

FILED

FEB 26 2008

MEMORANDUM

TO: Colleen M. Dale, Secretary

Missouri Public
Service Commission

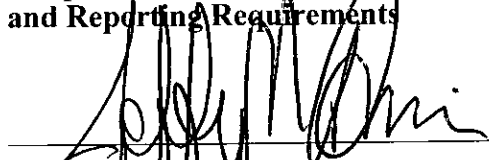
DATE: February 14, 2008

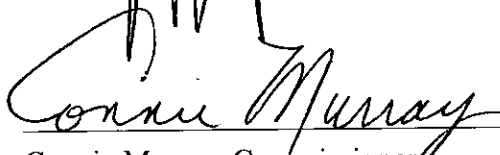
RE: Authorization to File Final Order of Rulemaking with the Office of Secretary of State


CASE NO: EX-2008-0232

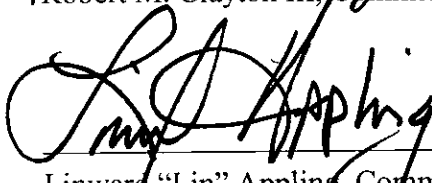
The undersigned Commissioners hereby authorize the Secretary of the Missouri Public Service Commission to file the following Final Order of Rulemaking with the Office of the Secretary of State, to wit:

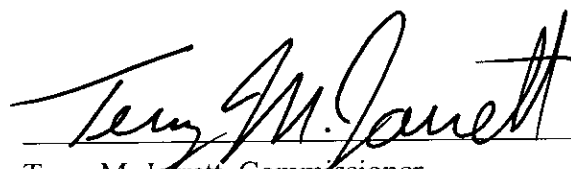
Adoption of 4 CSR 240-23.030 - Electrical Corporation Vegetation Management Standards and Reporting Requirements


Jeff Davis, Chairman


Connie Murray, Commissioner

 - No - Dissent
Robert M. Clayton III, Commissioner


Linward "Lin" Appling, Commissioner


Terry M. Jarrett, Commissioner

Robin Carnahan

Secretary of State
Administrative Rules Division

RULE TRANSMITTAL

Administrative Rules Stamp

Rule Number 4 CSR 240 - 23.030

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

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:

(1)(C), (4)(F)2., and (8)(A)

Small Business Regulatory
Fairness Board (DED) Stamp

JCAR Stamp

JOINT COMMITTEE ON

FEB 19 2008

ADMINISTRATIVE RULES



Commissioners

JEFF DAVIS
Chairman

CONNIE MURRAY

TERRY JARRETT

ROBERT M. CLAYTON III

LINWARD "LIN" APPLING

Missouri Public Service Commission

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Director, Utility Services

NATELLE DIETRICH
Director, Utility Operations

COLLEEN M. DALE
Secretary/Chief Regulatory Law Judge

KEVIN A. THOMPSON
General Counsel

March 21, 2008

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

Dear Secretary Carnahan:

Re: 4 CSR 240-23.030 Electrical Corporation Infrastructure Standards

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the order of rulemaking lawfully submitted by the Missouri Public Service Commission for filing on this 21st day of March, 2008.

Statutory Authority: Sections 386.040, 386.250, 386.310, and 393.140 RSMo 2000, and 393.130 RSMo Supp. 2007.

If there are any questions regarding the content of this order of rulemaking, please contact:

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

BY THE COMMISSION

Colleen M. Dale
Secretary
Missouri Public Service Commission

Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240 – Public Service Commission
Chapter 23 – Electric Utility Operational Standards

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 86.250, 386.040, 386.250, 386.310 and 393.140, RSMo 2000 and 393.130, RSMo Supp. 2006, the commission adopts a rule as follows:

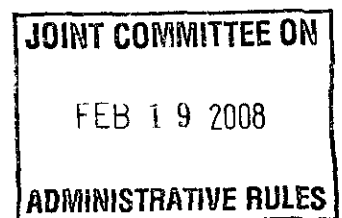
4 CSR 240-23.030 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 2, 2008 (33 MoReg 18). Relevant portions of those sections with changes are reprinted here. This proposed rule will become effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on the proposed rule was held February 4, 2008, and the public comment period ended February 4, 2008. Five written comments were received, from Union Electric Company d/b/a Ameren UE, Aquila, Inc., The Empire District Electric Company, Kansas City Power & Light and the Missouri Energy Development Association (of which all four companies commenting are members). Kansas City Power & Light and AmerenUE made verbal comments. The only person testifying at the hearing was Dan Beck, on behalf of the staff of the Missouri Public Service Commission. The testimony and comments verified the need for the proposed rule and generally supported it. Therefore, no substantive changes will be made to the proposed rule.

COMMENT: The Staff noted that the rule uses the phrase “electrical corporation” as does the statute governing this matter. In subsections (1)(C) and (4)(F)2., “electric corporation” should be changed to “electrical corporation” and in subsection (8)(A), “electric public utility” should be changed to “electrical corporation.”

RESPONSE AND EXPLANATION OF CHANGE: The requested change is appropriate and will be made.



Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240 – Public Service Commission
Chapter 23 – Electric Utility Operational Standards

PROPOSED RULE

4 CSR 240-23.030 Electrical Corporation Vegetation Management Standards and Reporting Requirements.

(1)(C) Distribution line means a primary electric voltage line, wire or cable, energized at less than two hundred thousand (200,000) volts. However, any distribution line subject to this rule shall thereafter be exempt from this rule at such time the electrical corporation provides the commission written proof that such distribution line has been deemed “critical to the reliability of the region” by the Federal Energy Regulatory Commission (FERC), a regional reliability organization or the North American Electric Reliability Council (NERC).

(4)(F)2. The vegetation management is performed as a direct result of an outage caused by a storm as described in the electrical corporation’s standard procedures. The electrical corporation shall include a copy of its standard procedures regarding removal of trimmings or cut vegetation during outages caused by a storm in its annual vegetation management filing. If the electrical corporation proposes to change its standard procedures regarding removal of trimmings or cut vegetation during outages caused by a storm, the electrical corporation shall file the proposed changes with the commission, and other parties shall have thirty (30) days to comment on the proposed changes.

(8)(A) Each electrical corporation shall conduct an annual public education program to inform its customers, as well as the political subdivisions in the electrical corporation’s service territory, of the importance of vegetation management, and of the electrical corporation’s role and responsibility in managing vegetation near electric lines.

