

[334.735(9)] 334.735.1(8), RSMo and 4 CSR 150-7.135(3) and (4).

AUTHORITY: section 334.735, RSMo Supp. [1998] 2004. Original rule filed Jan. 3, 1997, effective July 30, 1997. Rule Action Notice filed: July 7, 1998, effective July 21, 1999. Amended: Filed July 30, 1999, effective Feb. 29, 2000. Amended: Filed March 1, 2005.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by e-mailing healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

PROPOSED AMENDMENT

4 CSR 240-3.130 Filing Requirements and Schedule of Fees for Applications for Approval of Electric Service Territorial Agreements and Petitions for Designation of Electric Service Areas. The commission is amending the title, Purpose and sections (1) and (2) and adding five (5) new sections.

PURPOSE: The changes proposed in this rule update and clarify the reporting requirements for electric utilities that file territorial agreements. It combines the filing fee requirements currently found in 4 CSR 240-3.135. It also adds petitions for designation of electric service areas to the title to clarify that this rule also applies to these petitions.

PURPOSE: This rule establishes requirements and schedule of fees that applications to the commission for approval of territorial agreements between electric service providers and petitions for designation of electric service areas must meet. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1) [and 4 CSR 240-3.135].

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for commission approval of territorial agreements [between electric service providers] and petitions for designation of electric service areas shall include:

(A) [A copy of the territorial agreement and a s]Specific designation of the boundary, [including] a map showing the boundary, and the legal description of the area that is the subject of the territorial agreement or petition for designation of electric service areas;

(B) A list of other electric utilities that serve in the affected area(s), if any;

[(B)](C) An illustrative tariff which reflects any changes in a regulated utility's operations or certification;

[(C)](D) An explanation as to why the territorial agreement or proposed electric service area designation(s) is in the public interest;

(E) A comparison of electric rates if the territorial agreement or the proposed electric service area designation(s) includes an exchange of customers;

[(D)](F) A list of all persons whose utility service would be changed by the [agreement] application or petition; and

[(E) A check for the initial filing fee set forth in 4 CSR 240-3.135.]

(G) A statement of the impact, if any, that the territorial agreement or proposed electric service area designation(s) will have on the tax revenues of the political subdivisions in which any structures, facilities or equipment of the utilities involved are located.

(2) Applications for commission approval of territorial agreements shall also include a copy of the territorial agreement.

[(2)](3) If any of the [items] information required by subsections (1)(A)–[(D)](G) of this rule [are] is unavailable at the time the application is filed, [they] the application must be accompanied by a statement of the reasons the information is currently unavailable and a date by which it will be furnished. All required information shall be furnished prior to the granting of the authority sought.

(4) The application or petition shall be accompanied by an initial filing fee in the amount of five hundred dollars (\$500).

(A) An application for commission review of proposed amendment(s) to an existing territorial agreement between electric service providers shall not be subject to the fee of five hundred dollars (\$500). However, the applicants shall be responsible for the payment of a fee which reflects necessary hearing time (including the minimum hearing time charge) and the transcript costs as specified in section (5) of this rule.

(5) In addition to the filing fee, the fee for commission review is set at six hundred eighty-five dollars (\$685) per hour of hearing time, subject to a minimum charge for hearing time of six hundred eighty-five dollars (\$685). There is an additional charge of three dollars and fifty cents (\$3.50) per page of transcript. These fees are in addition to the fees authorized by section 386.300, RSMo.

(6) The parties shall be responsible for payment of any unpaid fees on and after the effective date of the commission's report and order relating to the electric territorial agreement or petition for designation of service areas. The executive director shall send an itemized billing statement to the applicants on or after the effective date of the commission's report and order. Responsibility for payment of the fees shall be that of the parties to the proceeding as ordered by the commission in each case.

(7) On July 1 of each year, the filing fee and the fee per hour of evidentiary hearing time will be modified to match any percentage change in the Consumer Price Index for the twelve (12)-month period ending December 31 of the preceding year.

AUTHORITY: sections 386.250[, 386.800] and 394.312, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Amended: Filed Feb. 24, 2005.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service

Commission, Dale Hardy Roberts, 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 May 9, 2005, and should include a reference to Commission Case No. EX-2003-0371. 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.state.mo.us/efis.asp>>. A public hearing regarding this proposed amendment is scheduled for May 18, 2005, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, 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 amendment, 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.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 3—Filing and Reporting Requirements

PROPOSED AMENDMENT

4 CSR 240-3.135 Filing Requirements and Schedule of Fees *Applicable to [Applications for Approval of Electric Service Territorial Agreements, Petitions for Designation of Electric Service Areas and] Applications for Resolution of Annexation-Related Disputes.* The commission is amending the title, Purpose, and adding two (2) new sections, deleting one (1) section and amending the remaining sections.

PURPOSE: *The changes in this amendment establish filing requirements for applications for resolution of annexation-related disputes. It removes references to filing fee requirements for territorial agreement filings because the requirement of these fees is being added to 4 CSR 240-3.130. It adds a filing fee for hearing time for applications for resolution of annexation-related disputes.*

PURPOSE: *This rule establishes the requirements that must be met and a schedule of fees for applications to the commission [review of proposed territorial agreements, petitions for commission designation of electric service areas, and annexation-related applications] for the resolution of annexation-related disputes regarding a municipality providing electric service outside of the municipality's corporate boundaries. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).*

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for commission resolution of annexation-related disagreements shall include from each party:

(A) An explanation as to why the annexation is in the public interest;

(B) A specific designation of the boundary, a map showing the boundary and the legal description of the area that is in dispute;

(C) A comparison of the electric rates that currently apply to the annexed area and the rates if the proposed change of supplier is allowed;

(D) The fair and reasonable compensation to be paid by the municipally owned electric utility to the affected electric supplier with existing system operations within the annexed area, for any proposed acquisitions or transfers, including the valuation

formulas and factors used to calculate fair and reasonable compensation;

(E) Any effect on system operation, including, but not limited to, loss of load and loss of revenue;

(F) Any power contracts that the municipality has agreed to with the affected electric supplier to serve the annexed area;

(G) Any issues on which the municipally owned electric utility and the affected electric supplier agree;

(H) A copy of the newspaper notification, as well as notifications sent to any affected supplier;

(I) The impact, if any, that the annexation-related change of electrical supplier will have on the tax revenues of the political subdivisions in which any structures, facilities or equipment of the utilities involved are located; and

(J) A record of compliance with the deadlines for negotiation as outlined in section 386.800, RSMo.

(2) If any of the information required by subsections (1)(A)–(J) of this rule is unavailable at the time the application is filed, the application must be accompanied by a statement of the reasons the information is currently unavailable and a date by which it will be furnished. All required information shall be furnished prior to the granting of the authority sought.

[(1)](3) [Commission review of a]An application [for a proposed territorial agreement, a petition for commission designation of electric service areas, or an application] for resolution of an annexation-related dispute[,] shall be accompanied by an initial filing fee in the amount of five hundred dollars (\$500).

[(2)](4) In addition to the filing fee, the fee for commission review of an [opposed] application for [approval of a proposed territorial agreement] **resolution of an annexation-related dispute** between electric service providers is set at six hundred eighty-five dollars (\$685) per hour of hearing time, subject to a minimum charge for hearing time of six hundred eighty-five dollars (\$685). There is an additional charge of three dollars and fifty cents (\$3.50) per page of transcript. These fees are in addition to the fees authorized by section 386.300, RSMo.

[(3)](5) The parties shall be responsible for payment of any unpaid fees on and after the effective date of the commission's report and order relating to the [electric territorial agreement, designation of service areas or] annexation-related application. The executive director shall send an itemized billing statement to the applicants on or after the effective date of the commission's report and order. Responsibility for payment of the fees shall be that of the parties to the proceeding as ordered by the commission in each case.

[(4)] An application for commission review of proposed amendment(s) to an existing territorial agreement between electric service providers shall not be subject to the fee of five hundred dollars (\$500) specified in section (1) of this rule. However, the applicants shall be responsible for the payment of a fee which reflects necessary hearing time (including the minimum hearing time charge) and the transcript costs as specified in section (2) of this rule.]

[(5)](6) On July 1 of each year, the filing fee and the fee per hour of evidentiary hearing time will be modified to match any percentage change in the Consumer Price Index for the twelve (12)-month period ending December 31 of the preceding year.

AUTHORITY: sections 386.250[,] and 386.800 [and 394.312], RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Amended: Filed Feb. 24, 2005.