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May 25, 2001

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FILED²
MAY 25 2001 *nh*
Missouri Public
Service Commission

RE: Case No. AX-2001-654

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and eight (8) conformed copies of a **MOTION TO OPEN CASE AND FOR A FINDING OF NECESSITY FOR RULEMAKING.**

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

Marc D. Poston
Senior Counsel
(573) 751-8701
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MP/lb
Enclosure
cc: Counsel of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED

MAY 25 2001

Missouri Public
Service Commission

In the Matter of a Proposed Rulemaking to)
Consolidate Filing Requirements Into a)
New Chapter 3.)

Case No. AX-2001-654

MOTION TO OPEN CASE AND FOR A
FINDING OF NECESSITY FOR RULEMAKING

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its Motion to Open Case and for a Finding of Necessity for Rulemaking states as follows:

1. The Missouri Public Service Commission's authority to adopt rules that establish the Commission's filing and reporting requirements is found in Sections 247.172, 386.040, 386.250, 386.310, 386.410, 386.610, 386.760, 392.140, 392.200, 392.210, 392.220, 392.248, 392.470, 393.130, 393.290, 393.292, 393.299 and 394.312 RSMo. 2000. In addition, Section 536.016 provides "any state agency shall propose rules based upon substantial evidence on the record and a finding by the agency that the rule is necessary to carry out the purpose of the statute that granted such rulemaking authority."

2. The Commission's rules are found in Division 240 of Title 4 of the Missouri Code of State Regulations. Throughout Division 240 are numerous rules that contain the filing and reporting requirements that public utilities must follow when filing with or reporting to the Commission.

3. Since the Commission's filing and reporting requirements are found throughout Division 240 and are mixed with non-filing related rules, a lengthy search of the Commission's

rules is necessary to gain a comprehensive understanding of all Commission filing and reporting requirements. In recognition of this, the Staff seeks to consolidate the filing and reporting requirements for each separate industry regulated by the Commission into a new Chapter 3. Consolidating these rules into a single chapter will improve the ease with which a business entity or other reader of the Commission's rules can identify the requirements that must be met. Chapter 2 will continue to hold the general practice and procedure rules.

4. The Staff believes this rulemaking is a necessary step towards improving the organization of the Commission's rules and, therefore, lessening the administrative burdens on companies regulated by the Commission.

5. Because this consolidation does not change any existing requirements and includes only non-substantive changes, there should be no cost to the state or to any private or public person or entity affected by such rules.

WHEREFORE, the Staff respectfully requests that the Commission find that the proposed rulemaking is necessary and to authorize the Staff to proceed with the rulemaking.

Respectfully submitted,

DANA K. JOYCE
General Counsel



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Missouri Bar No. 45722

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 25th day of May 2001.



Service List for

Case No.: _____

May 25, 2001

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