

FILED²

OCT 18 2001

MEMORANDUM

TO: Dale Hardy Roberts, Secretary

Missouri Public
Service Commission

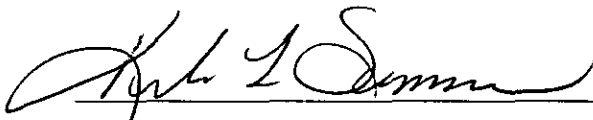
DATE: October 16, 2001

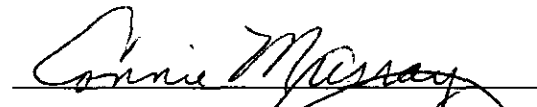
RE: Authorization to File the Final Orders of Rulemaking for 4
CSR 240-21.010 With the Office of Secretary of State


CASE NO: EX-2001-450

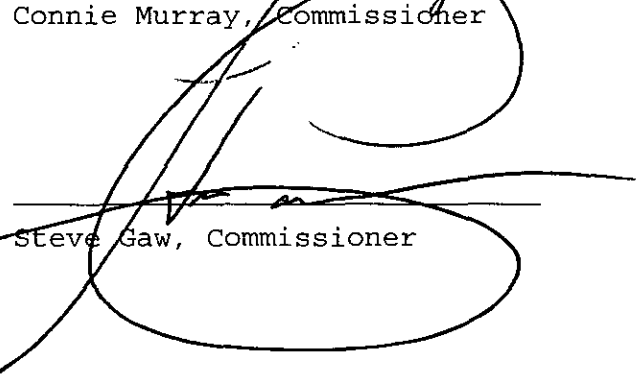
The undersigned Commissioners hereby authorize the Secretary of the Missouri Public Service Commission to file the following Final Orders of Rulemaking with the Office of Secretary of State, to wit:

4 CSR 240-21.010 - Schedule of Fees


Kelvin L. Simmons, Chair


Connie Murray, Commissioner


Sheila Lumpe, Commissioner


Steve Gaw, Commissioner

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SECRETARY OF STATE
ADMINISTRATIVE RULES

MATT BLUNT
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

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

A. Rule Number 4 CSR 240-21.010

Diskette File Name Final Order-21.010.doc

Name of Person to call with questions about this rule:

Content Eric Anderson Phone (573)751-7485 FAX (573)751-9285

Data Entry Eric Anderson Phone (573)751-7485 FAX (573)751-9285

Interagency Mailing Address Governor Office Building, 200 Madison Street, Suite 812

Statutory Provision for Rulemaking

Authority § 394.312 and 386.800 Provide Most Current RSMo Year 2000

Date Filed With the Joint Committee on Administrative Rules Not Applicable (Exempt pursuant To Section 536.037.3 RSMo 2000)

B. CHECK, IF INCLUDED: FORMS, List by Mo-Form Number, # of Pages

<input checked="" type="checkbox"/> Cover Letter	
<input type="checkbox"/> Affidavit	
<input type="checkbox"/> Cost Statements	
<input type="checkbox"/> Public Entity Fiscal Note	OTHER
<input type="checkbox"/> 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.)

E. ORDER OF RULEMAKING: Rule Number N/A

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

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

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

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

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

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

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



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

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>

October 17, 2001

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

Honorable Matt Blunt
Secretary of State
600 West Main Street
Jefferson City, MO 65101

ATTENTION: Administrative Rules Division

I do hereby certify that the attached are accurate and complete copies of the Final Order of Rulemaking lawfully submitted by the Missouri Public Service Commission for filing this 17th day of October 2001.

Rule: 4 CSR 240-21.010 – Schedule of Fees

Statutory Authority: § 394.312 and § 386.800 RSMo 2000.

Missouri Public Service Commission Case No.: EX-2001-450

If there are any questions please contact:

Eric Anderson, Assistant General Counsel
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-7485 (Telephone)
(573) 751-9285 (Fax)
eanderso@mail.state.mo.us

BY THE COMMISSION

A handwritten signature in black ink, appearing to read "Dale Hardy Roberts", is written over the "BY THE COMMISSION" text.

Dale Hardy Roberts
Secretary

Enclosures

**Title 4—Rules of Department of Economic Development
Division 240—Public Service Commission
Chapter 21—Electric Service Territorial Agreements**

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SECRETARY OF STATE
ADMINISTRATIVE RULES

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 394.312 and 386.800 RSMo 2000, the Commission amends a rule as follows:

4 CSR 240-21.010 Schedule of Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 2, 2001 (26 Mo. Reg. 1312-6). No change was made to the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A hearing was held on August 7, 2001, at 10:00 a.m., in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Oral testimony was received during the comment period regarding proposed rule 4 CSR 240-21.010. No written comments were received during the comment period.

COMMENTS: A comment was made that the proposed language doesn't differentiate between regulated and non-regulated companies that would come before the Missouri Public Service Commission in a territorial dispute. Regulated companies already pay an annual assessment, which non-regulated companies do not pay, and the regulated company will be asked to pay again, along with the non-regulated company, in a territorial dispute.

RESPONSE: The Commission thanks all parties for their valuable comments. Fees collected under the existing rule and under the proposed amendment are credited to the public service commission fund. § 394.312.7 RSMo 2000. And any amount remaining in the fund at the end of any fiscal year reduces the succeeding years assessment in accordance with section 386.370.4 RSMo 2000. Therefore the assessment paid by regulated companies does not include amounts for the Commission resolving territorial matters under sections 394.312 and 386.800 RSMo 2000 and regulated utilities are not paying twice for Commission services. Non-regulated utilities do not pay an assessment, however as with regulated utilities a non-regulated utility will pay fees for the Commission resolving territorial matters and the fees collected will be credited to the public service commission fund. The proposed language will also charge fees for the resolution of annexation matters as previously there was no language addressing this issue.