

AX-2001-654

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MAY 01 2002

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MAY 01 2002

SECRETARY OF STATE
ADMINISTRATIVE RULES

MATT BLUNT
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

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

A. Rule Number 4 CSR 240-3.405
Diskette File Name Final Chapter of New Rules
Name of Person to call with questions about this rule: Cliff E. Snodgrass
Context Senior Counsel Phone 573-751-3966 FAX 573-751-9285
Data Entry Same as above Phone Same as above FAX Same as above
Interagency Mailing Address Governor Office Building, 200 Madison St., 8th Floor, Jefferson City, MO

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

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

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

C. RULEMAKING ACTION TO BE TAKEN
Emergency Rulemaking, Must Specify Effective Date _____
☒ Proposed Rulemaking (New Rule or Amendment or Rescission of Existing Rule)
Order of Rulemaking (MUST complete page 2 of this transmittal) _____
Withdrawal (Rule, Amendment, Rescission or Emergency) _____
Rule Action Notice _____
In Addition _____

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

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

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

RULE TRANSMITTAL (PAGE 2)

E. ORDER OF RULEMAKING: Rule Number _____

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

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

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

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

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

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



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

Missouri Public Service Commission

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

May 1, 2002

ROBERT J. QUINN, JR.
Executive Director
WESS A. HENDERSON
Director, Utility Operations
ROBERT SCHALLENBERG
Director, Utility Services
DONNA M. PRENGER
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 240-3.405 - Filing Requirements for Steam Heating 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

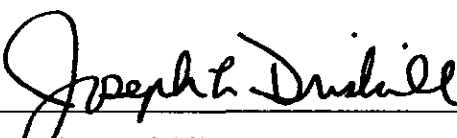
Sincerely yours,

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 240-3.405, Filing Requirements for Steam Heating 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 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

REC-1111

MAY 01 2002

SECRET
ADMINISTRATIVE

PROPOSED RULE

4 CSR 240-3.405 Filing Requirements for Steam Heating 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; and
- (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.

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

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

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

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

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

*NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary to the Commission, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. Comments should refer to Commission Case No. AX-2001-654, and an original and nine copies of the comments should be filed. A public hearing regarding this proposed rule is scheduled for July 10, 2002 at 10:00 a.m., Room 310 in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

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MATT BLUNT
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

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A. Rule Number 4 CSR 240-3.410
Diskette File Name Final Chapter of New Rules
Name of Person to call with questions about this rule: Cliff E. Snodgrass
Context Senior Counsel Phone 573-751-3966 FAX 573-751-9285
Data Entry Same as above Phone Same as above FAX Same as above
Interagency Mailing Address Governor Office Building, 200 Madison St., 8th Floor, Jefferson City, MO

Statutory Provision for Rulemaking

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Commissioners
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Chair
CONNIE MURRAY
SHEILA LUMPE
STEVE GAW
BRYAN FORBIS

Missouri Public Service Commission

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

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

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

Dear Secretary Blunt,

RE: 4 CSR 240-3.410 - Filing Requirements for Steam Heating Utility Applications for Authority to Merge or Consolidate

CERTIFICATION OF ADMINISTRATIVE RULE

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

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

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

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


Sincerely yours,

Marc D. Poston
Senior Counsel
Missouri Public Service Commission

AFFIDAVIT

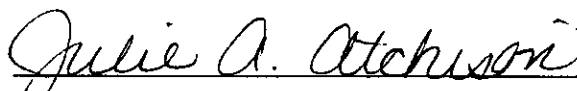
STATE OF MISSOURI)
)
COUNTY OF COLE)

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 240-3.410, Filing Requirements for Steam Heating Utility Applications for Authority to Merge or Consolidate**, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.



Joseph L. Driskill
DIRECTOR
Department of Economic Development

Subscribed and sworn to before me this 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**

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MAY 01 2002

PROPOSED RULE

**SECRETARY OF STATE
ADMINISTRATIVE RULES**

4 CSR 240-3.410 Filing Requirements for Steam Heating Utility Applications for Authority to Merge or Consolidate

PURPOSE: Applications to the commission for the authority to merge or consolidate must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to merge or consolidate shall include:

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

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

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

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

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

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

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

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

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

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

*NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary to the Commission, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. Comments should refer to Commission Case No. AX-2001-654, and an original and nine copies of the comments should be filed. A public hearing regarding this proposed rule is scheduled for July 10, 2002 at 10:00 a.m., Room 310 in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

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ADMINISTRATIVE RULES

MATT BLUNT
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

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

A. Rule Number 4 CSR 240-3.415
 Diskette File Name Final Chapter of New Rules
 Name of Person to call with questions about this rule: Cliff E. Snodgrass
 Context Senior Counsel Phone 573-751-3966 FAX 573-751-9285
 Data Entry Same as above Phone Same as above FAX Same as above
 Interagency Mailing Address Governor Office Building, 200 Madison St., 8th Floor, Jefferson City, MO

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

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Missouri Public Service Commission

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

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

Dear Secretary Blunt,

RE: 4 CSR 240-3.415 - Filing Requirements for Steam Heating Utility Applications for Authority to Issue Stock, Bonds, Notes and Other Evidences of Indebtedness

CERTIFICATION OF ADMINISTRATIVE RULE

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

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

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

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

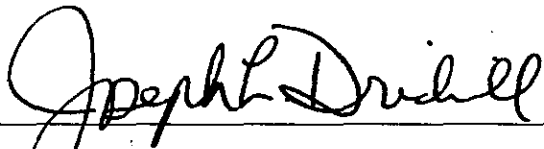
Sincerely yours,

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 240-3.415, Filing Requirements for Steam Heating Utility Applications for Authority to Issue Stock, Bonds, Notes and Other Evidences of Indebtedness**, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.



Joseph L. Driskill
DIRECTOR
Department of Economic Development

Subscribed and sworn to before me this 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 3 – Filing and Reporting Requirements**

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PROPOSED RULE

SECRETARY
ADMINISTRATIVE

4 CSR 240-3.415 Filing Requirements for Steam Heating Utility Applications for Authority to Issue Stock, Bonds, Notes and Other Evidences of Indebtedness

PURPOSE: Applications to the commission for the authority to issue stock, bonds, notes or other evidences of indebtedness must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to issue stock, bonds, notes and other evidences of indebtedness shall contain the following:

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

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

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

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

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

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

- 1. Bonded and other indebtedness; and
- 2. Stock authorized and outstanding;

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

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

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

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

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

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

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YES _____ NO _____

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

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

(Start text here. If text continues to a third page, insert a continuous section break and, in section 3, delete the footer text. DO NOT delete the header, however.)

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

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



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

Missouri Public Service Commission

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

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

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

Dear Secretary Blunt,

RE: 4 CSR 240-3.420 - Filing Requirements for Steam Heating Utility Applications for Authority to Acquire the Stock of a Public Utility

CERTIFICATION OF ADMINISTRATIVE RULE

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

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

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

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

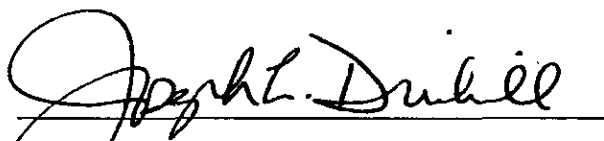
Sincerely yours,

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 240-3.420, Filing Requirements for Steam Heating Utility Applications for Authority to Acquire the Stock of a Public Utility**, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.



Joseph L. Driskill
DIRECTOR
Department of Economic Development

Subscribed and sworn to before me this 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 240-3.420 Filing Requirements for Steam Heating Utility Applications for Authority to Acquire the Stock of a Public Utility

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

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to acquire the stock of a public utility shall include:

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

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

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

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

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

*NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary to the Commission, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. Comments should refer to Commission Case No. AX-2001-654, and an original and nine copies of the comments should be filed. A public hearing regarding this proposed rule is scheduled for July 10, 2002 at 10:00 a.m., Room 310 in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

AX-2001-654

*Administrative Rules Stamp

RECEIVED

MAY 01 2002

SECRETARY OF STATE
ADMINISTRATIVE RULES

RECEIVED³

MAY 01 2002

MATT BLUNT
Secretary of State

Administrative Rules Division
RULE TRANSMITTAL

Public Records
Service Commission

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

A. Rule Number 4 CSR 240-3.425
Diskette File Name Final Chapter of New Rules
Name of Person to call with questions about this rule: Cliff E. Snodgrass
Context Senior Counsel Phone 573-751-3966 FAX 573-751-9285
Data Entry Same as above Phone Same as above FAX Same as above
Interagency Mailing Address Governor Office Building, 200 Madison St., 8th Floor, Jefferson City, MO

Statutory Provision for Rulemaking

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

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

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

C. RULEMAKING ACTION TO BE TAKEN
☐ Emergency Rulemaking, Must Specify Effective Date
☒ Proposed Rulemaking (New Rule or Amendment or Rescission of Existing Rule)
☐ Order of Rulemaking (MUST complete page 2 of this transmittal)
☐ Withdrawal (Rule, Amendment, Rescission or Emergency)
☐ Rule Action Notice
☐ In Addition

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

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

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

RULE TRANSMITTAL (PAGE 2)

E. ORDER OF RULEMAKING: Rule Number _____

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

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

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

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

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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
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573-751-3234
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May 1, 2002

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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 240-3.425 - Filing Requirements for Steam Heating Utility 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

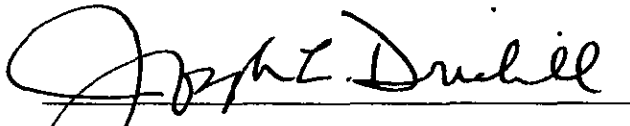
Sincerely yours,

Marc D. Poston
Senior Counsel
Missouri Public Service Commission

AFFIDAVIT

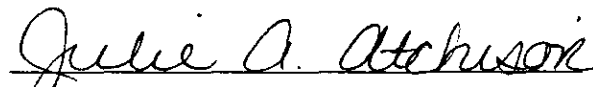
STATE OF MISSOURI)
)
COUNTY OF COLE)

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 Rule -- 4 CSR 240-3.425, Filing Requirements for Steam Heating Utility 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 3 – Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.425 Filing Requirements for Steam Heating Utility Rate Schedules

PURPOSE: This rule prescribes the form and governs the filing and publication of rate schedules of steam heating utilities regulated by the Public Service Commission.

- (1) Every steam heating company engaged in manufacturing and distributing and selling, or distribution or distributing steam for motive power, heating, cooking or for any public use or service, is directed not later than October 15, 1913 to have on file with this commission, and keep open for public inspection, schedules showing all rates and charges in connection with such service of whatever nature made by such steam heating companies for each and every kind of service which it renders as were in force on April 15, 1913 together with proper supplements covering all changes in the rate schedules authorized by this commission, if any, since April 15, 1913.
- (2) All rate schedules on file on October 15, 1913, with the commission, not in accordance with these rules, shall be issued in the form and manner prescribed by this rule and all rate schedules issued after October 15, 1913 must conform to this rule.
- (3) Rate schedules shall be drawn up substantially in accordance with PSC Form No. 16 and shall be plainly printed or typewritten on good quality of paper of size eight and one half inches by eleven inches (8 1/2" by 11") in book, sheet or pamphlet form. A loose-leaf plan may be used so changes can be made by reprinting and inserting a single leaf. When the loose-leaf plan is used, all sheets, except the title page sheet, must show, in the marginal space at top of page, the name of the heating company, the PSC number of the schedule and the number of the page. In the marginal space at the bottom of the sheet shall be shown the date of issue, effective date and the name, title and address of the officer by whom the schedule is issued. All schedules shall bear a number with the prefix PSC Mo.. Schedules shall be numbered in consecutive serial order beginning with number 1 for each steam heating company. If a schedule or a part is canceled, a new schedule or part (sheet(s) if loose-leaf will refer to the schedule canceled by its PSC number; thus, PSC Mo. No. canceling PSC Mo. No..
- (4) Each schedule shall be accompanied by a letter of transmittal, in duplicate if receipt is desired, which shall be prepared consistent with the format designated by the commission.
- (5) Thirty (30) days' notice to the commission is required as to every publication relating to steam heating rates or service except where publications are made effective on less than statutory notice by permission, regulation or requirement of the commission.
- (6) Except as is otherwise provided, no schedule or supplement will be accepted for filing unless it is delivered to the commission free from all charges or claims for postage, the full thirty (30) days required by law before the date upon which such schedule or supplement is stated to be effective. No consideration will be given to or for the time during which a schedule or supplement may be held by the post office authorities because of insufficient postage. When a schedule or a supplement is issued and as to which the commission is not given the statutory notice, it is as if it had not been issued and a full statutory notice must be given of any reissuance. No consideration will be given to telegraphic notices in computing the thirty (30) days' notice required. In such cases the schedule will be returned to the sender and correction of the neglect or omission cannot be made which takes into account any time elapsing between the date upon which such schedule or supplement was received and the date of the attempted correction. For rate schedules and supplements issued on short notice under special permission of the commission, literal compliance with the requirements for notice named in any order, regulation or permission granted by the commission will be exacted.

AUTHORITY: Sections 386.250, 393.140 and 393.290, RSMo 2000. Original rule filed May 1, 2002.

***PUBLIC COST:** The requirements of this proposed rule mirror requirements currently found in commission rule 4 CSR 240-80.010, which is being rescinded in a companion rulemaking. As a result, this proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

***PRIVATE COST:** The requirements of this proposed rule mirror requirements currently found in commission rule 4 CSR 240-80.010, which is being rescinded in a companion rulemaking. As a result, this proposed rule will not cost private entities more than \$500 in the aggregate.*

***NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary to the Commission, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. Comments should refer to Commission Case No. AX-2001-654, and an original and nine copies of the comments should be filed. A public hearing regarding this proposed rule is scheduled for July 10, 2002 at 10:00 a.m., Room 310 in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

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MAY 01 2002

SECRET
ADMINISTRATIVE

AX-2001-654

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MAY 01 2002

Records
Public Service Commission

*Administrative Rules Stamp

RECEIVED

MAY 01 2002

SECRETARY OF STATE
ADMINISTRATIVE RULES

MATT BLUNT
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

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

A. Rule Number 4 CSR 240-3.430
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
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D. SPECIFIC INSTRUCTIONS: In this space indicate any special instructions (e.g., specify publication date preference, identify material incorporated by references, etc.)

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

RULE TRANSMITTAL (PAGE 2)

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
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BRYAN FORBIS

Missouri Public Service Commission

POST OFFICE BOX 360
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Secretary/Chief Regulatory Law Judge
DANA K. JOYCE
General Counsel

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

Dear Secretary Blunt,

RE: 4 CSR 240-3.430 - Annual Submission of Cost Allocation Manuals by Steam Heating Utilities

CERTIFICATION OF ADMINISTRATIVE RULE

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

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

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

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

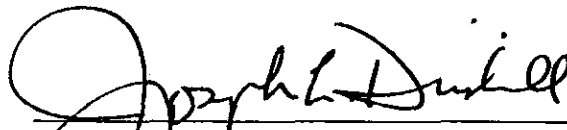
Sincerely yours,

Marc D. Poston
Senior Counsel
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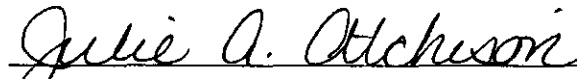
STATE OF MISSOURI)
)
COUNTY OF COLE)

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 240-3.430, Annual Submission of Cost Allocation Manuals by Steam Heating Utilities**, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.



Joseph L. Driskill
DIRECTOR
Department of Economic Development

Subscribed and sworn to before me this 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**

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MAY 01 2002

PROPOSED RULE

**SECRETARY OF
ADMINISTRATION**

4 CSR 240-3.430 Annual Submission of Cost Allocation Manuals by Steam Heating Utilities

PURPOSE: This rule sets forth the requirements regarding the annual submission of cost allocation manuals by steam heating utilities, which will allow the commission staff to determine if such utilities are following commission rule 4 CSR 240-80.015.

- (1) A regulated heating company shall maintain books, accounts and records separate from those of its affiliates.
- (2) 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:
 - (A) A full and complete list of all affiliated entities as defined in commission rule 4 CSR 240-80.015;
 - (B) A full and complete list of all goods and services provided to or received from affiliated entities;
 - (C) A full and complete list of all contracts entered with affiliated entities;
 - (D) 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;
 - (E) The amount of all affiliate transactions by affiliated entity and account charged; and
 - (F) The basis used (e.g., fair market price, FDC, etc.) to record each type of affiliate transaction.
- (3) Variances from the provisions of this rule may be requested by written application submitted in accordance with the applicable standards set forth in commission rules 4 CSR 240-2.060 and 4 CSR 240-80.015.

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 section (4) of commission rule 4 CSR 240-80.015, 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 section (4) of commission rule 4 CSR 240-80.015, which is being amended in a companion rulemaking. As a result, this proposed rule will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary to the Commission, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. Comments should refer to Commission Case No. AX-2001-654, and an original and nine copies of the comments should be filed. A public hearing regarding this proposed rule is scheduled for July 10, 2002 at 10:00 a.m., Room 310 in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

AX-2001-654

*Administrative Rules Stamp

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MATT BLUNT
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

Records
Public Service Commission

SECRETARY OF STATE
ADMINISTRATIVE RULES

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

A. Rule Number 4 CSR 240-3.435
 Diskette File Name Final Chapter of New Rules
 Name of Person to call with questions about this rule: Cliff E. Snodgrass
 Context Senior Counsel Phone 573-751-3966 FAX 573-751-9285
 Data Entry Same as above Phone Same as above FAX Same as above
 Interagency Mailing Address Governor Office Building, 200 Madison St., 8th Floor, Jefferson City, MO

Statutory Provision for Rulemaking
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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 240-3.435 - Annual Report Filing Requirements for Steam Heating Utilities

CERTIFICATION OF ADMINISTRATIVE RULE

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

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

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

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

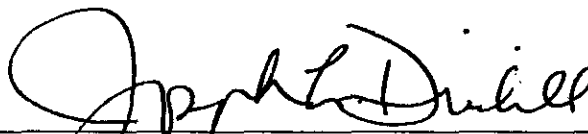
Sincerely yours,

Marc D. Poston
Senior Counsel
Missouri Public Service Commission

AFFIDAVIT

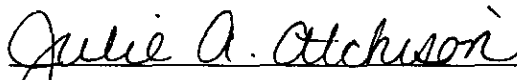
STATE OF MISSOURI)
)
COUNTY OF COLE)

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 240-3.435, Annual Report Filing Requirements for Steam Heating Utilities**, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.



Joseph L. Driskill
DIRECTOR
Department of Economic Development

Subscribed and sworn to before me this 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

PROPOSED RULE

4 CSR 240-3.435 Annual Report Filing Requirements for Steam Heating Utilities

**SECRETARY OF STATE
ADMINISTRATIVE RULES**

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

(1) 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.

(2) 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.

(3) 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:** Sections 386.250, 393.140 and 393.290, RSMo 2000. Original rule filed May 1, 2002.*

***PUBLIC COST:** The requirements of this proposed rule mirror requirements currently found in sections (3), (4) and (7) of commission rule 4 CSR 240-80.020, 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 (3), (4) and (7) of commission rule 4 CSR 240-80.020, which is being amended in a companion rulemaking. As a result, this proposed rule will not cost private entities more than \$500 in the aggregate.*

***NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary to the Commission, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. Comments should refer to Commission Case No. AX-2001-654, and an original and nine copies of the comments should be filed. A public hearing regarding this proposed rule is scheduled for July 10, 2002 at 10:00 a.m., Room 310 in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

AX-2001-654

RECEIVED³
MAY 01 2002

*Administrative Rules Stamp

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MAY 01 2002

Records
Public Service Commission

SECRETARY OF STATE
ADMINISTRATIVE RULES

MATT BLUNT
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

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

A. Rule Number 4 CSR 240-3.500
Diskette File Name Final Chapter of New Rules
Name of Person to call with questions about this rule: Cliff E. Snodgrass
Context Senior Counsel Phone 573-751-3966 FAX 573-751-9285
Data Entry Same as above Phone Same as above FAX Same as above
Interagency Mailing Address Governor Office Building, 200 Madison St., 8th Floor, Jefferson City, MO

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

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

C. RULEMAKING ACTION TO BE TAKEN
☒ Emergency Rulemaking, Must Specify Effective Date
☒ Proposed Rulemaking (New Rule or Amendment or Rescission of Existing Rule)
Order of Rulemaking (MUST complete page 2 of this transmittal)
Withdrawal (Rule, Amendment, Rescission or Emergency)
Rule Action Notice
In Addition

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

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

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

RULE TRANSMITTAL (PAGE 2)

E. ORDER OF RULEMAKING: Rule Number _____

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

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

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

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

(Start text here. If text continues to a third page, insert a continuous section break and, in section 3, delete the footer text. DO NOT delete the header, however.)

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

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



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

Missouri Public Service Commission

POST OFFICE BOX 360
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DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge
DANA K. JOYCE
General Counsel

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

Dear Secretary Blunt,

**RE: 4 CSR 240-3.500 - Definitions Pertaining Specifically to Telecommunication
Company Rules**

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

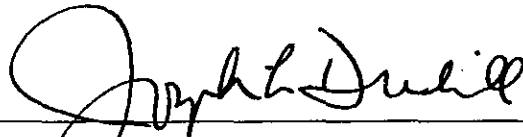
Sincerely yours,

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 240-3.500, Definitions Pertaining Specifically to Telecommunication Company Rules**, 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**

PROPOSED RULE

4 CSR 240-3.500 Definitions Pertaining Specifically to Telecommunication Company Rules

PURPOSE: This rule sets forth the definitions of certain terms used in rules 4 CSR 240-3.505 through 3.555, which are in addition to the definitions set forth in rule 3.010 of this Chapter.

- (1) Access Line means the line associated with each service location to which a unique telephone number is assigned.
- (2) Base Rate Area means an area within an exchange as specified in the telecommunications company's tariffs and maps, within which each grade or class of basic local telecommunications service is furnished at a uniform rate without the application of mileage or zone charges.
- (3) Basic Local Telecommunications Service means basic local telecommunications service as defined in section 386.020(4), RSMo.
- (4) Calls means a customer's attempted telecommunications transmissions whether completed or not.
- (5) Central Office means the facility housing one (1) or more switching units in a telecommunications system which provides service to the general public and has the necessary equipment and operating arrangements for terminating and interconnecting customer lines and trunks or trunks only.
- (6) Channel means a path for telecommunications between two (2) or more stations or central offices, furnished in any manner the carrier may elect.
- (7) Exchange means exchange as defined in section 386.020(16), RSMo.
- (8) Grade of Service means the number of customers or parties that a telephone line is designed to serve, such as one (1)-party, two (2)-party or four (4)-party.
- (9) Line is a general term used in the telecommunications industry in several different senses, the most common of which are access line, trunk, channel and route.
- (10) New Customer means any customer who has no prior service history with the telecommunications company with whom service is being requested.
- (11) Pay Telephone means a coin or non-coin telephone installed for use by the general public from which calls can be paid for at the time they are made by means of coins, tokens, credit cards, debit cards or a billing to an alternate number.
- (12) Pay Telephone Service Provider means a telecommunications company that offers access to telephone service with a coin or non-coin telephone installed for use by the general public from which calls can be paid for at the time they are made by means of coins, tokens, credit cards, debit cards or billed to an alternate number.
- (13) Regrade means a change to a different grade of basic local telecommunications service.
- (14) Service Bureau means the designated office, or location where trouble reports and/or service orders are worked and dispatched.
- (15) Surveillance Level means a level at or below which telephone service is inferior and will require the telecommunications company providing that service to take immediate action to investigate and correct.
- (16) Switching is a generic term for machines that switch telephone calls from/to other telephones or trunks.

(17) Tandem means a central office where trunks are interconnected to transmit telecommunications traffic between other central offices.

(18) Telecommunications Service means telecommunications service as defined in section 386.020(53), RSMo.

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

PUBLIC COST: The definitions set forth in this proposed rule mirror definitions currently found in various other commission rules and the rule will thus not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: The definitions set forth in this proposed rule mirror definitions currently found in various other commission rules and the rule will thus not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary to the Commission, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. Comments should refer to Commission Case No. AX-2001-654, and an original and nine copies of the comments should be filed. A public hearing regarding this proposed rule is scheduled for July 10, 2002 at 10:00 a.m., Room 310 in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

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MAY 01 2002

SECRETARY OF STATE
ADMINISTRATIVE SERVICES

AX-2001-654

*Administrative Rules Stamp

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MAY 01 2002

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Public Service Commission

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MAY 01 2002

SECRETARY OF STATE
ADMINISTRATIVE RULES

MATT BLUNT
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

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

A. Rule Number 4 CSR 240-3.505
Diskette File Name Final Chapter of New Rules
Name of Person to call with questions about this rule: Cliff E. Snodgrass
Context Senior Counsel Phone 573-751-3966 FAX 573-751-9285
Data Entry Same as above Phone Same as above FAX Same as above
Interagency Mailing Address Governor Office Building, 200 Madison St., 8th Floor, Jefferson City, MO

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

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

C. RULEMAKING ACTION TO BE TAKEN
☐ Emergency Rulemaking, Must Specify Effective Date
☒ Proposed Rulemaking (New Rule or Amendment or Rescission of Existing Rule)
☐ Order of Rulemaking (MUST complete page 2 of this transmittal)
☐ Withdrawal (Rule, Amendment, Rescission or Emergency)
☐ Rule Action Notice
☐ In Addition

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

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

RULE TRANSMITTAL (PAGE 2)

E. ORDER OF RULEMAKING: Rule Number _____

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

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YES _____ NO _____

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**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 240-3.505 Filing Requirements for Telecommunications Company Applications for Certificates of Interexchange Service Authority to Provide Customer-Owned Coin Telephone Service

PURPOSE: Applications to the commission requesting that the commission grant a certificate for providing interexchange service authority for customer-owned coin telephone service 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 interexchange service authority to provide customer-owned coin telephone (COCT) service shall be filed on the form provided by the commission.

(A) Applications for COCT service shall include a description of the general area in which service is to be offered.

(B) Providers of COCT service shall be exempt from the provisions of sections 392.390(1) and (3), RSMo, but shall remain subject to the provisions of section 386.370, RSMo.

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

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

PUBLIC COST: The requirements of this proposed rule mirror requirements currently found in sections (2) and (5) 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 (5) of commission rule 4 CSR 240-2.060, which is being amended in a companion rulemaking. As a result, this proposed rule will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary to the Commission, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. Comments should refer to Commission Case No. AX-2001-654, and an original and nine copies of the comments should be filed. A public hearing regarding this proposed rule is scheduled for July 10, 2002 at 10:00 a.m., Room 310 in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

AX-2002-654

*Administrative Rules Stamp

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Public Service Commission

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~~COPY~~
MAY 01 2002

SECRETARY OF STATE
ADMINISTRATIVE RULES

MATT BLUNT
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

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

A. Rule Number 4 CSR 240-3.510
Diskette File Name Final Chapter of New Rules
Name of Person to call with questions about this rule: Cliff E. Snodgrass
Context Senior Counsel Phone 573-751-3966 FAX 573-751-9285
Data Entry Same as above Phone Same as above FAX Same as above
Interagency Mailing Address Governor Office Building, 200 Madison St., 8th Floor, Jefferson City, MO

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

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☒ 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.

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

Missouri Public Service Commission

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May 1, 2002

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

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

Dear Secretary Blunt,

**RE: 4 CSR 240-3.510 - Filing Requirements for Telecommunications Company
Applications for Certificates of Service Authority to Provide Telecommunications
Services, Weather Interexchange, Local Exchange or Basic Local Exchange**

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,
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snodgra@mail.state.mo.us

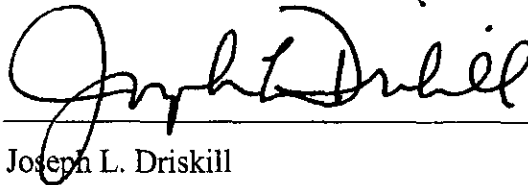
Sincerely yours,

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 240-3.510, Filing Requirements for Telecommunications Company Applications for Certificates of Service Authority to Provide Telecommunications Services, Whether Interexchange, Local Exchange or Basic Local Exchange**, is less than five hundred dollars (\$500) 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

PROPOSED RULE

SECRETARY OF STATE
ADMINISTRATIVE RULES

4 CSR 240-3.510 Filing Requirements for Telecommunications Company Applications for Certificates of Service Authority to Provide Telecommunications Services, Whether Interexchange, Local Exchange or Basic Local Exchange

PURPOSE: Applications to the commission requesting that the commission grant a certificate for providing telecommunications services, whether interexchange, local exchange or basic local exchange services, 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 service authority to provide telecommunications services, whether interexchange, local exchange or basic local exchange, shall include:

(A) A request to be classified as a competitive telecommunications company, if applicable, and a description of the types of service the applicant intends to provide;

(B) If the application is for basic local exchange service authority, the applicant shall indicate the exchange(s) in which service is to be offered; and

(C) A proposed tariff with an effective date which is not fewer than forty-five (45) days after the tariff's issue date.

(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 (5) 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 (5) of commission rule 4 CSR 240-2.060, which is being amended in a companion rulemaking. As a result, this proposed rule will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary to the Commission, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. Comments should refer to Commission Case No. AX-2001-654, and an original and nine copies of the comments should be filed. A public hearing regarding this proposed rule is scheduled for July 10, 2002 at 10:00 a.m., Room 310 in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

AX-2001-654

RECEIVED³

MAY 01 2002

Records
Public Service Commission

*Administrative Rules Stamp

RECEIVED

MAY 01 2002

SECRETARY OF STATE
ADMINISTRATIVE RULES

MATT BLUNT
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

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

A. Rule Number 4 CSR 240-3.515
Diskette File Name Final Chapter of New Rules
Name of Person to call with questions about this rule: Cliff E. Snodgrass
Context Senior Counsel Phone 573-751-3966 FAX 573-751-9285
Data Entry Same as above Phone Same as above FAX Same as above
Interagency Mailing Address Governor Office Building, 200 Madison St., 8th Floor, Jefferson City, MO

Statutory Provision for Rulemaking

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

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

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

C. RULEMAKING ACTION TO BE TAKEN

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

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

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

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

RULE TRANSMITTAL (PAGE 2)

E. ORDER OF RULEMAKING: Rule Number _____

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

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

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

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

(Start text here. If text continues to a third page, insert a continuous section break and, in section 3, delete the footer text. DO NOT delete the header, however.)

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

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



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

Missouri Public Service Commission

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

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

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

Dear Secretary Blunt,

**RE: 4 CSR 240-3.515 - Filing Requirements for Telecommunications Company
Applications for Certificates of Service Authority to Provide Shared Tenant
Services**

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

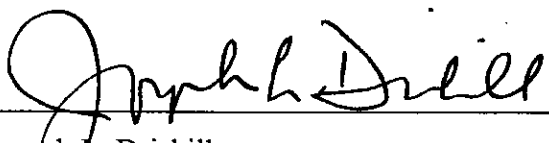
Sincerely yours,

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 240-3.515, Filing Requirements for Telecommunications Company Applications for Certificates of Service Authority to Provide Shared Tenant Services**, 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**

PROPOSED RULE

RECEIVED
MAY 01 2002
SECRETARY OF STATE
ADMINISTRATIVE RULES

4 CSR 240-3.515 Filing Requirements for Telecommunications Company Applications for Certificates of Service Authority to Provide Shared Tenant Services

PURPOSE: Applications to the commission requesting that the commission grant a certificate of service authority to provide shared tenant services 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 service authority to provide shared tenant services (STS) shall be filed on the form provided by the commission.

(A) STS applications shall include:

1. A description of all telecommunications services to be offered at the certificated location;
2. A description of any non-telecommunications services to be offered at the certificated location;
3. A copy of the contract or contracts to be used with tenants at the certificated location;
4. A copy of the contract or contracts to be signed with the local exchange company (LEC);
5. A description of the type of STS technology to be used at the certificated location;
6. A description of the form of interconnection to be used to provide toll services to tenants at the certificated location;
7. A copy of the notice used to inform tenants that local exchange access line service may not be immediately available if STS is terminated at the certificated location;
8. A statement of the rates to be charged tenants at the certificated location; and
9. A statement of the total number of tenants and corresponding stations to be served at the certificated location.

(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 (17) 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 (17) of commission rule 4 CSR 240-2.060, which is being amended in a companion rulemaking. As a result, this proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: *Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary to the Commission, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. Comments should refer to Commission Case No. AX-2001-654, and an original and nine copies of the comments should be filed. A public hearing regarding this proposed rule is scheduled for July 10, 2002 at 10:00 a.m., Room 310 in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

AX-2001-6054

*Administrative Rules Stamp

RECEIVED³

MAY 01 2002

MATT BLUNT
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

Records
Public Service Commission

RECEIVED

MAY 01 2002

SECRETARY OF STATE
ADMINISTRATIVE RULES

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

A. Rule Number 4 CSR 240-3.520
Diskette File Name Final Chapter of New Rules
Name of Person to call with questions about this rule: Cliff E. Snodgrass
Context Senior Counsel Phone 573-751-3966 FAX 573-751-9285
Data Entry Same as above Phone Same as above FAX Same as above
Interagency Mailing Address Governor Office Building, 200 Madison St., 8th Floor, Jefferson City, MO

Statutory Provision for Rulemaking

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

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

B. CHECK, IF INCLUDED: FORMS, List by Mo-Form Number, # of Pages
☒ Cover Letter
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☒ 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 240-3.520 - Filing Requirements for Telecommunications Company
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

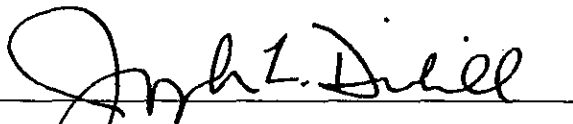
Sincerely yours,

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 240-3.520, Filing Requirements for Telecommunications Company 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**

PROPOSED RULE

4 CSR 240-3.520 Filing Requirements for Telecommunications Company 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) Competitive telecommunications companies are exempt from subsections (2)(A)-(E) of this rule; however, they must file a pleading indicating which company will be holding the certificate of service authority and providing service to Missouri customers, and the tariff under which service will be provided.
- (2) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to 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.
- (3) 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.
- (4) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

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

PUBLIC COST: The requirements of this proposed rule mirror requirements currently found in sections (2), (3), (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), (3), (7) and (9) of commission rule 4 CSR 240-2.060, which is being amended in a companion rulemaking. As a result, this proposed rule will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary to the Commission, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. Comments should refer to Commission Case No. AX-2001-654, and an original and nine copies of the comments should be filed. A public hearing regarding this proposed rule is scheduled for July 10, 2002 at 10:00 a.m., Room 310 in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten*

days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

RECEIVED

MAY 01 2002

SECRETARY OF
ADMINISTRATIVE SERVICES

AX-2001-654

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*Administrative Rules Stamp

MAY 01 2002

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Records
Public Service Commission

MAY 01 2002

MATT BLUNT
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

SECRETARY OF STATE
ADMINISTRATIVE RULES

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

A. Rule Number 4 CSR 240-3.525
 Diskette File Name Final Chapter of New Rules
 Name of Person to call with questions about this rule: Cliff E. Snodgrass
 Context Senior Counsel Phone 573-751-3966 FAX 573-751-9285
 Data Entry Same as above Phone Same as above FAX Same as above
 Interagency Mailing Address Governor Office Building, 200 Madison St., 8th Floor, Jefferson City, MO
 Statutory Provision for Rulemaking
 Authority 386.250(6), 536.016(1) Provide Most Current RSMo Year 2000
 Date Filed With the Joint Committee on Administrative Rules Exempt per Sections 536.024 and 536.037, RSMo 2000, and Executive Order No. 97-97 (June 27, 1997)

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 Public Entity Fiscal Note OTHER
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C. RULEMAKING ACTION TO BE TAKEN
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Add additional sheet(s), if more space is needed.

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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
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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 240-3.525 - Filing Requirements for Telecommunications Company
Applications for Authority to Merge or Consolidate**

CERTIFICATION OF ADMINISTRATIVE RULE

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

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

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

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

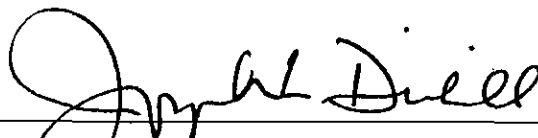
Sincerely yours,

Marc D. Poston
Senior Counsel
Missouri Public Service Commission

AFFIDAVIT

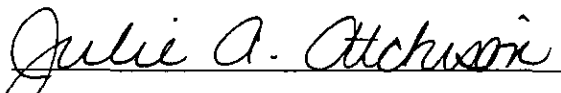
STATE OF MISSOURI)
)
COUNTY OF COLE)

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 240-3.525, Filing Requirements for Telecommunications Company Applications for Authority to Merge or Consolidate**, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.



Joseph L. Driskill
DIRECTOR
Department of Economic Development

Subscribed and sworn to before me this 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

PROPOSED RULE

4 CSR 240-3.525 Filing Requirements for Telecommunications Company Applications for Authority to Merge or Consolidate

PURPOSE: Applications to the commission for the authority to merge or consolidate must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

- (1) Competitive telecommunications companies are exempt from subsections (2)(A)-(E) of this rule; however, they must file a pleading indicating which company will be holding the certificate of service authority and providing service to Missouri customers, and the tariff under which service will be provided.
- (2) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to merge or consolidate shall include:
 - (A) A copy of the proposed plan and agreement of corporate merger and consolidation, including organizational charts depicting the relationship of the merging entities before and after the transaction;
 - (B) A certified copy of the resolution of the board of directors of each applicant authorizing the proposed merger and consolidation;
 - (C) The balance sheets and income statements of each applicant and a balance sheet and income statement of the surviving corporation;
 - (D) The reasons the proposed merger is not detrimental to the public interest;
 - (E) An estimate of the impact of the merger on the company's Missouri jurisdictional operations relative to the merger and acquisition in question; and
 - (F) A statement of the impact, if any, the merger or consolidation will have on the tax revenues of the political subdivision in which any structures, facilities or equipment of the companies involved are located.
- (3) 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.
- (4) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

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

PUBLIC COST: The requirements of this proposed rule mirror requirements currently found in sections (2), (3), (8) and (9) of commission rule 4 CSR 240-2.060, which is being amended in a companion rulemaking. As a result, this proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: The requirements of this proposed rule mirror requirements currently found in sections (2), (3), (8) and (9) of commission rule 4 CSR 240-2.060, which is being amended in a companion rulemaking. As a result, this proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary to the Commission, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. Comments should refer to Commission Case No. AX-2001-654, and an original and nine copies of the comments should be filed. A public hearing regarding this proposed rule is scheduled for July 10, 2002 at 10:00 a.m., Room 310 in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten

days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

RECEIVED

MAY 01 2002

SECRETARY OF STATE
ADMINISTRATIVE SERVICES

AX-2001-654

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*Administrative Rules Stamp

MAY 01 2002

COPY

MATT BLUNT *Records*
Public Service Commission
 Secretary of State
 Administrative Rules Division
 RULE TRANSMITTAL

RECEIVED

MAY 01 2002

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

A. Rule Number Chapter 4 CSR 240-3.115
 Diskette File Name Final Chapter of New Rules
 Name of Person to call with questions about this rule: Cliff E. Snodgrass
 Context Senior Counsel Phone 573-751-3966 FAX 573-751-9285
 Data Entry Same as above Phone Same as above FAX Same as above
 Interagency Mailing Address Governor Office Building, 200 Madison St., 8th Floor, Jefferson City, MO

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

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

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

C. RULEMAKING ACTION TO BE TAKEN
 _____ Emergency Rulemaking, Must Specify Effective Date
☒ Proposed Rulemaking (New Rule or Amendment or Rescission of Existing Rule)
 _____ Order of Rulemaking (MUST complete page 2 of this transmittal)
 _____ Withdrawal (Rule, Amendment, Rescission or Emergency)
 _____ Rule Action Notice
 _____ In Addition

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

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

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

RULE TRANSMITTAL (PAGE 2)

E. ORDER OF RULEMAKING: Rule Number _____

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

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

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

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

(Start text here. If text continues to a third page, insert a continuous section break and, in section 3, delete the footer text. DO NOT delete the header, however.)

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

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



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

Missouri Public Service Commission

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

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

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

Dear Secretary Blunt,

RE: Chapter 4 CSR 240-3.115 - Filing Requirements for Electric Utility Applications for Authority to Merge or Consolidate

CERTIFICATION OF ADMINISTRATIVE RULE

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

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

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

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

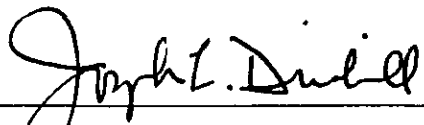
Sincerely yours,

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 240-3.115, Filing Requirements for Electric Utility Applications for Authority to Merge or Consolidate**, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.



Joseph L. Driskill
DIRECTOR
Department of Economic Development

Subscribed and sworn to before me this 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

PROPOSED RULE

MAY 01 2002

4 CSR 240-3.115 Filing Requirements for Electric Utility Applications for Authority to Merge or Consolidate

SECRETARY OF STATE
ADMINISTRATIVE RULES

PURPOSE: Applications to the commission for the authority to merge or consolidate must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to merge or consolidate shall include:

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

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

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

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

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

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

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

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

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

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

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

*NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary to the Commission, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. Comments should refer to Commission Case No. AX-2001-654, and an original and nine copies of the comments should be filed. A public hearing regarding this proposed rule is scheduled for July 10, 2002 at 10:00 a.m., Room 310 in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

AX-2001-654

RECEIVED³

MAY 01 2002

COPY

*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 Chapter 4 CSR 240-3.110
 Diskette File Name Final Chapter of New Rules
 Name of Person to call with questions about this rule: Cliff E. Snodgrass
 Context Senior Counsel Phone 573-751-3966 FAX 573-751-9285
 Data Entry Same as above Phone Same as above FAX Same as above
 Interagency Mailing Address Governor Office Building, 200 Madison St., 8th Floor, Jefferson City, MO
 Statutory Provision for Rulemaking
 Authority 386.250(6), 536.016(1) Provide Most Current RSMo Year 2000
 Date Filed With the Joint Committee on Administrative Rules Exempt per Sections 536.024 and 536.037, RSMo 2000, and Executive Order No. 97-97 (June 27, 1997)

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

C. RULEMAKING ACTION TO BE TAKEN
 Emergency Rulemaking, Must Specify Effective Date
☒ Proposed Rulemaking (New Rule or Amendment or Rescission of Existing Rule)
 Order of Rulemaking (MUST complete page 2 of this transmittal)
 Withdrawal (Rule, Amendment, Rescission or Emergency)
 Rule Action Notice
 In Addition

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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 _____

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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: Chapter 4 CSR 240-3.110 - Filing Requirements for Electric 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

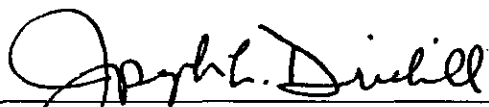
Sincerely yours,

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 240-3.110, Filing Requirements for Electric 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

PROPOSED RULE

MAY 01 2002

4 CSR 240-3.110 Filing Requirements for Electric Utility Applications for Authority to Sell, Assign, Lease or Transfer Assets

**SECRETARY OF STATE
ADMINISTRATIVE RULES**

PURPOSE: Applications to the commission for the authority to sell, assign, lease or transfer assets must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to sell, assign, lease or transfer assets shall include:

- (A) A brief description of the property involved in the transaction, including any franchises, permits, operating rights or certificates of convenience and necessity;
- (B) A copy of the contract or agreement of sale;
- (C) The verification of proper authority by the person signing the application or a certified copy of resolution of the board of directors of each applicant authorizing the proposed action;
- (D) The reasons the proposed sale of the assets is not detrimental to the public interest;
- (E) If the purchaser is subject to the jurisdiction of the commission, a balance sheet and income statement with adjustments showing the results of the acquisitions of the property; and
- (F) A statement of the impact, if any, the sale, assignment, lease or transfer of assets will have on the tax revenues of the political subdivisions in which any structures, facilities or equipment of the companies involved in that sale are located.

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

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

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

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

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

*NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary to the Commission, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. Comments should refer to Commission Case No. AX-2001-654, and an original and nine copies of the comments should be filed. A public hearing regarding this proposed rule is scheduled for July 10, 2002 at 10:00 a.m., Room 310 in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

RECEIVED³

RULE TRANSMITTAL (PAGE 1)

AX-2001-654

MAY 01 2002

*Administrative Rules Stamp

Records
Public Service Commission

COPY

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MAY 01 2002

SECRETARY OF STATE
ADMINISTRATIVE RULES

MATT BLUNT
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

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

- A. Rule Number Chapter 4 CSR 240-3.105
Diskette File Name Final Chapter of New Rules
Name of Person to call with questions about this rule: Cliff E. Snodgrass
Context Senior Counsel Phone 573-751-3966 FAX 573-751-9285
Data Entry Same as above Phone Same as above FAX Same as above
Interagency Mailing Address Governor Office Building, 200 Madison St., 8th Floor, Jefferson City, MO
Statutory Provision for Rulemaking
Authority 386.250(6), 536.016(1) Provide Most Current RSMo Year 2000
Date Filed With the Joint Committee on Administrative Rules Exempt per Sections 536.024 and 536.037, RSMo 2000, and Executive Order No. 97-97 (June 27, 1997)
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Public Entity Fiscal Note OTHER
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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.

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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

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

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

Dear Secretary Blunt,

**RE: Chapter 4 CSR 240-3.105 - Filing Requirements for Electric 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

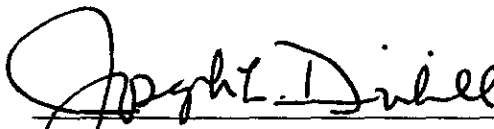
Sincerely yours,

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 240-3.105, Filing Requirements for Electric 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 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 240-3.105 Filing Requirements for Electric Utility Applications for Certificates of Convenience and Necessity

PURPOSE: Applications to the commission requesting that the commission grant a certificate of convenience and necessity must meet the requirements of this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications by an electric utility for a certificate of convenience and necessity shall include:

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

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

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

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

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

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

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

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

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

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

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

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

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary to the Commission, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days

after publication of this notice in the **Missouri Register**. Comments should refer to Commission Case No. AX-2001-654, and an original and nine copies of the comments should be filed. A public hearing regarding this proposed rule is scheduled for July 10, 2002 at 10:00 a.m., Room 310 in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Letterfile

RECEIVED³

*Administrative Rules Stamp

MAY 01 2002

Records
Public Service Commission

MATT BLUNT
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

AX-2001-654

RECEIVED

MAY 01 2002

SECRETARY OF STATE
ADMINISTRATIVE RULES

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

A. Rule Number Chapter 4 CSR 240-3.010
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.)

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: Chapter 4 CSR 240-3.010 - General Definitions

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

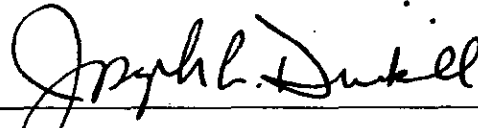
Sincerely yours,

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 240-3.010, General Definitions**, 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 3 – Filing and Reporting Requirements**

RECEIVED

PROPOSED RULE

MAY 01 2002

4 CSR 240-3.010 General Definitions

**SECRETARY OF STATE
ADMINISTRATIVE RULES**

PURPOSE: This rule sets forth the definitions of certain terms used in rules 4 CSR 240-3.015 through 3.030, and also includes the definitions of general terms used within this Chapter of the commission's rules. Definitions of additional terms used in certain utility-specific rules are found in 4 CSR 240-3.100, 3.200, 3.300, and 3.500. All definitions found in this Chapter supplement those definitions found in Chapters 386, 392 and 393 of the Missouri Revised Statutes.

- (1) Applicant means any person or public utility, as defined herein, on whose behalf an application is made.
- (2) Bill means a written or electronic demand for payment for service or equipment and the taxes, assessments, and franchise fees related thereto.
- (3) Commission means the Missouri Public Service Commission as created by Chapter 386 of the Missouri Revised Statutes.
- (4) Commission Staff means all personnel employed by the commission whether on a permanent or contractual basis who are not attorneys in the general counsel's office, who are not members of the commission's research department, or who are not law judges.
- (5) Complaint means an informal or formal complaint under 4 CSR 240-2.070.
- (6) Corporation includes a corporation, company, association, or joint stock company or association, or any other entity created by statute which is allowed to conduct business in the state of Missouri.
- (7) Customer means any person, firm, partnership, corporation, municipality, cooperative, organization, governmental agency, etc., that accepts financial and other responsibilities in exchange for services provided by one or more public utilities.
- (8) Delinquent Charge means a charge remaining unpaid by a monthly billed customer at least twenty-one (21) days and for at least sixteen (16) days by a quarterly billed customer from the rendition of the bill by the utility or a charge remaining unpaid after the preferred payment date selected by the customer.
- (9) Deposit means a money advance to a utility for the purpose of securing payment of delinquent charges which might accrue to the customer who made the advance.
- (10) Electric Utility means an electrical corporation as defined in section 386.020(15), RSMo.
- (11) Financing means acquisition of equity or debt interests, loans, guarantees of loans, advances, sale and repurchase agreements, sale and leaseback agreements, sales on open account, conditional or installment sales contracts or other investments or extensions of credit.
- (12) Gas Utility means a gas corporation as defined in section 386.020(18), RSMO.
- (13) Guarantee means a written promise from a third party to assume liability up to a specified amount for delinquent charges which might accrue to a particular customer.
- (14) Municipality means a city, village or town.

- (15) Person means any individual, firm, joint venture, partnership, corporation, association, county, state, municipality, political subdivision, cooperative association or joint stock association, and includes any trustee, receiver, assignee or personal representative of them.
- (16) Pleading means any application, complaint, petition, answer, motion, staff recommendation, or other similar written document, which is not a tariff or correspondence, and which is filed in a case. A brief is not a pleading under this definition.
- (17) Political Subdivision means any township, city, town, village, and any school, road, drainage, sewer and levee district, or any other public subdivision, public corporation or public quasi-corporation having the power to tax.
- (18) Premises means a tract of land or real estate, including buildings and other appurtenances thereon, to which utility service is provided to a customer.
- (19) Public Counsel means the Office of the Public Counsel as created by the Omnibus State Reorganization Act of 1974, and includes the assistants who represent the public before the commission.
- (20) Public Utility means public utility as defined in section 386.020(42), RSMo.
- (21) Regulated Electrical Corporation means every electrical corporation as defined in section 386.020, RSMo, subject to commission regulation pursuant to Chapter 393, RSMo.
- (22) Regulated Gas Corporation means every gas corporation as defined in section 386.020, RSMo, subject to commission regulation pursuant to Chapter 393, RSMo.
- (23) Regulated Heating Company means every heating company as defined in section 386.020, RSMo, subject to commission regulation pursuant to Chapter 393, RSMo.
- (24) Rule means all of these rules as a whole or the individual rule in which the word appears, whichever interpretation is consistent with the rational application of this chapter.
- (25) Service means service as defined in section 386.020(47), RSMo Supp. 2000.
- (26) Sewer Utility means a sewer corporation as defined in section 386.020(48), RSMo.
- (28) Steam Heating Utility means a heating company as defined in section 386.020(20), RSMo.
- (29) Tariff means a document published by a public utility, and approved by the commission, that sets forth the services offered by that utility and the rates, terms and conditions for the use of those services.
- (30) Telecommunications Company means a telecommunications company as defined in section 386.020(51), RSMo.
- (31) Utility Company means an electric utility, a gas utility, a sewer utility, a steam heating utility, a telecommunications company or a water utility, either individually or collectively, as those terms are defined herein.
- (32) Variance means an exemption granted by the commission from any applicable standard required pursuant to this chapter.
- (33) Water Utility means a water corporation as defined in section 386.020(58), RSMo.

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

PUBLIC COST: The definitions set forth in this proposed rule mirror definitions currently found in various other commission rules and the rule will thus not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: The definitions set forth in this proposed rule mirror definitions currently found in various other commission rules and the rule will thus 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

*Administrative Rules Stamp

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MAY 01 2002

MATT BLUNT

Secretary of State

Administrative Rules Division

RULE TRANSMITTAL

Records
Public Service Commission

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MAY 01 2002

SECRETARY OF STATE
ADMINISTRATIVE RULES

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

A. Rule Number Chapter 4 CSR 240-3.015

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: Chapter 4 CSR 240-3.015 - Filing Requirements for Utility Company Applications
for Waivers or Variances**

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

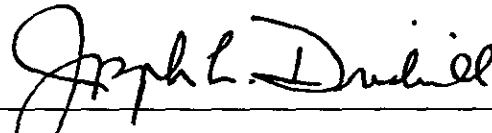
Sincerely yours,

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 240-3.015, Filing Requirements for Utility Company Applications for Waivers or Variances**, 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 TERM EXPIRES SEPTEMBER 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 240-3.015 Filing Requirements for Utility Company Applications for Waivers or Variances

Purpose: This rule provides a reference to the commission's practice and procedure rule regarding this subject.

(1) The requirements for filing applications for waivers or variances from commission rules and tariff provisions, as well as those statutory provisions that may be waived, are contained in Chapter 2 of the commission's rules in rule 2.060.

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

PUBLIC COST: This proposed rule simply provides a reference to another commission rule and will thus not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule simply provides a reference to another commission rule and will thus 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

COPY

RECEIVED

*Administrative Rules Stamp

MAY 01 2002

SECRETARY OF STATE
ADMINISTRATIVE RULES

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

A. Rule Number Chapter 4 CSR 240-3.020
Diskette File Name Final Chapter of New Rules
Name of Person to call with questions about this rule: Cliff E. Snodgrass
Context Senior Counsel Phone 573-751-3966 FAX 573-751-9285
Data Entry Same as above Phone Same as above FAX Same as above
Interagency Mailing Address Governor Office Building, 200 Madison St., 8th Floor, Jefferson City, MO

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

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

C. RULEMAKING ACTION TO BE TAKEN
☒ Emergency Rulemaking, Must Specify Effective Date
☒ Proposed Rulemaking (New Rule or Amendment or Rescission of Existing Rule)
Order of Rulemaking (MUST complete page 2 of this transmittal)
Withdrawal (Rule, Amendment, Rescission or Emergency)
Rule Action Notice
In Addition

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

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

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

RULE TRANSMITTAL (PAGE 2)

E. ORDER OF RULEMAKING: Rule Number _____

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

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

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

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

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

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



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

Missouri Public Service Commission

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

May 1, 2002

ROBERT J. QUINN, JR.
Executive Director
WESS A. HENDERSON
Director, Utility Operations
ROBERT SCHALLENBERG
Director, Utility Services
DONNA M. PRENGER
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: Chapter 4 CSR 240-3.020 - Filing Requirements Regarding Utility Company Name Changes

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

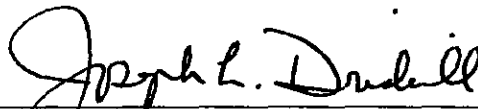
Sincerely yours,

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 240-3.020, Filing Requirements Regarding Utility Company Name Changes**, 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

PROPOSED RULE

4 CSR 240-3.020 Filing Requirements Regarding Utility Company Name Changes

Purpose: This rule provides a reference to the commission's practice and procedure rule regarding this subject.

(1) The requirements for filings regarding utility company name changes are contained in Chapter 2 of the commission's rules in rule 2.060.

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

PUBLIC COST: This proposed rule simply provides a reference to another commission rule and will thus not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule simply provides a reference to another commission rule and will thus 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**