



Filed
August 08, 2011
Data Center
Missouri Public
Service Commission

Robin Carnahan
Secretary of State

**Administrative Rules Division
Rulemaking Transmittal Receipt**

Rule ID: 13074
Date Printed: 8/8/2011
Rule Number: 4 CSR 240-2.180
Rulemaking Type: Final Order Amendment
Date Submitted to Administrative Rules Division: 8/8/2011
Date Submitted to Joint Committee on Administrative Rules: 7/6/2011

Name of Person to Contact with questions concerning this rule:

Content: Morris Woodruff

Phone: 1-2849

Email: morris.woodruff@psc.mo.gov

Fax:

RuleDataEntry:

Phone:

Email:

Fax:

Included with Rulemaking:

Cover Letter

8/08/2011

Robin Carnahan

Secretary of State
Administrative Rules Division

RULE TRANSMITTAL

Administrative Rules Stamp

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SECRETARY OF STATE
ADMINISTRATIVE RULES

Rule Number 4 CSR 240-2.180

COPY

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:

Content Nancy Dippell Phone 573-751-4393 FAX

Email address Nancy.dippell@psc.mo.gov

Data Entry same Phone FAX

Email address

Interagency mailing address Public Service Commission, 9th Fl, Gov.Ofc Bldg, JC, MO

TYPE OF RULEMAKING ACTION TO BE TAKEN

☐ Emergency rulemaking, include effective date

☐ Proposed Rulemaking

☐ Withdrawal ☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration

☒ Order of Rulemaking

Effective Date for the Order

☒ Statutory 30 days OR Specific date

Does the Order of Rulemaking contain changes to the rule text? ☐ NO

☒ YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Changes were made to section (6). Subsection (8)(B) was changed and not deleted. Changes were made to subsections (8)(C) and (8)(E). Subsections (8)(C)-(F) were relettered.

Small Business Regulatory
Fairness Board (DED) Stamp

JCAR Stamp

JOINT COMMITTEE ON

JUL 06 2011

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Commissioners

KEVIN GUNN
Chairman

ROBERT M. CLAYTON III

JEFF DAVIS

TERRY M. JARRETT

ROBERT S. KENNEY

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

VACANT
Director, Administration and
Regulatory Policy

ROBERT SCHALLENBERG
Director, Utility Services

NATELLE DIETRICH
Director, Utility Operations

STEVEN C. REED
Secretary/General Counsel

KEVIN A. THOMPSON
Chief Staff Counsel

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

Dear Secretary Carnahan,

Re: 4 CSR 240-2.180 Rulemaking

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: sections 386.040, 392.210, 392.240, 386.250, 392.280, 392.290, 386.310, 392.330, 386.410, 393.140(3), (4), (6), (9), (11) and (12), 393.160, 393.220, 393.240, 393.290, and 394.160, RSMo 2000 and 392.200, 392.220, and 393.110, RSMo Supp. 2009

If there are any questions regarding the content of this order of rulemaking, please contact me at the address and number below.

Sincerely,

Nancy Dippell, Deputy Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, MO 65102
(573) 751-4393
Nancy.dippell@psc.mo.gov

Enclosure

Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240 – Public Service Commission

Chapter 2 – Practice and Procedure

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SECRETARY OF STATE
ADMINISTRATIVE RULES

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.040, 392.210, 392.240, 386.250, 392.280, 392.290, 386.310, 392.330, 386.410, 393.140(3), (4), (6), (9), (11) and (12), 393.160, 393.220, 393.240, 393.290, and 394.160, RSMo 2000 and 392.200, 392.220, and 393.110, RSMo Supp. 2009, the commission amends a rule as follows:

4 CSR 240-2.180 is amended.

A notice of proposed rulemaking containing the text of the proposed amendments was published in the *Missouri Register* on April 15, 2011 (36 MoReg 1064). Those sections with changes are reprinted here. These proposed amendments become effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on the proposed amendments was held May 19, 2011, and the public comment period ended May 16, 2011. Two (2) written comments were received and one (1) person testified at the public hearing.

COMMENT #1: Lewis Mills, on behalf of the Office of the Public Counsel, filed a written comment suggesting that the phrase “in writing” be clarified to specifically allow for electronic filing.

RESPONSE: The commission has consistently used the phrase “in writing” in this chapter to mean both paper and electronic filing. Thus, the commission does not find a need to clarify this rule. No change was made as a result of this comment.

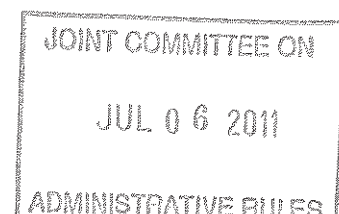
COMMENT#2: Rick Zucker, on behalf of Laclede Gas Company, and Wendy Tatro, on behalf of Union Electric Company, d/b/a Ameren Missouri, jointly filed written comments and Mr. Zucker also testified at the public hearing that the commission should leave sworn testimony as an option for rulemaking comments.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with Ameren Missouri’s comments and will leave sworn testimony as an option in section (6) and subsections (8)(B), (8)(C), and (8)(E), and will reletter the paragraphs in section (8) as needed.

4 CSR 240-2.180 Rulemaking

(6) Persons filing written comments or testifying or commenting at the hearing need not be represented by counsel, but may be represented if they choose.

(8) Hearings for the taking of initial or reply comments on rulemakings shall proceed as follows:



(A) A commissioner or presiding officer shall conduct the hearing, which shall be transcribed by a reporter;

(B) Neither written nor oral comments need to be sworn, but testimony shall be taken under oath or affirmation;

(C) Persons testifying or commenting at a hearing may give a statement in support of or in opposition to a proposed rulemaking. The commissioners or the presiding officer may question those persons testifying or commenting;

(D) Statements shall first be taken from those supporting a proposed rule, followed by statements from those opposing the rule, unless otherwise directed by the presiding officer;

(E) Persons testifying or commenting may offer exhibits in support of their positions; and

(F) The commission may, at the hearing, hold the hearing open for a specified period if it determines extension is reasonably necessary to elicit material information.