

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of a Proposed Rulemaking to       )  
Amend Commission Rule 4 CSR 240-18.010       )       Case No. EX-2008-0226  
and to Add New Rule 4 CSR 240-18.020.       )

**FISCAL NOTE REVIEW MEMORANDUM**

**COMES NOW** the Staff of the Missouri Public Service Commission (“Staff”) and states:

1. In the Memorandum attached as Appendix A, the Staff advises the Commission that the Staff conducted a review of the fiscal estimate due to the rule amendments adopted in this rulemaking case, and has determined that no fiscal estimate change need to be filed with the Secretary of State.

2. The amendments to the rule adopted in this case update the edition of the National Electrical Safety Code that the commission adopted for the minimum safety standards applicable to electrical corporations, telecommunications companies and rural electric cooperatives; clarifies that the new standards apply only to new installations and extensions; and state the notice requirements of the Underground Facility Safety and Damage Prevention Act (§319.010 et seq., RSMo 2000) and the Overhead Power Line Safety Act, (§319.075 et seq., RSMo 2000). The Commission’s Order of Rulemaking appeared in the October 15, 2008 *Missouri Register*, Volume 33, Number 20, amending rule 4 CSR 240-18.010 effective on November 30, 2008.

2. Section 536.200.2 RSMo. (2000) requires agencies to make a filing with the Secretary of State if, after the first full year after implementation, the cost of the rule exceeds the agency estimate. The first full fiscal year after the amended rule became effective was the fiscal year beginning July 1, 2009 and ending June 30, 2010.

**WHEREFORE**, Staff respectfully submits the attached Memorandum wherein the Staff states its conclusion that no fiscal estimate change needs to be filed with the Secretary of State for rule 4 CSR 240-18.010.

Respectfully submitted,

/s/ Nathan Williams  
Nathan Williams  
Deputy Counsel  
Missouri Bar No. 35512

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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or emailed to all counsel of record this 16<sup>th</sup> day of August 2010.

/s/ Nathan Williams

## **MEMORANDUM**

TO: Case File for Case No. EX-2008-0226

FROM: Lena Mantle, on Behalf of the Commission Staff

SUBJECT: Rule 4 CSR 240-18.010 Safety Standards for Electric Utilities, Telecommunications Companies and Rural Electric Cooperatives

DATE: August 16, 2010

The Commission Staff has investigated the cost of implementing the rule amendments adopted by the Commission through this case, and reports that it has not discovered any information that would show that the cost estimate published in the *Missouri Register* was inaccurate in connection with the implementation of the changes to the Safety Standards Rule 4 CSR 240-18.010, in Case No. EX-2010-0226.

Additionally, the Staff reports that it has not received any information from any party potentially or actually affected by the implementation of the subject rule that would show that the cost estimate published in the *Missouri Register* was inaccurate.

The Commission's General Procedure GP-1 (GP-1) requires, among other things, that within 30 days before the end of the first full fiscal year after the implementation of a rule, amendment or rescission, that the Staff is to investigate whether the cost to all affected entities, including the Commission, has exceeded by ten percent or more the estimated cost in the fiscal note, or, where appropriate, has exceeded five hundred dollars.

GP-1 also requires the Staff to prepare a memorandum showing the results of its investigation within thirty (30) days after the end of the first full fiscal year of the implementation of the subject rule, amendment or rescission. If the Staff investigation shows that the costs have not exceeded ten percent for all entities or, where appropriate, the estimated five hundred dollars, Staff's Memorandum shall be entered into EFIS under the rulemaking's docket number.

Since the Staff's investigation indicates that the published cost estimates related to the changes in the rule have not been exceeded, no *Missouri Register* publication is required under Section 536.200.2, RSMo 2000.