

JOINT COMMITTEE ON
JAN 18 2012
ADMINISTRATIVE RULES



Commissioners

KEVIN GUNN
Chairman

TERRY M. JARRETT

ROBERT S. KENNEY

STEPHEN M. STOLL

VACANT

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
Director of Administration
and Regulatory Policy

STEVEN C. REED
Secretary/General Counsel

CHERLYN D. VOSS
Director of Regulatory Review

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

Re: 4 CSR 240-4.020 Ex Parte and Extra-Record Communications

Dear Secretary Carnahan,

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the order of rulemaking lawfully submitted by the Missouri Public Service Commission.

Statutory Authority: section 386.410

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

Morris L. Woodruff, Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, MO 65102
(573) 751-2849
morris.woodruff@psc.mo.gov

Sincerely,

A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff
Chief Regulatory Law Judge

Enclosure

Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240 – Public Service Commission
Chapter 4 - Standards of Conduct

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 386.410, RSMo 2000, the commission withdraws a proposed amendment to its rule as follows:

The proposed amendment to 4 CSR 240-4.020 is withdrawn.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2011 (36 MoReg 2230). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: The public comment period ended December 1, 2011, and on December 5, 2011, the commission held a public hearing on the proposed amendment. Timely written comments were received from the Office of the Public Counsel; Union Electric Company, d/b/a Ameren Missouri; AARP Missouri and the Consumers Council of Missouri; the Missouri Retailers Association; and the Missouri Industrial Energy Consumers. In addition, each of the entities that offered written comments offered comments at the hearing. The comments generally oppose the proposed amendment.

RESPONSE: The commission intended to amend its ex parte and extra-record rule simply to improve the operation of the rule in light of experience gained since the rule went into effect. The comments express concern that the amendments will have the effect of weakening the ethical standards established by the rule. The commission never intended to weaken those standards, but the concerns raised in the comments point out implications of the proposed modifications that may go beyond what the Commission intended to accomplish. Rather than attempt to modify its amendment at this time, the Commission will withdraw the proposed amendment. The Commission will seek input from interested stakeholders in undertaking a review of the operations of its ex parte and extra-record rule before again proposing to amend that rule.

