Statutory authority: Section 386.250, RSMo Supp. 2004.

If there are any questions regarding the content of this rescission, please contact:

Name: Keith R. Krueger, Deputy General Counsel
Address: Missouri Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, Missouri 65102
Phone No.: (573) 751-4140
E-mail: keith.krueger @psc.mo.gov

BY THE COMMISSION

A handwritten signature in dark ink, appearing to read 'Colleen M. Dale', is written over a faint, circular official stamp.

Colleen M. Dale
Secretary

Enclosures: Proposed Rescission 4 CSR 240-3.330 (Sewer Utility Small Company Rate Increase Procedure); Affidavit; electronic copy on 3.5" diskette; Rule Transmittal.

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

RECEIVED

AUG 19 2005

SECRETARY OF STATE
ADMINISTRATIVE RULES

PROPOSED RESCISSION

4 CSR 240-3.330 Sewer Utility Small Company Rate Increase Procedure. This rule provided procedures for small sewer utilities to obtain rate increases without the necessity of filing a formal rate increase request.

PURPOSE: The commission is rescinding the current version of this rule and readopting a rewritten version of the rule, utilizing the same rule number, in a separate rulemaking action.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Rescinded: Filed August 19, 2005.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

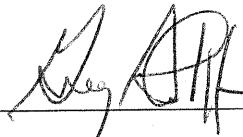
PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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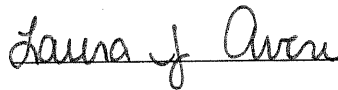
STATE OF MISSOURI)
)
COUNTY OF COLE)

I, Gregory A. Steinhoff, Director of Economic Development, first being duly sworn on my oath, state that it is my opinion that the cost of the **Proposed Rescission of 4 CSR 240-3.330, Sewer Utility Small Company Rate Increase Procedure**, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

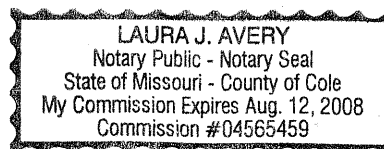


Gregory A. Steinhoff
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Subscribed and sworn to before me this 1 day of August, 2005. I am
commissioned as a notary public within the County of Cole, State of
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F. Please provide a complete list of the changes in the rule text for the order of rulemaking, indicating the specific section, subsection, paragraph, subparagraph, part, etc., where each change is found. It is especially important to identify the parts of the rule that are being deleted in this order of rulemaking. Give an explanation of each section, subsection, etc. which has been changed since the proposed rulemaking was published in the Register.

NOTE: ALL changes MUST be specified here in order for those changes to be made in the rule as published in the *Missouri Register* and the *Code of State Regulations*.

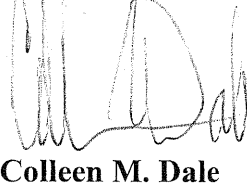
Add additional sheet(s), if more space is needed.

Statutory authority: Section 386.250, RSMo Supp. 2004.

If there are any questions regarding the content of this rescission, please contact:

Name: Keith R. Krueger, Deputy General Counsel
Address: Missouri Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, Missouri 65102
Phone No.: (573) 751-4140
E-mail: keith.krueger @psc.mo.gov

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', is written over a faint, circular embossed seal of the Missouri Public Service Commission.

Colleen M. Dale
Secretary

Enclosures: Proposed Rescission 4 CSR 240-3.635 (Water Utility Small Company Rate Increase Procedure); Affidavit; electronic copy on 3.5" diskette; Rule Transmittal.

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

RECEIVED

AUG 19 2005

SECRETARY OF STATE
ADMINISTRATIVE RULES

PROPOSED RESCISSION

4 CSR 240-3.240 Gas Utility Small Company Rate Increase Procedure. This rule provided procedures for small gas utilities to obtain rate increases without the necessity of filing a formal rate increase request.

PURPOSE: The commission is rescinding the current version of this rule and readopting a rewritten version of the rule, utilizing the same rule number, in a separate rulemaking action.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Rescinded: Filed August 19, 2005.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Secretary of the Commission, Attn: Data Center, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the Commission's offices within thirty (30) days after publication in the **Missouri Register**. Comments should include a reference to Commission Case No. AX-2005-0363. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the Commission's electronic filing and information system at <<http://www.psc.mo.gov/efis.asp>>. No public hearing is scheduled.*

AFFIDAVIT
(PUBLIC NO COST)

STATE OF MISSOURI)

)

COUNTY OF COLE)

I, Gregory A. Steinhoff, Director of Economic Development, first being duly sworn on my oath, state that it is my opinion that the cost of the **Proposed Rescission of 4 CSR 240-3.240, Gas Utility Small Company Rate Increase Procedure**, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.



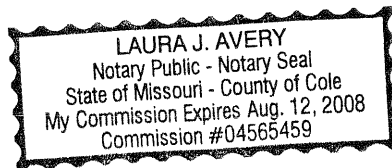
Gregory A. Steinhoff
Director

Department of Economic Development

Subscribed and sworn to before me this 1 day of August, 2005. I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on Aug 12, 2008.



Notary Public



MEMORANDUM

TO: Colleen M. Dale, Secretary

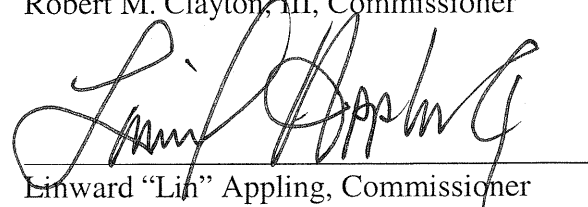
DATE: August 11, 2005

RE: Authorization to File Notices of Proposed Rescission and Notices of Proposed Rulemaking -- Rules 4 CSR 240-3.240, 4 CSR 240-3.330, 4 CSR 240-3.440, and 4 CSR 240-3.635, with the Office of the Secretary of State

CASE NO.: AX-2005-0363

The undersigned Commissioners hereby authorize the Secretary of the Missouri Public Service Commission to file Notices of Proposed Rescission for each of the following rules with the Office of the Secretary of State, and to file Notices of Proposed Rulemaking for each of the following rules with the Office of the Secretary of State, to-wit:

4 CSR 240-3.240	Small Gas Utility Rate Case Procedure
4 CSR 240-3.330	Small Sewer Utility Rate Case Procedure
4 CSR 240-3.440	Small Steam Heating Utility Rate Case Procedure
4 CSR 240-3.635	Small Water Utility Rate Case Procedure


Jeff Davis, Chairman
Connie Murray, Commissioner
Steve Gaw, Commissioner
Robert M. Clayton, III, Commissioner
Linward "Lin" Appling, Commissioner