

FILED

DEC 20 2001

Missouri Public
Service Commission

MATT BLUNT

Secretary of State

Administrative Rules Division

RULE TRANSMITTAL

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SECRETARY OF STATE
ADMINISTRATIVE RULES

AX-2001-634

A "SEPARATE" rule transmittal sheet must be used for EACH individual rulemaking.

A. Rule Number 4 CSR 240-10.020
Diskette File Name 4 CSR 240-10.020
Name of Person to call with questions about this rule: Cliff E. Snodgrass
Context Senior Counsel Phone 573-751-3966 FAX 573-751-9285
Data Entry Same as above Phone Same as above FAX Same as above
Interagency Mailing Address Governor Office Bldg., 200 Madison St., Suite 800, Jefferson City, MO

Statutory Provision for Rulemaking
Authority 386.250, 392.280 and 393.240 Provide Most Current RSMo Year 2000

Date Filed With the Joint Committee on Administrative Rules Exempt per Sections 536.024 and 536.037, RSMo Supp. 1998, and Executive Order No. 97-97 (June 27, 1997)

B. CHECK, IF INCLUDED: FORMS, List by Mo-Form Number, # of Pages
Y Cover Letter
 Affidavit
 Cost Statements
 Public Entity Fiscal Note
 Private Entity Fiscal Note
 OTHER

C. RULEMAKING ACTION TO BE TAKEN

 Emergency Rulemaking, Must Specify Effective Date
 Proposed Rulemaking (New Rule or Amendment or Rescission of Existing Rule)
 Order of Rulemaking (MUST complete page 2 of this transmittal)
X Withdrawal (Rule, Amendment, Rescission or Emergency)
 Rule Action Notice
 In Addition

D. SPECIFIC INSTRUCTIONS: In this space indicate any special instructions (e.g., specify publication date preference, identify material incorporated by references, etc.)

E. ORDER OF RULEMAKING: Rule Number 4 CSR 240-10.020

1a. Effective Date for the Order

Statutory 30 days _____ or later specific date _____

1b. Does the Order of Rulemaking contain changes to the rule text?

YES _____ NO _____

1c. If the answer is YES, please complete section F. If the answer is NO, Stop here.

F. Please provide a complete list of the changes in the rule text for the order or rulemaking, indicating the specific section, subsection, subparagraph, part, etc., where each change is found.

(Start text here. If text continues to a third page, insert a continuous section break and, in section 3, delete the footer language that appears at the bottom of this page.)

NOTE: ALL changes MUST be specified here in order for those changes to be made in the rule as published in the *Missouri Register* and the *Code of State Regulations*.

Add additional sheet(s), if more space is needed.



Commissioners
KELVIN L. SIMMONS
Chair

CONNIE MURRAY

SHEILA LUMPE

STEVE GAW

BRYAN FORBIS

Missouri Public Service Commission

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Secretary/Chief Regulatory Law Judge
DANA K. JOYCE
General Counsel

December 20, 2001

Matt Blunt
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Blunt,

RE: 4 CSR 240-10.020 Income on Depreciation Fund Investments

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 on December 20, 2001.

Statutory Authority: 386.250, 392.280 and 393.240 RSMo 2000

Missouri Public Service Commission Case No.: AX-2001-634

If there are any questions regarding the content of this Order of Rulemaking, please contact:

Cliff Snodgrass, Senior Counsel
Missouri Public Service Commission
200 Madison Street
Post Office Box 360
Jefferson City, Missouri 65102
(573) 751-3966

BY THE COMMISSION


Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

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**Title 4-DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240-Public Service
Commission
Chapter 10-Utilities**

**SECRETARY OF STATE
ADMINISTRATIVE RULES**

ORDER OF RULEMAKING

By the authority vested in the Commission under Sections 392.280 and 393.240 RSMo 2000, the Commission withdraws a proposed rescission as follows:

4 CSR 240-10.020 Income on Depreciation Fund Investments is withdrawn.

A notice of proposed rulemaking regarding the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1659). This proposed rule rescission is withdrawn.

SUMMARY OF COMMENTS: The Commission received numerous comments on this proposed rescission. Most of the comments were against rescission of the rule. The comments in opposition to the rescission indicated that the rule was not obsolete, particularly in the case of rate base regulated companies, that rescission would cost private entities more than \$500.00, that how depreciation should be calculated and reflected in the cost of service for gas, electric and water utilities is currently subject to two judicial review proceedings, and that the Commission was required to conduct a hearing to address the proposed rescission under Section 393.240.1 RSMo 2000. One commenter from the Staff of the Commission supported the rescission and one commenter sent a letter in support of the rescission but it was received after the published response time had passed.

RESPONSE: As a result of the majority of comments, the Commission is withdrawing this proposed rescission.