

AX-2001-654

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MATT BLUNT
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

Records
Public Service Commission

SECRETARY OF
 ADMINISTRATIVE RULES

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

A. Rule Number 4 CSR 240-20.070
 Diskette File Name 4 CSR 240-20
 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.

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 240-20.070 - Decommissioning Trust Funds

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

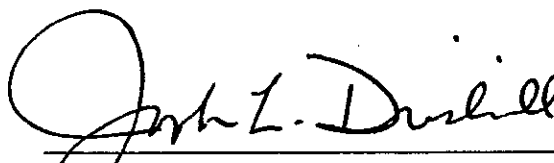
Sincerely yours,

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 Amendment -- 4 CSR 240-20.070, Decommissioning Trust Funds**, 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 25th 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 COM. EXPIRES SEP 21, 2004

Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240 – Public Service Commission

Chapter 20 – Electric Utilities

PROPOSED AMENDMENT

4 CSR 240-20.070 Decommissioning Trust Funds. The commission is proposing to amend the purpose section of the rule by adding a reference to other applicable commission rules, to delete sections (5), (6), (9) and (10) from the rule and to renumber the remaining sections accordingly.

PURPOSE: This amendment reflects a reorganization of the commission's rules regarding general filing requirements in that requirements mirroring those found in the section being deleted from this rule are being adopted in a rule in the commission's new Chapter 3.

*PURPOSE: This rule is promulgated pursuant to section 393.292, RSMo to--1) govern the review and authorization of changes to the rates and charges contained in the tariff(s) of an electric corporation as a result of a change in the level or annual accrual of funding necessary for its nuclear power plant decommissioning trust fund, 2) govern the procedure for the submission, examination, hearing and approval for the tariff changes and 3) ensure that the amounts collected from ratepayers and paid into the trust funds will be neither greater nor lesser than the amounts necessary to carry out the purposes of the trust. **Additional requirements pertaining to this subject matter are also found at 4 CSR 240-3.185.***

[(5) The utility or the trustee shall file reports quarterly to the commission. The reports shall contain the following information:

- (A) A total of all jurisdictional balances of the trust fund(s) based on a carrying cost (book) value;*
- (B) A total of all jurisdictional balances of the trust fund(s) based on a market value;*
- (C) A Missouri jurisdictional balance of the trust fund(s) based on a carrying cost (book) value;*
- (D) A Missouri jurisdictional balance of the trust fund(s) based on a market value;*
- (E) A summary of the trust account including the utility's contributions, incomes, expenses and a weighted average after-tax return for the quarter;*
- (F) A portfolio summary per asset class by amount and percentage;*
- (G) A detailed report of daily transactions; and*
- (H) Any other information the commission orders the utility or trustee to provide.*

(6) In addition, the utility or the trustee shall file reports annually to the commission that contain the following information:

- (A) An asset maturity schedule;*
- (B) A summary of the trust's portfolio of investments including a listing of each security detailing the carrying cost, current market value, maturity date, estimated annual income and the yield to maturity;*
- (C) A copy of all correspondence including income tax returns and tax exempt rulings concerning the trust with the IRS or any state revenue agency; and*
- (D) Any other information the commission orders the utility or trust to provide.]*

[(7)](5) The utility shall take every reasonable action to provide reasonable assurance that adequate funds are available at the nuclear generating unit's termination of operation, so that decommissioning can be carried out in a safe and timely manner and that lack of funds does not result in delays that may cause undue health and safety hazards.

[(8)](6) The utility shall maintain its nuclear generating unit(s) in a manner calculated to minimize the utility's total cost of maintenance and decommissioning, consistent with the prudent operation of the unit.

[(9) On or before September 1, 1990 and every three (3) years after that, utilities with decommissioning trust funds shall perform and file with the commission cost studies detailing the utilities' latest cost estimates for decommissioning their nuclear generating unit(s) along with the funding levels necessary to defray these decommissioning costs. These studies shall be filed along with appropriate tariff(s) effectuating the change in rates necessary to accomplish the funding required. In addition, the commission, at any time for just cause, may require a utility to file an updated decommissioning cost study, funding requirement and associated tariff(s).

(10) At the time a tariff(s) is filed by a utility which proposes any change in rates due to changes in the estimate of decommissioning cost or the funding level of its nuclear decommissioning trust fund(s), the utility shall file the following minimum information in support of the need for changes in its tariff rates:

(A) An updated decommissioning cost study which estimates the cost of decommissioning and the funding levels necessary to defray these costs. This study shall contain the following information:

1. Detailed quantities and unit prices in current dollars for each system of the nuclear generating unit to be decommissioned;

2. A detailed breakdown between radioactive contaminated systems and those systems which are not contaminated by radioactivity;

3. Funding levels which are computed on a levelized basis and which accrue future decommissioning costs over the remaining licensed life of the nuclear generating unit. The utility shall include the earnings rate and inflation rate assumed in the cost study as compared to those assumed in any previous study;

4. A detailed description of any facilities that were added to or deleted from the cost study filed in the previous case;

5. The beginning date for the expenditure of funds for decommissioning assumed in the study shall be no later than the expiration date of the unit's current Nuclear Regulatory Commission (NRC) license; and

6. The study shall consider and evaluate all reasonable practices or procedures which would reduce the ultimate cost of decommissioning; and

(B) A summary description of the reasons (for example, changes in regulation, technology or economics) that brought on the need to change the decommissioning cost estimate.]

[(11)](7) Upon the filing of the appropriate tariff(s) as set in [sections (9) and (10)] 4 CSR 240-3.180, the commission shall establish a schedule of proceedings which shall be limited in scope to the following issues:

(A) The extent of any change in the level or annual accrual of funding necessary for the utility's decommissioning trust fund; and

(B) The changes in rates which would reflect any change in the funding level or accrual rate.

[(12)](8) For a fund intended to be tax qualified, after receipt of any commission order modifying the annual decommissioning funding requirements, the affected utility shall apply for an adjusted IRS ruling in a timely manner, seeking deductibility of the new annual decommissioning cost accruals consistent with the effective dates given in the order. Pending final IRS approval, the utility shall be authorized to continue funding at the level which existed prior to the commission order provided that the utility will take all appropriate action to preserve the tax deduction of the amounts subsequently approved in the IRS ruling.

[(13)](9) Distributions may be made from a nuclear decommissioning trust fund only to satisfy the liabilities of the utility for nuclear decommissioning costs relating to the nuclear generating unit for which the decommissioning fund was established and to pay administrative costs, income taxes and other incidental expenses of the trust fund. The utility shall not use proceeds of the trust for the purpose of filing for an updated tax ruling or to qualify the trust.

[(14)](10) Each utility shall file with the commission the detailed plan required by the NRC for the decommissioning of its nuclear generating unit when that plan is filed with the NRC. Before any distribution of decommissioning trust funds are made for the decommissioning of its nuclear generating unit, the utility must notify and obtain commission approval of its intent to make this distribution.

[(15)](11) The utility shall conduct the decommissioning of its nuclear generating unit in accordance with NRC requirements and must not knowingly allow any procedure that would unreasonably endanger human life or the environment.

[(16)](12) Upon termination of the trust, the utility shall file with the commission the appropriate tariff(s) to reflect the termination of payments into the decommissioning trust fund, as well as refund or credit any overcollection of these funds.

[(17)](13) Upon proper application and after due notice and hearing, the commission may waive any provision of this rule for good cause shown.

~~[(18)]~~(14) The commission may adopt further amendments as it deems necessary for the sound management of the trust fund(s), consistent with the purpose of this rule.

AUTHORITY: [section 393.292, RSMo Supp. 1989] Sections 386.250 and 393.292, RSMo 2000. Original rule filed Nov. 27, 1989, effective March 26, 1990. Amended: Filed May 4, 1993, effective Dec. 9, 1993.

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

PRIVATE COST: This proposed amendment 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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SECRETARY OF STATE
ADMINISTRATIVE RULES

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RULE TRANSMITTAL

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ADMINISTRATIVE RULES

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

A. Rule Number 4 CSR 240-20.080
Diskette File Name 4 CSR 240-20
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
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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)
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RULE TRANSMITTAL (PAGE 2)

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Statutory 30 days _____ or later specific date _____

1b. Does the Order of Rulemaking contain changes to the rule text?
YES _____ NO _____

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Chair
CONNIE MURRAY
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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
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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 240-20.080 - Electrical Corporation Reporting Requirements for Certain Events

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

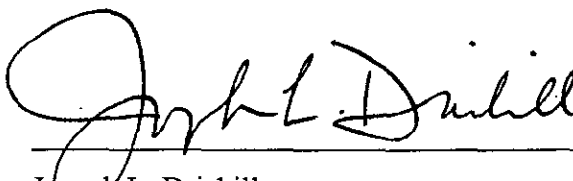
Sincerely yours,

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 Rescission -- 4 CSR 240-20.080, Electrical Corporation Reporting Requirements for Certain Events**, 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 25th 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 20 – Electric Utilities

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MAY 01 2002

PROPOSED RESCISSION

SECRETARY OF STATE
ADMINISTRATIVE RULES

4 CSR 240-20.080 Electrical Corporation Reporting Requirements for Certain Events. This rule prescribed requirements and procedures for the reporting of certain events by electrical corporations to the Public Service Commission to inform the commission of developments which may affect the rendering of safe and adequate service and to enable the commission to thoroughly and fairly investigate certain events, which may have an impact in future electric rate proceedings at the time and in the context in which those events occur.

PURPOSE: The commission is rescinding this rule from this Chapter and adopting requirements mirroring those found in the rule in a rule in the commission's new Chapter 3, as a part of an overall reorganization of the commission's rules regarding general filing requirements.

AUTHORITY: section 393.140, RSMo 1986. Original rule filed March 1, 1991, effective Sept. 30, 1991.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission 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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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 240-21.010
Diskette File Name 4 CSR 240-21
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

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Missouri Public Service Commission

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May 1, 2002

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Executive Director
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Director, Utility Operations
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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 240-21.010 - Schedule of Fees

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

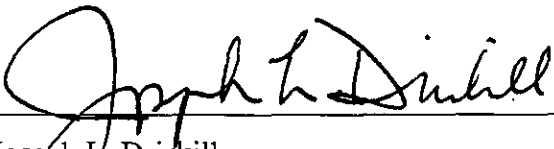
Sincerely yours,

Marc D. Poston
Senior Counsel
Missouri Public Service Commission

AFFIDAVIT

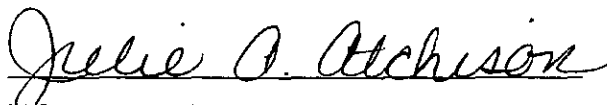
STATE OF MISSOURI)
)
COUNTY OF COLE)

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 Rescission -- 4 CSR 240-21.010, Schedule of Fees**, 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 25th 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 21 – Electric Service Territorial Agreements**

PROPOSED RESCISSION

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**SECRETARY OF STATE
ADMINISTRATIVE RULES**

4 CSR 240-21.010 Schedule of Fees: This rule set a schedule of fees for commission review of proposed territorial agreements between electric service suppliers.

PURPOSE: The commission is rescinding this rule from this Chapter and adopting requirements mirroring those found in the rule in a rule in the commission's new Chapter 3, as a part of an overall reorganization of the commission's rules regarding general filing requirements.

*AUTHORITY: section 394.312 and 386.800, RSMo 2000. Original rule filed Oct. 3, 1989, effective Jan. 1, 1990.
Amended: Filed June 1, 2001, effective Jan. 30, 2002.*

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission 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

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MAY 01 2002

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MAY 01 2002

MATT BLUNT
Secretary of State

Records
Public Service Commission

SECRETARY OF STATE
ADMINISTRATIVE RULES

Administrative Rules Division
RULE TRANSMITTAL

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

A. Rule Number 4 CSR 240-30.010
Diskette File Name 4 CSR 240-30
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 240-30.010 - Rate 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

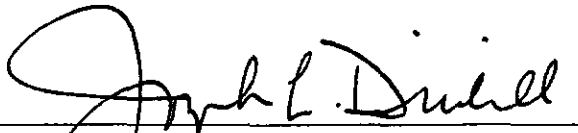
Sincerely yours,

Marc D. Poston
Senior Counsel
Missouri Public Service Commission

AFFIDAVIT

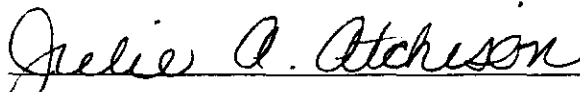
STATE OF MISSOURI)
)
COUNTY OF COLE)

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 Rescission -- 4 CSR 240-30.010, 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 25th 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 30 – Telephone Utilities**

RECEIVED

MAY 01 2002

PROPOSED RESCISSION

**SECRETARY OF STATE
ADMINISTRATIVE RULES**

4 CSR 240-30.010 Rate Schedules. This rule prescribed the form and procedures for filing and publishing schedules of rates of all telephone corporations under the jurisdiction of the Public Service Commission.

PURPOSE: The commission is rescinding this rule from this Chapter and adopting requirements mirroring those found in the rule in a rule in the commission's new Chapter 3, as a part of an overall reorganization of the commission's rules regarding general filing requirements.

AUTHORITY: section 392.220, RSMo (Cum. Supp. 1991). Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed May 6, 1977, effective Dec. 11, 1977.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission 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

RECEIVED³

*Administrative Rules Stamp

MAY 01 2002

REC

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 240-32.030
Diskette File Name 4 CSR 240-32
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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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 240-32.030 - 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

Sincerely yours,

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

Marc D. Poston
Senior Counsel
Missouri Public Service Commission

**Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240 – Public Service Commission
Chapter 32 – Telecommunications Service**

RECEIVED

MAY 01 2002

SECRETARY OF STATE
ADMINISTRATIVE RULES

PROPOSED RESCISSION

4 CSR 240-32.030 Records and Reports. This rule prescribed the type, location and retention of records, and reports on telecommunications service.

PURPOSE: The commission is rescinding this rule from this Chapter and adopting requirements mirroring those found in the rule in a rule in the commission's new Chapter 3, as a part of an overall reorganization of the commission's rules regarding general filing requirements.

AUTHORITY: Sections 386.040, RSMo 1994 and 386.250, 386.310 and 392.200, RSMo Supp. 1998. Original rule filed Dec. 11, 1975, effective Dec. 23, 1975. Amended: Filed Aug. 13, 1984, effective Nov. 15, 1984. Rescinded and readopted: Filed Jan. 5, 1999, effective Sept. 30, 1999.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission 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

RECEIVED³

MAY 01 2002

REC

MAY 01 2002

MATT BLUNT
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

Records
Public Service Commission

SECRET
ADMINISTRATIVE RULES

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

A. Rule Number 4 CSR 240-33.060
Diskette File Name 4 CSR 240-33
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 _____

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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
573-751-3234
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May 1, 2002

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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 240-33.060 - Residential Customers 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

Sincerely yours,

Marc D. Poston
Senior Counsel
Missouri Public Service Commission

Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240 – Public Service Commission
Chapter 33 – Service and Billing Practices for Telecommunications Companies

PROPOSED AMENDMENT

4 CSR 240-33.060 Residential Customer Inquiries. The commission is proposing to amend the purpose section of the rule by adding a reference to other applicable commission rules, to delete sections (1) and (3) from the rule and to renumber the remaining sections of the rule accordingly.

PURPOSE: This amendment reflects a reorganization of the commission's rules regarding general filing requirements in that requirements mirroring those found in the sections being deleted from this rule are being adopted in a rule in the commission's new Chapter 3.

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. Additional requirements pertaining to this subject matter are also found at 4 CSR 240-3.555.

[(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)](1) A telecommunications company shall establish personnel procedures which ensure that personnel shall be available during normal business hours to accept customer inquiries within a reasonable time after such inquiries are made by telephone or in person. Within a reasonable time after accepting such an inquiry, a telecommunications company will make available appropriate personnel to handle the inquiry. A telecommunications company shall provide a toll-free telephone number for customer inquiries.

[(3) 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: [sections 386.040, RSMo 1994 and 386.250 and 392.200, RSMo Supp. 1998] **Sections 386.040, 386.250 and 392.200, RSMo 2000.** Original rule filed Jan. 14, 1977, effective Oct. 1, 1977. Rescinded and readopted: Filed Aug. 26, 1999, effective April 30, 2000.

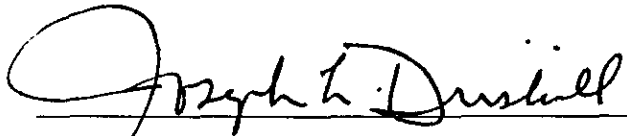
PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than \$500 in the aggregate.*

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 Amendment -- 4 CSR 240-33.060, Residential Customers 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 25th 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

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 RULES**

AX-2001-654

RECEIVED³

MAY 01 2002

*Administrative Rules Stamp

REC'D

MAY 01 2002

MATT BLUNT
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

*Records
Public Service Commission*

SECRET OF STATE
ADMINISTRATIVE RULES

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

A. Rule Number 4 CSR 240-40.010
Diskette File Name 4 CSR 240-40
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
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C. RULEMAKING ACTION TO BE TAKEN

☐ Emergency Rulemaking, Must Specify Effective Date
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Add additional sheet(s), if more space is needed.

RULE TRANSMITTAL (PAGE 2)

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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
573-751-3234
573-751-1847 (Fax Number)
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May 1, 2002

ROBERT J. QUINN, JR.
Executive Director
WESS A. HENDERSON
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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 240-40.010 - Rate 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

Sincerely yours,

A handwritten signature in black ink, appearing to read "M. 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 Rescission -- 4 CSR 240-40.010, 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

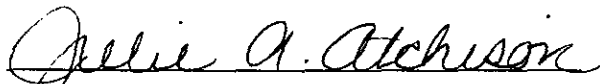
DIRECTOR

Department of Economic Development

Subscribed and sworn to before me this 26th 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 40 – Gas Utilities and Gas Safety Standards**

PROPOSED RESCISSION

RECEIVED

MAY 01 2002

SECRETARY OF STATE
ADMINISTRATIVE RULES

4 CSR 240-40.010 Rate Schedules. This rule prescribed the forms and procedures for filing and publishing schedules of rates of all gas utilities under the jurisdiction of the Public Service Commission.

PURPOSE: The commission is rescinding this rule from this Chapter and adopting requirements mirroring those found in the rule in a rule in the commission's new Chapter 3, as a part of an overall reorganization of the commission's rules regarding general filing requirements.

AUTHORITY: section 393.140(11), RSMo 1986. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed May 16, 1977, effective Dec. 11, 1977. Amended: Filed May 29, 1986, effective Oct. 27, 1986.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission 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

RECEIVED³

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 240-40.015
Diskette File Name 4 CSR 240-40
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 240-40.015 - Affiliate Transactions

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

Sincerely yours,

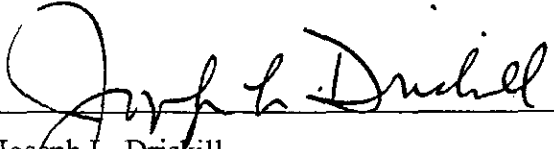
A handwritten signature in dark ink, appearing to read "Marc Poston".

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 Amendment -- 4 CSR 240-40.015, Affiliate Transactions**, 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 25th 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 40 – Gas Utilities and Gas Safety Standards

PROPOSED AMENDMENT

4 CSR 240-40.015 Affiliate Transactions. The commission is proposing to amend the purpose section of the rule by adding a reference to other applicable commission rules, to delete subsection (4)(B) of the rule and to renumber the remaining subsections of section (4) accordingly.

PURPOSE: This amendment reflects a reorganization of the commission's rules regarding general filing requirements in that requirements mirroring those found in the subsection being deleted from this rule are being adopted in a rule in the commission's new Chapter 3.

PURPOSE: This rule is intended to prevent regulated utilities from subsidizing their nonregulated operations. In order to accomplish this objective, the rule sets forth financial standards, evidentiary standards and record keeping requirements applicable to any Missouri Public Service Commission (commission) regulated gas corporation whenever such corporation participates in transactions with any affiliated entity (except with regard to HVAC services as defined in section 386.754, RSMo Supp. 1998, by the General Assembly of Missouri). The rule and its effective enforcement will provide the public the assurance that their rates are not adversely impacted by the utilities' nonregulated activities. Additional requirements pertaining to this subject matter are also found at 4 CSR 240-3.265.

(4) Record Keeping Requirements.

(A) A regulated gas corporation shall maintain books, accounts and records separate from those of its affiliates.

[(B) Each regulated gas corporation shall maintain the following information in a mutually agreed-to electronic format (i.e., agreement between the staff, Office of the Public Counsel and the regulated gas corporation) regarding affiliate transactions on a calendar year basis and shall provide such information to the commission staff and the Office of the Public Counsel on, or before, March 15 of the succeeding year:

- 1. A full and complete list of all affiliated entities as defined by this rule;*
- 2. A full and complete list of all goods and services provided to or received from affiliated entities;*
- 3. A full and complete list of all contracts entered with affiliated entities;*
- 4. A full and complete list of all affiliate transactions undertaken with affiliated entities without a written contract together with a brief explanation of why there was no contract;*
- 5. The amount of all affiliate transactions, by affiliated entity and account charged; and*
- 6. The basis used (e.g., fair market price, FDC, etc.) to record each type of affiliate transaction.*

(C) In addition each **(B) Each** regulated gas corporation shall maintain the following information regarding affiliate transactions on a calendar year basis:

1. Records identifying the basis used (e.g., fair market price, FDC, etc.) to record all affiliate transactions; and
2. Books of accounts and supporting records in sufficient detail to permit verification of compliance with this rule.

AUTHORITY: *[sections 386.250, RSMo Supp. 1998, and 393.140, RSMo 1994] Sections 386.250 and 393.140, RSMo 2000. Original rule filed April 26, 1999, effective Feb. 29, 2000.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

PRIVATE COST: *This proposed amendment 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.

RECEIVED

MAY 01 2002

SECRETARY OF STATE
ADMINISTRATIVE RULES

AX-2001-654

RECEIVED³

*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
 ADMINISTRATIVE RULES

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

A. Rule Number 4 CSR 240-40-016
 Diskette File Name 4 CSR 240-40
 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 240-40-016 - Marketing Affiliate Transactions

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

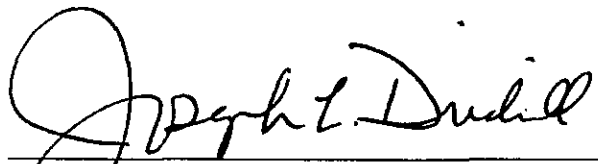
Sincerely yours,

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 Amendment -- 4 CSR 240-40.016, Marketing Affiliate Transactions**, 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 25th 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 40 – Gas Utilities and Gas Safety Standards

PROPOSED AMENDMENT

4 CSR 240-40.016 Marketing Affiliate Transactions. The commission is proposing to amend the purpose section of the rule by adding a reference to other applicable commission rules, to delete subsection (5)(B) of the rule and to renumber the remaining subsections of section (5) accordingly.

PURPOSE: This amendment reflects a reorganization of the commission's rules regarding general filing requirements in that requirements mirroring those found in the subsection being deleted from this rule are being adopted in a rule in the commission's new Chapter 3.

PURPOSE: This rule sets forth standards of conduct, financial standards, evidentiary standards and record keeping requirements applicable to all Missouri Public Service Commission (commission) regulated gas corporations engaging in marketing affiliate transactions (except with regard to HVAC services as defined in section 386.754, RSMo Supp. 1998, by the General Assembly of Missouri). Additional requirements pertaining to this subject matter are also found at 4 CSR 240-3.265.

(5) Record Keeping Requirements.

(A) A regulated gas corporation shall maintain books, accounts and records separate from those of its affiliates.

[(B) Each regulated gas corporation shall maintain the following information in a mutually agreed-to electronic format (i.e., agreement between the staff, Office of the Public Counsel and the regulated gas corporation) regarding affiliate transactions on a calendar year basis and shall provide such information to the commission staff and the Office of the Public Counsel on, or before, March 15 of the succeeding year:

1. A full and complete list of all affiliated entities as defined by this rule;
2. A full and complete list of all goods and services provided to or received from affiliated entities;
3. A full and complete list of all contracts entered with affiliated entities;
4. A full and complete list of all affiliate transactions undertaken with affiliated entities without a written contract together with a brief explanation of why there was no contract;
5. The amount of all affiliate transactions, by affiliated entity and account charged; and
6. The basis used (e.g., market value, book value, etc.) to record each type of affiliate transaction.

(C) In addition each](B) **Each** regulated gas corporation shall maintain the following information regarding affiliate transactions on a calendar year basis:

1. Records identifying the basis used (e.g., fair market price, fully distributed cost, etc.) to record all affiliate transactions; and
2. Books of accounts and supporting records in sufficient detail to permit verification of compliance with this rule.

AUTHORITY: [sections 386.250, RSMo Supp. 1998, and 393.140, RSMo 1994] Sections 386.250 and 393.140, RSMo 2000. Original rule filed April 26, 1999, effective Feb. 29, 2000.

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

PRIVATE COST: This proposed amendment 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

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RECEIVED

MAY 01 2002

SECRETARY OF STATE
ADMINISTRATIVE RULES

AX-2001-654

RECEIVED³

MAY 01 2002

Records
Public Service Commission

MATT BLUNT
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

*Administrative Rules Stamp

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 240-40.040
Diskette File Name 4 CSR 240-40
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
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)
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Add additional sheet(s), if more space is needed.

RULE TRANSMITTAL (PAGE 2)

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Statutory 30 days _____ or later specific date _____

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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 240-40.040 - Uniform System of Accounts – Gas Corporations

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

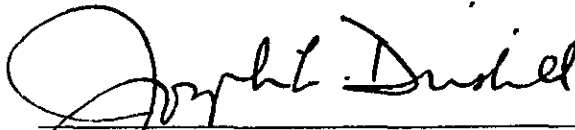
Sincerely yours,

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 Amendment -- 4 CSR 240-40.040, Uniform System of Accounts -- Gas Corporations**, 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 25th 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 40 – Gas Utilities and Gas Safety Standards

PROPOSED AMENDMENT

4 CSR 240-40.040 Uniform System of Accounts - Gas Corporations. The commission is proposing to amend the purpose section of the rule by adding a reference to other applicable commission rules, to delete section (5) of the rule and to renumber the remaining sections accordingly.

PURPOSE: This amendment reflects a reorganization of the commission's rules regarding general filing requirements in that requirements mirroring those found in the subsection being deleted from this rule are being adopted in various rules in the commission's new Chapter 3.

*PURPOSE: This rule directs gas companies within the commission's jurisdiction to use the uniform system of accounts prescribed by the Federal Energy Regulatory Commission for major natural gas companies, as modified **herein**. [here, to file annual reports, and to submit a revised depreciation study, data base and property unit catalog at least every five years.] **Requirements regarding the submission of depreciation studies, data bases and property unit catalogs are found at 4 CSR 240-3.235 and 4 CSR 240-3.275.***

[(5) Each gas corporation subject to the commission's jurisdiction shall submit a depreciation study, data base and property unit catalog to the manager of the commission's energy department, and to the Office of the Public Counsel, as required by the terms of subsection (5)(B).

(A) The depreciation study, data base and property unit catalog shall be compiled as follows:

- 1. The study shall reflect the average life and remaining life of each primary plant account or subaccount;*
- 2. The data base shall consist of dollar amounts, by plant account or subaccount, representing-*

A. Annual dollar additions and dollar retirements by vintage year and year retired, beginning with the earliest year of available data;

B. Reserve for depreciation;

C. Surviving plant balance as of the study date; and

D. Estimated date of final retirement and surviving dollar investment for each warehouse, propane/air production facility, liquefied natural gas facility, underground natural gas storage facility, general office building or other large structure;

- 3. The property unit catalog shall contain a description of each retirement unit used by the company.*

(B) A gas company shall submit its depreciation study, data base and property unit catalog on the following occasions:

- 1. On or before the date adjoining the first letter of the name under which the corporation does business, excluding the word the, as indicated by the tariffs on file with the commission.*

A. The alphabetical categories and submission due dates are as follows:

(I) A, B, C, D: January 1, 1994;

(II) E, F, G, H: July 1, 1994;

(III) I, J, K, L: January 1, 1995;

(IV) M, N, O, P: July 1, 1995;

(V) Q, R, S, T: January 1, 1996;

(VI) U, V, W, X, Y, Z: July 1, 1996.

B. However-

(I) A gas company need not submit a depreciation study, data base or property unit catalog to the extent that the commission's staff received these items from the utility during the three (3) years prior to the due dates listed in subparagraph (5)(B)1.A.; or

(II) A utility with simultaneous due dates under 4 CSR 240-20.030(5)(B)1. and 4 CSR 240-40.040(5)(B)1. may postpone its due date with respect to one (1) of these rules by six (6) months. To exercise this option, the utility must give written notice of its intent to postpone compliance to the manager of the commission's energy department, and to the Office of the Public Counsel, before the utility's first due date;

- 2. When the utility files its tariff(s) with the commission proposing a general rate increase, as that term is used in the commission's rules pertaining to minimum filing requirements. However, a gas company need not submit a*

depreciation study, data base or property unit catalog to the extent that the commission's staff received these items from the utility during the three (3) years prior to the utility filing for a general rate increase; or

3. Before five (5) years have elapsed since the last time the commission's staff received a depreciation study, data base and property unit catalog from the utility.]

[(6)](5) The commission may waive or grant a variance from the provisions of this rule, in whole or in part, for good cause shown, upon a utility's written application.

AUTHORITY: [section 393.140, RSMo 1994] Sections 386.250 and 393.140, RSMo 2000. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed April 26, 1976, effective Sept. 11, 1976. Amended: Filed Feb. 5, 1993, effective Oct. 10, 1993. Amended: Filed March 19, 1996, effective Oct. 30, 1996.

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

PRIVATE COST: This proposed amendment 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.*

RECEIVED

MAY 01 2002

SECRETARY OF STATE
ADMINISTRATIVE RULES

AY-2001-654

*Administrative Rules Stamp

RECEIVED³

MAY 01 2002

REC'D

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 240-45.010
Diskette File Name 4 CSR 240-45
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 240-45.010 - Certification of Energy Sellers

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

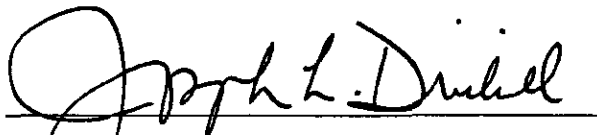
Sincerely yours,

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 Rescission -- 4 CSR 240-45.010, Certification of Energy Sellers**, 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 25th 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 45 – Certification of Energy Sellers**

RECEIVED

MAY 01 2002

SECRETARY OF
ADMINISTRATIVE

PROPOSED RESCISSION

4 CSR 240-45.010 Certification of Energy Sellers. This rule established the procedure for certification of energy sellers pursuant to sections 393.297 through 393.301, RSMo.

PURPOSE: The commission is rescinding this rule from this Chapter and adopting requirements mirroring those found in the rule in a rule in the commission's new Chapter 3, as a part of an overall reorganization of the commission's rules regarding general filing requirements.

AUTHORITY: section 393.299, RSMo Supp. 1998. Emergency rule filed Aug. 4, 1998, effective Aug. 14, 1998, expired Feb. 25, 1999. Original rule filed March 23, 1999, effective Sept. 30, 1999.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission 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

RECEIVED³

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 240-50.010
Diskette File Name 4 CSR 240-50
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 240-50.010 - Rate 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

Sincerely yours,

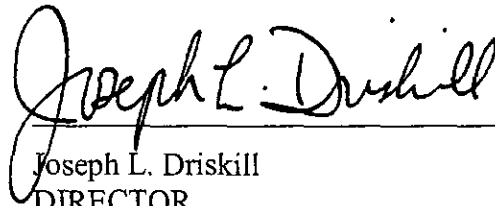
A handwritten signature in black ink, appearing to read "Marc D. Poston".

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 Rescission -- 4 CSR 240-50.010, 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 25th 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 50 – Water Utilities

PROPOSED RESCISSION

RECEIVED

MAY 01 2002

SECRETARY
ADMINISTRATIVE

4 CSR 240-50.010 Rate Schedules. This rule prescribed the form and procedures for filing and publishing schedules of rates of all water utilities under the jurisdiction of the Public Service Commission.

PURPOSE: The commission is rescinding this rule from this Chapter and adopting requirements mirroring those found in the rule in a rule in the commission's new Chapter 3, as a part of an overall reorganization of the commission's rules regarding general filing requirements.

AUTHORITY: section 393.140(11), RSMo (1986). Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed May 16, 1977, effective Dec. 11, 1977. Amended: Filed May 29, 1986, effective Oct. 27, 1986.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission 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

RECEIVED³

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 240-51.010
Diskette File Name 4 CSR 240-51
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
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 240-51.010 - Schedule of Fees

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

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)

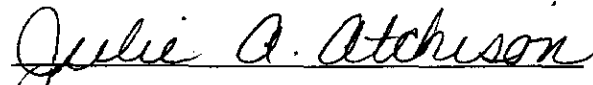
I, Joseph L. Driskill, Director of the Department of Economic Development, first being duly sworn on my oath state that it is my opinion that the cost of the **Proposed Rescission -- 4 CSR 240-51.010, Schedule of Fees**, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.



Joseph L. Driskill
DIRECTOR
Department of Economic Development

Subscribed and sworn to before me this 25th 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 51 – Water Service Territorial Agreements**

RECEIVED

MAY 01 2002

PROPOSED RESCISSION

**SECRETARY OF STATE
ADMINISTRATIVE RULES**

4 CSR 240-51.010 Schedule of Fees. This rule established a schedule of fees for commission review of proposed territorial agreements between water service providers.

***PURPOSE:** The commission is rescinding this rule from this Chapter and adopting requirements mirroring those found in the rule in the commission's new Chapter 3, as a part of an overall reorganization of the commission's rules regarding general filing requirements.*

***AUTHORITY:** section 247.172, RSMo 2000. Original rule filed July 16, 1993, effective Jan. 31, 1994. Amended: Filed June 1, 2001, effective Jan. 30, 2002.*

***PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

***PRIVATE COST:** This proposed rescission 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

RECEIVED³

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
ADMINISTRATIVE RULES

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

A. Rule Number 4 CSR 240-60.030
Diskette File Name 4 CSR 240-60
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 240-60.030 - 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

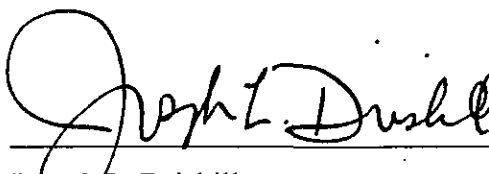
Sincerely yours,

Marc D. Poston
Senior Counsel
Missouri Public Service Commission

AFFIDAVIT

STATE OF MISSOURI)
)
COUNTY OF COLE)

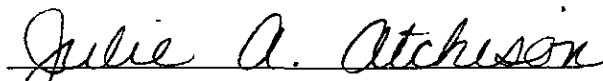
I, Joseph L. Driskill, Director of the Department of Economic Development, first being duly sworn on my oath state that it is my opinion that the cost of the **Proposed Rescission -- 4 CSR 240-60.030, Tariff Schedules**, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.



Joseph L. Driskill
DIRECTOR
Department of Economic Development

Subscribed and sworn to before me this 25th 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 60 – Standards of Service by Sewer Utilities**

RECEIVED

MAY 01 2002

PROPOSED RESCISSION

**SECRETARY OF STATE
ADMINISTRATIVE RULES**

4 CSR 240-60.030 Tariff Schedules. This rule prescribed the form, contents and procedures for filing tariff schedules by all sewer corporations under the jurisdiction of the Public Service Commission.

***PURPOSE:** The commission is rescinding this rule from this Chapter and adopting requirements mirroring those found in the rule in a rule in the commission's new Chapter 3, as a part of an overall reorganization of the commission's rules regarding general filing requirements.*

***AUTHORITY:** section 393.140(11), RSMo (1986). Original rule filed Feb. 23, 1973, effective March 2, 1973. Amended: Filed May 16, 1977, effective Dec. 11, 1977. Amended: Filed May 29, 1986, effective Oct. 27, 1986.*

***PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

***PRIVATE COST:** This proposed rescission 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

RECEIVED³

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 240-80.010
Diskette File Name 4 CSR 240-80
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
Private Entity Fiscal Note

C. RULEMAKING ACTION TO BE TAKEN

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☒ Proposed Rulemaking (New Rule or Amendment or Rescission of Existing Rule)
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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*.

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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 _____

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 240-80.010 - Rate 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

Sincerely yours,

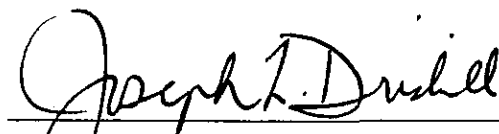
A handwritten signature in cursive script, reading "Marc Poston".

Marc D. Poston
Senior Counsel
Missouri Public Service Commission

AFFIDAVIT

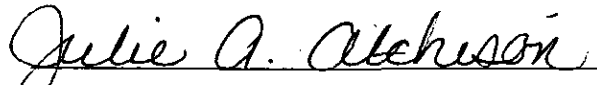
STATE OF MISSOURI)
)
COUNTY OF COLE)

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 Rescission -- 4 CSR 240-80.010, 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 5th 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 80 – Steam Heating Utilities

PROPOSED RESCISSION

RECEIVED
MAY 01 2002
SECRETARY OF STATE
ADMINISTRATIVE RULES

4 CSR 240-80.010 Rate Schedules. This rule prescribed the form and governed the filing and publication of rate schedules of steam heating utilities regulated by the Public Service Commission.

PURPOSE: The commission is rescinding this rule from this Chapter and adopting requirements mirroring those found in the rule in a rule in the commission's new Chapter 3, as a part of an overall reorganization of the commission's rules regarding general filing requirements.

AUTHORITY: section 393.290, RSMo 1986. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed May 29, 1986, effective Oct. 27, 1986.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission 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

RECEIVED³

MAY 01 2002

*Records
Public Service Commission*

MATT BLUNT
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

RECEIVED Administrative Rules Stamp

MAY 01 2002

SECRETARY OF STATE
ADMINISTRATIVE RULES

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 240-80.015
 Diskette File Name 4 CSR 240-80
 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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 Public Entity Fiscal Note OTHER
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RULE TRANSMITTAL (PAGE 2)

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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 240-80.015 - Affiliate Transactions

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

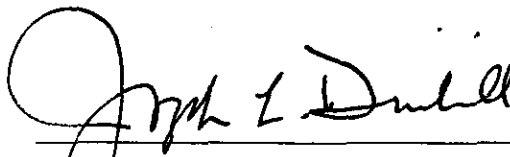
Sincerely yours,

Marc D. Poston
Senior Counsel
Missouri Public Service Commission

AFFIDAVIT

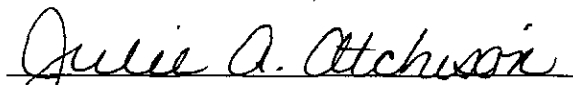
STATE OF MISSOURI)
)
COUNTY OF COLE)

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 Amendment -- 4 CSR 240-80.015, Affiliate Transactions**, 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 25th 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 80 – Steam Heating Utilities**

PROPOSED AMENDMENT

4 CSR 240-80.015 Affiliate Transactions. The commission is proposing to amend the purpose section of the rule by adding a reference to other applicable commission rules, to delete subsection (4)(B) of the rule and to renumber the remaining subsections of section (4) accordingly.

PURPOSE: This amendment reflects a reorganization of the commission's rules regarding general filing requirements in that requirements mirroring those found in the subsection being deleted from this rule are being adopted in a rule in the commission's new Chapter 3.

PURPOSE: This rule is intended to prevent regulated utilities from subsidizing their nonregulated operations. In order to accomplish this objective, the rule sets forth financial standards, evidentiary standards and record keeping requirements applicable to any Missouri Public Service Commission (commission) regulated steam heating corporation whenever such corporation participates in transactions with any affiliated entity (except with regard to HVAC services as defined in section 386.754, RSMo Supp. 1998, by the General Assembly of Missouri). The rule and its effective enforcement will provide the public the assurance that their rates are not adversely impacted by the utilities' nonregulated activities. Additional requirements pertaining to this subject matter are also found at 4 CSR 240-3.430.

(4) Record Keeping Requirements.

(A) A regulated heating company shall maintain books, accounts and records separate from those of its affiliates.

[(B) Each regulated heating company shall maintain the following information in a mutually agreed to electronic format (i.e., agreement between the staff, Office of the Public Counsel and the regulated heating company) regarding affiliate transactions on a calendar year basis and shall provide such information to the commission staff and the Office of the Public Counsel on, or before, March 15th of the succeeding year:

- 1. A full and complete list of all affiliated entities as defined by this rule;*
- 2. A full and complete list of all goods and services provided to or received from affiliated entities;*
- 3. A full and complete list of all contracts entered with affiliated entities;*
- 4. A full and complete list of all affiliate transactions undertaken with affiliated entities without a written contract together with a brief explanation of why there was no contract;*
- 5. The amount of all affiliate transactions by affiliated entity and account charged; and*
- 6. The basis used (e.g., fair market price, FDC, etc.) to record each type of affiliate transaction.*

*[(C) In addition, each]***(B) Each** regulated heating company shall maintain the following information regarding affiliate transactions on a calendar year basis:

1. Records identifying the basis used (e.g., fair market price, FDC, etc.) to record all affiliate transactions; and
2. Books of accounts and supporting records in sufficient detail to permit verification of compliance with this rule.

AUTHORITY: *[sections 386.250, RSMo Supp. 1998, and 393.140, RSMo 1994] Sections 386.250 and 393.140, RSMo 2000. Original rule filed April 26, 1999, effective Feb. 29, 2000.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

PRIVATE COST: *This proposed amendment 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.

RECEIVED

MAY 01 2002

SECRETARY OF STATE
ADMINISTRATIVE HOURS

AX-2001-654

*Administrative Rules Stamp

RECEIVED³

MAY 01 2002

MAY 01 2002

SECRETARY OF STATE
ADMINISTRATIVE RULES

MATT BLUNT
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

Records
Public Service Commission

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

A. Rule Number 4 CSR 240-80.020
Diskette File Name 4 CSR 240-80
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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Commissioners
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Chair
CONNIE MURRAY
SHEILA LUMPE
STEVE GAW
BRYAN FORBIS

Missouri Public Service Commission

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May 1, 2002

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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 240-80.020 - Uniform System of Accounts – Heating 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

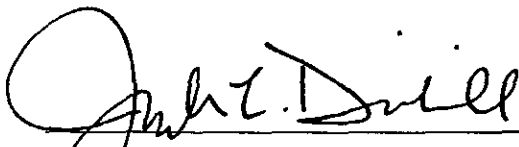
Sincerely yours,

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 Amendment -- 4 CSR 240-80.020, Uniform System of Accounts -- Heating 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
Department of Economic Development

Subscribed and sworn to before me this 24th 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 80 – Steam Heating Utilities

PROPOSED AMENDMENT

4 CSR 240-80.020 Uniform System of Accounts--Heating Companies. The commission is proposing to amend the purpose section of the rule by adding a reference to other applicable commission rules, to delete sections (3), (4) and (7) of the rule and to renumber the remaining sections of the rule accordingly.

PURPOSE: This amendment reflects a reorganization of the commission's rules regarding general filing requirements in that requirements mirroring those found in the subsection being deleted from this rule are being adopted in a rule in the commission's new Chapter 3.

PURPOSE: This rule prescribes a uniform system of accounts for all steam heating companies regulated by the Public Service Commission. Additional requirements regarding this subject matter and the filing of annual reports are found at 4 CSR 240-3.435

[(3) For the purposes of improving the efficiency of administration and operation, any heating company, unless otherwise ordered, may keep upon its books any temporary or experimental accounts and any accounts covering particular divisions of its operations, provided that in respect of each such temporary, experimental or divisional account the heating company shall file with the Public Service Commission, at least ten (10) days in advance of the time when the account is to be instituted, a statement showing the name of the account, the date when it is to be instituted, the purpose for which it is to be kept, the period of time during which it is to be kept and a clear and accurate definition of the classes of items and facts to be contained on the account and in case of a divisional account, the definition of the division covered. Upon compliance with the provisions of this section, any account herein prescribed or defined may be subdivided.]

[(4) All notices required to be filed with the commission concerning accounts shall be upon sheets eight and one-half inches by eleven inches (8 1/2" x 11") in size and shall be entitled with the name of the heating company filing notices, followed by a brief statement of the character of the accounts covered by the notice.]

[(5)](3) The uniform system of accounts for heating companies shall become effective on January 1, 1915.

[(6)](4) Each heating company shall have and keep an office in this state, in which all accounts, records, memoranda, books and papers carried in pursuance of any requirements of law shall be kept. No such accounts, records, memoranda, books or papers shall at any time be removed from this state, except upon such conditions as may be prescribed by the commission.

[(7) Annual reports for all heating companies subject to regulations by this commission shall be filed with the commission on or before April 15 following the year for which the report is made.]

AUTHORITY: [section 393.140(4), RSMo 1986] Sections 386.250, 393.140 and 393.290, RSMo 2000. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed April 26, 1976, effective Sept. 11, 1976.

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

PRIVATE COST: This proposed amendment 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.

RECEIVED

MAY 01 2002

SECRETARY OF STATE
ADMINISTRATIVE SERVICES

AX-2001-654

*Administrative Rules Stamp

RECEIVED³

MAY 01 2002

MAY 01 2002

SECRETARY OF STATE
ADMINISTRATIVE RULES

MATT BLUNT
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

Records
Public Service Commission

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

A. Rule Number 4 CSR 240-3.305

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

Private Entity Fiscal Note

OTHER

C. RULEMAKING ACTION TO BE TAKEN

Emergency Rulemaking, Must Specify Effective Date

☒ Proposed Rulemaking (New Rule or Amendment or Rescission of Existing Rule)

Order of Rulemaking (MUST complete page 2 of this transmittal)

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 240-3.305 - Filing Requirements for Sewer 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

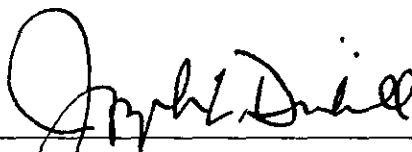
Sincerely yours,

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 240-3.305, Filing Requirements for Sewer 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 20th 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 240-3.305 Filing Requirements for Sewer 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 sewer 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.

*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.*

AY-2001-654

RECEIVED³

MAY 01 2002

Records
Public Service Commission

MATT BLUNT
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

*Administrative Rules Stamp

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 240-3.310
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.

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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 240-3.310 - Filing Requirements for Sewer 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


Sincerely yours,

Marc D. Poston
Senior Counsel
Missouri Public Service Commission

AFFIDAVIT

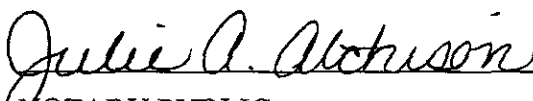
STATE OF MISSOURI)
)
COUNTY OF COLE)

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 240-3.310, Filing Requirements for Sewer 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 25th 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 240-3.310 Filing Requirements for Sewer 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.

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