

**John R. Ashcroft**

Secretary of State  
Administrative Rules Division

**RULE TRANSMITTAL**

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OCT 05 2017

SECRETARY OF STATE  
ADMINISTRATIVE RULES

Rule Number 4 CSR 240-3.050

**COPY**

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

Name of person to call with questions about this rule:

Content Morris Woodruff Phone 573-751-2849 FAX 573-526-6010

Email address morris.woodruff@psc.mo.gov

Data Entry Chris Koenigsfeld Phone 573-751-4256 FAX 573-526-6010

Email address Christine.koenigsfeld@psc.mo.gov

Interagency mailing address Public Service Commission, 9<sup>th</sup> 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
- Request for Non-Substantive Change
- Statement of Actual Cost
- 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:

Small Business Regulatory  
Fairness Board (DED) Stamp

SMALL BUSINESS  
REGULATORY FAIRNESS BOARD

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JOINT COMMITTEE ON

OCT 05 2017

ADMINISTRATIVE RULES



Commissioners

DANIEL Y. HALL  
Chairman

STEPHEN M. STOLL

WILLIAM P. KENNEY

SCOTT T. RUPP

MAIDA J. COLEMAN

*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>

SHELLEY BRUEGGEMANN  
General Counsel

MORRIS WOODRUFF  
Secretary

LOYD WILSON  
Director of Administration

NATELLE DIETRICH  
Staff Director

October 5, 2017

John R. Ashcroft  
Secretary of State  
Administrative Rules Division  
600 West Main Street  
Jefferson City, Missouri 65101

Re: 4 CSR 240-3.050 Small Utility Rate Case Procedure

Dear Secretary Ashcroft,

CERTIFICATION OF ADMINISTRATIVE RULE

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

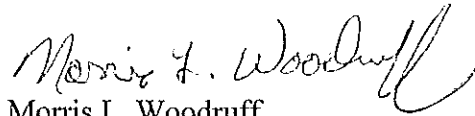
The Public Service Commission further certifies that it has conducted an analysis of whether there has been a taking of real property pursuant to section 536.017, RSMo 2000, that the proposed rulemaking does not constitute a taking of real property under relevant state and federal law.

The Public Service Commission has determined and hereby also certifies that if the proposed rulemaking does affect small business pursuant to sections 536.300 to 536.310, RSMo, a small business impact statement has been filed as required by those sections. If no small business impact statement has been filed the proposed rulemaking either does not affect small business or the small business requirements do not apply pursuant to section 536.300.4, RSMo.

Statutory Authority: section 386.040, 386.250, 393.140 and 393.290, RSMo 2000, and 393.291, RSMo Supp. 2007.

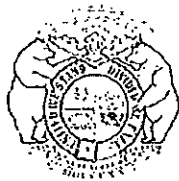
If there are any questions regarding the content of this proposed rulemaking, please contact:

Morris 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

A handwritten signature in cursive script that reads "Morris L. Woodruff". The signature is written in black ink and is positioned above the printed name and title.

Morris L. Woodruff  
Chief Regulatory Law Judge

Enclosures



GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

ERIC R. GREITENS  
GOVERNOR

P.O. Box 720  
(573) 751-3222

September 18, 2017

Daniel Hall  
Public Service Commission  
200 Madison Street  
P.O. Box 360  
Jefferson City, Missouri 65102

Dear Chairman Hall:

This office has received your rulemaking for staff assisted rate case procedure, 4 CSR 240-10.075 (new) and 4 CSR 240-3.050 (rescission).

Executive Order 17-03 requires this office's approval before state agencies release proposed regulations for notice and comment, amend existing regulations, or adopt new regulations. After our review of this rulemaking, we approve the rules' submission to JCAR and the Secretary of State.

Sincerely,

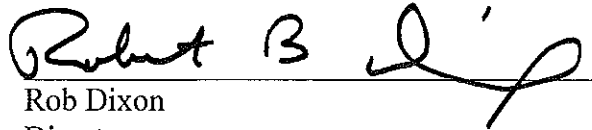
A handwritten signature in black ink, appearing to read "Justin D. Smith", written over a horizontal line.

Justin D. Smith  
Deputy Counsel

**AFFIDAVIT  
PUBLIC COST**

STATE OF MISSOURI )  
                                  )  
COUNTY OF COLE     )

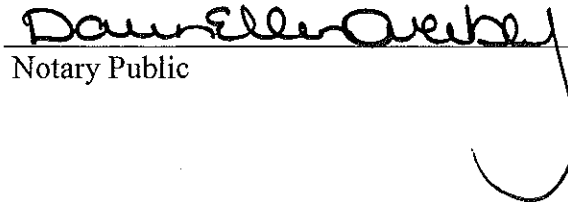
I, Rob Dixon, Director of the Department of Economic Development, first being duly sworn, on my oath, state that it is my opinion that the cost of proposed rescission, 4 CSR 240-3.050, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

  
\_\_\_\_\_  
Rob Dixon  
Director  
Department of Economic Development

Subscribed and sworn to before me this 3<sup>rd</sup> day of October, 2017, I am commissioned as a notary public within the County of Moniteau, State of Missouri, and my commission expires on December 13, 2019



DAWN ELLEN OVERBEY  
My Commission Expires  
December 13, 2019  
Moniteau County  
Commission #15456865

  
\_\_\_\_\_  
Notary Public

Rules of  
Department of Economic Development  
Division 240 - Public Service Commission  
Chapter 3 – Filing and Reporting Requirements

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SECRETARY OF STATE  
ADMINISTRATIVE RULES

PROPOSED RESCISSION

**4 CSR 240-3.050 Small Utility Rate Case Procedure**

**PURPOSE:** This rule is being rescinded in its entirety because the requirements have been moved to 4 CSR 240-10.075.

**COPY**

**AUTHORITY:** sections 386.040, 386.250, 393.140 and 393.290, RSMo 2000, and 393.291, RSMo Supp. 2007.\* Original rule filed Nov. 15, 2007, effective May 30, 2008.

\*Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 393.140, RSMo 1939, amended 1949, 1967; 393.290, RSMo 1993, amended 1967; and 393.291, RSMo 2003.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions in excess of \$500.00 in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities in excess of \$500.00 in the aggregate.

**NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING:** Anyone may file comments in support of, or in opposition to, this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the Commission's offices on or before December 15, 2017, and should include a reference to Commission Case No. AX-2018-0050. 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>. A public hearing regarding this proposed rule is scheduled for December 21, 2017, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to Commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers:

Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

JOINT COMMITTEE ON

OCT 05 2017

ADMINISTRATIVE RULES

# Small Business Regulator Fairness Board

## Small Business Impact Statement

Date: August 22, 2017

Rule Number: 4 CSR 240-3.050

Name of Agency Preparing Statement: Missouri Public Service Commission

Name of Person Preparing Statement: Natelle Dietrich

Phone Number: 573-751-7427 Email: natelle.dietrich@psc.mo.gov

Name of Person Approving Statement: Natelle Dietrich

**Please describe the methods your agency considered or used to reduce the impact on small businesses** (*examples: consolidation, simplification, differing compliance, differing reporting requirements, less stringent deadlines, performance rather than design standards, exemption, or any other mitigating technique*).

The Commission is rescinding 4 CSR 240-3.050 and proposing new rule 4 CSR 240-10.075. The Commission received informal comments on June 1, 2017 and July 10, 2017 and held a workshop to address concerns raised by stakeholders.

**Please explain how your agency has involved small businesses in the development of the proposed rule.**

Workshops were open to all interested stakeholders. Representatives of small water and sewer companies participated.

**Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the moneys will be used.**

It is anticipated the rescission, and associated proposed rule, will result in a net benefit to small businesses since they are designed to reduce the regulatory burdens of the current process, remove any incentives to unnecessarily delay the process, and reduce rate case expense that will be borne by ratepayers, including ratepayers that are small businesses.

**Please describe small businesses that will be required to comply with the proposed rule and how they may be adversely affected.**

Small water and sewer utilities that request to use the Staff-assisted rate case process will be required to comply. No adverse impact is expected.

**Please list direct and indirect costs (in dollars amounts) associated with compliance.**

None identified.

**Please list types of business that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.**

Small utilities regulated by the Commission, business owners that are ratepayers of those utilities.

**Does the proposed rule include provisions that are more stringent than those mandated by comparable or related federal, state, or county standards?**

Yes\_\_\_ No\_X\_\_

**If yes, please explain the reason for imposing a more stringent standard.**

*For further guidance in the completion of this statement, please see §536.300, RSMo.*