

AX-2001-654

\*Administrative Rules Stamp

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MAY 01 2002

MATT BLUNT  
Secretary of State  
Administrative Rules Division  
RULE TRANSMITTAL

Records  
Public Service Commission

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MAY 01 2002

SECRETARY OF STATE  
ADMINISTRATIVE RULES

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

A. Rule Number 4 CSR 240-3.535  
Diskette File Name Final Chapter of New Rules  
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 Building, 200 Madison St., 8th Floor, Jefferson City, MO

Statutory Provision for Rulemaking

Authority 386.250(6), 536.016(1) Provide Most Current RSMo Year 2000

Date Filed With the Joint Committee on Administrative Rules Exempt per Sections 536.024 and 536.037, RSMo 2000, and Executive Order No. 97-97 (June 27, 1997)

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

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)  
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:)

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**RULE TRANSMITTAL (PAGE 2)**

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E. ORDER OF RULEMAKING: Rule Number \_\_\_\_\_

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.

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Commissioners  
KELVIN L. SIMMONS  
Chair  
CONNIE MURRAY  
SHEILA LUMPE  
STEVE GAW  
BRYAN FORBIS

## Missouri Public Service Commission

POST OFFICE BOX 360  
JEFFERSON CITY, MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://www.psc.state.mo.us>  
May 1, 2002

ROBERT J. QUINN, JR.  
Executive Director  
WESS A. HENDERSON  
Director, Utility Operations  
ROBERT SCHALLENBERG  
Director, Utility Services  
DONNA M. PRENGER  
Director, Administration  
DALE HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge  
DANA K. JOYCE  
General Counsel

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

Dear Secretary Blunt,

**RE: 4 CSR 240-3.535 - Filing Requirements for Telecommunications Company  
Applications for Authority to Acquire the Stock of a Public Utility**

### CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rule lawfully submitted by the Missouri Public Service Commission on this 1st day of May 2002.

The Missouri Public Service Commission has determined and hereby certifies that this proposed rule will not have an economic impact on small businesses. The Missouri Public Service Commission also certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo 2000 and that this proposed rule does not constitute a taking of real property under relevant state and federal law.

Statutory Authority: Sections 386.250(6) and 536.016(1)

If there are any questions regarding the content of the rule, please contact: Cliff E. Snodgrass,  
200 Madison Street, Suite 800, P. O. Box 360, Jefferson City, MO 65101, (573) 751-3966,  
[snodgra@mail.state.mo.us](mailto:snodgra@mail.state.mo.us)

Sincerely yours,

Marc D. Poston  
Senior Counsel  
Missouri Public Service Commission

AFFIDAVIT

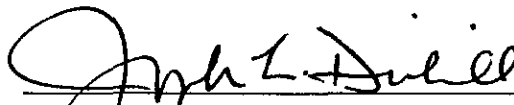
RECEIVED

MAY 01 2002

STATE OF MISSOURI )  
COUNTY OF COLE )

SECRETARY OF STATE  
ADMINISTRATIVE RULES

I, Joseph L. Driskill, Director of the Department of Economic Development, first being duly sworn on my oath state that it is my opinion that the cost of the **Proposed Rule -- 4 CSR 240-3.535, Filing Requirements for Telecommunications Company Applications for Authority to Acquire the Stock of a Public Utility**, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.



Joseph L. Driskill  
DIRECTOR  
Department of Economic Development

Subscribed and sworn to before me this 25<sup>th</sup> day of April, 2002.

I am commissioned as a notary public within the County of Callaway, State of Missouri, and my commission expires on September 21, 2004.



NOTARY PUBLIC

JULIE A ATCHISON  
NOTARY PUBLIC STATE OF MISSOURI  
CALLAWAY COUNTY  
MY COMMISSION EXP. SEPT 21, 2004

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

**RECEIVED**

MAY 01 2002

**PROPOSED RULE**

**SECRETARY OF STATE  
ADMINISTRATIVE RULES**

**4 CSR 240-3.535 Filing Requirements for Telecommunications Company Applications for Authority to Acquire the Stock of a Public Utility**

*PURPOSE: Applications to the commission for the authority to acquire the stock of a public utility must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).*

- (1) Competitive telecommunications companies are exempt from the provisions of this rule; however, they must file a pleading indicating which company will be holding the certificate of service authority and providing service to Missouri customers, and the tariff under which service will be provided.
- (2) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to acquire the stock of a public utility shall include:
  - (A) A statement of the offer to purchase stock of the public utility or a copy of any agreement entered with shareholders to purchase stock;
  - (B) A certified copy of the resolution of the directors of applicant authorizing the acquisition of the stock; and
  - (C) Reasons why the proposed acquisition of the stock of the public utility is not detrimental to the public interest.
- (3) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

*AUTHORITY: Section 386.250, RSMo 2000. Original rule filed May 1, 2002.*

*PUBLIC COST: The requirements of this proposed rule mirror requirements currently found in sections (2), (3) and (12) of commission rule 4 CSR 240-2.060, which is being amended in a companion rulemaking. As a result, this proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: The requirements of this proposed rule mirror requirements currently found in sections (2), (3) and (12) of commission rule 4 CSR 240-2.060, which is being amended in a companion rulemaking. As a result, this proposed rule will not cost private entities more than \$500 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 rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary to the Commission, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. Comments should refer to Commission Case No. AX-2001-654, and an original and nine copies of the comments should be filed. A public hearing regarding this proposed rule is scheduled for July 10, 2002 at 10:00 a.m., Room 310 in 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 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 days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

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**MATT BLUNT**  
**Secretary of State**  
**Administrative Rules Division**  
**RULE TRANSMITTAL**

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 Diskette File Name Final Chapter of New Rules  
 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  
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Chair  
CONNIE MURRAY  
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## Missouri Public Service Commission

POST OFFICE BOX 360  
JEFFERSON CITY, MISSOURI 65102  
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May 1, 2002

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DANA K. JOYCE  
General Counsel

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

Dear Secretary Blunt,

**RE: 4 CSR 240-3.540 - Annual Report Filing Requirements for Telecommunications Companies**

### CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rule lawfully submitted by the Missouri Public Service Commission on this 1st day of May 2002.

The Missouri Public Service Commission has determined and hereby certifies that this proposed rule will not have an economic impact on small businesses. The Missouri Public Service Commission also certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo 2000 and that this proposed rule does not constitute a taking of real property under relevant state and federal law.

Statutory Authority: Sections 386.250(6) and 536.016(1)

If there are any questions regarding the content of the rule, please contact: Cliff E. Snodgrass, 200 Madison Street, Suite 800, P. O. Box 360, Jefferson City, MO 65101, (573) 751-3966, [snodgra@mail.state.mo.us](mailto:snodgra@mail.state.mo.us)

Sincerely yours,

A handwritten signature in black ink, appearing to read "Marc D. Poston".

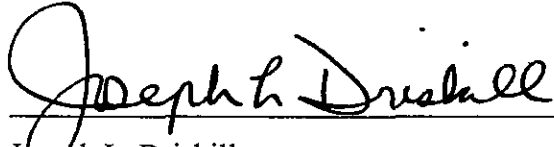
Marc D. Poston  
Senior Counsel  
Missouri Public Service Commission



**AFFIDAVIT**

STATE OF MISSOURI     )  
                                  )  
COUNTY OF COLE        )

I, Joseph L. Driskill, Director of the Department of Economic Development, first being duly sworn on my oath state that it is my opinion that the cost of the **Proposed Rule -- 4 CSR 240-3.540, Annual Report Filing Requirements for Telecommunications Companies**, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

  
\_\_\_\_\_  
Joseph L. Driskill  
DIRECTOR  
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Subscribed and sworn to before me this 25<sup>th</sup> day of April, 2002.  
I am commissioned as a notary public within the County of  
Callaway, State of Missouri, and my commission expires on  
September 21, 2004.

  
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NOTARY PUBLIC STATE OF MISSOURI  
CALLAWAY COUNTY  
MY COMMISSION EXP. SEPT 21, 2004

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

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**MAY 01 2002**

**PROPOSED RULE**

**SECRETARY OF STATE  
ADMINISTRATIVE RULE**

**4 CSR 240-3.540 Annual Report Filing Requirements for Telecommunications Companies**

*PURPOSE: This rule establishes standards for filing annual reports by telecommunications companies subject to the jurisdiction of the Missouri Public Service Commission, including procedures for filing annual report information under seal.*

(1) All telecommunications utilities subject to the jurisdiction of the Missouri Public Service Commission shall file an annual report with the commission on or before April 15 of each year, except for private pay telephone providers which are exempted under the provisions of 4 CSR 240-3.505(1)(B).

(2) Telecommunications utilities shall file their annual reports on either a form provided by the commission or on a computer-generated replica which is acceptable to the commission. All requested information shall be included in the annual report where applicable.

(A) Annual reports submitted by providers of shared tenant services (STS) shall include a list of all premises at which STS services are provided, and a list of all STS-related complaints received from tenants, including a summary of the nature of each such complaint, and a list of case numbers for any formal complaints filed with the commission.

(3) Where a utility subject to this rule considers the information requested on the annual report form to be confidential, it must make a written request to the executive secretary to file that information under seal and state good cause for maintaining the information under seal. The executive secretary shall then, through the general counsel, present that request to the commission for approval. The executive secretary shall inform the utility within three (3) days of the commission decision whether the request has been granted.

(4) A utility which is unable to meet the filing date established in section (1) of this rule shall make a written request to extend the filing date for its annual report to the executive secretary and state the reason for the extension request. The executive secretary, through the chief administrative law judge, shall present the report to the commission for approval. The executive secretary shall inform the utility in writing within three (3) days of the decision of the commission.

*AUTHORITY: Sections 386.250 and 392.210, RSMo 2000. Original rule filed May 1, 2002.*

*PUBLIC COST: The requirements of this proposed rule mirror requirements currently found in section (17) of commission rule 4 CSR 240-2.060 and in commission rule 4 CSR 240-10.080, which are being amended and rescinded, respectively, in companion rulemakings. As a result, this proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

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

Dear Secretary Blunt,

**RE: 4 CSR 240-3.545 - Filing Requirements for Telecommunications Company Rate Schedules**

### CERTIFICATION OF ADMINISTRATIVE RULE

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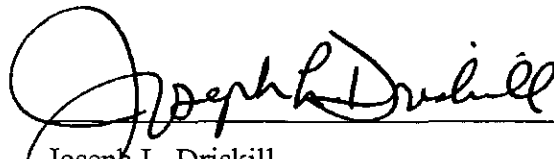
Sincerely yours,

Marc D. Poston  
Senior Counsel  
Missouri Public Service Commission

AFFIDAVIT

STATE OF MISSOURI     )  
                                      )  
COUNTY OF COLE        )

I, Joseph L. Driskill, Director of the Department of Economic Development, first being duly sworn on my oath state that it is my opinion that the cost of the **Proposed Rule -- 4 CSR 240-3.545, Filing Requirements for Telecommunications Company Rate Schedules**, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

  
\_\_\_\_\_  
Joseph L. Driskill  
DIRECTOR

Department of Economic Development

Subscribed and sworn to before me this 28<sup>th</sup> day of April, 2002.

I am commissioned as a notary public within the County of Callaway, State of Missouri, and my commission expires on September 21, 2004.

  
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JULIE A. ATCHISON  
NOTARY PUBLIC STATE OF MISSOURI  
CALLAWAY COUNTY  
MY COMMISSION EXP. SEPT 21, 2004

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

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**PROPOSED RULE**

**4 CSR 240-3.545 Filing Requirements for Telecommunications Company Rate Schedules**

**SECRETARY OF STATE  
ADMINISTRATIVE RULES**

*PURPOSE: This rule prescribes the form and procedures for filing and publishing schedules of rates of all telephone corporations under the jurisdiction of the Public Service Commission.*

(1) Every telephone corporation as defined in section 386.020, RSMo engaged in business in this state, is directed and required not later than September 15, 1913 to have on file with the Public Service Commission (PSC) schedules of all rates, rentals and charges of whatever nature made by the telephone corporation for each kind of service which it renders which were in force on April 15, 1913, together with proper supplements covering all changes in rate schedules authorized by this commission, if any, since April 15, 1913.

(2) Every telephone corporation is directed on and after September 15, 1913 to publish all of its schedules of rates for local service and all of its schedules of rates for long distance service as these schedules have been established and filed with this commission as follows:

(A) To keep all of its schedules established and filed with this commission in its main or principal operating office and in each division office which is now or may be established;

(B) To keep at each of its branch business offices where contracts for service are made or payment for subscribers' service is received, copies of all its established schedules of rates which apply within the area served by any such office and which apply from any point within the area to any point without the area;

(C) In every exchange area where no such business branch office is maintained, to keep at its central operating office or in a suitable place fixed by the company, and notify the public by sign or placard conspicuously posted, copies of all of its established schedules of rates which apply within the area served by any such telephone exchange and which apply from any point within the area to any point in each exchange adjacent area; and

(D) That these schedules shall be at all times during office hours readily accessible to the public and upon the demand of any person shall be immediately produced for inspection. The production for inspection shall be accompanied by such assistance on the part of the proper representative of the telephone company having the schedules as to enable the person examining the schedules to determine accurately the rate, rental or charge applicable to any particular kind of telephone service. That in case any person shall apply at a central operating office, personally or by telephone, for information as to any specified toll or long distance rate, a correct statement of the rate shall be procured by the chief operator and furnished without telephone charge.

(3) All schedules of rates, rentals and charges or rules relating and applying to communication by telephone, or for service rendered in connection with communication by telephone, and subject to the jurisdiction of this commission and which are lawfully on file with the commission and in force April 15, 1913 will be considered as continuing in force and may be amended in the manner provided in this rule.

(4) All rate schedules for local service and all individual and joint schedules for long distance service on file with this commission and in effect April 15, 1913 not in accord with this rule shall be reprinted in the manner prescribed by this rule and filed on or before September 15, 1913. Any new rate schedules issued after April 15, 1913 must conform to this rule or they will be subject to rejection by the commission when tendered for filing. The commission reserves the right to direct the reprinting of any schedule at any time.

(5) All schedules shall bear a number with the following prefix: PSC Mo. \_\_\_\_\_. Rate schedules shall be numbered in consecutive serial order, commencing with a No. 1 for each telephone corporation (for example, the first schedule PSC Mo. No. 1). The prefix and number shall be printed on schedules as provided in section (11) of this rule. For convenience, the prefix is referred to as PSC.

(6) Joint schedules are schedules designed to contain joint rates and the term joint rate as used in this rule is construed to mean a rate made by contract, agreement or arrangement between two (2) or more telephone corporations and applying in both directions over the toll lines owned or controlled by these telephone corporations. Joint schedules apply to



communication by telephone between localities on the toll lines of more than one (1) telephone corporation or between localities upon the toll lines owned, operated or leased by the same telephone corporation, when communication between these localities involves the use of the toll line(s) of one (1) or more other telephone corporations which participate in the charges for this communication.

(7) Individual schedules of the telephone corporation are schedules designed to contain rates, rentals and other charges for any kind of long distance or toll service (other than for service covered by joint rates) when the service is rendered entirely by the particular telephone corporation which issues the schedule. Individual schedules must include all such long distance rates as may be made by the issuing corporation over its owned or controlled toll lines. As distinguished from joint schedules, individual schedules apply to all communication by telephone over the lines of the issuing telephone corporation and to instrumentalities and facilities furnished in connection with the communication by telephone.

(8) It is the general practice of telephone corporations to classify the service rendered by them under two (2) general headings, "local service" and "long distance service". "Local service" covers service classifications, rates, rentals or charges applying to communication or for instrumentalities and facilities furnished. It also covers rules governing and relating to conditions of contract for any form of telephone service within a local service area established with reference to a particular central station or group of central stations. "Long distance service" covers service classifications, rates, charges, rules applying to communication by telephone between subscribers stations or public or semi-public pay stations located in one (1) local service area and subscribers stations or public or semi-public pay stations located in another local service area of the same or another telephone corporation.

(9) All schedules should be on good serviceable quality of paper and if, in the discretion of the commission, the volume of a schedule justifies, the schedule shall not be accepted for filing until printed.

(10) All rate schedules filed with the commission must be in book, sheet or pamphlet form and of size eight and one-half inches by eleven inches (8 1/2" x 11"). A loose-leaf plan may be used so that changes can be made by reprinting and inserting a single leaf. When a loose-leaf plan is used, all sheets except title page must show in the marginal space at top of the page or sheet, the name of the corporation issuing, the PSC number of the schedule, the number of the page or sheet, the date of issue and effective date, and name, title and address of officer by whom the schedule is issued.

(11) The title page or sheet, if loose-leaf, of every rate schedule shall show--

(A) The full corporate name of the issuing telephone corporation;

(B) The PSC number of the schedule in bold type in the center of marginal space at top of the page and immediately under in small type, the PSC number(s) of the schedule canceled thereby. Separate serial PSC numbers may, if desired, be used for local and long distance schedules;

(C) The title page or sheet also should show whether it is for local or long distance and whether it is joint or individual;

(D) A brief description of the service areas from and to or within which the schedule applies;

(E) When a schedule of rates is governed by a general publication, reference to the governing schedule by its PSC number must be given. The following phraseology, as the case may be, will be used: "Governed except as otherwise provided herein by schedule PSC Mo. No. \_\_\_\_\_, which schedule, supplements thereto or superseding issues thereof, is hereby made a part of this schedule"; or "Governed except as otherwise provided herein by schedule PSC Mo. No. \_\_\_\_\_, which schedule revised and added pages or sheets, or superseding issues thereof, is hereby made a part of this schedule". A rate publication so referred to must be on file with the commission and be kept at every place where the schedule making the reference is to be kept for public inspection;

(F) The Date of Issue and the Effective Date. If the schedule or any portion is made to expire on a specified date, the following clause must be used: "expires \_\_\_\_\_, unless sooner canceled, changed or extended";

(G) On every schedule supplement or a revised or added sheet, issued on less than thirty (30) days' notice by permission of the commission, the following notation must be shown: "Issued on \_\_\_\_\_ days' notice to the public and the commission under special permission of the Public Service Commission of Missouri, No. \_\_\_\_\_, of date \_\_\_\_\_." If issued in compliance with an order of the commission, the following notation must be shown: "Issued on \_\_\_\_\_ days' notice to the public and the commission under order of the Public Service Commission of Missouri, of date \_\_\_\_\_, in Case No. \_\_\_\_\_." When issued by authority of this rule, the notation must be that required by the rule granting the permission;

(H) On the upper left-hand corner of schedules of less than three (3) pages and on schedules issued in loose-leaf form, the words: "No supplement to this schedule will be issued except for the purpose of canceling this schedule" shall be

own. On schedules, not in loose-leaf form, of three (3) or more pages: "Only one supplement to this schedule will be in effect at any time," shall be shown; and

(I) The name, title and address of officer by whom schedule is issued.

12) Schedules shall contain, in the order named:

(A) Table of Contents. A full and complete statement, in alphabetic order, of the exact location where information under general headings, by subjects, will be found, specifying page or item numbers. If a schedule contains so small a volume of matter that its title page or its interior arrangement plainly discloses its contents, the table of contents may be omitted;

(B) The name of the issuing telephone corporation, including those for which the corporation acts under power of attorney or concurrence and the names of all telephone corporations participating under such authorities, both alphabetically arranged. If there are not more than ten (10) participating corporations, their names may be shown on the title page of the schedule. The record of the power of attorney or concurrence by which each telephone corporation is made party to the schedule must be shown;

(C) In local rate schedules, there shall be an alphabetical index of the central stations in the service area to which the schedule applies; and alphabetically arranged following the name of each central station or under the names of all the localities served;

(D) In individual or joint long distance schedules, there shall be an alphabetical list of localities from which rates and charges apply and of the localities to which rates and charges apply;

(E) Whenever a schedule has an application which includes localities situated outside of Missouri, the abbreviation for the name of the state in which they are situated must be shown in connection with the name of each locality;

(F) If the number of localities covered by a local rate schedule or the number of points in a long distance schedule is small and, if practicable, they may be listed on the title page of the schedule sheet;

(G) If a long distance schedule is arranged by groups (this term includes block basis or other service area description) of from or to localities, the indices must show for each locality a proper group designation;

(H) When in a long distance schedule the from and to localities are shown throughout the rate table in continuous alphabetical order or are shown by groups alphabetically arranged, no index of from or to localities will be required; but when that alphabetical arrangement in a rate table is used, the table of contents shall indicate the pages upon which the localities are shown;

(I) If a long distance schedule is so constructed as to state rates by groups and also states specific rates to or from specified localities, it shall contain an alphabetical listing of the localities in the groups or give reference to the PSC number, if issued, which contains the listing of the group localities;

(J) A group description may be used to designate localities to or from which rates named in long distance schedules apply, provided a complete list of those localities, arranged by groups, is printed in the schedule or specific reference is given to the PSC number or issue which contains such a list. In this list all of the localities in groups named in the schedule shall be arranged alphabetically showing opposite each locality, by an index reference, its group location, the name(s) of the telephone lines upon which located and the name of the central station(s) through which the locality is served; and, a complete list of those localities arranged by group description and alphabetically for each group;

(K) An explanation of reference marks, technical abbreviations and definitions of terms commonly used in the schedule, except that a special rule applying to a particular rate, rental or charge shall be shown in connection with and on the same page with the rate, rental or charge. The explanatory statement must be made in clear and explicit terms regarding the rates, rentals, charges and rules contained in the schedule as may be necessary to remove all doubt as to their proper application;

(L) The rules which govern the schedule, the title of each rule to be shown in bold type. Under this heading the rules or conditions which in any way affect the rentals, rates or charges named in the schedule, shall be entered, except that a special rule applying to a particular rate, rental or charge shall be shown in connection with and on the same page or sheet with the rate, rental or charge. No rule shall be included which in any way or in any terms authorizes substituting for any rate, rental or charge named in the schedule a rate, rental or charge found in any other schedule or made by any combination or plan other than that clearly stated in specific terms in the schedule of which the rule is a part. These rules shall include the general rules governing conditions for any form of contract for telephone service, all privileges or facilities granted or allowed or for which charge is made, which may in anywise change, affect or determine any or the aggregate of the rates, rentals or charges for the service rendered;

(M) A telephone corporation may publish under a PSC number and file a schedule publication designed for use as a governing schedule in connection with a schedule of rates, and the governing schedule may be made a part of the schedules of rates by specific reference as provided in subsection (11)(E). When the publication is to be used in connection with long distance schedules, it may contain a list of localities, excess time charge tables and rules generally

governing the schedules. When it is to be used in connection with a local rate schedule, it may contain an alphabetically arranged list showing localities served by the issuing telephone corporation, and opposite each locality its central station designation, and an alphabetical order list showing the names of all central stations separately and under the locality for each such central station the names of all localities to which the designation applies, arranged in alphabetical order. It also may contain schedules of rentals, rates and charges applying to the furnishing of instrumentalities, facilities and service, as the case may be, for attachments, auxiliary lines and stations, commuted messages, equipment for stations, private and leased lines and wires, extension stations, interior systems, listings, mileage of all kinds, pole line construction, fixed period talking circuits, etc., together with rules generally governing and relating to conditions of contract for any form of telephone service; and

(N) The rates, rentals and charges shall be explicitly stated in cents, or in dollars and cents, per stated period of time or per service, specifying the kind and character of service. In local schedules, the limits of the area to which each rate, rental or charge applies must be shown. When in a local schedule the limits of any such service area include localities outside the service area to which the schedule applies, the names of such other localities must be given or if all such localities are shown in a separate locality list, be referring thereto, giving the PSC number of schedule containing any such list.

(13) Schedules containing essential joint toll rates or charges participated in by telephone corporations not subject to the supervision of this commission must be issued by telephone corporations subject to such supervision and the telephone corporations which are not so subject shown in the schedule under proper authorities issued and on file with the commission as required by this rule.

(14) If a schedule or supplement to a schedule is issued which conflicts with a part of another schedule or supplement to a schedule which is in force at the time, and which is not canceled in full, it shall specifically state the portion of that schedule which is canceled and the schedule, at the same time, shall be correspondingly amended, effective on the same date, in the regular way; and the supplement to the amended schedule shall be filed at the same time and in connection with the schedule which contains the new rates, rentals or charges.

(15) If a schedule is canceled with the purpose of canceling entirely the rates, rentals or charges named, or when through error or omission a later issue failed to cancel the previous issue and a schedule is canceled for the purpose of perfecting the record, the cancellation notice must not be given a new PSC number, but must be issued as a supplement to the schedule which it cancels, even though that schedule may at the time have a supplement in effect.

(16) If a schedule or part of a schedule is canceled, the cancellation notice shall make specific reference to the PSC number of the schedule in which the rates, rentals or charges will be found; or if no rates, rentals or charges are in effect, it shall so state. Cancellation of a schedule also cancels a supplement to that schedule, if any is in effect. If a schedule is canceled by a similar schedule to take its place, the cancellation notice must not be given by supplement, but by notice printed in a new schedule, as provided in section (12) of this rule.

(17) A change in a schedule shall be known as an amendment and, excepting amendments to schedules issued in loose-leaf form, shall be printed in a supplement to the schedule which it amends, specifying the schedule by its PSC number. The supplement shall be reissued each time an amendment is made and shall always contain all the amendments to the schedule that are in force. Supplements to schedules shall be numbered consecutively as supplements to the schedule and shall not be given new or separate PSC numbers. An amended item must always be printed in a supplement in its entirety as amended.

(18) A supplement to a joint schedule shall contain either a list of the telephone corporations participating or shall state that the list of participating telephone corporations is "as shown in schedules" or "as shown in schedule except (here show alphabetically all additions to and eliminations from the original list that are effected by the supplement or that have been effected by previous supplements)."

(19) A schedule which contains reissued items brought forward from a previous issue which has not been in effect thirty (30) days, or a supplement which brings forward reissued items without change from a former supplement or schedule, must bear the notation "Effective \_\_\_\_\_, except as noted in individual items." Example: "Issued, \_\_\_\_\_ 19 \_\_\_\_; effective, \_\_\_\_\_ 19 \_\_\_\_," except as noted in individual items." Reissued items brought forward without change must show in a conspicuous form and a convenient manner the following: "Reissue (in black face type): effective (date upon which it became effective) in PSC. \_\_\_\_\_ Mo: \_\_\_\_\_ No.;" or "in supplement No. \_\_\_\_\_ to PSC Mo. \_\_\_\_\_"

No. \_\_\_\_." When the reissued item became effective in a former supplement to the same schedule, the PSC number may be omitted, but the supplement number must be given.

(20) Except as otherwise provided in this rule, there shall at no time be more than one (1) supplement in effect to any schedule, and the effective supplement to a schedule of twenty (20) or more pages may not contain more than twenty percent (20%) of the number of pages or sheets in the schedule, including the title page. A supplement to a schedule of less than twenty (20) pages or ten (10) sheets may not contain more than four (4) pages or two (2) sheets, including the title page. All changes in and additions to schedules issued in loose-leaf form must be made by reprinting both pages of the leaf or sheet upon which the change is made. When no change or addition is made on one (1) of the pages reprinted it must bear notation "No change in this page." These pages or sheets must not be given supplement numbers, but must be designated "First revised page or sheet \_\_\_\_," "Second revised page or sheet \_\_\_\_," etc., must show the name of the issuing corporation and the PSC number of the schedule, the issued and effective dates and name, title and address of officer by whom issued.

(21) If a schedule is filed on statutory notice canceling another schedule, and after the filing and prior to the effective date of the new schedule a supplement to the schedule to be canceled should be lawfully issued, the rates, rentals or charges in that supplement could not continue in effect for the thirty (30) days required by law because the cancellation of the schedule also cancels the supplement to it. In such a case the supplement containing changes not included in the schedule that is to become effective may be issued as a supplement both to the schedule in effect and to the schedule on file that will effect such a cancellation and be given both PSC numbers. In other words, such an issue must be a supplement to each of the schedules and copies must be filed accordingly. A supplement issued under this section containing reissued items shall note in connection with each such item, in addition to the effective date as required by the rule, that the reissued items expire on the date at which the new schedule becomes effective and that the new schedule will apply in lieu of the reissued items; and the reissued items must not be brought forward in a subsequent supplement to the new schedule. Such a supplement may not contain any changes except those lawfully made by a supplement to the schedule which is to be canceled by the schedule that has been filed and that is also supplemented; and no other kind of supplement to a schedule that is on file and not yet effective may be made effective within thirty (30) days from the effective date of the schedule without special permission. The provisions of section (12) as to the number of supplements to a schedule that may be in effect at any time and the volume of supplemental matter they may contain, need not be observed in connection with a supplement issued under this section.

(22) In case of a change of ownership and operation of any telephone corporation's property or of the telephone corporation in possession and operating the property, the telephone corporation taking over the operation of the telephone line, if the existing rates would otherwise remain legally effective, shall issue immediately and file with the commission, with PSC number, an adoption notice, substantially as follows: "The (name of telephone corporation) hereby adopts, ratifies and makes its own, in every respect as if the same had been originally filed by it, all schedules, rules, notices, concurrences, schedule agreements, divisions, authorities or other instruments whatsoever, filed with the Public Service Commission, State of Missouri, by the (name of telephone corporation) prior to (date) the beginning of its possession. By this notice it also adopts and ratifies all supplements or amendments to any of the above schedules, etc., which (name of telephone corporation) has heretofore filed with said commission. This notice may be made effective as of the date it is filed with the commission." In the event that the successor corporation does not intend to adopt some of these schedules, rates, rules, notices, concurrences, traffic agreements, divisions, authorities or other instruments, the notice shall specify those which are not adopted and the successor corporation as to these exceptions shall give the cancellation or withdrawal notice provided in these rules. The adoption notice shall stand and be effective as to all of the local issues of the predecessor telephone corporation. This paragraph applies to the taking over of part of a telephone corporation's property as well as to the entire property. In case of a receivership, the receiver shall be deemed as continuing in force the individual schedules and rules of the charge, but as to joint schedules, joint rules and joint business with other telephone corporations, the receiver must file with the required adoption notice, any exceptions specified.

(23) Schedules and supplements shall be filed with the commission by a proper officer of the telephone corporation designated to perform that duty and concurrences of every other telephone corporation participating in joint schedules and supplements must be on file with the commission or accompany the schedule or supplement.

(24) Schedules issued by a telephone corporation under its PSC numbers may include, under proper concurrences shown in the schedules, rates or charges applying over a long distance line to or from localities on other telephone corporations' lines and concurring telephone corporations may use these schedules for public inspection. These schedules must be filed

by the issuing telephone corporation and the filing will constitute filing for all lawfully concurring telephone corporations, having record of the concurrence on file with this commission. A telephone corporation issuing a joint publication shall at once send copies to each and every telephone corporation party.

(25) All changes in rates, charges or rentals or in rules that affect rates, charges or rentals, shall be filed with the commission at least thirty (30) days before the date upon which they are to become effective. The title page of every rate schedule or supplement and the reissue of any page or sheet must show thirty (30) days' notice except as otherwise provided in this rule. The proposed changes shall be accompanied by a brief summary, approximately one hundred (100) words or less, of the effect of the change on the company's customers. A copy of any proposed change and summary also shall be served on the public counsel and be available for public inspection and reproduction during regular office hours at a public business office of the utility in each exchange or group of exchanges affected by the proposed change.

(26) Each telephone corporation subject to the supervision of this commission has the duty of filing with the commission all of its rate schedules and supplements to the rate schedules, under penalty for failure to do so. The commission will give all consistent assistance as it can in this respect, but the fact that receipt of a rate schedule or supplement to a rate schedule is acknowledged by the commission or the fact that a rate schedule or supplement to a rate schedule is in the files of the commission, will not serve or operate to excuse the telephone corporation for responsibility or liability for any violation of the law or of any ruling lawfully made which may have occurred in connection with the construction or filing of the rate schedule or supplement.

(27) Thirty (30) days' notice to the commission required as to every publication relating to telephone rates or service, except where publications are made effective on less than statutory notice by permission, regulation or requirement of the commission.

(28) Except as is otherwise provided in this rule, no schedule or supplement will be accepted for filing unless it is delivered to the commission free from all charges or claims for postage, the full thirty (30) days required by law before the date upon which the schedule or supplement is stated to be effective. No consideration will be given to or for the time during which a schedule or supplement may be held by the post office authorities because of insufficient postage. When a schedule or a supplement is issued and for which the commission is not given the statutory notice, it is as if it had not been issued, and full statutory notice must be given of any reissue. No consideration will be given to telegraphic notices in computing the thirty (30) days' notice required. In those cases the schedule will be returned to the sender and correction of the neglect or omission cannot be made which takes into account any time elapsing between the date upon which the schedule or supplement was received and the date of attempted correction. For rate schedules and supplements issued on short notice under special permission of the commission, literal compliance with the requirements for notice named in any order, regulation or permission granted by the commission will be exacted.

(29) When a schedule is rejected by the commission as unlawful, the records will show and the schedule should not be referred to as canceled, amended or otherwise, except to note on publication issued in lieu of the rejected schedule "In lieu of \_\_\_\_\_, rejected by commission"; nor shall the number which it bears be used again.

(30) Rates, charges or rentals or rules relating to, prescribed by the commission in its decisions and orders, after hearings upon formal complaints, shall in every instance be promulgated by the telephone corporation against which these orders are entered, in duly published and filed rate schedules, supplements to these or revised pages or sheets of schedules, and notice shall be sent to the commission that its order in Case No. \_\_\_\_\_, has been complied with in item, \_\_\_\_\_ page \_\_\_\_\_ of schedule PSC. \_\_\_\_\_ Mo. \_\_\_\_\_ No. \_\_\_\_\_; or supplement \_\_\_\_\_ to schedule PSC Mo. \_\_\_\_\_ No. \_\_\_\_\_; or reissued page or sheet No. \_\_\_\_\_ to schedule PSC \_\_\_\_\_ Mo. \_\_\_\_\_ No. \_\_\_\_\_.

(31) Schedules and supplements shall be filed in numerical order of PSC numbers so far as practicable. If in any instance the foregoing is not observed as required by these rules, a memorandum must accompany the schedule to file with the commission explaining omission of missing number(s).

(32) Telephone corporations are directed to transmit one (1) copy of each rate schedule, supplement or other charges, rentals or regulations for the use of the commission. Schedules sent for filing must be addressed to Public Service Commission, P.O. Box 360, Jefferson City, MO 65102.

(33) Concurrence may be given by a telephone corporation to embrace all forms of joint schedules issued by another telephone corporation in which the concurring telephone corporation is shown as a participating, originating, intermediate or terminal corporation, after the following form:

BEFORE THE PUBLIC  
SERVICE COMMISSION  
OF THE STATE OF MISSOURI

\_\_\_\_\_  
(Name of telephone corporation in full)

\_\_\_\_\_  
(Date)

This is to certify that the (name of telephone corporation) assents to and concurs in the publication and filing of any joint schedule or supplement thereto which the (name of telephone corporation) may make and file in which it is shown as a participating corporation, and hereby makes itself a party to and bound thereby insofar as such schedule contains joint rates or charges or governing regulations applying to communication by telephone in any way involving use of its toll line or lines (see note 2), until this authority is revoked by formal and official notice of revocation placed in the hands of the Public Service Commission of Missouri, and of the telephone corporation to which this concurrence is given.

\_\_\_\_\_  
(Name of telephone corporation)

By \_\_\_\_\_  
(Name of officer),

\_\_\_\_\_  
(Title of officer)

The telephone corporation issuing this form shall file the original with the commission and shall furnish a duplicate to the telephone corporation to which the concurrence is given.

(34) Each telephone corporation shall give authorizations and concurrences serial numbers, beginning with No. 1 in each series, as indicated by forms and continuing in consecutive numbers as to each series, and keeping these numbers separate and apart from PSC numbers of rate schedules. A concurrence may be revoked by filing notice of such revocation with the commission and serving the same upon the telephone corporation to which the concurrence was given. The notice must specify the date upon which revocation is to be made effective and must give at least sixty (60) days' notice to the commission and to the telephone corporation to which concurrence was given. Corresponding correction of a schedule(s) shall be made by amending or reissuing the schedule(s), making the change lawfully effective on statutory notice upon the effective date stated in the notice of revocation. The granting of authority to issue tariffs under power of attorney or concurrence does not relieve the telephone corporation conferring the authority from the necessity of complying with the requirement for keeping the schedules open to public inspection. It must use the schedules issued under its authority for that purpose.

(35) All schedules filed with the commission shall be accompanied by a letter of transmittal, in duplicate if receipt is desired, which shall be prepared consistent with the format designated by the commission.

*AUTHORITY: Sections 386.250 and 392.220, RSMo 2000. Original rule filed May 1, 2002.*

*PUBLIC COST: The requirements of this proposed rule mirror requirements currently found in commission rule 4 CSR 240-30.010, which is being rescinded in a companion rulemaking. As a result, this proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: The requirements of this proposed rule mirror requirements currently found in commission rule 4 CSR 240-30.010, which is being rescinded in a companion rulemaking. As a result, this proposed rule will not cost private entities more than \$500 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 rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary to the Commission, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. Comments should refer to Commission Case No. AX-2001-654, and an original and nine copies of the comments should be filed. A public hearing regarding this proposed rule is scheduled for July 10, 2002 at 10:00 a.m., Room 310 in 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 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 days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

AK-2001-654

\*Administrative Rules Stamp

RECEIVED<sup>3</sup>

MAY 01 2002

RECEIVED

MAY 01 2002

MATT BLUNT  
Secretary of State  
Administrative Rules Division  
RULE TRANSMITTAL

*Records  
Public Service Commission*

SECRETARY OF STATE  
ADMINISTRATIVE RULES

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

A. Rule Number 4 CSR 240-3.550  
Diskette File Name Final Chapter of New Rules  
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 Building, 200 Madison St., 8th Floor, Jefferson City, MO

Statutory Provision for Rulemaking

Authority 386.250(6), 536.016(1) Provide Most Current RSMo Year 2000

Date Filed With the Joint Committee on Administrative Rules Exempt per Sections 536.024 and 536.037, RSMo 2000, and Executive Order No. 97-97 (June 27, 1997)

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

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)  
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.)

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.



**RULE TRANSMITTAL (PAGE 2)**

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E. ORDER OF RULEMAKING: Rule Number \_\_\_\_\_

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 text. DO NOT delete the header, however.)

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

POST OFFICE BOX 360  
JEFFERSON CITY, MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://www.psc.state.mo.us>  
May 1, 2002

ROBERT J. QUINN, JR.  
Executive Director  
WESS A. HENDERSON  
Director, Utility Operations  
ROBERT SCHALLENBERG  
Director, Utility Services  
DONNA M. PRENGER  
Director, Administration  
DALE HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge  
DANA K. JOYCE  
General Counsel

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

Dear Secretary Blunt,

**RE: 4 CSR 240-3.550 - Telecommunications Company Records and Reports**

### CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rule lawfully submitted by the Missouri Public Service Commission on this 1st day of May 2002.

The Missouri Public Service Commission has determined and hereby certifies that this proposed rule will not have an economic impact on small businesses. The Missouri Public Service Commission also certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo 2000 and that this proposed rule does not constitute a taking of real property under relevant state and federal law.

Statutory Authority: Sections 386.250(6) and 536.016(1)

If there are any questions regarding the content of the rule, please contact: Cliff E. Snodgrass, 200 Madison Street, Suite 800, P. O. Box 360, Jefferson City, MO 65101, (573) 751-3966, [snodgra@mail.state.mo.us](mailto:snodgra@mail.state.mo.us)

Sincerely yours,

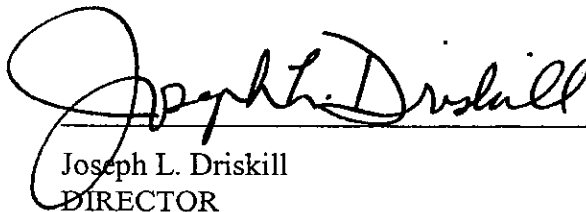
A handwritten signature in black ink, appearing to read "Marc Poston", is written over a horizontal line.

Marc D. Poston  
Senior Counsel  
Missouri Public Service Commission

**AFFIDAVIT**

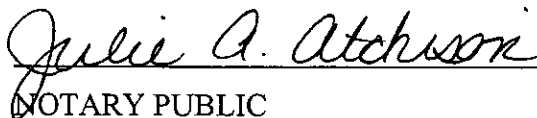
**STATE OF MISSOURI     )**  
**)**  
**COUNTY OF COLE        )**

I, Joseph L. Driskill, Director of the Department of Economic Development, first being duly sworn on my oath state that it is my opinion that the cost of the **Proposed Rule -- 4 CSR 240-3.550, Telecommunications Company Records and Reports**, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

  
\_\_\_\_\_  
Joseph L. Driskill  
DIRECTOR

Department of Economic Development

Subscribed and sworn to before me this 25<sup>th</sup> day of April, 2002.  
I am commissioned as a notary public within the County of Callaway, State of Missouri, and my commission expires on September 21, 2004.

  
\_\_\_\_\_  
NOTARY PUBLIC

JULIE A. ATCHISON  
NOTARY PUBLIC STATE OF MISSOURI  
CALLAWAY COUNTY  
MY COMMISSION EXP. SEPT 21, 2004

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

**RECEIVED**

MAY 01 2002

**SECRETARY OF STATE  
ADMINISTRATIVE RULES**

**PROPOSED RULE**

**4 CSR 240-3.550 Telecommunications Company Records and Reports**

*PURPOSE: This rule prescribes the type, location and retention of records, and reports on telecommunications service.*

- (1) This rule does not apply to private shared tenant service providers or private pay telephone service providers.
- (2) Each telecommunications company shall make and maintain records of its operations in sufficient detail to permit review of those operations. These records shall be retained in an easily accessible place for a period of at least three (3) years. These records shall be made available upon request to the commission or its authorized representatives. These records shall include all reports filed with the commission, together with the information necessary to verify each report.
- (3) All records required by this rule shall be made available for review within the state at any time upon request. Reasonable time, not to exceed thirty (30) days, will be permitted to assemble and deliver records to the location where they are to be reviewed.
- (4) For companies providing basic local telecommunications service, the records specified in section (2) above shall include the following:
  - (A) Each company shall record each application for basic local telecommunications service or regrade of service; and
  - (B) Each company shall keep a record, by exchange, of each held application for basic local telecommunications service and for each application for regrade that is not satisfied within thirty (30) days. The record will list the name and address of each applicant for service or regrade, whether the applicant's location is inside or outside the base rate area, the date of application, the date service is requested to begin, the date service was promised to begin, the class and grade of service applied for and the reason for the delay in providing the requested service.
- (5) Companies shall file the following information with the commission:
  - (A) Each company providing basic local telecommunications service shall file with the commission no later than forty-five (45) days following the end of each quarter a report, referred to as the quarterly report, of the quality of the telephone service provided to its customers. The quarterly report shall include:
    1. The aggregated service level for each aspect of service quality for which there has been established a service objective in 4 CSR 240-32.080, together with such other information concerning service quality that the company deems applicable or the commission specifically requests. Those levels shall represent an average of the measurements taken throughout the reporting period. If the reported service level in any separately measured exchange, business office or service bureau does not meet the surveillance level, the company shall list each such exchange, business office or service bureau and its service level;
    2. The number of applications held for both basic local telecommunications service and for regrade of service. Those numbers will be kept distinct from one another. The listing shall categorize the number held for thirty (30), sixty (60), ninety (90) and one hundred twenty (120) days; and
    3. The number of applications listed pursuant to subsection (4)(B) above, by exchange, and the number of such applications that were satisfied during that quarter;
  - (B) Each company shall have its tariff on file with the commission in accordance with 4 CSR 240-30.010;
  - (C) Each company providing basic local telecommunications service shall have on file with the commission an exchange boundary map for each of its exchanges within the state. Each map shall clearly show the boundary lines of the area in which the company accepts responsibility for providing such service. Exchange boundary lines shall be located by appropriate measurement to an identifiable location where that portion of the boundary line is not otherwise located on section lines, waterways, railroads, roads, etc. Maps shall contain both detail and reasonable and readable scale. Competitive local exchange companies may submit a tariff sheet adopting the tariff map on file with the commission for a specific exchange served by the incumbent local exchange provider. The exchange maps shall be available for public inspection at each public business office for the area served by the office. Each company filing an original or revised map shall submit proof of notice of the proposed boundary to any other company adjoining the area in which a boundary line is to be established or changed;

§ (D) Each company shall advise the commission's customer services department of abnormal service conditions by telephone or facsimile. Abnormal conditions include any tandem outage, central office or exchange isolation, cable cut, or central office problem that involves three hundred (300) or more customers and lasts thirty (30) minutes or more or any other service condition the company wishes to bring to the attention of the customer services department; and

(E) Each company shall make and file with the commission a disaster recovery plan, which shall be reviewed by the company at least annually and modified as necessary. Any modifications shall be submitted as amendments.

*AUTHORITY: Section 386.250, RSMo 2000. Original rule filed May 1, 2002.*

*PUBLIC COST: The requirements of this proposed rule mirror requirements currently found in commission rule 4 CSR 240-32.030, which is being rescinded in a companion rulemaking, and in section (1) of commission rule 4 CSR 240-32.010. As a result, this proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: The requirements of this proposed rule mirror requirements currently found in commission rule 4 CSR 240-32.030, which is being rescinded in a companion rulemaking, and in section (1) of commission rule 4 CSR 240-32.010. As a result, this proposed rule will not cost private entities more than \$500 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 rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary to the Commission, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. Comments should refer to Commission Case No. AX-2001-654, and an original and nine copies of the comments should be filed. A public hearing regarding this proposed rule is scheduled for July 10, 2002 at 10:00 a.m., Room 310 in 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 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 days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

AX-2001-654

RECEIVED<sup>3</sup>

\*Administrative Rules Stamp

MAY 01 2002

RECEIVED

MAY 01 2002

**MATT BLUNT**  
Secretary of State  
Administrative Rules Division  
RULE TRANSMITTAL

*Records  
Public Service Commission*

SECRETARY OF STATE  
ADMINISTRATIVE RULES

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

A. Rule Number 4 CSR 240-3.555  
Diskette File Name Final Chapter of New Rules  
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 Building, 200 Madison St., 8th Floor, Jefferson City, MO

Statutory Provision for Rulemaking  
Authority 386.250(6), 536.016(1) Provide Most Current RSMo Year 2000

Date Filed With the Joint Committee on Administrative Rules Exempt per Sections 536.024 and 536.037, RSMo 2000, and Executive Order No. 97-97 (June 27, 1997)

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

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)  
☐ 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.)

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.

**RULE TRANSMITTAL (PAGE 2)**

---

E. ORDER OF RULEMAKING: Rule Number \_\_\_\_\_

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 text. DO NOT delete the header, however.)

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

POST OFFICE BOX 360  
JEFFERSON CITY, MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://www.psc.state.mo.us>  
May 1, 2002

ROBERT J. QUINN, JR.  
Executive Director  
WESS A. HENDERSON  
Director, Utility Operations  
ROBERT SCHALLENBERG  
Director, Utility Services  
DONNA M. PRENGER  
Director, Administration  
DALE HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge  
DANA K. JOYCE  
General Counsel

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

Dear Secretary Blunt,

**RE: 4 CSR 240-3.555 - Telecommunications Company Residential Customer Inquiries**

### CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rule lawfully submitted by the Missouri Public Service Commission on this 1st day of May 2002.

The Missouri Public Service Commission has determined and hereby certifies that this proposed rule will not have an economic impact on small businesses. The Missouri Public Service Commission also certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo 2000 and that this proposed rule does not constitute a taking of real property under relevant state and federal law.

Statutory Authority: Sections 386.250(6) and 536.016(1)

If there are any questions regarding the content of the rule, please contact: Cliff E. Snodgrass, 200 Madison Street, Suite 800, P. O. Box 360, Jefferson City, MO 65101, (573) 751-3966, [snodgra@mail.state.mo.us](mailto:snodgra@mail.state.mo.us)

Sincerely yours,

A handwritten signature in black ink, appearing to read "Marc Poston".

Marc D. Poston  
Senior Counsel  
Missouri Public Service Commission



**AFFIDAVIT**

STATE OF MISSOURI     )  
                                      )  
COUNTY OF COLE        )

I, Joseph L. Driskill, Director of the Department of Economic Development, first being duly sworn on my oath state that it is my opinion that the cost of the **Proposed Rule -- 4 CSR 240-3.555, Telecommunications Company Residential Customer Inquiries**, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.



Joseph L. Driskill  
**DIRECTOR**  
Department of Economic Development

Subscribed and sworn to before me this 26<sup>th</sup> day of April, 2002.  
I am commissioned as a notary public within the County of Callaway, State of Missouri, and my commission expires on September 21, 2004.

  
NOTARY PUBLIC

JULIE A. ATCHISON  
NOTARY PUBLIC STATE OF MISSOURI  
CALLAWAY COUNTY  
MY COMMISSION EXP. SEPT 21, 2004

**Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT**

**Division 240 – Public Service Commission**

**Chapter 3 – Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.555 Telecommunications Company Residential Customer Inquiries**

**RECEIVED**  
MAY 01 2002  
SECRETARY OF STATE  
ADMINISTRATIVE RULES

*PURPOSE: This rule establishes procedures to be followed when residential customers make inquiries of telecommunications companies so that such inquiries are handled in a reasonable manner.*

(1) A telecommunications company shall adopt procedures which will ensure the prompt and thorough receipt, investigation and, where possible, resolution of inquiries. The telecommunications company, upon request, shall submit the procedures to the commission and the telecommunications company shall notify the commission of any substantive changes in these procedures prior to their implementation.

(2) A telecommunications company shall prepare a statement which in layman's terms describes the rights and responsibilities of both the telecommunications company and its customers under this chapter. This statement shall appear in the front part of the telephone directory or the telecommunications company will mail or otherwise deliver such statement to its existing and new customers. If multiple telecommunications companies are represented in a directory, and each has identical statements of rights and responsibilities, the information need only appear once. Upon request the statement shall be submitted to the commission, its staff, or Office of the Public Counsel. The statement shall include descriptions of:

- (A) Billing procedures;
- (B) Customer payment requirements and procedures;
- (C) Deposit and guarantee requirements;
- (D) Conditions of termination, discontinuance and reconnection of service;
- (E) Procedures for handling inquiries;
- (F) A procedure whereby a customer may avoid discontinuance of service during a period of absence;
- (G) Complaint procedures under 4 CSR 240-2.070;
- (H) The telephone number and address of all offices of the Missouri Public Service Commission and the statement that this company is regulated by the Missouri Public Service Commission; and
- (I) The address and telephone number of the Office of the Public Counsel and a statement of the function of that office.

*AUTHORITY: Section 386.250, RSMo 2000. Original rule filed May 1, 2002.*

*PUBLIC COST: The requirements of this proposed rule mirror requirements currently found in sections (1) and (3) of commission rule 4 CSR 240-33.060, which is being amended in a companion rulemaking. As a result, this proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: The requirements of this proposed rule mirror requirements currently found in sections (1) and (3) of commission rule 4 CSR 240-33.060, which is being amended in a companion rulemaking. As a result, this proposed rule will not cost private entities more than \$500 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 rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary to the Commission, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. Comments should refer to Commission Case No. AX-2001-654, and an original and nine copies of the comments should be filed. A public hearing regarding this proposed rule is scheduled for July 10, 2002 at 10:00 a.m., Room 310 in 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 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 days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

AX-2001-654

RECEIVED<sup>3</sup>

MAY 01 2002

\*Administrative Rules Stamp

RECEIVED

MAY 01 2002

MATT BLUNT  
Secretary of State  
Administrative Rules Division  
RULE TRANSMITTAL

Records  
Public Service Commission

SECRETARY OF STATE  
ADMINISTRATIVE RULES

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

A. Rule Number 4 CSR 240-3.600  
Diskette File Name Final Chapter of New Rules  
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 Building, 200 Madison St., 8th Floor, Jefferson City, MO

Statutory Provision for Rulemaking

Authority 386.250(6), 536.016(1) Provide Most Current RSMo Year 2000

Date Filed With the Joint Committee on Administrative Rules Exempt per Sections 536.024 and 536.037, RSMo 2000, and Executive Order No. 97-97 (June 27, 1997)

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

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)  
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.)

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

**RULE TRANSMITTAL (PAGE 2)**

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E. ORDER OF RULEMAKING: Rule Number \_\_\_\_\_

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.

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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

POST OFFICE BOX 360  
JEFFERSON CITY, MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://www.psc.state.mo.us>  
May 1, 2002

ROBERT J. QUINN, JR.  
Executive Director  
WESS A. HENDERSON  
Director, Utility Operations  
ROBERT SCHALLENBERG  
Director, Utility Services  
DONNA M. PRENGER  
Director, Administration  
DALE HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge  
DANA K. JOYCE  
General Counsel

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

Dear Secretary Blunt,

**RE: 4 CSR 240-3.600 - Filing Requirements for Water Utility Applications for  
Certificates of Convenience and Necessity**

### CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rule lawfully submitted by the Missouri Public Service Commission on this 1st day of May 2002.

The Missouri Public Service Commission has determined and hereby certifies that this proposed rule will not have an economic impact on small businesses. The Missouri Public Service Commission also certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo 2000 and that this proposed rule does not constitute a taking of real property under relevant state and federal law.

Statutory Authority: Sections 386.250(6) and 536.016(1)

If there are any questions regarding the content of the rule, please contact: Cliff E. Snodgrass,  
200 Madison Street, Suite 800, P. O. Box 360, Jefferson City, MO 65101, (573) 751-3966,  
[snodgra@mail.state.mo.us](mailto:snodgra@mail.state.mo.us)

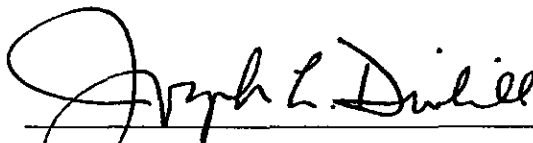
Sincerely yours,

Marc D. Poston  
Senior Counsel  
Missouri Public Service Commission

AFFIDAVIT

STATE OF MISSOURI     )  
                                      )  
COUNTY OF COLE        )

I, Joseph L. Driskill, Director of the Department of Economic Development, first being duly sworn on my oath state that it is my opinion that the cost of the **Proposed Rule -- 4 CSR 240-3.600, Filing Requirements for Water Utility Applications for Certificates of Convenience and Necessity**, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.



Joseph L. Driskill  
DIRECTOR  
Department of Economic Development

Subscribed and sworn to before me this 25<sup>th</sup> day of April, 2002.  
I am commissioned as a notary public within the County of Callaway, State of Missouri, and my commission expires on September 21, 2004.



NOTARY PUBLIC

JULIE A. ATCHISON  
NOTARY PUBLIC STATE OF MISSOURI  
CALLAWAY COUNTY  
MY COMMISSION EXP. SEPT 21, 2004

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

RECEIVED

MAY 01 2002

PROPOSED RULE

SECRETARY OF STATE  
ADMINISTRATIVE SERVICES

**4 CSR 240-3.600 Filing Requirements for Water Utility Applications for Certificates of Convenience and Necessity**

*PURPOSE: Applications to the commission requesting that the commission grant a certificate of convenience and necessity must meet the requirements set forth in this rule. 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 a certificate of convenience and necessity by a water company shall include the following information:

(A) If the application is for a service area--

1. A statement as to the same or similar utility service, regulated and nonregulated, available in the area requested;
2. If there are ten (10) or more residents or landowners, the name and address of no fewer than ten (10) persons residing in the proposed service area or of no fewer than ten (10) landowners in the event there are no residences in the area, or, if there are fewer than ten (10) residents or landowners, the name and address of all residents and landowners;
3. The legal description of the area to be certificated;
4. A plat drawn to a scale of one-half inch (1/2") to the mile on maps comparable to county highway maps issued by the Missouri Department of Transportation or a plat drawn to a scale of two thousand feet (2,000') to the inch; and
5. A feasibility study containing plans and specifications for the utility system and estimated cost of the construction of the utility system during the first three (3) years of construction; plans for financing; proposed rates and charges and an estimate of the number of customers, revenues and expenses during the first three (3) years of operations;

(B) When no evidence of approval of the affected governmental bodies is necessary, a statement to that effect;

(C) When approval of the affected governmental bodies is required, evidence must be provided as follows:

1. When consent or franchise by a city or county is required, approval shall be shown by a certified copy of the document granting the consent or franchise, or an affidavit of the applicant that consent has been acquired; and
2. A certified copy of the required approval of other governmental agencies; and

(D) The facts showing that the granting of the application is required by the public convenience and necessity.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

*AUTHORITY: Section 386.250, RSMo 2000. Original rule filed May 1, 2002.*

*PUBLIC COST: The requirements of this proposed rule mirror requirements currently found in sections (2) and (4) of commission rule 4 CSR 240-2.060, which is being amended in a companion rulemaking. As a result, this proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: The requirements of this proposed rule mirror requirements currently found in sections (2) and (4) of commission rule 4 CSR 240-2.060, which is being amended in a companion rulemaking. As a result, this proposed rule will not cost private entities more than \$500 in the aggregate.*

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AX-2001-654

\*Administrative Rules Stamp

RECEIVED<sup>3</sup>

MAY 01 2002

MATT BLUNT  
Secretary of State  
Administrative Rules Division  
RULE TRANSMITTAL

Records  
Public Service Commission

RECEIVED

MAY 01 2002

SECRETARY OF STATE  
ADMINISTRATIVE RULES

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

A. Rule Number 4 CSR 240-3.605  
Diskette File Name Final Chapter of New Rules  
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 Building, 200 Madison St., 8th Floor, Jefferson City, MO

Statutory Provision for Rulemaking

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**RULE TRANSMITTAL (PAGE 2)**

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E. ORDER OF RULEMAKING: Rule Number \_\_\_\_\_

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 text. DO NOT delete the header, however.)

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

POST OFFICE BOX 360  
JEFFERSON CITY, MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://www.psc.state.mo.us>  
May 1, 2002

ROBERT J. QUINN, JR.  
Executive Director  
WESS A. HENDERSON  
Director, Utility Operations  
ROBERT SCHALLENBERG  
Director, Utility Services  
DONNA M. PRENGER  
Director, Administration  
DALE HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge  
DANA K. JOYCE  
General Counsel

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

Dear Secretary Blunt,

**RE: 4 CSR 240-3.605 - Filing Requirements for Water Utility Applications for  
Authority to Sell, Assign, Lease or Transfer Assets**

### CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rule lawfully submitted by the Missouri Public Service Commission on this 1st day of May 2002.

The Missouri Public Service Commission has determined and hereby certifies that this proposed rule will not have an economic impact on small businesses. The Missouri Public Service Commission also certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo 2000 and that this proposed rule does not constitute a taking of real property under relevant state and federal law.

Statutory Authority: Sections 386.250(6) and 536.016(1)

If there are any questions regarding the content of the rule, please contact: Cliff E. Snodgrass,  
200 Madison Street, Suite 800, P. O. Box 360, Jefferson City, MO 65101, (573) 751-3966,  
[snodgra@mail.state.mo.us](mailto:snodgra@mail.state.mo.us)

Sincerely yours,

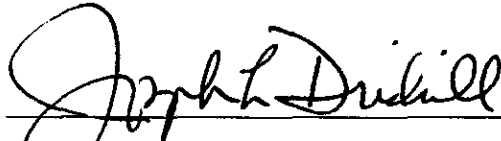
A handwritten signature in black ink, appearing to read "Marc D. Poston".

Marc D. Poston  
Senior Counsel  
Missouri Public Service Commission

AFFIDAVIT

STATE OF MISSOURI     )  
                                      )  
COUNTY OF COLE     )

I, Joseph L. Driskill, Director of the Department of Economic Development, first being duly sworn on my oath state that it is my opinion that the cost of the **Proposed Rule -- 4 CSR 240-3.605, Filing Requirements for Water Utility Applications for Authority to Sell, Assign, Lease or Transfer Assets**, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.



Joseph L. Driskill  
DIRECTOR  
Department of Economic Development

Subscribed and sworn to before me this 25<sup>th</sup> day of April, 2002.  
I am commissioned as a notary public within the County of  
Callaway, State of Missouri, and my commission expires on  
September 21, 2004.



NOTARY PUBLIC

JULIE A. ATCHISON  
NOTARY PUBLIC STATE OF MISSOURI  
CALLAWAY COUNTY  
MY COMMISSION EXP. SEPT 21, 2004

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

**RECEIVED**

MAY 01 2002

SECRETARY OF STATE  
ADMINISTRATIVE RULES

**PROPOSED RULE**

**4 CSR 240-3.605 Filing Requirements for Water Utility Applications for Authority to Sell, Assign, Lease or Transfer Assets**

*PURPOSE: Applications to the commission for the authority to sell, assign, lease or transfer assets must meet the requirements set forth in this rule. 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 authority to sell, assign, lease or transfer assets shall include:

(A) A brief description of the property involved in the transaction, including any franchises, permits, operating rights or certificates of convenience and necessity;

(B) A copy of the contract or agreement of sale;

(C) The verification of proper authority by the person signing the application or a certified copy of resolution of the board of directors of each applicant authorizing the proposed action;

(D) The reasons the proposed sale of the assets is not detrimental to the public interest;

(E) If the purchaser is subject to the jurisdiction of the commission, a balance sheet and income statement with adjustments showing the results of the acquisitions of the property; and

(F) A statement of the impact, if any, the sale, assignment, lease or transfer of assets will have on the tax revenues of the political subdivisions in which any structures, facilities or equipment of the companies involved in that sale are located.

(2) If the purchaser is not subject to the jurisdiction of the commission, but will be subject to the commission's jurisdiction after the sale, the purchaser must comply with these rules.

(3) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

*AUTHORITY: Section 386.250, RSMo 2000. Original rule filed May 1, 2002.*

*PUBLIC COST: The requirements of this proposed rule mirror requirements currently found in sections (2), (7) and (9) of commission rule 4 CSR 240-2.060, which is being amended in a companion rulemaking. As a result, this proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: The requirements of this proposed rule mirror requirements currently found in sections (2), (7) and (9) of commission rule 4 CSR 240-2.060, which is being amended in a companion rulemaking. As a result, this proposed rule will not cost private entities more than \$500 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 rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary to the Commission, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. Comments should refer to Commission Case No. AX-2001-654, and an original and nine copies of the comments should be filed. A public hearing regarding this proposed rule is scheduled for July 10, 2002 at 10:00 a.m., Room 310 in 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 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 days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

AX-2001-654

\*Administrative Rules Stamp

RECEIVED<sup>3</sup>

MAY 01 2002

Records  
Public Service Commission

RECEIVED

MAY 01 2002

SECRETARY OF STATE  
ADMINISTRATIVE RULES

MATT BLUNT  
Secretary of State  
Administrative Rules Division  
RULE TRANSMITTAL

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

A. Rule Number 4 CSR 240-3.610  
Diskette File Name Final Chapter of New Rules  
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 Building, 200 Madison St., 8th Floor, Jefferson City, MO

Statutory Provision for Rulemaking  
Authority 386.250(6), 536.016(1) Provide Most Current RSMo Year 2000  
Date Filed With the Joint Committee on Administrative Rules Exempt per Sections 536.024 and 536.037, RSMo 2000, and Executive Order No. 97-97 (June 27, 1997)

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

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)  
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:)

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

**RULE TRANSMITTAL (PAGE 2)**

---

E. ORDER OF RULEMAKING: Rule Number \_\_\_\_\_

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.

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Commissioners  
KELVIN L. SIMMONS  
Chair  
CONNIE MURRAY  
SHEILA LUMPE  
STEVE GAW  
BRYAN FORBIS

## Missouri Public Service Commission

POST OFFICE BOX 360  
JEFFERSON CITY, MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://www.psc.state.mo.us>  
May 1, 2002

ROBERT J. QUINN, JR.  
Executive Director  
WESS A. HENDERSON  
Director, Utility Operations  
ROBERT SCHALLENBERG  
Director, Utility Services  
DONNA M. PRENGER  
Director, Administration  
DALE-HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge  
DANA K. JOYCE  
General Counsel

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

Dear Secretary Blunt,

**RE: 4 CSR 240-3.610 - Filing Requirements for Water Utility Applications for  
Authority to Merge or Consolidate**

### CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rule lawfully submitted by the Missouri Public Service Commission on this 1st day of May 2002.

The Missouri Public Service Commission has determined and hereby certifies that this proposed rule will not have an economic impact on small businesses. The Missouri Public Service Commission also certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo 2000 and that this proposed rule does not constitute a taking of real property under relevant state and federal law.

Statutory Authority: Sections 386.250(6) and 536.016(1)

If there are any questions regarding the content of the rule, please contact: Cliff E. Snodgrass,  
200 Madison Street, Suite 800, P. O. Box 360, Jefferson City, MO 65101, (573) 751-3966,  
[snodgra@mail.state.mo.us](mailto:snodgra@mail.state.mo.us)

Sincerely yours,


A handwritten signature in dark ink, appearing to read "Marc Poston", is written over a horizontal line.

Marc D. Poston  
Senior Counsel  
Missouri Public Service Commission

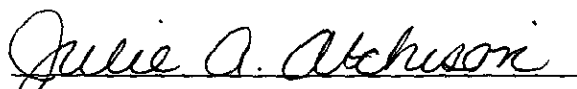
**AFFIDAVIT**

STATE OF MISSOURI     )  
                                      )  
COUNTY OF COLE        )

I, Joseph L. Driskill, Director of the Department of Economic Development, first being duly sworn on my oath state that it is my opinion that the cost of the **Proposed Rule -- 4 CSR 240-3.610, Filing Requirements for Water Utility Applications for Authority to Merge or Consolidate**, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

  
\_\_\_\_\_  
Joseph L. Driskill  
DIRECTOR  
Department of Economic Development

Subscribed and sworn to before me this 25<sup>th</sup> day of April, 2002.  
I am commissioned as a notary public within the County of  
Callaway, State of Missouri, and my commission expires on  
September 21, 2004.

  
\_\_\_\_\_  
NOTARY PUBLIC

JULIE A ATCHISON  
NOTARY PUBLIC STATE OF MISSOURI  
CALLAWAY COUNTY  
MY COMMISSION EXP. SEPT 21, 2004



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

**RECEIVED**

MAY 01 2002

**PROPOSED RULE**

**SECRETARY OF STATE  
ADMINISTRATIVE RULES**

**4 CSR 240-3.610 Filing Requirements for Water Utility Applications for Authority to Merge or Consolidate**

*PURPOSE: Applications to the commission for the authority to merge or consolidate must meet the requirements set forth in this rule. 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 authority to merge or consolidate shall include:

(A) A copy of the proposed plan and agreement of corporate merger and consolidation, including organizational charts depicting the relationship of the merging entities before and after the transaction;

(B) A certified copy of the resolution of the board of directors of each applicant authorizing the proposed merger and consolidation;

(C) The balance sheets and income statements of each applicant and a balance sheet and income statement of the surviving corporation;

(D) The reasons the proposed merger is not detrimental to the public interest;

(E) An estimate of the impact of the merger on the company's Missouri jurisdictional operations relative to the merger and acquisition in question; and

(F) A statement of the impact, if any, the merger or consolidation will have on the tax revenues of the political subdivision in which any structures, facilities or equipment of the companies involved are located.

(2) If the purchaser is not subject to the jurisdiction of the commission, but will be subject to the commission's jurisdiction after the sale, the purchaser must comply with these rules.

(3) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

*AUTHORITY: Section 386.250, RSMo 2000. Original rule filed May 1, 2002.*

*PUBLIC COST: The requirements of this proposed rule mirror requirements currently found in sections (2), (8) and (9) of commission rule 4 CSR 240-2.060, which is being amended in a companion rulemaking. As a result, this proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: The requirements of this proposed rule mirror requirements currently found in sections (2), (8) and (9) of commission rule 4 CSR 240-2.060, which is being amended in a companion rulemaking. As a result, this proposed rule will not cost private entities more than \$500 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 rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary to the Commission, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. Comments should refer to Commission Case No. AX-2001-654, and an original and nine copies of the comments should be filed. A public hearing regarding this proposed rule is scheduled for July 10, 2002 at 10:00 a.m., Room 310 in 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 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 days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

AX-2001-654

RECEIVED<sup>3</sup>

\*Administrative Rules Stamp

MAY 01 2002

RECEIVED

MAY 01 2002

MATT BLUNT  
Secretary of State  
Administrative Rules Division  
RULE TRANSMITTAL

Records  
Public Service Commission

SECRETARY OF STATE  
ADMINISTRATIVE RULES

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

A. Rule Number 4 CSR 240-3.615  
Diskette File Name Final Chapter of New Rules  
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 Building, 200 Madison St., 8th Floor, Jefferson City, MO

Statutory Provision for Rulemaking

Authority 386.250(6), 536.016(1) Provide Most Current RSMo Year 2000

Date Filed With the Joint Committee on Administrative Rules Exempt per Sections 536.024 and 536.037, RSMo 2000, and Executive Order No. 97-97 (June 27, 1997)

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

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)  
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.)

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.

**RULE TRANSMITTAL (PAGE 2)**

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E. ORDER OF RULEMAKING: Rule Number \_\_\_\_\_

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.

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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

POST OFFICE BOX 360  
JEFFERSON CITY, MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
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May 1, 2002

ROBERT J. QUINN, JR.  
Executive Director  
WESS A. HENDERSON  
Director, Utility Operations  
ROBERT SCHALLENBERG  
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Secretary/Chief Regulatory Law Judge  
DANA K. JOYCE  
General Counsel

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

Dear Secretary Blunt,

**RE: 4 CSR 240-3.615 - Filing Requirements for Water Utility Applications for  
Authority to Issue Stock, Bonds, Notes and Other Evidences of Indebtedness**

### CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rule lawfully submitted by the Missouri Public Service Commission on this 1st day of May 2002.

The Missouri Public Service Commission has determined and hereby certifies that this proposed rule will not have an economic impact on small businesses. The Missouri Public Service Commission also certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo 2000 and that this proposed rule does not constitute a taking of real property under relevant state and federal law.

Statutory Authority: Sections 386.250(6) and 536.016(1)

If there are any questions regarding the content of the rule, please contact: Cliff E. Snodgrass,  
200 Madison Street, Suite 800, P. O. Box 360, Jefferson City, MO 65101, (573) 751-3966,  
[snodgra@mail.state.mo.us](mailto:snodgra@mail.state.mo.us)


Sincerely yours,

Marc D. Poston  
Senior Counsel  
Missouri Public Service Commission

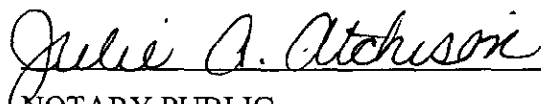
**AFFIDAVIT**

STATE OF MISSOURI     )  
                                      )  
COUNTY OF COLE        )

I, Joseph L. Driskill, Director of the Department of Economic Development, first being duly sworn on my oath state that it is my opinion that the cost of the **Proposed Rule -- 4 CSR 240-3.615, Filing Requirements for Water Utility Applications for Authority to Issue Stock, Bonds, Notes and Other Evidences of Indebtedness**, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

  
\_\_\_\_\_  
Joseph L. Driskill  
DIRECTOR  
Department of Economic Development

Subscribed and sworn to before me this 25<sup>th</sup> day of April, 2002.  
I am commissioned as a notary public within the County of  
Callaway, State of Missouri, and my commission expires on  
September 21, 2004.

  
\_\_\_\_\_  
NOTARY PUBLIC

JULIE A ATCHISON  
NOTARY PUBLIC STATE OF MISSOURI  
CALLAWAY COUNTY  
MY COMMISSION EXP. SEPT 21, 2004

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

RECEIVED

MAY 01 2002

PROPOSED RULE

SECRETARY OF STATE  
ADMINISTRATIVE RULES

**4 CSR 240-3.615 Filing Requirements for Water Utility Applications for Authority to Issue Stock, Bonds, Notes and Other Evidences of Indebtedness**

*PURPOSE: Applications to the commission for the authority to issue stock, bonds, notes or other evidences of indebtedness must meet the requirements set forth in this rule. 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 authority to issue stock, bonds, notes and other evidences of indebtedness shall contain the following:

- (A) A brief description of the securities which applicant desires to issue;
- (B) A statement of the purpose for which the securities are to be issued and the use of the proceeds;
- (C) Copies of executed instruments defining the terms of the proposed securities --
  - 1. If these instruments have been previously filed with the commission, a reference to the case number in which the instruments were furnished;
  - 2. If these instruments have not been executed at the time of filing, a statement of the general terms and conditions to be contained in the instruments which are proposed to be executed; and
  - 3. If none of these instruments is either executed or to be executed, a statement of how the securities are to be sold;
- (D) A certified copy of resolutions of the directors of applicant authorizing the issuance of the securities;
- (E) A balance sheet and income statement with adjustments showing the effects of the issuance of the proposed securities upon--
  - 1. Bonded and other indebtedness; and
  - 2. Stock authorized and outstanding;
- (F) A statement of what portion of the issue is subject to the fee schedule in section 386.300, RSMo; and
- (G) A five (5)-year capitalization expenditure schedule as required by section 393.200, RSMo.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

*AUTHORITY: Section 386.250, RSMo 2000. Original rule filed May 1, 2002.*

*PUBLIC COST: The requirements of this proposed rule mirror requirements currently found in sections (2) and (11) of commission rule 4 CSR 240-2.060, which is being amended in a companion rulemaking. As a result, this proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: The requirements of this proposed rule mirror requirements currently found in sections (2) and (11) of commission rule 4 CSR 240-2.060, which is being amended in a companion rulemaking. As a result, this proposed rule will not cost private entities more than \$500 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 rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary to the Commission, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. Comments should refer to Commission Case No. AX-2001-654, and an original and nine copies of the comments should be filed. A public hearing regarding this proposed rule is scheduled for July 10, 2002 at 10:00 a.m., Room 310 in 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 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 days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

AX-2001-654

RECEIVED<sup>3</sup>

MAY 01 2002

\*Administrative Rules Stamp

MATT BLUNT  
Secretary of State  
Administrative Rules Division  
RULE TRANSMITTAL

Records  
Public Service Commission

RECEIVED

MAY 01 2002

SECRETARY OF STATE  
ADMINISTRATIVE RULES

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A. Rule Number 4 CSR 240-3.620  
Diskette File Name Final Chapter of New Rules  
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 Building, 200 Madison St., 8th Floor, Jefferson City, MO

Statutory Provision for Rulemaking

Authority 386.250(6), 536.016(1) Provide Most Current RSMo Year 2000

Date Filed With the Joint Committee on Administrative Rules Exempt per Sections 536.024 and 536.037, RSMo 2000, and Executive Order No. 97-97 (June 27, 1997)

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

**RULE TRANSMITTAL (PAGE 2)**

---

E. ORDER OF RULEMAKING: Rule Number \_\_\_\_\_

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 text. DO NOT delete the header, however.)

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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

POST OFFICE BOX 360  
JEFFERSON CITY, MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://www.psc.state.mo.us>  
May 1, 2002

ROBERT J. QUINN, JR.  
Executive Director  
WESS A. HENDERSON  
Director, Utility Operations  
ROBERT SCHALLENBERG  
Director, Utility Services  
DONNA M. PRENGER  
Director, Administration  
DALE HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge  
DANA K. JOYCE  
General Counsel

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

Dear Secretary Blunt,

**RE: 4 CSR 240-3.620 - Filing Requirements for Water Utility Applications for  
Authority to Acquire the Stock of a Public Utility**

### CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rule lawfully submitted by the Missouri Public Service Commission on this 1st day of May 2002.

The Missouri Public Service Commission has determined and hereby certifies that this proposed rule will not have an economic impact on small businesses. The Missouri Public Service Commission also certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo 2000 and that this proposed rule does not constitute a taking of real property under relevant state and federal law.

Statutory Authority: Sections 386.250(6) and 536.016(1)

If there are any questions regarding the content of the rule, please contact: Cliff E. Snodgrass,  
200 Madison Street, Suite 800, P. O. Box 360, Jefferson City, MO 65101, (573) 751-3966,  
[snodgra@mail.state.mo.us](mailto:snodgra@mail.state.mo.us)

Sincerely yours,

Marc D. Poston  
Senior Counsel  
Missouri Public Service Commission

RECEIVED

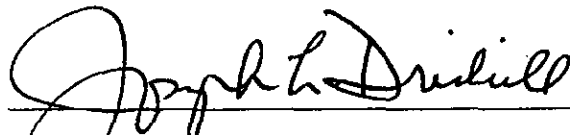
MAY 01 2002

SECRETARY OF STATE  
ADMINISTRATIVE RULES

AFFIDAVIT

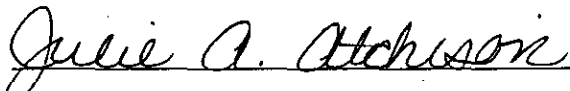
STATE OF MISSOURI     )  
                                  )  
COUNTY OF COLE        )

I, Joseph L. Driskill, Director of the Department of Economic Development, first being duly sworn on my oath state that it is my opinion that the cost of the **Proposed Rule -- 4 CSR 240-3.620, Filing Requirements for Water Utility Applications for Authority to Acquire the Stock of a Public Utility**, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.



Joseph L. Driskill  
DIRECTOR  
Department of Economic Development

Subscribed and sworn to before me this 20<sup>th</sup> day of April, 2002.  
I am commissioned as a notary public within the County of  
Callaway, State of Missouri, and my commission expires on  
September 21, 2004.



NOTARY PUBLIC

JULIE A ATCHISON  
NOTARY PUBLIC STATE OF MISSOURI  
CALLAWAY COUNTY  
MY COMMISSION EXP. SEPT 21, 2004

**Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT**

**Division 240 – Public Service Commission**

**Chapter 3 – Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.620 Filing Requirements for Water Utility Applications for Authority to Acquire the Stock of a Public Utility**

*PURPOSE: Applications to the commission for the authority to acquire the stock of a public utility must meet the requirements set forth in this rule. 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 authority to acquire the stock of a public utility shall include:

(A) A statement of the offer to purchase stock of the public utility or a copy of any agreement entered with shareholders to purchase stock;

(B) A certified copy of the resolution of the directors of applicant authorizing the acquisition of the stock; and

(C) Reasons why the proposed acquisition of the stock of the public utility is not detrimental to the public interest.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

*AUTHORITY: Section 386.250, RSMo 2000. Original rule filed May 1, 2002.*

*PUBLIC COST: The requirements of this proposed rule mirror requirements currently found in sections (2) and (12) of commission rule 4 CSR 240-2.060, which is being amended in a companion rulemaking. As a result, this proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: The requirements of this proposed rule mirror requirements currently found in sections (2) and (12) of commission rule 4 CSR 240-2.060, which is being amended in a companion rulemaking. As a result, this proposed rule will not cost private entities more than \$500 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 rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary to the Commission, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. Comments should refer to Commission Case No. AX-2001-654, and an original and nine copies of the comments should be filed. A public hearing regarding this proposed rule is scheduled for July 10, 2002 at 10:00 a.m., Room 310 in 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 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 days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

AX-2001-654

\*Administrative Rules Stamp

RECEIVED<sup>3</sup>

MAY 01 2002

MATT BLUNT  
Secretary of State  
Administrative Rules Division  
RULE TRANSMITTAL

Records  
Public Service Commission

REC

MAY 01 2002

SECRET  
ADMINISTRATIVE

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

A. Rule Number 4 CSR 240-3.625  
Diskette File Name Final Chapter of New Rules  
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 Building, 200 Madison St., 8th Floor, Jefferson City, MO

Statutory Provision for Rulemaking  
Authority 386.250(6), 536.016(1) Provide Most Current RSMo Year 2000

Date Filed With the Joint Committee on Administrative Rules Exempt per Sections 536.024 and 536.037, RSMo 2000, and Executive Order No. 97-97 (June 27, 1997)

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

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)  
Withdrawal (Rule, Amendment, Rescission or Emergency)  
Rule Action Notice  
In Addition

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**RULE TRANSMITTAL (PAGE 2)**

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1a. Effective Date for the Order  
Statutory 30 days \_\_\_\_\_ or later specific date \_\_\_\_\_

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YES \_\_\_\_\_ NO \_\_\_\_\_

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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

POST OFFICE BOX 360  
JEFFERSON CITY, MISSOURI 65102  
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May 1, 2002

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Executive Director  
WESS A. HENDERSON  
Director, Utility Operations  
ROBERT SCHALLENBERG  
Director, Utility Services  
DONNA M. PRENGER  
Director, Administration  
DALE HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge  
DANA K. JOYCE  
General Counsel

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

Dear Secretary Blunt,

**RE: 4 CSR 240-3.625 - Filing Requirements and Schedule of Fees for Applications for Approval of Water Service Territorial Agreements**

### CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rule lawfully submitted by the Missouri Public Service Commission on this 1st day of May 2002.

The Missouri Public Service Commission has determined and hereby certifies that this proposed rule will not have an economic impact on small businesses. The Missouri Public Service Commission also certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo 2000 and that this proposed rule does not constitute a taking of real property under relevant state and federal law.

Statutory Authority: Sections 386.250(6) and 536.016(1)

If there are any questions regarding the content of the rule, please contact: Cliff E. Snodgrass, 200 Madison Street, Suite 800, P. O. Box 360, Jefferson City, MO 65101, (573) 751-3966, [snodgra@mail.state.mo.us](mailto:snodgra@mail.state.mo.us)

Sincerely yours,

Marc D. Poston  
Senior Counsel  
Missouri Public Service Commission

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

RECEIVED

MAY 01 2002

SECRETARY OF STATE  
ADMINISTRATIVE SERVICES

**PROPOSED RULE**

**4 CSR 240-3.625 Filing Requirements for Applications for Approval of Water Service Territorial Agreements**

*PURPOSE: This rule establishes requirements that applications to the commission for approval of territorial agreements between water service providers 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 240-3.630.*

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for commission approval of territorial agreements between water service providers shall include:

- (A) A copy of the territorial agreement and a specific designation of the boundary, including legal description;
- (B) An illustrative tariff which reflects any changes in a regulated utility's operations or certification;
- (C) An explanation as to why the territorial agreement is in the public interest;
- (D) A list of all persons whose utility service would be changed by the agreement; and
- (E) A check for the initial filing fee set forth in 4 CSR 240-3.630.

(2) If any of the items required by subsections (1)(A)-(D) of this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

*AUTHORITY: Sections 386.250 and 247.172, RSMo 2000. Original rule filed May 1, 2002.*

*PUBLIC COST: The requirements of this proposed rule mirror requirements currently found in sections (2) and (13) of commission rule 4 CSR 240-2.060 and in commission rule 4 CSR 240-51.010, which are being amended and rescinded, respectively, in companion rulemakings. As a result, this proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PUBLIC COST: The requirements of this proposed rule mirror requirements currently found in sections (2) and (13) of commission rule 4 CSR 240-2.060 and in commission rule 4 CSR 240-51.010, which are being amended and rescinded, respectively, in companion rulemakings. As a result, this proposed rule will not cost private entities more than \$500 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 rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary to the Commission, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. Comments should refer to Commission Case No. AX-2001-654, and an original and nine copies of the comments should be filed. A public hearing regarding this proposed rule is scheduled for July 10, 2002 at 10:00 a.m., Room 310 in 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 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 days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

AX- 2001-654

RECEIVED<sup>3</sup>

\*Administrative Rules Stamp

MAY 01 2002

RECEIVED

MAY 01 2002

MATT BLUNT  
Secretary of State  
Administrative Rules Division  
RULE TRANSMITTAL

Records  
Public Service Commission

SECRETARY OF STATE  
ADMINISTRATIVE RULES

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

A. Rule Number 4 CSR 240-3.315  
Diskette File Name Final Chapter of New Rules  
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 Building, 200 Madison St., 8th Floor, Jefferson City, MO

Statutory Provision for Rulemaking  
Authority 386.250(6), 536.016(1) Provide Most Current RSMo Year 2000

Date Filed With the Joint Committee on Administrative Rules Exempt per Sections 536.024 and 536.037, RSMo 2000, and Executive Order No. 97-97 (June 27, 1997)

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

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)  
☐ 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.)

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**RULE TRANSMITTAL (PAGE 2)**

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E. ORDER OF RULEMAKING: Rule Number \_\_\_\_\_

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.

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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

POST OFFICE BOX 360  
JEFFERSON CITY, MISSOURI 65102  
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May 1, 2002

ROBERT J. QUINN, JR.  
Executive Director  
WESS A. HENDERSON  
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DONNA M. PRENGER  
Director, Administration  
DALE HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge  
DANA K. JOYCE  
General Counsel

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

Dear Secretary Blunt,

**RE: 4 CSR 240-3.315 - Filing Requirements for Sewer Utility Applications for Authority to Merge or Consolidate**

### CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rule lawfully submitted by the Missouri Public Service Commission on this 1st day of May 2002.

The Missouri Public Service Commission has determined and hereby certifies that this proposed rule will not have an economic impact on small businesses. The Missouri Public Service Commission also certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo 2000 and that this proposed rule does not constitute a taking of real property under relevant state and federal law.

Statutory Authority: Sections 386.250(6) and 536.016(1)

If there are any questions regarding the content of the rule, please contact: Cliff E. Snodgrass, 200 Madison Street, Suite 800, P. O. Box 360, Jefferson City, MO 65101, (573) 751-3966, [snodgra@mail.state.mo.us](mailto:snodgra@mail.state.mo.us)

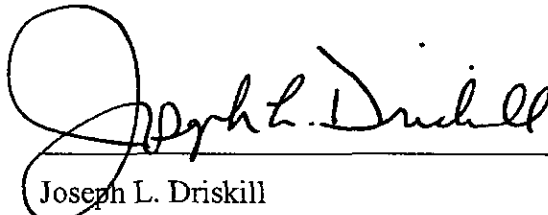
Sincerely yours,

Marc D. Poston  
Senior Counsel  
Missouri Public Service Commission

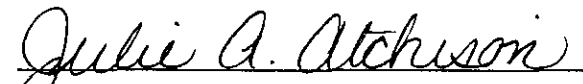
**AFFIDAVIT**

STATE OF MISSOURI     )  
                                      )  
COUNTY OF COLE        )

I, Joseph L. Driskill, Director of the Department of Economic Development, first being duly sworn on my oath state that it is my opinion that the cost of the **Proposed Rule -- 4 CSR 240-3.315, Filing Requirements for Sewer Utility Applications for Authority to Merge or Consolidate**, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

  
\_\_\_\_\_  
Joseph L. Driskill  
DIRECTOR  
Department of Economic Development

Subscribed and sworn to before me this 25<sup>th</sup> day of April, 2002.  
I am commissioned as a notary public within the County of  
Callaway, State of Missouri, and my commission expires on  
September 21, 2004.

  
\_\_\_\_\_  
NOTARY PUBLIC  
JULIE A ATCHISON  
NOTARY PUBLIC STATE OF MISSOURI  
CALLAWAY COUNTY  
MY COMMISSION EXP. SEPT 21, 2004

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

**RECEIVED**

**MAY 01 2002**

**SECRETARY OF STATE  
ADMINISTRATIVE RULES**

**PROPOSED RULE**

**4 CSR 240-3.315 Filing Requirements for Sewer Utility Applications for Authority to Merge or Consolidate**

*PURPOSE: Applications to the commission for the authority to merge or consolidate must meet the requirements set forth in this rule. 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 authority to merge or consolidate shall include:

(A) A copy of the proposed plan and agreement of corporate merger and consolidation, including organizational charts depicting the relationship of the merging entities before and after the transaction;

(B) A certified copy of the resolution of the board of directors of each applicant authorizing the proposed merger and consolidation;

(C) The balance sheets and income statements of each applicant and a balance sheet and income statement of the surviving corporation;

(D) The reasons the proposed merger is not detrimental to the public interest;

(E) An estimate of the impact of the merger on the company's Missouri jurisdictional operations relative to the merger and acquisition in question; and

(F) A statement of the impact, if any, the merger or consolidation will have on the tax revenues of the political subdivision in which any structures, facilities or equipment of the companies involved are located.

(2) If the purchaser is not subject to the jurisdiction of the commission, but will be subject to the commission's jurisdiction after the sale, the purchaser must comply with these rules.

(3) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

*AUTHORITY: Section 386.250, RSMo 2000. Original rule filed May 1, 2002.*

*PUBLIC COST: The requirements of this proposed rule mirror requirements currently found in sections (2, (8) and (9) of commission rule 4 CSR 240-2.060, which is being amended in a companion rulemaking. As a result, this proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: The requirements of this proposed rule mirror requirements currently found in sections (2, (8) and (9) of commission rule 4 CSR 240-2.060, which is being amended in a companion rulemaking. As a result, this proposed rule will not cost private entities more than \$500 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 rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary to the Commission, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. Comments should refer to Commission Case No. AX-2001-654, and an original and nine copies of the comments should be filed. A public hearing regarding this proposed rule is scheduled for July 10, 2002 at 10:00 a.m., Room 310 in 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 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 days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

AX-2001-654

RECEIVED<sup>3</sup>  
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\*Administrative Rules Stamp

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SECRETARY OF STATE  
ADMINISTRATIVE RULES

MATT BLUNT  
Secretary of State  
Administrative Rules Division  
RULE TRANSMITTAL

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

A. Rule Number 4 CSR 240-3.320  
Diskette File Name Final Chapter of New Rules  
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 Building, 200 Madison St., 8th Floor, Jefferson City, MO

Statutory Provision for Rulemaking  
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Date Filed With the Joint Committee on Administrative Rules Exempt per Sections 536.024 and 536.037, RSMo 2000, and Executive Order No. 97-97 (June 27, 1997)

B. CHECK, IF INCLUDED: FORMS, List by Mo-Form Number, # of Pages  
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☒ Affidavit \_\_\_\_\_  
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C. RULEMAKING ACTION TO BE TAKEN

Emergency Rulemaking, Must Specify Effective Date  
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Order of Rulemaking (MUST complete page 2 of this transmittal)  
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Chair  
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## Missouri Public Service Commission

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May 1, 2002

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ROBERT SCHALLENBERG  
Director, Utility Services  
DONNA M. PRENGER  
Director, Administration  
DALE HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge  
DANA K. JOYCE  
General Counsel

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

Dear Secretary Blunt,

**RE: 4 CSR 240-3.320 - Filing Requirements for Sewer Utility Applications for Authority to Issue Stock, Bonds, Notes and Other Evidences of Indebtedness**

### CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rule lawfully submitted by the Missouri Public Service Commission on this 1st day of May 2002.

The Missouri Public Service Commission has determined and hereby certifies that this proposed rule will not have an economic impact on small businesses. The Missouri Public Service Commission also certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo 2000 and that this proposed rule does not constitute a taking of real property under relevant state and federal law.

Statutory Authority: Sections 386.250(6) and 536.016(1)

If there are any questions regarding the content of the rule, please contact: Cliff E. Snodgrass, 200 Madison Street, Suite 800, P. O. Box 360, Jefferson City, MO 65101, (573) 751-3966, [snodgra@mail.state.mo.us](mailto:snodgra@mail.state.mo.us)

Sincerely yours,

A handwritten signature in black ink, appearing to read "Marc D. Poston".

Marc D. Poston  
Senior Counsel  
Missouri Public Service Commission

AFFIDAVIT

STATE OF MISSOURI     )  
                                      )  
COUNTY OF COLE        )

I, Joseph L. Driskill, Director of the Department of Economic Development, first being duly sworn on my oath state that it is my opinion that the cost of the **Proposed Rule -- 4 CSR 240-3.320, Filing Requirements for Sewer Utility Applications for Authority to Issue Stock, Bonds, Notes and Other Evidences of Indebtedness**, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.



Joseph L. Driskill  
DIRECTOR  
Department of Economic Development

Subscribed and sworn to before me this 25<sup>th</sup> day of April, 2002.

I am commissioned as a notary public within the County of Callaway, State of Missouri, and my commission expires on September 21, 2004.

  
NOTARY PUBLIC

JULIE A ATCHISON  
NOTARY PUBLIC STATE OF MISSOURI  
CALLAWAY COUNTY  
MY COMMISSION EXP. SEPT 21, 2004



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

RECEIVED

MAY 01 2002

SECRETARY OF  
ADMINISTRATIVE SERVICES

**PROPOSED RULE**

**4 CSR 240-3.320 Filing Requirements for Sewer Utility Applications for Authority to Issue Stock, Bonds, Notes and Other Evidences of Indebtedness**

*PURPOSE: Applications to the commission for the authority to issue stock, bonds, notes or other evidences of indebtedness must meet the requirements set forth in this rule. 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 authority to issue stock, bonds, notes and other evidences of indebtedness shall contain the following:

- (A) A brief description of the securities which applicant desires to issue;
- (B) A statement of the purpose for which the securities are to be issued and the use of the proceeds;
- (C) Copies of executed instruments defining the terms of the proposed securities --

1. If these instruments have been previously filed with the commission, a reference to the case number in which the instruments were furnished;

2. If these instruments have not been executed at the time of filing, a statement of the general terms and conditions to be contained in the instruments which are proposed to be executed; and

3. If none of these instruments is either executed or to be executed, a statement of how the securities are to be sold;

(D) A certified copy of resolutions of the directors of applicant authorizing the issuance of the securities;

(E) A balance sheet and income statement with adjustments showing the effects of the issuance of the proposed securities upon--

1. Bonded and other indebtedness; and

2. Stock authorized and outstanding;

(F) A statement of what portion of the issue is subject to the fee schedule in section 386.300, RSMo; and

(G) A five (5)-year capitalization expenditure schedule as required by section 393.200, RSMo.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

*AUTHORITY: Section 386.250, RSMo 2000. Original rule filed May 1, 2002.*

*PUBLIC COST: The requirements of this proposed rule mirror requirements currently found in sections (2) and (11) of commission rule 4 CSR 240-2.060, which is being amended in a companion rulemaking. As a result, this proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: The requirements of this proposed rule mirror requirements currently found in sections (2) and (11) of commission rule 4 CSR 240-2.060, which is being amended in a companion rulemaking. As a result, this proposed rule will not cost private entities more than \$500 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 rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary to the Commission, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. Comments should refer to Commission Case No. AX-2001-654, and an original and nine copies of the comments should be filed. A public hearing regarding this proposed rule is scheduled for July 10, 2002 at 10:00 a.m., Room 310 in 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 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 days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

AX-2001-654

RECEIVED<sup>3</sup>  
MAY 01 2002

Records  
Public Service Commission

\*Administrative Rules Stamp

RECEIVED

MAY 01 2002

SECRETARY OF STATE  
ADMINISTRATIVE RULES

MATT BLUNT  
Secretary of State  
Administrative Rules Division  
RULE TRANSMITTAL

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

A. Rule Number 4 CSR 240-3.325  
Diskette File Name Final Chapter of New Rules  
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 Building, 200 Madison St., 8th Floor, Jefferson City, MO

Statutory Provision for Rulemaking  
Authority 386.250(6), 536.016(1) Provide Most Current RSMo Year 2000

Date Filed With the Joint Committee on Administrative Rules Exempt per Sections 536.024 and 536.037, RSMo 2000, and Executive Order No. 97-97 (June 27, 1997)

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

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)  
☐ Withdrawal (Rule, Amendment, Rescission or Emergency)  
☐ Rule Action Notice  
☐ In Addition

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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.

**RULE TRANSMITTAL (PAGE 2)**

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E. ORDER OF RULEMAKING: Rule Number \_\_\_\_\_

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.

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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

POST OFFICE BOX 360  
JEFFERSON CITY, MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://www.psc.state.mo.us>  
May 1, 2002

ROBERT J. QUINN, JR.  
Executive Director  
WESS A. HENDERSON  
Director, Utility Operations  
ROBERT SCHALLENBERG  
Director, Utility Services  
DONNA M. PRENGER  
Director, Administration  
DALE HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge  
DANA K. JOYCE  
General Counsel

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

Dear Secretary Blunt,

**RE: 4 CSR 240-3.325 - Filing Requirements for Sewer Utility Applications for Authority to Acquire the Stock of a Public Utility**

### CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rule lawfully submitted by the Missouri Public Service Commission on this 1st day of May 2002.

The Missouri Public Service Commission has determined and hereby certifies that this proposed rule will not have an economic impact on small businesses. The Missouri Public Service Commission also certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo 2000 and that this proposed rule does not constitute a taking of real property under relevant state and federal law.

Statutory Authority: Sections 386.250(6) and 536.016(1)

If there are any questions regarding the content of the rule, please contact: Cliff E. Snodgrass, 200 Madison Street, Suite 800, P. O. Box 360, Jefferson City, MO 65101, (573) 751-3966, [snodgra@mail.state.mo.us](mailto:snodgra@mail.state.mo.us)

Sincerely yours,

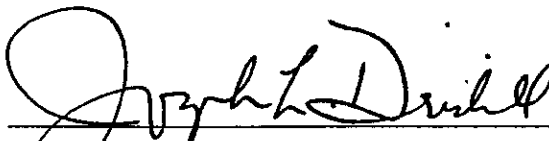
A handwritten signature in black ink, appearing to read "Marc Poston".

Marc D. Poston  
Senior Counsel  
Missouri Public Service Commission

AFFIDAVIT

STATE OF MISSOURI     )  
                                      )  
COUNTY OF COLE        )

I, Joseph L. Driskill, Director of the Department of Economic Development, first being duly sworn on my oath state that it is my opinion that the cost of the **Proposed Rule -- 4 CSR 240-3.325, Filing Requirements for Sewer Utility Applications for Authority to Acquire the Stock of a Public Utility**, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.



Joseph L. Driskill  
DIRECTOR  
Department of Economic Development

Subscribed and sworn to before me this 25<sup>th</sup> day of April, 2002.  
I am commissioned as a notary public within the County of  
Callaway, State of Missouri, and my commission expires on  
September 21, 2004.

  
NOTARY PUBLIC

JULIE A ATCHISON  
NOTARY PUBLIC STATE OF MISSOURI  
CALLAWAY COUNTY  
MY COMMISSION EXP. SEPT 21, 2004

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

**PROPOSED RULE**

RECEIVED

MAY 01 2002

SECRETARY OF  
ADMINISTRATIVE RULES

**4 CSR 240-3.325 Filing Requirements for Sewer Utility Applications for Authority to Acquire the Stock of a Public Utility**

*PURPOSE: Applications to the commission for the authority to acquire the stock of a public utility must meet the requirements set forth in this rule. 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 authority to acquire the stock of a public utility shall include:

- (A) A statement of the offer to purchase stock of the public utility or a copy of any agreement entered with shareholders to purchase stock;
- (B) A certified copy of the resolution of the directors of applicant authorizing the acquisition of the stock; and
- (C) Reasons why the proposed acquisition of the stock of the public utility is not detrimental to the public interest.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

*AUTHORITY: Section 386.250, RSMo 2000. Original rule filed May 1, 2002.*

*PUBLIC COST: The requirements of this proposed rule mirror requirements currently found in sections (2) and (12) of commission rule 4 CSR 240-2.060, which is being amended in a companion rulemaking. As a result, this proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: The requirements of this proposed rule mirror requirements currently found in sections (2) and (12) of commission rule 4 CSR 240-2.060, which is being amended in a companion rulemaking. As a result, this proposed rule will not cost private entities more than \$500 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 rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary to the Commission, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. Comments should refer to Commission Case No. AX-2001-654, and an original and nine copies of the comments should be filed. A public hearing regarding this proposed rule is scheduled for July 10, 2002 at 10:00 a.m., Room 310 in 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 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 days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

AX-2001-654

\*Administrative Rules Stamp

RECEIVED<sup>3</sup>

MAY 01 2002

Records  
Public Service Commission

RECEIVED

MAY 01 2002

SECRETARY OF STATE  
ADMINISTRATIVE RULES

MATT BLUNT  
Secretary of State  
Administrative Rules Division  
RULE TRANSMITTAL

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

A. Rule Number 4 CSR 240-3.330  
 Diskette File Name Final Chapter of New Rules  
 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 Building, 200 Madison St., 8th Floor, Jefferson City, MO

Statutory Provision for Rulemaking  
 Authority 386.250(6), 536.016(1) Provide Most Current RSMo Year 2000

Date Filed With the Joint Committee on Administrative Rules Exempt per Sections 536.024 and 536.037, RSMo 2000, and Executive Order No. 97-97 (June 27, 1997)

B. CHECK, IF INCLUDED: FORMS, List by Mo-Form Number, # of Pages  
☒ Cover Letter  
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 Public Entity Fiscal Note OTHER  
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C. RULEMAKING ACTION TO BE TAKEN  
 Emergency Rulemaking, Must Specify Effective Date  
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 Order of Rulemaking (MUST complete page 2 of this transmittal)  
 Withdrawal (Rule, Amendment, Rescission or Emergency)  
 Rule Action Notice  
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D. SPECIFIC INSTRUCTIONS: In this space indicate any special instructions (e.g., specify publication date preference, identify material incorporated by references, etc.)

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

**RULE TRANSMITTAL (PAGE 2)**

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E. ORDER OF RULEMAKING: Rule Number \_\_\_\_\_

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.

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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

POST OFFICE BOX 360  
JEFFERSON CITY, MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://www.psc.state.mo.us>  
May 1, 2002

ROBERT J. QUINN, JR.  
Executive Director  
WESS A. HENDERSON  
Director, Utility Operations  
ROBERT SCHALLENBERG  
Director, Utility Services  
DONNA M. PRENGER  
Director, Administration  
DALE HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge  
DANA K. JOYCE  
General Counsel

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

Dear Secretary Blunt,

**RE: 4 CSR 240-3.330 - Sewer Utility Small Company Rate Increase Procedure**

### CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rule lawfully submitted by the Missouri Public Service Commission on this 1st day of May 2002.

The Missouri Public Service Commission has determined and hereby certifies that this proposed rule will not have an economic impact on small businesses. The Missouri Public Service Commission also certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo 2000 and that this proposed rule does not constitute a taking of real property under relevant state and federal law.

Statutory Authority: Sections 386.250(6) and 536.016(1)

If there are any questions regarding the content of the rule, please contact: Cliff E. Snodgrass, 200 Madison Street, Suite 800, P. O. Box 360, Jefferson City, MO 65101, (573) 751-3966, [snodgra@mail.state.mo.us](mailto:snodgra@mail.state.mo.us)

Sincerely yours,

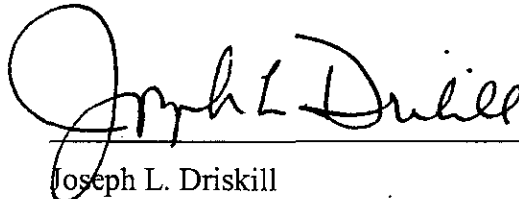
A handwritten signature in black ink, appearing to read "Marc Poston".

Marc D. Poston  
Senior Counsel  
Missouri Public Service Commission

**AFFIDAVIT**

STATE OF MISSOURI     )  
                                      )  
COUNTY OF COLE        )


I, Joseph L. Driskill, Director of the Department of Economic Development, first being duly sworn on my oath state that it is my opinion that the cost of the **Proposed Rule -- 4 CSR 240-3.330, Sewer Utility Small Company Rate Increase Procedure**, is less than five hundred dollars in the aggregate to this agency; any other agency of state government or any political subdivision thereof.



Joseph L. Driskill  
DIRECTOR  
Department of Economic Development

Subscribed and sworn to before me this 25<sup>th</sup> day of April, 2002.

I am commissioned as a notary public within the County of Callaway, State of Missouri, and my commission expires on September 21, 2004.

  
NOTARY PUBLIC

JULIE A ATCHISON  
NOTARY PUBLIC STATE OF MISSOURI  
CALLAWAY COUNTY  
MY COMMISSION EXP. SEPT 21, 2004

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

**PROPOSED RULE**

**4 CSR 240-3.330 Sewer Utility Small Company Rate Increase Procedure**

*PURPOSE: This rule provides procedures for small sewer utilities to obtain rate increases.*

(1) Notwithstanding any other rule to the contrary, small companies, as defined in this rule, may seek a general increase in revenues through a small company rate case by filing a letter requesting the change. The request shall not be accompanied by any tariff sheets. For the purpose of this rule, small companies qualifying to use the small company rate case described in this rule shall include sewer utilities having eight thousand (8,000) or fewer customers. The small company rate case shall be conducted as follows:

(A) The original letter requesting the change shall be filed with the secretary of the commission and one (1) copy shall be furnished to the public counsel. The letter shall state the amount of the additional revenue requested, the reason(s) for the proposed change and a statement that all commission annual assessments have been paid in full or are being paid under an installment plan. The letter should also include a statement that the company's current annual report is on file with the commission. The company, in writing, shall notify customers of the request for additional revenue and the effect on the typical residential customer's bill. The notice shall indicate that customers' responses may be sent to the appropriate commission department or the public counsel within thirty (30) days of the date shown on the notice. A draft copy of the notice shall be sent to the appropriate commission department for verification of the accuracy of the notice before being sent to the company's customers. A copy of the final notice shall then be sent to the appropriate commission department and the public counsel. The commission staff and the public counsel shall exchange copies of customer responses upon their receipt. Upon receipt of the company's request, the commission staff shall schedule an investigation of the company's operations and an audit of its financial records. When the investigation and audit are complete, the commission staff shall notify the company and public counsel whether the requested additional revenue is recommended in whole or in part, of the rate design proposal for the increase, and of any recommended operational changes. If public counsel wishes to conduct an investigation and audit of the company, it must do so within the same time period as staff's investigation and audit;

(B) The commission staff, within twenty-one (21) days from the completion of its investigation, shall arrange a conference with the company and shall notify the public counsel of the conference prior to the conference, in order to provide the public counsel an opportunity to participate;

(C) If the conference between the commission staff, the company and the public counsel results in an agreement concerning additional revenue requirements and any other matters pertaining to the company's operations, including responses to customer concerns, the agreement between the commission staff, the company and the public counsel shall be reduced to writing. The company may then file tariff sheet(s) with an effective date which is not fewer than thirty (30) days after the tariff's issue date and no additional customer notice or local public hearing shall be required, unless otherwise ordered by the commission. The company shall file a copy of the agreement with its tariff;

(D) If the conference results in an agreement between the commission staff and the company only, the company at this time shall file the necessary tariff sheet(s) with the commission in accordance with the agreement. The tariff sheet(s) shall contain an effective date of not fewer than forty-five (45) days from the issue date. The company shall notify customers in writing of the proposed rates resulting from the agreement. The notice shall indicate that customers' responses may be sent to the appropriate commission department or the public counsel within twenty (20) days of the date shown on the notice. A copy of the notice shall be sent to the secretary of the commission and the public counsel. The commission staff and the public counsel shall exchange copies of the customer responses upon their receipt. The public counsel shall file a pleading indicating its agreement or disagreement with the tariff sheet(s) within twenty-five (25) days of the date the tariff sheet(s) is filed, unless a public hearing is requested;

(E) A request for a local public hearing may be filed after the tariff sheet(s) is filed by the company. The request shall be filed within twenty (20) days of the filing of the tariff sheet(s) by the company. Public counsel shall file a pleading indicating agreement or disagreement with the tariff sheet(s) within seven (7) days after the local public hearing;

(F) An agreement must be reached and tariff sheet(s) filed based upon the agreement within one hundred fifty (150) days from the date the letter initiating the case is filed. This time period may be extended with the consent of the company. Written consent for an extension shall be filed with the company's tariff; and

1G) If no agreement can be reached between the commission staff and the company, the company may initiate a standard rate case.

*AUTHORITY: Section 386.250, RSMo 2000. Original rule filed May 1, 2002.*

*PUBLIC COST: The requirements of this proposed rule mirror requirements currently found in commission rule 4 CSR 240-2.200, which is being rescinded in a companion rulemaking. As a result, this proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: The requirements of this proposed rule mirror requirements currently found in commission rule 4 CSR 240-2.200, which is being rescinded in a companion rulemaking. As a result, this proposed rule will not cost private entities more than \$500 in the aggregate.*

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REC'D

MAY 01 2002

SECRET  
ADMIN.

AX-2001-654

\* Administrative Rules Stamp

RECEIVED<sup>3</sup>  
MAY 01 2002

Records  
Public Service Commission

RECEIVED

MAY 01 2002

SECRETARY OF STATE  
ADMINISTRATIVE RULES

MATT BLUNT  
Secretary of State  
Administrative Rules Division  
RULE TRANSMITTAL

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

A. Rule Number 4 CSR 240-3.335  
Diskette File Name Final Chapter of New Rules  
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 Building, 200 Madison St., 8th Floor, Jefferson City, MO

Statutory Provision for Rulemaking  
Authority 386.250(6), 536.016(1) Provide Most Current RSMo Year 2000  
Date Filed With the Joint Committee on Administrative Rules Exempt per Sections 536.024 and 536.037, RSMo 2000, and Executive Order No. 97-97 (June 27, 1997)

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☐ Emergency Rulemaking, Must Specify Effective Date  
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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 text. DO NOT delete the header, however.)

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

POST OFFICE BOX 360  
JEFFERSON CITY, MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://www.psc.state.mo.us>  
May 1, 2002

ROBERT J. QUINN, JR.  
Executive Director  
WESS A. HENDERSON  
Director, Utility Operations  
ROBERT SCHALLENBERG  
Director, Utility Services  
DONNA M. PRENGER  
Director, Administration  
DALE HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge  
DANA K. JOYCE  
General Counsel

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

Dear Secretary Blunt,

**RE: 4 CSR 240-3.335 - Annual Report Filing Requirements for Sewer Utilities**

### CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rule lawfully submitted by the Missouri Public Service Commission on this 1st day of May 2002.

The Missouri Public Service Commission has determined and hereby certifies that this proposed rule will not have an economic impact on small businesses. The Missouri Public Service Commission also certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo 2000 and that this proposed rule does not constitute a taking of real property under relevant state and federal law.

Statutory Authority: Sections 386.250(6) and 536.016(1)

If there are any questions regarding the content of the rule, please contact: Cliff E. Snodgrass, 200 Madison Street, Suite 800, P. O. Box 360, Jefferson City, MO 65101, (573) 751-3966, [snodgra@mail.state.mo.us](mailto:snodgra@mail.state.mo.us)

Sincerely yours,

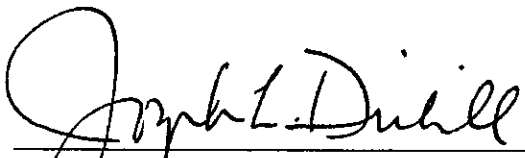
A handwritten signature in black ink, appearing to read "Marc Poston", with a long, sweeping horizontal stroke at the end.

Marc D. Poston  
Senior Counsel  
Missouri Public Service Commission

AFFIDAVIT

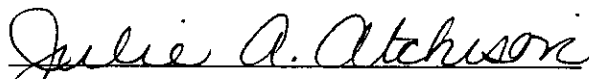
STATE OF MISSOURI     )  
                                      )  
COUNTY OF COLE        )

I, Joseph L. Driskill, Director of the Department of Economic Development, first being duly sworn on my oath state that it is my opinion that the cost of the **Proposed Rule -- 4 CSR 240-3.335, Annual Report Filing Requirements for Sewer Utilities**, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.



Joseph L. Driskill  
DIRECTOR  
Department of Economic Development

Subscribed and sworn to before me this 25<sup>th</sup> day of April, 2002.  
I am commissioned as a notary public within the County of  
Callaway, State of Missouri, and my commission expires on  
September 21, 2004.



NOTARY PUBLIC

JULIE A ATCHISON  
NOTARY PUBLIC STATE OF MISSOURI  
CALLAWAY COUNTY  
MY COMMISSION EXP. SEPT 21, 2004



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

RECEIVED

MAY 01 2002

**PROPOSED RULE**

SECRETARY OF  
ADMINISTRATION

**4 CSR 240-3.335 Annual Report Filing Requirements for Sewer Utilities**

*PURPOSE: This rule establishes standards for filing annual reports by sewer utilities subject to the jurisdiction of the Missouri Public Service Commission, including procedures for filing annual report information under seal.*

- (1) All sewer utilities subject to the jurisdiction of the Missouri Public Service Commission shall file an annual report with the commission on or before April 15 of each year.
- (2) Sewer utilities shall file their annual reports on either a form provided by the commission or on a computer-generated replica which is acceptable to the commission. All requested information shall be included in the annual report where applicable.
- (3) Where a utility subject to this rule considers the information requested on the annual report form to be confidential, it must make a written request to the executive secretary to file that information under seal and state good cause for maintaining the information under seal. The executive secretary shall then, through the general counsel, present that request to the commission for approval. The executive secretary shall inform the utility within three (3) days of the commission decision whether the request has been granted.
- (4) A utility which is unable to meet the filing date established in section (1) of this rule shall make a written request to extend the filing date for its annual report to the executive secretary and state the reason for the extension request. The executive secretary, through the chief administrative law judge, shall present the report to the commission for approval. The executive secretary shall inform the utility in writing within three (3) days of the decision of the commission.

*AUTHORITY: Sections 386.250 and 393.140, RSMo 2000. Original rule filed May 1, 2002.*

*PUBLIC COST: The requirements of this proposed rule mirror requirements currently found in commission rule 4 CSR 240-10.080, which is being rescinded in a companion rulemaking. As a result, this proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: The requirements of this proposed rule mirror requirements currently found in commission rule 4 CSR 240-10.080, which is being rescinded in a companion rulemaking. As a result, this proposed rule will not cost private entities more than \$500 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 rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary to the Commission, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. Comments should refer to Commission Case No. AX-2001-654, and an original and nine copies of the comments should be filed. A public hearing regarding this proposed rule is scheduled for July 10, 2002 at 10:00 a.m., Room 310 in 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 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 days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

AX-2001-654

RECEIVED<sup>3</sup>

MAY 01 2002

Records  
Public Service Commission

\* Administrative Rules Stamp

RECEIVED

MAY 01 2002

SECRETARY OF STATE  
ADMINISTRATIVE RULES

MATT BLUNT  
Secretary of State  
Administrative Rules Division  
RULE TRANSMITTAL

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

A. Rule Number 4 CSR 240-3.340  
Diskette File Name Final Chapter of New Rules  
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 Building, 200 Madison St., 8th Floor, Jefferson City, MO

Statutory Provision for Rulemaking  
Authority 386.250(6), 536.016(1) Provide Most Current RSMo Year 2000

Date Filed With the Joint Committee on Administrative Rules Exempt per Sections 536.024 and 536.037, RSMo 2000, and Executive Order No. 97-97 (June 27, 1997)

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

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)  
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.)

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.

**RULE TRANSMITTAL (PAGE 2)**

---

E. ORDER OF RULEMAKING: Rule Number \_\_\_\_\_

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 text. DO NOT delete the header, however.)

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

POST OFFICE BOX 360  
JEFFERSON CITY, MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://www.psc.state.mo.us>  
May 1, 2002

ROBERT J. QUINN, JR.  
Executive Director  
WESS A. HENDERSON  
Director, Utility Operations  
ROBERT SCHALLENBERG  
Director, Utility Services  
DONNA M. PRENGER  
Director, Administration  
DALE HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge  
DANA K. JOYCE  
General Counsel

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

Dear Secretary Blunt,

**RE: 4 CSR 240-3.340 - Filing Requirements for Sewer Utility Tariff Schedules**

### CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rule lawfully submitted by the Missouri Public Service Commission on this 1st day of May 2002.

The Missouri Public Service Commission has determined and hereby certifies that this proposed rule will not have an economic impact on small businesses. The Missouri Public Service Commission also certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo 2000 and that this proposed rule does not constitute a taking of real property under relevant state and federal law.

Statutory Authority: Sections 386.250(6) and 536.016(1)

If there are any questions regarding the content of the rule, please contact: Cliff E. Snodgrass, 200 Madison Street, Suite 800, P. O. Box 360, Jefferson City, MO 65101, (573) 751-3966, [snodgra@mail.state.mo.us](mailto:snodgra@mail.state.mo.us)

Sincerely yours,

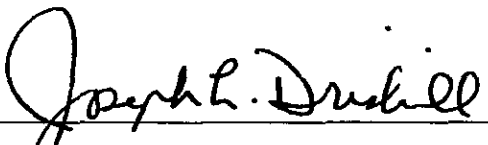
A handwritten signature in dark ink, appearing to read "Marc Poston", is written over a horizontal line.

Marc D. Poston  
Senior Counsel  
Missouri Public Service Commission

**AFFIDAVIT**

STATE OF MISSOURI     )  
                                      )  
COUNTY OF COLE        )

I, Joseph L. Driskill, Director of the Department of Economic Development, first being duly sworn on my oath state that it is my opinion that the cost of the **Proposed Rule -- 4 CSR 240-3.340, Filing Requirements for Sewer Utility Tariff Schedules**, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

  
\_\_\_\_\_  
Joseph L. Driskill  
DIRECTOR  
Department of Economic Development

Subscribed and sworn to before me this 25<sup>th</sup> day of April, 2002.  
I am commissioned as a notary public within the County of  
Callaway, State of Missouri, and my commission expires on  
September 21, 2004.

  
\_\_\_\_\_  
NOTARY PUBLIC

JULIE A ATCHISON  
NOTARY PUBLIC STATE OF MISSOURI  
CALLAWAY COUNTY  
MY COMMISSION EXP. SEPT 21, 2004

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

**PROPOSED RULE**

**4 CSR 240-3.340 Filing Requirements for Sewer Utility Tariff Schedules**

*PURPOSE: This rule prescribes the form, contents and procedures for filing tariff schedules by all sewer corporations under the jurisdiction of the Public Service Commission.*

- (1) Each sewer utility shall have on file with this commission a tariff schedule and all forms of contracts and agreements of whatever nature made by such sewer utility for each and every kind of service which it renders. For purposes of this rule the term tariff schedule shall include: schedules showing all rates and charges; all rules relating to rates, charges of service; all general privileges granted or allowed; and all maps of the area served or professed to be served and the legal description thereof.
- (2) All tariff schedules now on file with the commission, not in accordance with this rule, shall be reissued in the form and manner prescribed and all tariff schedules issued after March 2, 1973 must conform to this rule.
- (3) Tariff schedules shall be drawn up substantially in accordance with this commission's Form No. 13 and shall be plainly printed or typewritten on good quality paper of eight and one-half inches by eleven inches (8 1/2" x 11") in book, sheet or pamphlet form. A loose-leaf plan may be used so changes can be made by reprinting and inserting a single leaf. When the loose-leaf plan is used, all sheets, except the title page sheet, must show in the marginal space at top of page the name of the sewer utility issuing, the PSC number of schedule and the number of the page. In the marginal space at bottom of sheet shall be shown the date of issue, the effective date and the name, title and address of the officer by whom the schedule is issued. All tariff schedules shall bear a number with the prefix PSC Mo. No. \_\_\_\_\_. Tariff schedules for each sewer utility shall be numbered in consecutive serial order beginning with number 1. If a tariff schedule or part thereof is canceled, a new schedule or part thereof (sheet(s) if loose-leaf) will refer to the schedule canceled, by its PSC number; thus, the PSC Mo. No. \_\_\_\_\_ canceling PSC Mo. No. \_\_\_\_\_.
- (4) Each schedule shall be accompanied by a letter of transmittal, in duplicate if receipt is desired, which shall be prepared consistent with the format designated by the commission.
- (5) Each sewer utility shall keep a copy of its tariff schedule open for public inspection and readily accessible to any member of the public upon demand during business hours at its principal operating office and in each division office which is now or may be established. Any proposed changes in the tariff schedule shall be readily accessible to any member of the public upon demand in the offices of the sewer utility for a period of thirty (30) days prior to the effective date of such change. If, for good cause shown, the commission allows a change without thirty (30) days' notice, the sewer utility shall display such proposed change at its office for the period prescribed by the commission prior to the effective date of the change.
- (6) The following shall apply to all sewer utilities operating in the state of Missouri and each utility shall have on file as a part of its tariff schedule, rules which substantially conform thereto:
  - (A) Each sewer utility shall have on file with the commission rules relating to advance payments and deposits. If a utility requires advance payments for sewer service, it will not be permitted to require the customer to make a deposit to insure payment of bills. If the utility does not require advance payments for sewer service, it may require from any customer at any time a cash deposit, provided that the amount of any such deposit so required shall not exceed the amount due for service for one (1) billing period plus thirty (30) days;
  - (B) Interest at the rate of six percent (6%) per annum covering the period of the deposit shall be paid by the utility to the customer or applied to the customer's account, upon return of any deposit to the customer or the application of such deposit to the customer's account; provided the cash deposit remains with the utility for a period of at least twelve (12) months;
  - (C) These provisions shall not apply to any deposits or guarantees made by the customer for the purpose of securing an extension of or additions to a utility's collecting system in accordance with the utility's rules covering the extensions as filed with this commission;

- (D) Interest shall not accrue on any cash deposit after the date the utility has made a bona fide effort to return such deposit to the depositor. The utility shall keep in its records evidence of its effort to return such deposit;
- (E) Each utility shall issue to every customer from whom a deposit is received, a nonassignable receipt;
- (F) Each utility shall maintain accurate records of customer deposits which include the original amount, the date of the deposit and any transaction relating to the deposit or interest on the deposit; and
- (G) If a customer requests discontinuance of sewer service to the premises, the utility will refund the unearned portion of any advance payment on a pro rata basis, provided the customer has given proper notice to the utility as required by its rules on file with the Public Service Commission.
- (7) Each sewer utility shall file with the commission a sample of each type of customer bill form used by the utility, which shall provide for inclusion of the gross and/or net amount of the bill and the date by which the customer must pay the bill in order to benefit from any discount or to avoid any penalty. The utility shall specify its billing period, which shall in no case exceed a period of six (6) months.
- (8) Each utility shall specify the conditions under which it may discontinue service to a customer, which conditions may include, but not necessarily be limited to, nonpayment for services rendered in accordance with the tariff schedule on file for the utility with this commission and noncompliance with the utility's rules filed with the commission.
- (9) Each utility shall include in its rules that prior to physical discontinuance of service, the utility will mail at least thirty (30) days' written notice to the customers by certified mail return receipt requested and a copy of the written notice will be forwarded to this commission. The written notice shall state the violation and service may be discontinued at any time after the expiration of the specified period, provided satisfactory arrangements for continuance of the service have not been made. The requirement of a thirty (30)-day written notice prior to discontinuance of service may be waived where discharge of materials which might be detrimental to the public health and safety or cause damage to the sewer system of the utility are discovered. In the event of discontinuance of service for this reason, the customer and the commission shall be notified of such discontinuance immediately with a statement concerning the reasons for discontinuance.
- (10) Each sewer utility shall include in its tariff schedule a statement of the practices and policies of the utility governing extension of its collecting system to provide service to prospective customers.
- (11) Each utility shall specify the conditions under which it may refuse to provide service to an applicant, which conditions may include, but shall not be necessarily limited to, noncompliance with the utility's rules as filed with this commission, rules of this commission or local governmental regulations. If the utility refuses to serve an applicant under the provisions of this rule or any other rule, the utility shall inform the applicant in writing of the basis for its refusal and the applicant may appeal to the commission for a ruling.
- (12) The utility shall physically inspect all service sewer connections to its system. The applicant for service shall provide adequate advance notice to the utility to facilitate the inspection.
- (13) Each sewer utility shall also have on file as a part of its tariff schedule, rules applicable to, but not limited to, the following items: applications for service; availability of service; interruption of service; and right of access to customer's premises.
- (14) All proposed changes in rates, charges or rentals or in rules that affect rates, charges or rentals filed with the commission shall be accompanied by a brief summary, approximately one hundred (100) words or less, of the effect of the change on the company's customers. A copy of any proposed change and summary shall also be served on the public counsel and be available for public inspection and reproduction during regular office hours at the general business office of the utility.
- (15) Thirty (30) days' notice to the commission is required as to every publication relating to sewer rates or service except where publications are made effective on less than statutory notice by permission, regulation or requirement of the commission.
- (16) Except as is otherwise provided, no schedule or supplement will be accepted for filing unless it is delivered to the commission free from all charges or claims for postage, the full thirty (30) days required by law before the date upon which such schedule or supplement is stated to be effective. No consideration will be given to or for the time during

which a schedule or supplement may be held by the post office authorities because of insufficient postage. When a schedule or a supplement is issued and as to which the commission is not given the statutory notice, it is as if it had not been issued and a full statutory notice must be given of any reissuance. No consideration will be given to telegraphic notices in computing the thirty (30) days' notice required. In such cases the schedule will be returned to the sender and correction of the neglect or omission cannot be made which takes into account any time elapsing between the date upon which the schedule or supplement was received and the date of the attempted correction. For rate schedules and supplements issued on short notice under special permission of the commission, literal compliance with the requirements for notice named in any order, regulation or permission granted by the commission will be exacted.

*AUTHORITY: Sections 386.250 and 393.140, RSMo 2000. Original rule filed May 1, 2002.*

*PUBLIC COST: The requirements of this proposed rule mirror requirements currently found in commission rule 4 CSR 240-60.030 which is being rescinded in a companion rulemaking. As a result, this proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: The requirements of this proposed rule mirror requirements currently found in commission rule 4 CSR 240-60.030, which is being rescinded in a companion rulemaking. As a result, this proposed rule will not cost private entities more than \$500 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 rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary to the Commission, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. Comments should refer to Commission Case No. AX-2001-654, and an original and nine copies of the comments should be filed. A public hearing regarding this proposed rule is scheduled for July 10, 2002 at 10:00 a.m., Room 310 in 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 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 days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

REC'D

MAY 31 2002

SECRETARY  
ADMINISTRATIVE



AX-2001-654

RECEIVED<sup>3</sup>

MAY 01 2002

Records  
Public Service Commission

\*Administrative Rules Stamp

RECEIVED

MAY 01 2002

SECRETARY OF STATE  
ADMINISTRATIVE RULES

**MATT BLUNT**  
Secretary of State  
Administrative Rules Division  
**RULE TRANSMITTAL**

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

A. Rule Number 4 CSR 240-3.400  
Diskette File Name Final Chapter of New Rules  
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 Building, 200 Madison St., 8th Floor, Jefferson City, MO

Statutory Provision for Rulemaking  
Authority 386.250(6), 536.016(1) Provide Most Current RSMo Year 2000

Date Filed With the Joint Committee on Administrative Rules Exempt per Sections 536.024 and 536.037, RSMo 2000, and Executive Order No. 97-97 (June 27, 1997)

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

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)  
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.)

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.

**RULE TRANSMITTAL (PAGE 2)**

---

E. ORDER OF RULEMAKING: Rule Number \_\_\_\_\_

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.

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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

POST OFFICE BOX 360  
JEFFERSON CITY, MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://www.psc.state.mo.us>  
May 1, 2002

ROBERT J. QUINN, JR.  
Executive Director  
WESS A. HENDERSON  
Director, Utility Operations  
ROBERT SCHALLENBERG  
Director, Utility Services  
DONNA M. PRENGER  
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DALE HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge  
DANA K. JOYCE  
General Counsel

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

Dear Secretary Blunt,

**RE: 4 CSR 240-3.400 - Filing Requirements for Steam Heating Utility Applications for  
Certificates of Convenience and Necessity**

### CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rule lawfully submitted by the Missouri Public Service Commission on this 1st day of May 2002.

The Missouri Public Service Commission has determined and hereby certifies that this proposed rule will not have an economic impact on small businesses. The Missouri Public Service Commission also certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo 2000 and that this proposed rule does not constitute a taking of real property under relevant state and federal law.

Statutory Authority: Sections 386.250(6) and 536.016(1)

If there are any questions regarding the content of the rule, please contact: Cliff E. Snodgrass,  
200 Madison Street, Suite 800, P. O. Box 360, Jefferson City, MO 65101, (573) 751-3966,  
[snodgra@mail.state.mo.us](mailto:snodgra@mail.state.mo.us)

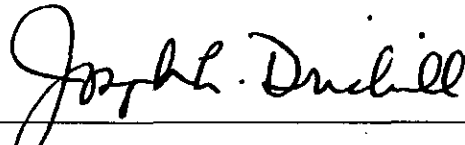
Sincerely yours,

Marc D. Poston  
Senior Counsel  
Missouri Public Service Commission

**AFFIDAVIT**

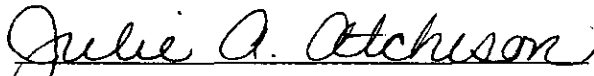
STATE OF MISSOURI     )  
                                      )  
COUNTY OF COLE        )

I, Joseph L. Driskill, Director of the Department of Economic Development, first being duly sworn on my oath state that it is my opinion that the cost of the **Proposed Rule -- 4 CSR 240-3.400, Filing Requirements for Steam Heating Utility Applications for Certificates of Convenience and Necessity**, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.



Joseph L. Driskill  
DIRECTOR  
Department of Economic Development

Subscribed and sworn to before me this 25<sup>th</sup> day of April, 2002.  
I am commissioned as a notary public within the County of Callaway, State of Missouri, and my commission expires on September 21, 2004.



NOTARY PUBLIC

JULIE A ATCHISON  
NOTARY PUBLIC STATE OF MISSOURI  
CALLAWAY COUNTY  
MY COMMISSION EXP. SEPT 21, 2004

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

**PROPOSED RULE**

**4 CSR 240-3.400 Filing requirements for Steam Heating Utility Applications for Certificates of Convenience and Necessity**

*PURPOSE: Applications to the commission requesting that the commission grant a certificate of convenience and necessity must meet the requirements of this rule. 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 a certificate of convenience and necessity shall include the following information:

(A) If the application is for a service area--

1. A statement as to the same or similar utility service, regulated and nonregulated, available in the area requested;
2. If there are ten (10) or more residents or landowners, the name and address of no fewer than ten (10) persons residing in the proposed service area or of no fewer than ten (10) landowners in the event there are no residences in the area, or, if there are fewer than ten (10) residents or landowners, the name and address of all residents and landowners;
3. The legal description of the area to be certificated;
4. A plat drawn to a scale of one-half inch (1/2") to the mile on maps comparable to county highway maps issued by the Missouri Department of Transportation or a plat drawn to a scale of two thousand feet (2,000') to the inch; and
5. A feasibility study containing plans and specifications for the utility system and estimated cost of the construction of the utility system during the first three (3) years of construction; plans for financing; proposed rates and charges and an estimate of the number of customers, revenues and expenses during the first three (3) years of operations;

(B) If the application is for electrical transmission lines or electrical production facilities--

1. A description of the route of construction and a list of all electric and telephone lines of regulated and nonregulated utilities, railroad tracks or any underground facility, as defined in section 319.015, RSMo, which the proposed construction will cross;
2. The plans and specifications for the complete construction project and estimated cost of the construction project or a statement of the reasons the information is currently unavailable and a date when it will be furnished; and
3. Plans for financing;

(C) When no evidence of approval of the affected governmental bodies is necessary, a statement to that effect;

(D) When approval of the affected governmental bodies is required, evidence must be provided as follows:

1. When consent or franchise by a city or county is required, approval shall be shown by a certified copy of the document granting the consent or franchise, or an affidavit of the applicant that consent has been acquired; and
2. A certified copy of the required approval of other governmental agencies; and

(E) The facts showing that the granting of the application is required by the public convenience and necessity.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

*AUTHORITY: Section 386.250, RSMo 2000. Original rule filed May 1, 2002.*

*PUBLIC COST: The requirements of this proposed rule mirror requirements currently found in sections (2) and (4) of commission rule 4 CSR 240-2.060, which is being amended in a companion rulemaking. As a result, this proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: The requirements of this proposed rule mirror requirements currently found in sections (2) and (4) of commission rule 4 CSR 240-2.060, which is being amended in a companion rulemaking. As a result, this proposed rule will not cost private entities more than \$500 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 rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary to the Commission, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days*

after publication of this notice in the **Missouri Register**. Comments should refer to Commission Case No. AX-2001-654, and an original and nine copies of the comments should be filed. A public hearing regarding this proposed rule is scheduled for July 10, 2002 at 10:00 a.m., Room 310 in 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 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 days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

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MAY 01 2002

SECRETARY OF STATE  
ADMINISTRATIVE HALL