



Missouri Public Service Commission

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August 7, 1996

DAVID L. RAUCH
Executive Secretary
SAM GOLDAMMER
Director, Utility Operations
GORDON L. PERSINGER
Director, Policy & Planning
KENNETH J. RADEMAN
Director, Utility Services
VACANT
Director, Administration
CECIL L. WRIGHT
Chief Administrative Law Judge
ROBERT J. HACK
General Counsel

FILED

AUG 7 - 1996

**MISSOURI
PUBLIC SERVICE COMMISSION**

Honorable Rebecca McDowell Cook
Secretary of State
600 West Main Street
Jefferson City, Missouri 65101

ATTENTION: Administrative Rules Division

I do hereby certify that the attached are accurate and complete copies of the Order of Rulemaking on 4 CSR 240-10.080 Annual Report Filing Requirements lawfully submitted by the Missouri Public Service Commission for filing this 7th day of August, 1996.

Statutory authority: Sections 392.210 and 393.140, R.S.Mo. 1994

Missouri Public Service Commission Docket No.: AX-96-301

If there are any questions, please contact:

Cecil L. Wright
Chief Administrative Law Judge
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102
(573) 751-7497

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AUG 07 1996

SECRETARY OF STATE
ADMINISTRATIVE RULES DIVISION

BY THE COMMISSION

David L. Rauch
Executive Secretary

(SEAL)

DLR:CIW:jp

Enclosures

Hard copy: one original and two copies for Adm. Rules, plus one copy to be returned to PSC
Electronic copy: version WordPerfect 6.1 on disk
Rule Transmittal

Administrative Rules Stamp
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AUG 07 1996

SECRETARY OF STATE
ADMINISTRATIVE RULES DIVISION

REBECCA MCDOWELL COOK
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

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

Rule Number 4 CSR 240-10.080
Diskette File Name 10-080.or

Name of person to call with questions about this rule:

Context Cecil Wright Phone 751-7497 FAX 751-1847
Data Entry Judy Pope Phone 751-6526 FAX 751-1847

Interagency Mailing Address 301 W. High St., Room 530, Jefferson City, MO 65109

Statutory Provision for Rulemaking

Authority 55392.210 and 393.140, RSMo Provide Most Current Year 1994
Date Filed With the Joint Committee on Administrative Rules EXEMPT

CHECK, IF INCLUDED:

Cover Letter
 Affidavit
 Cost Statements
 Public Entity Fiscal Note
 Private Entity Fiscal Note

FORMS, List by Mo-Form Number, # of Pages

OTHER _____

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, May Specify a Specific Effective Date _____
 Withdrawal (Rule, Amendment, Rescission or Emergency)
 Rule Action Notice
 In Addition

SPECIFIC INSTRUCTIONS

FILED
AUG 7 1996
MISSOURI
PUBLIC SERVICE COMMISSION

Revised 6/96

FILED

AUG 7 - 1996

**MISSOURI
PUBLIC SERVICE COMMISSION**

**Title 4--DEPARTMENT OF
ECONOMIC DEVELOPMENT**

**Division 240--Public Service
Commission**

Chapter 10--Utilities

ORDER OF RULEMAKING

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AUG 07 1996

**SECRETARY OF STATE
ADMINISTRATIVE RULES DIVISION**

By authority vested in the Public Service Commission under sections 392.210 and 393.140, RSMo (1994), the commission adopts a rule as follows:

4 CSR 240-10.080 is adopted.

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on May 1, 1996 (21 MoReg 1115, 1116). Changes made in the Proposed Rule are reprinted here. This Proposed Rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: All written comments filed on or before June 5, 1996 and all reply comments filed on or before June 20, 1996 have been considered by the commission in promulgating this rule. Written initial comments were filed by St. Louis County Water Company (SLCWC); Associated Natural Gas Company, The Empire District Electric Company, Missouri Gas Energy, Missouri Public Service, St. Joseph Light & Power Company, United Cities Gas Company and West Elm Place Corporation (Associated et al.); GTE Midwest Incorporated (GTE); and the Public Service Commission staff (Staff). Written reply comments were filed by Staff and Associated et al.

COMMENTS ON 4 CSR 240-10.080(1)-(6): Associated et al. stated that they generally support the concept of consolidating the filing requirements for annual reports in one rule. These companies, though, suggest that since the rule requires each utility to file its annual report on a form to be provided by the commission, the form itself must be made a part of the rule. Associated et al. suggest further that the commission could list the information required and not require a particular form. This, Associated et al. suggest, would allow companies to use computer-generated forms.

Commission Staff suggested the commission clarify the term "annual report" in this rule to include fiscal year reports. Staff indicates that it does not oppose filing of fiscal year reports as annual reports, but it would like the commission to specifically approve the practice. Staff suggests that utilities be given the option of filing their annual reports on computer-generated replicas of forms provided by the commission.

SLCWC states that it uses a computer-generated copy of the commission's annual report forms, which reduces its administrative costs of filing the report. SLCWC suggests adding language to the Proposed Rule which would allow it to continue this practice.

Reply comments were filed by Laclede which indicate that it supports Staff's suggestion to allow fiscal year information to be filed. Laclede states that it files its annual reports with information based upon its fiscal year reporting. **RESPONSE:** The commission finds that republishing this rule with forms required by the commission, while perhaps having some surface appeal, would not reflect the reality of the frequent changes made to annual report forms which are sent

to the companies, and would reduce any flexibility the commission might have to vary those forms to meet technological efficiencies. First, regulated companies are required by statute to file their annual reports on forms prescribed by the commission. The statute requires that the commission prescribe the character of the information to be provided in the annual report, section 392.210, RSMo (1994); or the companies are required to provide specific information concerning the utility's operations as prescribed, section 392.140, RSMo (1994). The commission's current rules require the various utilities regulated by the commission to file their annual reports, although the current language does not reflect the statutory language requiring the reports to be filed in a form prescribed by the commission.

This Proposed Rule brings the annual report filing requirements in line with the statutory mandate. The commission does not believe more specificity is required or warranted. Under current procedures, companies may file their annual reports in a computer facsimile of the report prescribed by the commission. Publishing the form of the rule would prevent any changes the companies could make to this computer facsimile, and would prevent the commission from making even minor text changes without going through the laborious process of promulgating a new rule. In addition, for gas and electric utilities, the commission accepts the annual report forms filed by the utilities with the Federal Energy Regulatory Commission (FERC). These forms change from year to year, and promulgating the current one would create inconsistency problems when those forms changed and the commission rules didn't. For telecommunications companies, section 392.210 requires the commission form to follow, as nearly as possible, the form of the Federal Communications Commission (FCC). These forms also change and any rule promulgated by the commission would probably be out of date before it became effective. For these reasons the commission finds that the forms of the rule should not be promulgated. Also, if any company has problems with a specific form, those accommodations can currently be made, where they could not if the form were prescribed by rule.

Another example of the flexibility that the current system allows is where a company is filing fiscal year data. This procedure is supported by Staff and the commission finds it is reasonable to allow companies to file fiscal year information in their annual reports. This might not be possible if the commission required, by rule, calendar year data in completing the form. The commission will modify its Proposed Rule to clarify that fiscal year information may be filed and that a computer facsimile of the form provided by the commission may be filed. This language will be added to sections (2) through (6).

COMMENTS ON 4 CSR 240-10.080(7)-(8): Staff proposed that companies be required to file for an extension of the filing date for annual reports two weeks prior to the filing date and show good cause for the extension. Staff proposes that the commission add the requirement of good cause to support a utility's filing of a portion of its annual report under seal.

GTE expressed concern over section (7) in the Proposed Rule. GTE suggests that a utility need only make a written request to the executive secretary to file a part of its annual report under seal, and no decision is made concerning the request for confidentiality until some other person seeks the information. GTE suggests that in the more competitive environment, especially in telecommunications, competitors should not be given easy access to competitively sensitive information. GTE proposed modified language to implement its suggestions.

Laclede, in its reply comments, opposes Staff's suggestion that utilities be required to file requests for an extension two weeks early. Laclede suggests that a utility may not know until very close to the filing date that it will need an extension and Staff's proposal would preclude meeting this contingency. Associated et al., in their reply comments, also oppose Staff's suggestion that requests for an extension be filed two weeks before April 15.

Associated et al., suggest that the commission promulgate its standard protective order (or something similar) as a rule for filing confidential information in annual reports. Associated et al. also propose the commission adopt a protective order for contested cases to remove the need for a party to request a protective order in each case.

RESPONSE: With regard to section (8), the commission does not believe a two-week cutoff date for requests for extension is necessary. Companies may only discover at the last minute that they will be unable to meet the April 15 filing deadline.

The commission finds that the procedures proposed for handling requests for confidentiality in section (7) are reasonable and reflect the requirement that commission records be open to the public unless there is some reason for maintaining the information under seal. The commission finds that this decision should be made initially since annual reports are maintained for all regulated companies and for the public. Although GTE's proposal would reserve the commission decision concerning confidentiality until someone sought the information, the commission believes it is obligated to make an initial decision to ensure that the public has access to all information which need not be protected, rather than information a company would like to protect. To accomplish the commission's goal, it will adopt Staff's suggestion that a utility be required to specify the good cause for keeping the information under seal at the time of the request.

The commission does not believe it can, at this time, add a protective order for the filing of confidential information to this proposed rulemaking. There would be no chance for public comment as to its terms and conditions. The commission finds that its standard protective order is not designed for noncontested case filings of confidential information, such as annual reports. The commission will consider Associated et al.'s suggestion for a future rulemaking.

4 CSR 240-10.080 Annual Report Filing Requirements

(1) All public utilities subject to the jurisdiction of the Missouri Public Service Commission shall file an annual report with the commission on or before April 15 of each year, except for private pay telephone providers which are exempted under the provisions of 4 CSR-240-2.060(3)(B).

(2) Electric utilities shall file their annual reports on either a form provided by the commission or on a computer-generated replica which is acceptable to the commission. All requested information shall be included in the annual report where applicable.

(3) Gas utilities shall file their annual reports on either a form provided by the commission or on a computer-generated replica which is acceptable to the commission. All requested information shall be included in the annual report where applicable.

(4) Telecommunications utilities shall file their annual reports on either a form provided by the commission or on a computer-generated replica which is acceptable to the commission. All requested information shall be included in the annual report where applicable.

(5) Water utilities shall file their annual reports on either a form provided by the commission or on a computer-generated replica which is acceptable to the commission. All requested information shall be included in the annual report where applicable.

(6) Sewer utilities shall file their annual reports on either a form provided by the commission or on a computer-generated replica which is acceptable to the commission. All requested information shall be included in the annual report where applicable.

(7) Where a utility subject to this rule considers the information requested on the annual report form to be confidential, it must make a written request to the executive secretary to file that information under seal and state good cause for maintaining the information under seal. The executive secretary shall then, through the general counsel, present that request to the commission for approval. The executive secretary shall inform the utility within three (3) days of the commission decision whether the request has been granted.

(8) A utility which is unable to meet the filing date established in section (1) of this rule shall make a written request to extend the filing date for its annual report to the executive secretary and state the reason for the extension request. The executive secretary, through the chief administrative law judge, shall present the report to the commission for approval. The executive secretary shall inform the utility in writing within three (3) days of the decision of the commission.

REVISED PUBLIC AND PRIVATE ENTITY COSTS: Since the changes made in the Proposed Rule do not alter the cost estimates by more than ten percent, revised cost estimates are not necessary.



Missouri Public Service Commission

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Vice Chair

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General Counsel

FILED

AUG 7 - 1996

**MISSOURI
PUBLIC SERVICE COMMISSION**

Honorable Rebecca McDowell Cook
Secretary of State
600 West Main Street
Jefferson City, Missouri 65101

ATTENTION: Administrative Rules Division

I do hereby certify that the attached are accurate and complete copies of the Order of Rulemaking on 4 CSR 240-20.030 Uniform system of Accounts—Electrical Corporations lawfully submitted by the Missouri Public Service Commission for filing this 7th day of August, 1996.

Statutory authority: Section 393.140, R.S.Mo. 1994

Missouri Public Service Commission Docket No.: AX-96-301

If there are any questions, please contact:

Cecil I. Wright
Chief Administrative Law Judge
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102
(573) 751-7497

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AUG 07 1996

SECRETARY OF STATE
ADMINISTRATIVE RULES DIVISION

BY THE COMMISSION

David L. Rauch
Executive Secretary

(SEAL)

DLR:CIW:jp

Enclosures

Hard copy: one original and two copies for Adm. Rules, plus one copy to be returned to PSC
Electronic copy: version WordPerfect 6.1 on disk
Rule Transmittal

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REBECCA MCDOWELL COOK
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

SECRETARY OF STATE
ADMINISTRATIVE RULES DIVISION

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

Rule Number 4 CSR 240-20.030

Diskette File Name 20-030.or

Name of person to call with questions about this rule:

Context Cecil Wright Phone 751-7497 FAX 751-1847

Data Entry Judy Pope Phone 751-6526 FAX 751-1847

Interagency Mailing Address 301 W. High St., Room 530, Jefferson City, MO 65109

Statutory Provision for Rulemaking

Authority S 393.140, RSMo Provide Most Current Year 1994

Date Filed With the Joint Committee on Administrative Rules EXEMPT

CHECK, IF INCLUDED:

FORMS, List by Mo-Form Number, # of Pages

- Cover Letter _____
 - Affidavit _____
 - Cost Statements _____
 - Public Entity Fiscal Note _____
 - Private Entity Fiscal Note _____
- OTHER _____

RULEMAKING ACTION TO BE TAKEN

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- Withdrawal (Rule, Amendment, Rescission or Emergency)
- Rule Action Notice
- In Addition

SPECIFIC INSTRUCTIONS

Title 4--DEPARTMENT OF
ECONOMIC DEVELOPMENT

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Division 240--Public Service
Commission

AUG 07 1996

Chapter 20--Electric Utilities

SECRETARY OF STATE
ADMINISTRATIVE RULES DIVISION

ORDER OF RULEMAKING

By authority vested in the Public Service Commission under section 393.140, RSMo (1994), the commission amends a rule as follows:

4 CSR 240-20.030 is amended.

A Notice of Proposed Rulemaking containing the text of the Proposed Amendment was published in the *Missouri Register* on May 1, 1996 (21 MoReg 1116-1117). Initial comments were due June 5, 1996, and reply comments were due June 20, 1996. No comments were received. Since no changes have been made in the text of the Proposed Amendment, it is not reprinted here. This Proposed Amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

FILED

AUG 7 - 1996

MISSOURI
PUBLIC SERVICE COMMISSION



Missouri Public Service Commission

Commissioners

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Chair

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General Counsel

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**MISSOURI
PUBLIC SERVICE COMMISSION**

Honorable Rebecca McDowell Cook
Secretary of State
600 West Main Street
Jefferson City, Missouri 65101

ATTENTION: Administrative Rules Division

I do hereby certify that the attached are accurate and complete copies of the Order of Rulemaking on 4 CSR 240-30.040 Uniform System of Accounts—Class A and Class B Telecommunications Companies lawfully submitted by the Missouri Public Service Commission for filing this 7th day of August, 1996.

Statutory authority: Section 392.210, R.S.Mo. 1994

Missouri Public Service Commission Docket No.: AX-96-301

If there are any questions, please contact:

Cecil I. Wright
Chief Administrative Law Judge
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102
(573) 751-7497

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**SECRETARY OF STATE
ADMINISTRATIVE RULES DIVISION**

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David L. Rauch
Executive Secretary

(SEAL)

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Enclosures

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ADMINISTRATIVE RULES DIVISION

REBECCA MCDOWELL COOK
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

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

Rule Number 4 CSR 240-30.040
Diskette File Name 30-040.or

Name of person to call with questions about this rule:

Context Cecil Wright Phone 751-7497 FAX 751-1847

Data Entry Judy Pope Phone 751-6526 FAX 751-1847

Interagency Mailing Address 301 W. High St., Room 530, Jefferson City, MO 65109

Statutory Provision for Rulemaking

Authority 5392.210, RSMo Provide Most Current Year 1994

Date Filed With the Joint Committee on Administrative Rules EXEMPT

CHECK, IF INCLUDED:

- Cover Letter
- Affidavit
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- Public Entity Fiscal Note
- Private Entity Fiscal Note

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- Rule Action Notice
- In Addition _____

SPECIFIC INSTRUCTIONS

Title 4--DEPARTMENT OF
ECONOMIC DEVELOPMENT

Division 240--Public Service
Commission

Chapter 30--Telephone Utilities

ORDER OF RULEMAKING

By authority vested in the Public Service Commission under section 392.210,
RSMo (1994), the commission amends a rule as follows:

4 CSR 240-30.040 is amended.

A Notice of Proposed Rulemaking containing the text of the Proposed Amendment was published in the *Missouri Register* on May 1, 1996 (21 MoReg 1117). Initial comments were due June 5, 1996, and reply comments were due June 20, 1996. No comments were received. Since no changes have been made in the text of the Proposed Amendment, it is not reprinted here. This Proposed Amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

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ADMINISTRATIVE RULES DIVISION

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General Counsel

Honorable Rebecca McDowell Cook
Secretary of State
600 West Main Street
Jefferson City, Missouri 65101

ATTENTION: Administrative Rules Division

I do hereby certify that the attached are accurate and complete copies of the Order of Rulemaking on 4 CSR 240-40.040 Uniform System of Accounts--Gas Corporations lawfully submitted by the Missouri Public Service Commission for filing this 7th day of August, 1996.

Statutory authority: Section 393.140, R.S.Mo. 1994

Missouri Public Service Commission Docket No.: AX-96-301

If there are any questions, please contact:

Cecil I. Wright
Chief Administrative Law Judge
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Post Office Box 360
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Secretary of State
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RULE TRANSMITTAL

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Rule Number 4 CSR 240-40.040

Diskette File Name 40-040.or

Name of person to call with questions about this rule:

Context Cecil Wright Phone 751-7497 FAX 751-1847

Data Entry Judy Pope Phone 751-6526 FAX 751-1847

Interagency Mailing Address 301 W. High St., Room 530, Jefferson City, MO 65109

Statutory Provision for Rulemaking

Authority S 393.140, RSMo Provide Most Current Year 1994

Date Filed With the Joint Committee on Administrative Rules EXEMPT

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SPECIFIC INSTRUCTIONS

**Title 4--DEPARTMENT OF
ECONOMIC DEVELOPMENT**

**Division 240--Public Service
Commission**

Chapter 40--Gas Utilities

ORDER OF RULEMAKING

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**SECRETARY OF STATE
ADMINISTRATIVE RULES DIVISION**

By authority vested in the Public Service Commission under section 393.140, RSMo (1994), the commission amends a rule as follows:

4 CSR 240-40.040 is amended.

A Notice of Proposed Rulemaking containing the text of the Proposed Amendment was published in the *Missouri Register* on May 1, 1996 (21 MoReg 1117-1118). Initial comments were due June 5, 1996, and reply comments were due June 20, 1996. No comments were received. Since no changes have been made in the text of the Proposed Amendment, it is not reprinted here. This Proposed Amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

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600 West Main Street
Jefferson City, Missouri 65101

ATTENTION: Administrative Rules Division

I do hereby certify that the attached are accurate and complete copies of the Order of Rulemaking on 4 CSR 240-50.030 Uniform Systems of Accounts--Water Companies lawfully submitted by the Missouri Public Service Commission for filing this 7th day of August, 1996.

Statutory authority: Section 393.140, R.S.Mo. 1994

Missouri Public Service Commission Docket No.: AX-96-301

If there are any questions, please contact:

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RULE TRANSMITTAL

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Rule Number 4 CSR 240-50.030
Diskette File Name 50-030.or

Name of person to call with questions about this rule:

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Data Entry Judy Pope Phone 751-6526 FAX 751-1847

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Statutory Provision for Rulemaking

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Division 240--Public Service
Commission

SECRETARY OF STATE
ADMINISTRATIVE RULES DIVISION

Chapter 50--Water Utilities

ORDER OF RULEMAKING

By authority vested in the Public Service Commission under section 393.140, RSMo (1994), the commission amends a rule as follows:

4 CSR 240-50.030 is amended.

A Notice of Proposed Rulemaking containing the text of the Proposed Amendment was published in the *Missouri Register* on May 1, 1996 (21 MoReg 1118). Initial comments were due June 5, 1996, and reply comments were due June 20, 1996. No comments were received. Since no changes have been made in the text of the Proposed Amendment, it is not reprinted here. This Proposed Amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

FILED
AUG 7 - 1996
MISSOURI
PUBLIC SERVICE COMMISSION



Missouri Public Service Commission

Commissioners

KARL ZOBRIST
Chair

KENNETH McCLURE

DUNCAN E. KINCHELOE

HAROLD CRUMPTON

M. DIANNE DRAINER
Vice Chair

POST OFFICE BOX 360
JEFFERSON CITY, MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
573-526-5695 (TT)

August 7, 1996

DAVID L. RAUCH
Executive Secretary
SAM GOLDAMMER
Director, Utility Operations
GORDON L. PERSINGER
Director, Policy & Planning
KENNETH J. RADEMAN
Director, Utility Services
VACANT
Director, Administration
CECIL L. WRIGHT
Chief Administrative Law Judge
ROBERT J. HACK
General Counsel

Honorable Rebecca McDowell Cook
Secretary of State
600 West Main Street
Jefferson City, Missouri 65101

ATTENTION: Administrative Rules Division

I do hereby certify that the attached are accurate and complete copies of the Order of Rulemaking on 4 CSR 240-61.020 Uniform Systems of Accounts—Sewer Companies lawfully submitted by the Missouri Public Service Commission for filing this 7th day of August, 1996.

Statutory authority: Section 393.140, R.S.Mo. 1994

Missouri Public Service Commission Docket No.: AX-96-301

If there are any questions, please contact:

Cecil I. Wright
Chief Administrative Law Judge
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102
(573) 751-7497

FILED

AUG 7 - 1996

MISSOURI
PUBLIC SERVICE COMMISSION

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AUG 07 1996

SECRETARY OF STATE
ADMINISTRATIVE RULES DIVISION

BY THE COMMISSION

David L. Rauch
Executive Secretary

(SEAL)

DLR:CIW:jp

Enclosures

Hard copy: one original and two copies for Adm. Rules, plus one copy to be returned to PSC
Electronic copy: version WordPerfect 6.1 on disk
Rule Transmittal

Title 4--DEPARTMENT OF
ECONOMIC DEVELOPMENT

RECEIVED

Division 240--Public Service
Commission

AUG 07 1996

Chapter 61--Records and Accounts
of Sewer Companies

SECRETARY OF STATE
ADMINISTRATIVE RULES DIVISION

ORDER OF RULEMAKING

By authority vested in the Public Service Commission under section 393.140, RSMo (1994), the commission amends a rule as follows:

4 CSR 240-61.020 is amended.

A Notice of Proposed Rulemaking containing the text of the Proposed Amendment was published in the *Missouri Register* on May 1, 1996 (21 MoReg 1118). Initial comments were due June 5, 1996, and reply comments were due June 20, 1996. No comments were received. Since no changes have been made in the text of the Proposed Amendment, it is not reprinted here. This Proposed Amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

FILED
AUG 7 - 1996
MISSOURI
PUBLIC SERVICE COMMISSION

MEMORANDUM

TO: David L. Rauch
Executive Secretary
DATE: August 7, 1996
RE: Authorization to File Orders With the Office of Secretary of State
CASE NO: AX-96-301

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

- 4 CSR 240-10.080 Annual Report Filing Requirements
- 4 CSR 240-20.030 Uniform System of Accounts--Electrical Corporations
- 4 CSR 240-30.040 Uniform System of Accounts--Class A and Class B Telecommunications Companies
- 4 CSR 240-40.040 Uniform System of Accounts--Gas Corporations
- 4 CSR 240-50.030 Uniform Systems of Accounts--Water Companies
- 4 CSR 240-61.020 Uniform Systems of Accounts--Sewer Companies

Karl Zobrist
Karl Zobrist, Chair

Kenneth McClure
Kenneth McClure, Commissioner

Duncan E. Kincheloe
Duncan E. Kincheloe, Commissioner

Harold Crumpton
Harold Crumpton, Commissioner

M. Dianne Drainer
M. Dianne Drainer, Vice Chair

Cite. 8-1

Appendix 8-1

3-0

with 1 Page

FILED
AUG 7 - 1996

MISSOURI
PUBLIC SERVICE COMMISSION

Title 4 - DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240 - Public Service Commission

Chapter 10 - Utilities

PROPOSED RULE

4 CSR 240-10.080 Annual Report Filing Requirements

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SECRETARY OF STATE
ADMINISTRATIVE RULES DIVISION

PURPOSE: This rule establishes standards for filing annual reports by utilities subject to the jurisdiction of the Missouri Public Service Commission, including procedures for filing annual report information under seal.

(1) All public utilities subject to the jurisdiction of the Missouri Public Service Commission shall file an annual report with the commission on or before April 15 of each year, except for private pay telephone providers which are exempted under the provisions of 4 CSR 240-2.060(3)(B).

(2) Electric utilities shall file their annual reports on a form provided by the commission. All requested information shall be included in the annual report where applicable.

(3) Gas utilities shall file their annual reports on a form provided by the commission. All requested information shall be included in the annual report where applicable.

(4) Telecommunications utilities shall file their annual reports on a form provided by the commission. All requested information shall be included in the annual report where applicable.

(5) Water utilities shall file their annual reports on a form provided by the commission. All requested information shall be included in the annual report where applicable.

(6) Sewer utilities shall file their annual reports on a form provided by the commission. All requested information shall be included in the annual report where applicable.

(7) Where a utility subject to this rule considers the information requested on the annual report form to be confidential, it must make a written request to the executive secretary to file that information under seal. The executive secretary shall then, through the general counsel, present that request to the commission for approval. The executive secretary shall inform the utility within three (3) days of the commission decision whether the request has been granted.

(8) A utility which is unable to meet the filing date established in section (1) of this rule shall make a written request to extend the filing date for its annual report to the executive secretary. The executive secretary, through the chief administrative law judge, shall present the report to the commission for approval. The executive secretary shall inform the utility in writing within three (3) days of the decision of the commission.

Auth: sections 392.210 and 393.140, RSMo (1994). Original rule filed March 19, 1996.

STATE AGENCY COST: This Proposed Rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This Proposed Rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Any interested person may file initial comments concerning this Proposed Rule on or before June 5, 1996. The comments should be filed with an original and fourteen (14) copies and refer to Case No. AX-96-301. The comments should be sent to David L. Rauch, Executive Secretary, Missouri Public Service Commission, P.O. Box 360, Jefferson City, MO 65102. Reply comments shall be filed on or before June 20, 1996 in the same quantity as initial comments.

Title 4 - DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240 - Public Service Commission

Chapter 20 - Electric Utilities

PROPOSED AMENDMENT

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COPY
MAR 19 1996

SECRETARY OF STATE
ADMINISTRATIVE RULES DIVISION

4 CSR 240-20.030 Uniform System of Accounts-Electrical Corporations. The Public Service Commission proposes to amend this rule by removing section (5) concerning annual reports of electrical corporations. A new rule is being proposed which will set out annual report requirements for all utilities under the commission's jurisdiction.

PURPOSE: This rule is being amended in order that the commission may place its requirements concerning annual reports for all utilities under its jurisdiction in one comprehensive rule.

[(5) Annual reports for all electrical corporations subject to regulation by this commission shall be filed by each electrical corporation with the commission on or before April 15 following the year for which the report is made.]

Editor's Note: Subsequent sections of this rule are renumbered accordingly.

Auth: section 393.140, RSMo (1994). * Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed April 26, 1976, effective Sept. 11, 1976. Amended: Filed Feb. 5, 1993, effective Oct. 10, 1993. Amended: Filed March 19, 1996.

*Original authority 1939, amended 1949, 1967.

STATE AGENCY COST: This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This Proposed Amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Any interested person may file initial comments concerning this Proposed Amendment on or before June 5, 1996. The comments should be filed with an original and fourteen (14) copies and refer to Case No. AX-96-301. The comments should be sent to David L. Rauch, Executive Secretary, Missouri Public Service Commission, P.O. Box 360, Jefferson City, MO 65102. Reply comments shall be filed on or before June 20, 1996 in the same quantity as initial comments.

Title 4 - DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240 - Public Service Commission

Chapter 30 - Telephone Utilities

PROPOSED AMENDMENT

RECEIVED
COPY
MAR 19 1996
SECRETARY OF STATE
ADMINISTRATIVE SERVICES DIVISION

4 CSR 240-30.040 Uniform System of Accounts-Class A and Class B Telecommunications Companies. The Public Service Commission proposes to amend this rule by removing section (4) concerning annual reports of Class A and Class B telecommunications companies. A new rule is being proposed which will set out annual report requirements for all utilities under the commission's jurisdiction.

PURPOSE: This rule is being amended in order that the commission may place its requirements concerning annual reports for all utilities under its jurisdiction in one comprehensive rule.

[(4) Annual reports for all Class A and Class B telecommunications companies subject to regulation by this commission shall be filed with the commission on or before April 15 following the year for which the report is made.]

Editor's Note: Subsequent sections of this rule are renumbered accordingly.

Auth: section 392.210, RSMo (1994). Original rule filed June 15, 1964, effective June 30, 1964. Amended: Filed April 26, 1976, effective Sept. 11, 1976. Amended: Filed July 16, 1979, effective Feb. 1, 1980. Rescinded and readopted: Filed May 17, 1988, effective Oct. 27, 1988. Amended: Filed March 19, 1996.*

**Original authority 1939, amended 1984, 1987.*

STATE AGENCY COST: This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This Proposed Amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Any interested person may file initial comments concerning this Proposed Amendment on or before June 5, 1996. The comments should be filed with an original and fourteen (14) copies and refer to Case No. AX-96-301. The comments should be sent to David L. Rauch, Executive Secretary, Missouri Public Service Commission, P.O. Box 360, Jefferson City, MO 65102. Reply comments shall be filed on or before June 20, 1996 in the same quantity as initial comments.

Title 4 - DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240 - Public Service Commission

Chapter 40 - Gas Utilities

PROPOSED AMENDMENT

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COPY
MAR 19 1996

SECRETARY OF STATE
ADMINISTRATIVE RULES DIVISION

4 CSR 240-40.040 Uniform System of Accounts-Gas Corporations. The Public Service Commission proposes to amend this rule by removing section (5) concerning annual reports of gas corporations. A new rule is being proposed which will set out annual report requirements for all utilities under the commission's jurisdiction.

PURPOSE: This rule is being amended in order that the commission may place its requirements concerning annual reports for all utilities under its jurisdiction in one comprehensive rule.

[(5) Annual reports for all gas corporations shall be filed with the commission on or before April 15 following the year for which the report is made.]

Editor's Note: Subsequent sections of this rule are renumbered accordingly.

*Auth: section 393.140, RSMo (1994). * Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed April 26, 1976, effective Sept. 11, 1976. Amended: Filed Feb. 5, 1993, effective Oct. 10, 1993. Amended: Filed March 19, 1996.*

**Original authority 1939, amended 1949, 1967.*

STATE AGENCY COST: This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This Proposed Amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Any interested person may file initial comments concerning this Proposed Amendment on or before June 5, 1996. The comments should be filed with an original and fourteen (14) copies and refer to Case No. AX-96-301. The comments should be sent to David L. Rauch, Executive Secretary, Missouri Public Service Commission, P.O. Box 360, Jefferson City, MO 65102. Reply comments shall be filed on or before June 20, 1996 in the same quantity as initial comments.

Title 4 - DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240 - Public Service Commission

Chapter 50 - Water Utilities

PROPOSED AMENDMENT

RECEIVED

MAR 19 1996
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SECRETARY OF STATE
ADMINISTRATIVE RULES DIVISION

4 CSR 240-50.030 Uniform Systems of Accounts-Water Companies. The Public Service Commission proposes to amend this rule by removing section (5) concerning annual reports of water companies. A new rule is being proposed which will set out annual report requirements for all utilities under the commission's jurisdiction.

PURPOSE: This rule is being amended in order that the commission may place its requirements concerning annual reports for all utilities under its jurisdiction in one comprehensive rule.

[(5) Annual reports for all water corporations, subject to regulation by this commission, shall be filed by each water corporation, with the commission on or before April 15 next following the year for which the report is made.]

Auth: section 393.140, RSMo (1994). * Original rule filed May 10, 1965, effective May 20, 1965. Amended: Filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed April 26, 1976, effective Sept. 11, 1976. Amended: Filed July 13, 1979, effective Feb. 1, 1980. Amended: Filed March 19, 1996.

*Original authority 1939, amended 1949, 1967.

STATE AGENCY COST: This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This Proposed Amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Any interested person may file initial comments concerning this Proposed Amendment on or before June 5, 1996. The comments should be filed with an original and fourteen (14) copies and refer to Case No. AX-96-301. The comments should be sent to David L. Rauch, Executive Secretary, Missouri Public Service Commission, P.O. Box 360, Jefferson City, MO 65102. Reply comments shall be filed on or before June 20, 1996 in the same quantity as initial comments.

Title 4 - DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240 - Public Service Commission

Chapter 61 - Records and Accounts
of Sewer Companies

PROPOSED AMENDMENT

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SECRETARY OF STATE
ADMINISTRATIVE RULES DIVISION

4 CSR 240-61.020 Uniform Systems of Accounts-Sewer Companies. The Public Service Commission proposes to amend this rule by removing section (5) concerning annual reports of sewer companies. A new rule is being proposed which will set out annual report requirements for all utilities under the commission's jurisdiction.

PURPOSE: This rule is being amended in order that the commission may place its requirements concerning annual reports for all utilities under its jurisdiction in one comprehensive rule.

[(5) Annual reports for all sewer companies, subject to regulation by this commission shall be filed by each sewer company, with the commission on or before April 15 following the year for which the report is made.]

Auth: section 393.140, RSMo (1994). Original rule filed Dec. 28, 1967, effective July 1, 1968. Amended: Filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed April 26, 1976, effective Sept. 11, 1976. Amended: Filed July 13, 1979, effective Feb. 1, 1980. Amended: Filed March 19, 1996.

State ex rel. Martigney Creek Sewer Co. v. Public Service Commission, 537 SW2d 388 (Mo. banc 1976). In not excluding the connection fees clearly paid in cash after June 1, 1967 and used in the construction of sewer plant, the P.S.C. has ignored its own adopted rule of uniformity of accounts and books. It is impossible to ascertain a rational basis, in view of the P.S.C.'s rule, and the holding herein and in the case of *State ex rel. Valley Sewage Co. v. P.S.C., 515 SW2d 845 (Mo. App. 1974)* that donations and cash connection fees are contributions in aid of construction to be excluded as bases for rate-making purposes, that they should be treated differently because of time of receipt or how they were subsequently entered and handled on Martigney's books.

STATE AGENCY COST: This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This Proposed Amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Any interested person may file initial comments concerning this Proposed Amendment on or before June 5, 1996. The comments should be filed with an original and fourteen (14) copies and refer to Case No. AX-96-301. The comments should be sent to David L. Rauch, Executive Secretary, Missouri Public Service Commission, P.O. Box 360, Jefferson City, MO 65102. Reply comments shall be filed on or before June 20, 1996 in the same quantity as initial comments.

Title 4 - DEPARTMENT OF ECONOMIC DEVELOPMENT

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Division 240 - Public Service Commission

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Chapter 61 - Records and Accounts
of Sewer Companies

PROPOSED AMENDMENT

SECRETARY OF STATE
ADMINISTRATIVE RULES DIVISION

4 CSR 240-61.020 Uniform Systems of Accounts-Sewer Companies. The Public Service Commission proposes to amend this rule by removing section (5) concerning annual reports of sewer companies. A new rule is being proposed which will set out annual report requirements for all utilities under the commission's jurisdiction.

PURPOSE: This rule is being amended in order that the commission may place its requirements concerning annual reports for all utilities under its jurisdiction in one comprehensive rule.

[(5) Annual reports for all sewer companies, subject to regulation by this commission shall be filed by each sewer company, with the commission on or before April 15 following the year for which the report is made.]

Auth: section 393.140, RSMo (1994). Original rule filed Dec. 28, 1967, effective July 1, 1968. Amended: Filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed April 26, 1976, effective Sept. 11, 1976. Amended: Filed July 13, 1979, effective Feb. 1, 1980. Amended: Filed March 19, 1996.

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STATE AGENCY COST: This Proposed Amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This Proposed Amendment will not cost private entities more than \$500 in the aggregate.

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