

**Robin Carnahan**

**Secretary of State  
Administrative Rules Division**

**RULE TRANSMITTAL**

Administrative Rules Stamp

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FILED  
January 2, 2009  
Data Center  
Missouri Public  
Service Commission

DEC 31 2008

SECRETARY OF STATE  
ADMINISTRATIVE RULES

Rule Number 4 CSR 240-20.091

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:

Content Cully Dale Phone 573-751-4255 FAX

Email address cully.dale@psc.mo.gov

Data Entry same Phone  FAX

Email address

Interagency mailing address MoPSC, Governor Ofc Bldg, 9<sup>th</sup> Fl, Jefferson City, MO

TYPE OF RULEMAKING ACTION TO BE TAKEN

☐ Emergency rulemaking, include effective date

☐ Proposed Rulemaking

☐ Withdrawal ☒ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration

☐ Order of Rulemaking

Effective Date for the Order

☐ Statutory 30 days OR Specific date

Does the Order of Rulemaking contain changes to the rule text? ☐ NO

☐ YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Small Business Regulatory  
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**REGULATORY FAIRNESS  
BOARD**

JCAR Stamp

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DEC 31 2008

**ADMINISTRATIVE RULES**



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**ROBERT M. CLAYTON III**

**TERRY JARRETT**

**KEVIN D. GUNN**

***Missouri Public Service Commission***

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JEFFERSON CITY MISSOURI 65102  
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**WESS A. HENDERSON**  
Executive Director

**DANA K. JOYCE**  
Director, Administration

**ROBERT SCHALLENBERG**  
Director, Utility Services

**NATELLE DIETRICH**  
Director, Utility Operations

**COLLEEN M. DALE**  
Secretary/Chief Regulatory Law Judge

**KEYIN A. THOMPSON**  
General Counsel

December 31, 2008

Honorable Robin Carnahan  
Secretary of State  
Administrative Rules Division  
600 West Main Street  
Jefferson City, Missouri 65101

**Re: 4 CSR 240-20.091**

**CERTIFICATION OF ADMINISTRATIVE RULE ACTION NOTICE**

Dear Secretary Carnahan:

I do hereby certify that the attached is an accurate and complete copy of the rule action notice lawfully submitted by the Missouri Public Service Commission for filing on this 31<sup>st</sup> day of December, 2008.


Statutory Authority: Sections 209.251, 209.253, 209.255, 209.577, 209.258, 209.259, 386.040, 386.250 and 393.140 RSMo 2000 and 386.266 RSMo 2007.

As this matter has been in litigation since before the rule became effective, it has never been used. Therefore, this action will not have any fiscal impact on any person or entity, public or private.

If there are any questions, please contact:

Colleen M. Dale, Secretary  
Missouri Public Service Commission  
P.O. Box 360, Jefferson City, MO 65102  
(573) 751-4255  
[cully.dale@psc.mo.gov](mailto:cully.dale@psc.mo.gov)

BY THE COMMISSION

  
Colleen M. Dale  
Secretary

**Title 4-DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240-Public Service Commission  
Chapter 20—Electric Utilities**

**RULE ACTION NOTICE**

**AFFECTED RULE:** 4 CSR 240-20.091

**FORM OF ACTION:** Petitioners Office of Public Counsel and Missouri Industrial Energy Consumers filed writs of review of the Public Service Commission's Final Order of Rulemaking pursuant to Section 386.510, RSMo, seeking to have the rule invalidated by the circuit court. The Public Service Commission acknowledged the existence of procedural flaws in the underlying rulemaking proceeding and the parties jointly moved for a reversal of the Final Order of Rulemaking.

**ACTION TAKEN:** On December 4, 2008, the circuit court granted the moving parties' motion for reversal and entered a judgment reversing the Commission's Final Order of Rulemaking. The circuit court's judgment reversing the Commission's Final Order of Rulemaking will become final on January 4, 2009. After January 4, 2009, 4 CSR 240-20.091 shall be terminated and of no further force and effect.

**INFORMATION:** For further information regarding this action, please contact the Missouri Public Service Commission, PO Box 360, Jefferson City, MO 65102.

