

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 26th day of January, 2011.

In the Matter of a Proposed Rulemaking Regarding ) **File No. EX-2010-0169**  
Electric Utility Renewable Energy Standard Requirements. )

**ORDER WITHDRAWING GEOGRAPHIC SOURCING PROVISIONS (2)(A)  
AND (2)(B)2 OF 4 CSR 240-20.100 PURSUANT TO THE ACTIONS OF JCAR**

Issue Date: January 26, 2011

Effective Date: January 26, 2011

By this order, the Public Service Commission withdraws subsection (2)(A) and paragraph (2)(B)2. of 4 CSR 240-20.100 pursuant to the disapproval of the Joint Committee on Administrative Rules(JCAR) under Section 536.021, RSMo Supp. 2009. A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 16, 2010 (35 MoReg 365). The Order of Rule-making was published in the *Missouri Register* on August 16, 2010 (35 MoReg 1183). With the exception of the two provisions being withdrawn by this order, the final rule was published in the *Code of State Regulations* on August 31, 2010, and became effective on September 30, 2010.

Subsection (2)(A) and paragraph (2)(B)2. of 4 CSR 240-20.100 were not published in the *Code of State Regulations* because of the disapproval of those provisions on July 1, 2010, by JCAR. The Commission is therefore withdrawing those provisions in compliance with this action.

The Commission has not presented the disapproved provisions to the Secretary of State for publication and will not do so in the future. On July 6, 2010, the Commission submitted a letter to the Secretary of State<sup>1</sup> in which it explained that even though the Order of Rulemaking included the disapproved portions, because of the Joint Committee on Administrative Rules' action the Commission was not filing those provisions for publication. The Commission is withdrawing those provisions and again requests that subsection (2)(A) and paragraph (2)(B)2. of 4 CSR 240-20.100 not be published or become effective.

**THE COMMISSION ORDERS THAT:**

1. Subsection (2)(A) and paragraph (2)(B)2. of 4 CSR 240-20.100 relating to geographic sourcing are withdrawn.
2. Any implied request for publication of subsection (2)(A) and paragraph (2)(B)2. of 4 CSR 240-20.100 as a part of this rulemaking is withdrawn.
3. This order shall become effective upon issuance.

( S E A L )

**BY THE COMMISSION**



Steven C. Reed  
Secretary

Clayton, Chm., Gunn and Kenney, CC., concur.  
Davis, C., dissents in part, concurs in part,  
with separate opinion to follow.  
Jarrett, C., dissents, with separate dissenting  
opinion attached.

Dippell, Deputy Chief Regulatory Law Judge

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<sup>1</sup> Attached hereto as Attachment A.