

# John R. Ashcroft

Secretary of State  
Administrative Rules Division

**RULE TRANSMITTAL**

Administrative Rules Stamp

Rule Number 20 CSR 4240-2.075

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

Name of person to call with questions about this rule:

Content Nancy Dippell Phone 573-751-8518 FAX 573-526-6010

Email address Nancy.Dippell@psc.mo.gov

Data Entry Kayla Kliethermes Phone 573-751-4256 FAX 573-526-6010

Email address Kayla.Kliethermes@psc.mo.gov

Interagency mailing address Public Service Commission, 9<sup>th</sup> Floor Gov. Office Bldg, JC, Mo

TYPE OF RULEMAKING ACTION TO BE TAKEN

Emergency Rulemaking  Rule  Amendment  Rescission  Termination

Effective Date for the Emergency \_\_\_\_\_

Proposed Rulemaking  Rule  Amendment  Rescission

Rule Action Notice  In Addition  Rule Under Consideration

Request for Non-Substantive Change

Statement of Actual Cost

Order of Rulemaking  Withdrawal  Adopt  Amendment  Rescission

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  
Fairness Board (DED) Stamp

SMALL BUSINESS  
REGULATORY FAIRNESS BOARD

**MARCH 27, 2024**  
RECEIVED

JCAR Stamp



## *Missouri Public Service Commission*

**SCOTT T. RUPP**  
Commissioner

**KAYLA HAHN**  
Chair

**MAIDA J. COLEMAN**  
Commissioner

**JASON R. HOLSMAN**  
Commissioner

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

**GLEN KOLKMEYER**  
Commissioner

March 27, 2024

John Ashcroft  
Secretary of State  
Administrative Rules Division  
600 West Main Street  
Jefferson City, Missouri 65101

### **Re: 20 CSR 4240-2.075 Intervention**

Dear Secretary Ashcroft,

#### CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed amendment lawfully submitted by the Missouri Public Service Commission.

The Public Service Commission further certifies it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo, that the proposed amendment does not constitute a taking of real property under relevant state and federal law.

The Public Service Commission has determined and hereby also certifies that if the proposed amendment does affect small business pursuant to sections 536.300 to 536.310, RSMo, a small business impact statement has been filed as required by those sections. If no small business impact statement has been filed the proposed amendment either does not affect small business or the small business requirements do not apply pursuant to section 536.300.4, RSMo.

Statutory Authority: section 386.410, RSMo 2016

If there are any questions regarding the content of this proposed amendment, please contact:

Nancy Dippell  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
200 Madison Street  
P.O. Box 360  
Jefferson City, MO 65102  
(573) 751-8518  
Nancy.Dippell@psc.mo.gov



*Nancy Dippell*

Nancy Dippell  
Secretary

Enclosures



## *Missouri Public Service Commission*

**SCOTT T. RUPP**  
Commissioner

**KAYLA HAHN**  
Chair

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**GLEN KOLKMEYER**  
Commissioner

March 27, 2024

Sarah Schappe  
Director  
Joint Committee on Administration Rules  
State Capitol, Room B8A  
Jefferson City, Missouri 65101

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*Nancy Dippell*

Nancy Dippell  
Secretary

Enclosures

STATE CAPITOL  
201 W. CAPITOL AVENUE, ROOM 216  
JEFFERSON CITY, MISSOURI 65101



(573) 751-3222  
WWW.GOVERNOR.MO.GOV

*Michael L. Parson*

GOVERNOR  
STATE OF MISSOURI

March 19, 2024

Mr. Scott Rupp  
Public Service Commission  
PO Box 360  
Jefferson City, MO 65102

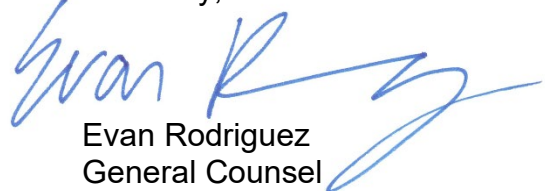
Dear Scott:

This Office has received your Proposed Amendments for the following regulations:

- 20 CSR 4240-2.115 Stipulations and Agreements
- 20 CSR 4240-2.075 Intervention

Executive Order 17-03 requires this Office's approval before state agencies release proposed regulations for notice and comment, amend existing regulations, rescind regulations, or adopt new regulations. After our review, we approve the submission to the Joint Committee on Administrative Rules and the Secretary of State.

Sincerely,

  
Evan Rodriguez  
General Counsel



**Title 20—DEPARTMENT OF COMMERCE AND INSURANCE**  
**Division 4240—Public Service Commission**  
**Chapter 2—Practice and Procedure**

**PROPOSED AMENDMENT**

**20 CSR 4240-2.075 Intervention.** The commission is amending section (2)

*PURPOSE: This amendment clarifies that a potential intervenor must state with specificity the reasons it seeks intervention, and if it cannot state a specific position, must explain why it cannot do so and when it expects to be able to take a position.*

(2) A motion to intervene or add new member(s) shall include:

(E) A statement of the proposed intervenor's or new member's interest in the case *[and]* **including the** reasons for seeking intervention or to be added; and

(F) A statement as to whether the proposed intervenor or new member supports or opposes the relief sought, or **a statement** that the proposed intervenor or new member is unsure of the position it will take **with an explanation of why a position cannot be asserted based upon the initial filing(s) and when such position could be asserted.**

*AUTHORITY: section 386.410, RSMo [2000] 2016.\* This rule originally filed as 4 CSR 240-2.075. Original rule filed March 10, 1995, effective Nov. 30, 1995. Rescinded and readopted: Filed Aug. 24, 1999, effective April 30, 2000. Amended: Filed March 26, 2002, effective Nov. 30, 2002. Amended: Filed March 2, 2011, effective Oct. 30, 2011. Moved to 20 CSR 4240-2.075, effective Aug. 28, 2019. **Filed March 27, 2024, effective \_\_\_\_\_, 2024.***

*\*Original authority: 386.410, RSMo 1939, amended 1947, 1977, 1996.*

**PUBLIC COST:** *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed amendment will not cost private entities more than five hundred dollars (\$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 amendment with the Missouri Public Service Commission, Nancy Dippell, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before May 31, 2024, and should include a reference to Commission Case No. OX-2024-0256. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for June 4, 2024, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri, 65102. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, 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 (10) days prior to the hearing at one (1) of the following numbers:  
Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

# Small Business Regulator Fairness Board Small Business Impact Statement

**Date:** March 1, 2024

**Rule Number:** 20 CSR 4240-2.075 Intervention

**Name of Agency Preparing Statement:** Missouri Public Service Commission

**Name of Persons Preparing Statement:** Nancy Dippell

**Phone Number:** 573-751-8518

**Email:** [Nancy.Dippell@psc.mo.gov](mailto:Nancy.Dippell@psc.mo.gov)

**Name of Persons Approving Statement:** Nancy Dippell

**Please describe the methods your agency considered or used to reduce the impact on small businesses** (*examples: consolidation, simplification, differing compliance, differing reporting requirements, less stringent deadlines, performance rather than design standards, exemption, or any other mitigating technique*).

This amendment will require more specificity when a party seeks to intervene in a case before the Commission. Therefore, it should simplify processes and procedures at the Commission for any party to a case.

**Please explain how your agency has involved small businesses in the development of the proposed rule.**

This is an amendment to a procedural rule of the Commission. It is based on the experience of the Commission in processing its cases.

**Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the moneys will be used.**

No monetary costs or benefits to this or any other agency. Zero fees or money collected as a result of this amendment.

**Please describe small businesses that will be required to comply with the proposed rule and how they may be adversely affected.**

This rule and the proposed amendment do not require any party to file a request to intervene. However, any party (which could be a small business) choosing to intervene in a Commission case will have to comply with this procedural rule by stating if it is unsure of the position it will take in a case (support or oppose the relief sought) then explain why

it cannot assert a position based on the initial filings and when such position could be asserted.

**Please list direct and indirect costs (in dollars amounts) associated with compliance.**

None identified.

**Please list types of business that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.**

Investor-owned public utilities and their customers should benefit from this amendment because it will provide clarity in the contested case process and avoid delays in processing the case.

**Does the proposed rule include provisions that are more stringent than those mandated by comparable or related federal, state, or county standards?**

Yes\_\_\_ No\_\_\_X

**If yes, please explain the reason for imposing a more stringent standard.**

*For further guidance in the completion of this statement, please see §536.300, RSMo.*