

AX-96-301

**Rules of**  
**Department of Economic**  
**Development**  
**Division 240—Public Service Commission**  
**Chapter 10—Utilities**

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## Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public  
Service Commission  
Chapter 10—Utilities

### 4 CSR 240-10.010 Books and Records

*PURPOSE: This rule provides for the keeping of certain public utility accounts, records, memoranda, books and papers required by law and prescribes conditions upon which any part of the books and records may be removed from, or kept outside, the state.*

(1) This rule applies to every public utility, as defined in section 386.020, RSMo, and to all persons employed by the public utilities.

(2) Every public utility shall have an office in this state in which its accounts, records, memoranda, books and papers carried in pursuance of a statute of this state or rules of this commission shall be kept, except as provided in this rule. Accounts, records, memoranda, books and papers carried in pursuance to the requirements of law mean the general records of the utility carried in pursuance of a statute of this state or the rules of this commission. All general records shall be kept in a fireproof place. No accounts, records, memoranda, books and papers, at any time, shall be removed from or kept outside the state except upon conditions as are prescribed.

(3) The following denotes the conditions under which any part of the accounts, records, memoranda, books and papers will be permitted to be removed from their domicile in this state, or kept outside the state, if domiciled in another state and doing business in Missouri:

(A) Every public utility doing business in Missouri shall maintain and keep accounts, records, memoranda, books and papers in conformity with the rules prescribed by this commission;

(B) If a public utility should desire to remove its general records from its office in this state, it shall notify the commission of any such intention thirty (30) days in advance of the removal, setting forth the exact address of the general office where the general records will be kept;

(C) If a public utility doing business in Missouri maintains its general records outside the state, the utility shall notify the commission, in writing, thirty (30) days in advance of any relocation, setting forth the

exact address of the general office where the general records will be kept;

(D) Every public utility or its successors or assigns shall hold itself ready and willing to produce any of its books and records to the commission at any time the commission shall so order or request, and shall permit the commission, or any of its officers or employees, to inspect these accounts, records, memoranda, books and papers;

(E) Every public utility shall permit the commission, or any of its officers or employees, to examine and inspect any of the accounts, records, memoranda, books and papers at any reasonable time at the office where these accounts, records, memoranda, books and papers are kept, the same as if the books and papers were kept within Missouri;

(F) If the commission deems it necessary to send one (1) or more of its officers or employees to examine any of the accounts, records, memoranda, books and papers of the public utility at the office where these books and records are kept, this being an extraordinary function of regulation not ordinarily contemplated in intrastate regulations of utilities, which are normally domiciled in Missouri and keep their books in this state, all reasonable expenses incurred by the officers and employees, if so ordered by the commission, shall be borne and paid by the public utility; provided, however, that before any such expense shall be incurred by the commission, the public utility shall be given reasonable notice to produce its accounts, records, memoranda, books and papers designated by the commission for inspection and examination of the commission or its officers and employees, at the office of the commission at Jefferson City, Missouri, or at an office of the public utility in Missouri, or at such other point in Missouri, as may be mutually agreed, in which case the public utility also shall make available at that place, at the time of the examination, a person(s), who is acquainted with the records;

(G) Every public utility, upon removal of any of its general records from Missouri, to an office in another state, shall keep the general records as are maintained in its office in the designated sister state, relative to its business operations in Missouri, in a fireproof place, when stored or not in use, or in the alternative, provide an original, duplicate or true copy of the records, which shall be kept in a fireproof place in one (1) of its offices in Missouri; and

(H) All public utilities shall file with the secretary of the Public Service Commission, if they have not previously done so, and include in their annual report, the address of

the office(s) in which its general records are kept.

*AUTHORITY: section 393.140, RSMo (1986). \* This version of rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed May 17, 1988, effective Oct. 27, 1988.*

*\*Original authority 1939, amended 1947, 1967.*

*State ex rel Kansas City Transit, Inc. v. Public Service Commission, 406 SW2d 5 (Mo. banc 1966). Commission is an administrative body of powers limited to those expressly granted by statute or necessary or proper to effectuate statutory purpose. Commission's authority to regulate does not include right to dictate manner in which company conducts its business.*

### 4 CSR 240-10.020 Income on Depreciation Fund Investments

*PURPOSE: This rule prescribes the use of income on investments from depreciation funds and the means for accounting for that income.*

(1) In the process of determining the reasonableness of rates for service, income shall be determined on the depreciation funds of the gas, electric, water, telegraph, telephone and heating utilities pertaining to their properties used and useful in the public service in Missouri and shall be applied in reduction of the annual charges to operating income of those utilities.

(2) The income from the investment of monies in depreciation funds shall be computed at the rate of three percent (3%) per annum of the principal amount of the depreciation funds.

(3) The principal amount of depreciation funds of any such utility, for the purposes of this rule, shall be deemed to be equivalent to the balance in the depreciation reserve account of any such utility regardless of whether or not any such depreciation reserve account may be represented by a segregated fund ear-marked for that purpose; provided, however, that the principal amount of the depreciation funds may be adjusted by the portion(s) of funds which may have been provided under circumstances other than by charges to operating income or otherwise, these adjustments to be subject to the approval of the commission. The terms

considered by the commission to be fair and reasonable are provided for in gas sales contracts or in rules or practices of a utility, these different bases shall be effective.

(10) The monthly average total heating value of manufactured gas shall be not less than five hundred seventy (570) British Thermal Units (BTUs) per cubic foot at any point within at least one (1) mile of the manufacturing plant, and shall be at no time the total heating value of the gas at that point less than five hundred twenty (520) BTUs per cubic foot, unless a different standard of heating value is specifically authorized by the commission, and provided that no utility shall lower its present standard heating value without first obtaining the approval of the commission. To arrive at the monthly average total heating value, the result of all tests made on any one (1) day shall be averaged and the average of all these daily averages shall be taken as the monthly average. The term heating value of the gas, as used in this rule and as the value is determined in the tests referred to in this rule, shall be the total heating value as it is defined in the *Bureau of Standards Circular No. 405 Standards For Gas Service*.

(11) Each utility whose output exceeds twenty (20) million cubic feet of manufactured gas per year shall provide and maintain a calorimeter and all necessary accessories the calorimeter and the utility shall determine the heating value of manufactured gas supplied by it under the requirements set forth by this rule on at least three (3) days of each week. If the gas supplied by the utility is natural gas, it is excused from providing and maintaining a calorimeter; provided, it has available to it information by which it may keep itself fully informed respecting the heating value of the gas delivered by it. If the gas supplied by the utility is liquefied petroleum gas and it has installed adequate facilities by which it is able and does control continuously the heating value of the gas as furnished to the customers' premises and by which it may keep itself fully informed respecting the heating value of the gas delivered by it, the utility is excused from providing and maintaining a calorimeter. Heating value tests should be made or secured on natural gas at least three (3) times per year. A record of these tests or the information secured shall be maintained available for inspection by the commission and preserved for a period of at least two (2) years.

(12) All gas distributed in this state shall not contain more than a trace of hydrogen sulphide. The gas shall be considered to contain

not more than a trace of hydrogen sulphide if a strip of white filter paper moistened with a solution containing five percent (5%) by weight of lead acetate is not distinctly darker than a second paper freshly moistened with the same solution after the first paper has been exposed to the gas for one (1) minute in an apparatus previously purged through which gas is flowing at the rate of five (5) cubic feet per hour and not impinging directly from a jet upon the test paper. Tests shall be made daily on manufactured gas leaving the holders, for the presence of hydrogen sulphide, in the manner specified, and a record of the result of these tests shall be filed available for inspection by the commission and preserved for a period of at least two (2) years. Each utility supplying natural gas shall make tests for hydrogen sulphide with a frequency as is necessary to keep itself informed that the gas distributed by it does not contain more hydrogen sulphide than the trace previously defined and at other times as the commission may require. A record of these tests shall be kept for a period of two (2) years.

(13) It is recommended that all gas delivered by the utilities shall possess a strong and distinctive odor. If the cost of introducing an odor into the gas to obtain the condition continuously is excessive, a suitable odorant shall be introduced during the early part of the heating season and once during the nonheating season each year. During periods of odorizing gas to detect leaks, there may be more than a trace of sulphur in the gas and this temporary condition is permissible.

(14) Each gas utility should set up and follow a rigid program of preventive maintenance of its gas distribution system.

(15) All manufactured gas distributed shall contain not more than thirty (30) grains of total sulphur nor more than five (5) grains of ammonia in each one hundred (100) cubic feet. Each utility whose output exceeds fifty (50) million cubic feet of manufactured gas per year shall provide and maintain the apparatus and facilities as are necessary for the determination of total sulphur and ammonia in gas and each utility shall regularly determine the amount of total sulphur and ammonia in the manufactured gas distributed by it at sufficiently frequent intervals to insure compliance with the foregoing requirements; provided, however, that any such utility supplying only water gas or oil gas shall not be required to provide apparatus or make determinations of the amount of ammonia in gas. A record of these tests shall be maintained available for inspection by the commission

and preserved for a period of at least two (2) years.

(16) Except by special authority from the commission for the delivery of a higher service pressure, gas shall be furnished at not less than equivalent to four inches (4") water column nor more than two (2) pounds per square inch gauge (psig) pressure measured at the inlet of the consumer's piping downstream from the meter; provided, that with respect to any consumer whose rate of consumption, based upon designed capacity of installed equipment, reaches or exceeds four hundred fifty (450) cubic feet per hour, a utility, without obtaining special permission, may furnish gas to the consumer at a maximum pressure greater than two (2) psig if the utility shall determine that a greater pressure is available and is desirable to effect economy in delivery or efficiency in utilization of gas by the consumer. In those instances where the delivery pressure to the consumer is greater than an equivalent to fourteen inches (14") of water column, a regulator shall be required ahead of all gas consuming equipment. The maximum pressure on any one (1) day at the inlet of the consumer's piping downstream from the meter shall never exceed twice the minimum pressure at that point on that day. At the time a utility establishes gas service to any applicant a leakage test shall be made at the intended delivery pressure to the consumer to insure that the applicant's fuel line is in a safe condition; provided, however, if the maximum delivery pressure exceeds two (2) psig then the customer's piping system shall be tested at one and one-half (1 1/2) times the maximum delivery pressure. Service shall not be established until the utility determines that this test has been properly made.

(17) Each utility furnishing gas service in cities of two thousand five hundred (2500) inhabitants or over shall maintain a graphic recording pressure gauge at its plant, downtown office or at some central point in the distributing system or each subdivision of the system where continuous records shall be made of the service pressure at that point. Utilities operating in cities of five thousand (5000) or more inhabitants shall equip themselves with one (1) or more graphic recording pressure gauges in addition to the foregoing and shall make frequent records, each covering intervals of at least twenty-four (24) hours duration of the gas service pressure at various points on the system. All records or charts made by these meters shall be identified, dated and kept on file available for inspection for a period of at least two (2) years.

be tested for reasons other than physical or electrical damage, it should not be opened unless faulty registration (as defined in this rule) is indicated. Each watt-hour meter which appears to be in good condition may be tested by loading the meter sufficiently to cause it to register not less than one hundred (100) kilowatt hours (kWh) at varying rates of current flow for a specified period of time. If this procedure is used, the meter must be checked with a standard meter, previously determined to be accurate, by reading and comparing the dial registers of the meter being tested with the standard meter. If the dial register of the meter being tested shows less than ninety-nine (99) kWh or more than one hundred one (101) kWh (for each one hundred (100) kWh of registration at varying rates of current flow), the meter will be considered as one with faulty registration and will be opened, retested and adjusted. Otherwise, it will be available to be placed in service. With respect to the testing of all meters manufactured prior to 1937 and with respect to those meters manufactured during and since 1937 which are required, under this rule, to be opened, retested and adjusted, the following procedure shall be followed (This procedure may be followed in all cases, at the option of the electric corporation.):

(A) Tests and adjustments for accuracy shall be made at from five percent to ten percent (5%—10%) and at from seventy-five percent to one hundred percent (75%—100%) of rated capacity of meter;

(B) Tests for accuracy at each load shall be made with suitable working standards by taking the average of at least two (2) test runs of at least thirty (30) seconds each which agree within one percent (1%), except that where stroboscopic or similarly precise methods of testing are used, only one (1) test run need be made;

(C) Any meter operating on inductive load should be tested under inductive load and should be adjusted to register accurately at the approximate power factor conditions at which the meter will normally be required to operate, or at fifty percent (50%) and one hundred percent (100%) power factors;

(D) When testing, each meter shall be adjusted as accurately as practical for correct registration at the test load specified. Where necessary to adjust the meter fast at light or heavy load, for correct registration at normal load or to correct for inductive load, the fast adjustment should not exceed two percent (2%) above correct registration; and

(E) Commutator-type meters, when feasible, should be allowed to remain in actual service at least five (5) days before being tested.

(26) No electric service watt-hour meter shall be allowed in service which has incorrect constants or dial train, or which creeps at no load at the rate of more than one (1) disk revolution in five (5) minutes or less when maximum service voltage under which meter operates is applied or which is in any way mechanically defective. Nothing contained in this section shall require any electric corporation to open any new meter manufactured during and since 1937.

(27) Any electric service meter tested on complaint or for any other reason after having been in service may be considered as having been recording within allowable limits of accuracy at any possible load if it is found to register within three percent (3%) of correct registration when tested in accordance with the provisions of section (25). After the test, however, the meter shall be adjusted for accuracy in accordance with the provisions of section (25) before being again placed in service. It is suggested that the average accuracy of a meter in service be defined as follows and that the condition of the meter, as thus determined, be used as a basis for adjusting consumer's bills for incorrect registration beyond certain limits where any utility makes the adjustment a part of its commercial practice:

(A) Test an induction meter or a commutator meter at approximately five percent to ten percent (5%—10%) of rated capacity of meter and at seventy-five percent to one hundred percent (75%—100%) rated capacity of meter; and

(B) The average of the tests at light and heavy load, defined as the average accuracy or condition of meter, shall be obtained by multiplying the result of the test at heavy load by four (4) and adding the result of the test at light load and dividing the total by five (5).

(28) Unless otherwise ordered by the commission, each electric service watt-hour meter shall be periodically tested in accordance with the following schedule or as often as the results obtained may warrant, and adjusted in accordance with section (25):

(A) Induction-type meters manufactured prior to 1927—

1. Induction-type meters having rated current capacity not exceeding fifty (50) amperes, at least once every sixty (60) months; and

2. Induction-type meters having rated current capacity exceeding fifty (50) amperes, at least once every twenty-four (24) months;

(B) Induction-type meters manufactured during the period 1927—1936:

1. Induction-type meters having rated current capacity not exceeding fifty (50) amperes, at least once every ninety-six (96) months;

2. Induction-type meters having rated current capacity exceeding fifty (50) amperes, at least once every thirty (30) months;

3. Commutator-type meters with rated current capacities not exceeding fifty (50) amperes and voltage ratings not exceeding two hundred fifty (250) volts, at least once every twenty-four (24) months; and

4. All other meters at least once every twelve (12) months;

(C) Induction-type meters manufactured during and since 1937, at least once every two hundred forty (240) months; and

(D) In commutator meters having heavy moving elements and sapphire jewels, the number of revolutions of the moving element between tests should not ordinarily exceed one (1) million.

(29) Each utility furnishing metered electric service shall make a test of the accuracy of any electric service meter free of charge upon request of a consumer; provided, that the meter has not been tested within twelve (12) months previous to the request. The consumer shall be notified of the time and place of the test so that s/he may be present to witness the test should s/he so desire. A written report giving the result of the test shall be made to the consumer requesting the test, the original record being kept on file at the office of the utility under the provisions of section (2) of this rule.

(30) Any electric service meter will be tested by the commission upon written application of the consumer or utility. The utility involved shall either remove the meter or give its consent to the removal of the meter, but the consumer shall be given an opportunity to witness the disconnection, packing and shipment of the meter should s/he so desire. The meter will be removed with a special seal which, if the meter is to be reinstalled on this consumer's premises, shall not be disturbed until after the consumer has been given an opportunity to inspect the meter. A fee of two dollars (\$2) will be charged by this commission and paid to the Division of Collections of the Missouri Department of Revenue for each single-phase or direct-current watt-hour meter having a current capacity not exceeding twenty-five (25) amperes and without instrument transformers. For other meters a proportionally larger fee will be charged, depending upon the type and size of the meter. If the meter is fast beyond the

dollars (\$2) will be charged by this commission and paid to the Division of Collections of the Missouri Department of Revenue for each water service meter tested ranging in size up to one inch (1"). For larger meters a proportionally larger fee will be charged, depending upon the size of the meter. If the meter is fast beyond the prescribed limit in section (37) of this rule, the utility will be required to pay the test fee and cost of shipping meter; otherwise these expenses shall be borne by the consumer requesting the test.

(41) Each utility furnishing metered water service in cities of three thousand (3000) or more inhabitants shall maintain one (1) or more suitable water meter testers and keep the water meter tester in proper adjustment so as to register accurately the condition of the meters tested at all times. Meter testers must be located in a suitable working space, easily accessible and equipped with all necessary facilities and accessories. Meter testing equipment shall at all reasonable hours be accessible for inspection by any authorized representative of the commission or by any authorized representative of any department of weights and measures of Missouri or any political subdivision in which the utility operates.

(42) Preliminary engineering reports followed by detailed plans and specifications for new constructions, additions to or changes or alterations to any existing public water supply or water purification plant shall be submitted to the Department of Health for examination and written approval secured from the Department of Health before contracts are let or construction begun. Water utilities must comply with all regulations of the Department of Health or other regulatory bodies having jurisdiction pertaining to installation, extension and operation of public water supplies.

(43) Utilities shall determine the characteristics of service to be made available to each consumer, based upon the location of the premises, size and operating characteristics of the consumer's equipment and shall furnish information, upon request, as to the standard class of service to be furnished which, in the case of either new or enlarged electric connections, shall specify the nominal voltage and number of phases and the number of wires over which service will be delivered. Utilities, when requested, shall provide reasonable assistance to consumers in the selection of equipment best adapted to the service to be furnished and inform consumers

as to conditions under which efficient use of service may be realized.

**AUTHORITY:** section 393.140, RSMo (1986). \* Original rule filed March 5, 1953, effective March 15, 1953. Amended: Filed Sept. 22, 1959, effective Oct. 1, 1959. Amended: Filed May 2, 1968, effective May 16, 1968.

\*Original authority 1939, amended 1949, 1967.

#### 4 CSR 240-10.040 Service and Billing Practices for Commercial and Industrial Customers of Electric, Gas, Water and Steam Heat Utilities

**PURPOSE:** This rule establishes service and billing and payment standards to be observed by electric, gas, water and steam heat utilities, and their commercial and industrial customers in resolving questions regarding these matters so that reasonable and uniform standards exist for service and billing and payment practices for all electric, gas, water and steam heat utilities.

(1) Whenever a utility is unable to gain access to a customer's premises for the purpose of reading and testing meters or servicing or maintaining the utility's equipment or for other appropriate purposes, following calls made at the customer's premises during the usual course of business, the customer, on request from the utility, in which a particular time is specified, shall give access to his/her premises to representatives of the utility for those purposes at the time specified, which time shall be within the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, otherwise the utility may estimate for billing purposes the meter reading subject to correction when the utility may read the meter.

(2) Except for the provisions of this rule, all bills rendered to customers for metered service furnished will show the reading of the meter at the beginning and end of the period for which the bill is rendered and shall give the dates of readings, the number of units of service supplied and the basis of charge or reference. Where, by reason of the use of postal or other card form of billing or for other good reasons, this information cannot reasonably be placed on the bills, any utility may present for filing with the commission, in conjunction with its rules, a proposed form of billing. The commission may authorize, deny or require modification of any such proposed form of billing.

(3) No utility shall discontinue the service of any customer for violation of any rule of that utility except on written notice of intention to discontinue service. This notice shall state the reason for which service will be discontinued, specify a date after which the discontinuance may be effected and shall be mailed to or served upon the customer not less than forty-eight (48) hours prior to that date. This may be waived where a bypass is discovered on a customer's service meter, or in the event of discovery of dangerous leakage or short circuit on a customer's premises, or in the case of a customer utilizing the service in a manner as to make it dangerous for occupants of the premises, thus making the immediate discontinuance of service to the premises imperative or in the case of an order from a governmental agency directing the discontinuance of service. In the event of discontinuance of service for any of these reasons, the customer shall be notified of the discontinuance immediately with a statement concerning the reason for discontinuance.

(4) Each utility may require from any customer at any time a cash deposit or, at its option, a personal guarantee of a responsible person provided that the amount of any such deposit or guarantee so required shall not exceed an estimated bill covering one (1) billing period plus thirty (30) days. A cash deposit shall bear interest at a rate specified in the utility's tariffs, approved by the commission, which shall be credited annually upon the account of the customer or paid upon the return of the deposit, whichever occurs first, and provided the cash deposit remains for a period of at least six (6) months. The rate of interest of the cash deposit shall be only three percent (3%) per annum if the utility keeps the cash deposit in a separate and distinct trust fund and deposited as such in some bank or trust company and not used by the utility in the conduct of its business. These provisions shall not apply to any deposits or guarantees made by the customer for the purpose of securing an extension of or additions to a utility's distributing system in accordance with the utility's rules covering these extensions as filed with this commission. Interest shall not accrue on any cash deposit after the date the utility has made a bona fide effort to return that deposit to the depositor. The utility, in its records, shall keep evidence of its effort to return the deposit. Each utility shall file with the commission, by April 12, 1993, a tariff setting forth the interest rate payable on cash deposits, unless the utility already has a rate of interest set forth in its tariff.

**Title 4—DEPARTMENT OF  
ECONOMIC DEVELOPMENT**

**Division 240—Public  
Service Commission  
Chapter 10—Utilities**

**4 CSR 240-10.010 Books and Records**

*PURPOSE: This rule provides for the keeping of certain public utility accounts, records, memoranda, books and papers required by law and prescribes conditions upon which any part of the books and records may be removed from, or kept outside, the state.*

(1) This rule applies to every public utility, as defined in section 386.020, RSMo, and to all persons employed by the public utilities.

(2) Every public utility shall have an office in this state in which its accounts, records, memoranda, books and papers carried in pursuance of a statute of this state or rules of this commission shall be kept, except as provided in this rule. Accounts, records, memoranda, books and papers carried in pursuance to the requirements of law mean the general records of the utility carried in pursuance of a statute of this state or the rules of this commission. All general records shall be kept in a fireproof place. No accounts, records, memoranda, books and papers, at any time, shall be removed from or kept outside the state except upon conditions as are prescribed.

(3) The following denotes the conditions under which any part of the accounts, records, memoranda, books and papers will be permitted to be removed from their domicile in this state, or kept outside the state, if domiciled in another state and doing business in Missouri:

(A) Every public utility doing business in Missouri shall maintain and keep accounts, records, memoranda, books and papers in conformity with the rules prescribed by this commission;

(B) If a public utility should desire to remove its general records from its office in this state, it shall notify the commission of any such intention thirty (30) days in advance of the removal, setting forth the exact address of the general office where the general records will be kept;

(C) If a public utility doing business in Missouri maintains its general records outside the state, the utility shall notify the commission, in writing, thirty (30) days in advance of any relocation, setting forth the

exact address of the general office where the general records will be kept;

(D) Every public utility or its successors or assigns shall hold itself ready and willing to produce any of its books and records to the commission at any time the commission shall so order or request, and shall permit the commission, or any of its officers or employees, to inspect these accounts, records, memoranda, books and papers;

(E) Every public utility shall permit the commission, or any of its officers or employees, to examine and inspect any of the accounts, records, memoranda, books and papers at any reasonable time at the office where these accounts, records, memoranda, books and papers are kept, the same as if the books and papers were kept within Missouri;

(F) If the commission deems it necessary to send one (1) or more of its officers or employees to examine any of the accounts, records, memoranda, books and papers of the public utility at the office where these books and records are kept, this being an extraordinary function of regulation not ordinarily contemplated in intrastate regulations of utilities, which are normally domiciled in Missouri and keep their books in this state, all reasonable expenses incurred by the officers and employees, if so ordered by the commission, shall be borne and paid by the public utility; provided, however, that before any such expense shall be incurred by the commission, the public utility shall be given reasonable notice to produce its accounts, records, memoranda, books and papers designated by the commission for inspection and examination of the commission or its officers and employees, at the office of the commission at Jefferson City, Missouri, or at an office of the public utility in Missouri, or at such other point in Missouri, as may be mutually agreed, in which case the public utility also shall make available at that place, at the time of the examination, a person(s), who is acquainted with the records;

(G) Every public utility, upon removal of any of its general records from Missouri, to an office in another state, shall keep the general records as are maintained in its office in the designated sister state, relative to its business operations in Missouri, in a fireproof place, when stored or not in use, or in the alternative, provide an original, duplicate or true copy of the records, which shall be kept in a fireproof place in one (1) of its offices in Missouri; and

(H) All public utilities shall file with the secretary of the Public Service Commission, if they have not previously done so, and include in their annual report, the address of

the office(s) in which its general records are kept.

*AUTHORITY: section 393.140, RSMo (1986). \* This version of rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed May 17, 1988, effective Oct. 27, 1988.*

*\*Original authority 1939, amended 1947, 1967.*

*State ex rel Kansas City Transit, Inc. v. Public Service Commission, 406 SW2d 5 (Mo. banc 1966). Commission is an administrative body of powers limited to those expressly granted by statute or necessary or proper to effectuate statutory purpose. Commission's authority to regulate does not include right to dictate manner in which company conducts its business.*

**4 CSR 240-10.020 Income on Depreciation Fund Investments**

*PURPOSE: This rule prescribes the use of income on investments from depreciation funds and the means for accounting for that income.*

(1) In the process of determining the reasonableness of rates for service, income shall be determined on the depreciation funds of the gas, electric, water, telegraph, telephone and heating utilities pertaining to their properties used and useful in the public service in Missouri and shall be applied in reduction of the annual charges to operating income of those utilities.

(2) The income from the investment of moneys in depreciation funds shall be computed at the rate of three percent (3%) per annum of the principal amount of the depreciation funds.

(3) The principal amount of depreciation funds of any such utility, for the purposes of this rule, shall be deemed to be equivalent to the balance in the depreciation reserve account of any such utility regardless of whether or not any such depreciation reserve account may be represented by a segregated fund ear-marked for that purpose; provided, however, that the principal amount of the depreciation funds may be adjusted by the portion(s) of funds which may have been provided under circumstances other than by charges to operating income or otherwise, these adjustments to be subject to the approval of the commission. The terms

depreciation funds and depreciation reserve accounts shall be deemed to include the terms retirement funds and retirement reserve accounts.

(4) The rate of three percent (3%) per annum referred to in section (3) shall be applied in the case of each gas, electric, water, telegraph, telephone and heating utility of Missouri; provided, however, that modification of the rate may be made upon the commission's own motion or upon proper showing by a utility that the rate is not reasonably and equitably applicable to it.

(5) Affected utilities shall prepare and include in their annual reports to the commission commencing with their annual reports for the year 1945, and in such other reports that may be required by the commission from time-to-time, schedules showing for the year or period covered by such reports, the income from the investment of moneys in depreciation funds. The schedules referred to shall be in the form prescribed by this commission and shall include, among other things that may be prescribed: the principal amount of depreciation funds as represented by balances in depreciation reserve accounts; any adjustments of such depreciation funds and accounts with complete details and explanations thereof; and, the amount of the income from the investment of moneys in depreciation funds computed at the rate of three percent (3%) per annum, or such other rate as may be prescribed by order of this commission.

(6) The commission shall retain jurisdiction in this matter for the purpose of making any change(s) in the interest rate prescribed in section (2) that may be warranted.

**AUTHORITY:** sections 392.280 and 393.260, RSMo (1986). \* Original rule filed Dec. 19, 1975, effective Dec. 29, 1975.

\*Original authority: 392.280, RSMo (1939), amended 1987 and 393.260, RSMo (1967).

#### 4 CSR 240-10.030 Standards of Quality

**PURPOSE:** This rule prescribes standards of quality for electric, gas and water utilities operating under the jurisdiction of the Public Service Commission.

*Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or*

*expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.*

(1) This rule applies to all gas, electric and water corporations, as these terms are defined in section 386.020, RSMo, engaged in the business of furnishing gas or electricity for light, heat or power, or supplying water for domestic or commercial uses within Missouri. The word utility, when used in these rules, shall be construed to mean any gas corporation, electric corporation or water corporation engaged in the designated business.

(2) A record shall be kept, systematically arranged, of the names and addresses of all consumers furnished with metered service, with the identification number of meter or meters in use for each consumer. Records shall be kept showing the following information for each meter: date of purchase; company's number, if any; name plate data; place of last installation; and date of last test.

(3) Each utility shall keep records of tests of the accuracy of each of its meters, until superseded by a later test but not less than two (2) years. These records shall give sufficient information to identify the meter; the reason for the test; the date of the test and reading of the meter; the name of the person making the test; the accuracy as found and as left, together with enough of the data taken at the time of the test to permit the convenient checking of the methods employed; and the calculations. Systems of meter and test records already in use will meet with the approval of the commission; provided, they conform substantially with the rule. Application shall be made to the commission for this approval.

(4) The allowance of certain variations from correctness on meters as specified in this rule does not mean that meters may deliberately be set in error by the amount of the tolerance. This tolerance is specified to allow for the necessary irregularities in meter tests and maintenance conducted on a commercial scale.

(5) Each service meter shall be suited to the particular installation to which it is assigned and chosen with a view of obtaining the best adaptation to local conditions and to the load.

(6) It is suggested that those utilities not required to maintain certain testing equip-

ment specified in the rule arrange to perform the tests by making use of the testing equipment of some nearby utility required to maintain the testing equipment.

(7) Reasonable efforts shall be made to eliminate interruptions of service, and when these interruptions occur, service should be re-established with the shortest possible delay. When service is interrupted for the purpose of working on any portion of the system, the interruption should occur at a time which will cause the least inconvenience to the consumer, and those seriously affected by the interruptions, if possible, should be notified in advance. A record shall be kept of all interruptions of service on the entire system or major divisions, including the times, duration and cause of each interruption. These records shall be filed, made available for inspection by the commission and preserved for a period of at least one (1) year.

(8) Each utility shall keep a record of the time of starting up and shutting down all important items of equipment. A record shall be kept of the indications of the principal switchboard instruments, station meters, gauges, and the like, readings being taken at sufficiently frequent intervals to show the characteristics of the load. When feasible, graphic recording instruments should be used for this purpose in accordance with the best modern practice. These records or charts, suitably identified and dated, shall be filed available for inspection by the commission and preserved for a period of at least two (2) years.

(9) When gas is to be tested under this rule, a cubic foot of gas shall be taken to be that amount of gas which occupies the volume of one (1) cubic foot when saturated with water vapor and at a temperature of sixty degrees Fahrenheit (60°F) and under a pressure above zero (0) of thirty inches (30") of mercury. For the purpose of measurement of gas to a consumer at the stated delivery pressure, a cubic foot of gas shall be taken to be the amount of gas which occupies a volume of one (1) cubic foot under the conditions existing in the consumer's meter as and where installed; provided, the meter is not subject to abnormal temperature conditions. In cases where gas is supplied to customers through orifice or positive displacement meters at other than stated delivery pressure, a cubic foot of gas shall be defined to be that volume of gas which, at sixty degrees Fahrenheit (60°F) and at absolute pressure of 14.73 pounds per square inch (psi) (thirty inches (30") of mercury) occupies one (1) cubic foot; except that in cases where different bases that are

considered by the commission to be fair and reasonable are provided for in gas sales contracts or in rules or practices of a utility, these different bases shall be effective.

(10) The monthly average total heating value of manufactured gas shall be not less than five hundred seventy (570) British Thermal Units (BTUs) per cubic foot at any point within at least one (1) mile of the manufacturing plant, and shall be at no time the total heating value of the gas at that point less than five hundred twenty (520) BTUs per cubic foot, unless a different standard of heating value is specifically authorized by the commission, and provided that no utility shall lower its present standard heating value without first obtaining the approval of the commission. To arrive at the monthly average total heating value, the result of all tests made on any one (1) day shall be averaged and the average of all these daily averages shall be taken as the monthly average. The term heating value of the gas, as used in this rule and as the value is determined in the tests referred to in this rule, shall be the total heating value as it is defined in the *Bureau of Standards Circular No. 405 Standards For Gas Service*.

(11) Each utility whose output exceeds twenty (20) million cubic feet of manufactured gas per year shall provide and maintain a calorimeter and all necessary accessories the calorimeter and the utility shall determine the heating value of manufactured gas supplied by it under the requirements set forth by this rule on at least three (3) days of each week. If the gas supplied by the utility is natural gas, it is excused from providing and maintaining a calorimeter; provided, it has available to it information by which it may keep itself fully informed respecting the heating value of the gas delivered by it. If the gas supplied by the utility is liquefied petroleum gas and it has installed adequate facilities by which it is able and does control continuously the heating value of the gas as furnished to the customers' premises and by which it may keep itself fully informed respecting the heating value of the gas delivered by it, the utility is excused from providing and maintaining a calorimeter. Heating value tests should be made or secured on natural gas at least three (3) times per year. A record of these tests or the information secured shall be maintained available for inspection by the commission and preserved for a period of at least two (2) years.

(12) All gas distributed in this state shall not contain more than a trace of hydrogen sulphide. The gas shall be considered to contain

not more than a trace of hydrogen sulphide if a strip of white filter paper moistened with a solution containing five percent (5%) by weight of lead acetate is not distinctly darker than a second paper freshly moistened with the same solution after the first paper has been exposed to the gas for one (1) minute in an apparatus previously purged through which gas is flowing at the rate of five (5) cubic feet per hour and not impinging directly from a jet upon the test paper. Tests shall be made daily on manufactured gas leaving the holders, for the presence of hydrogen sulphide, in the manner specified, and a record of the result of these tests shall be filed available for inspection by the commission and preserved for a period of at least two (2) years. Each utility supplying natural gas shall make tests for hydrogen sulphide with a frequency as is necessary to keep itself informed that the gas distributed by it does not contain more hydrogen sulphide than the trace previously defined and at other times as the commission may require. A record of these tests shall be kept for a period of two (2) years.

(13) It is recommended that all gas delivered by the utilities shall possess a strong and distinctive odor. If the cost of introducing an odor into the gas to obtain the condition continuously is excessive, a suitable odorant shall be introduced during the early part of the heating season and once during the nonheating season each year. During periods of odorizing gas to detect leaks, there may be more than a trace of sulphur in the gas and this temporary condition is permissible.

(14) Each gas utility should set up and follow a rigid program of preventive maintenance of its gas distribution system.

(15) All manufactured gas distributed shall contain not more than thirty (30) grains of total sulphur nor more than five (5) grains of ammonia in each one hundred (100) cubic feet. Each utility whose output exceeds fifty (50) million cubic feet of manufactured gas per year shall provide and maintain the apparatus and facilities as are necessary for the determination of total sulphur and ammonia in gas and each utility shall regularly determine the amount of total sulphur and ammonia in the manufactured gas distributed by it at sufficiently frequent intervals to insure compliance with the foregoing requirements; provided, however, that any such utility supplying only water gas or oil gas shall not be required to provide apparatus or make determinations of the amount of ammonia in gas. A record of these tests shall be maintained available for inspection by the commission

and preserved for a period of at least two (2) years.

(16) Except by special authority from the commission for the delivery of a higher service pressure, gas shall be furnished at not less than equivalent to four inches (4") water column nor more than two (2) pounds per square inch gauge (psig) pressure measured at the inlet of the consumer's piping downstream from the meter; provided, that with respect to any consumer whose rate of consumption, based upon designed capacity of installed equipment, reaches or exceeds four hundred fifty (450) cubic feet per hour, a utility, without obtaining special permission, may furnish gas to the consumer at a maximum pressure greater than two (2) psig if the utility shall determine that a greater pressure is available and is desirable to effect economy in delivery or efficiency in utilization of gas by the consumer. In those instances where the delivery pressure to the consumer is greater than an equivalent to fourteen inches (14") of water column, a regulator shall be required ahead of all gas consuming equipment. The maximum pressure on any one (1) day at the inlet of the consumer's piping downstream from the meter shall never exceed twice the minimum pressure at that point on that day. At the time a utility establishes gas service to any applicant a leakage test shall be made at the intended delivery pressure to the consumer to insure that the applicant's fuel line is in a safe condition; provided, however, if the maximum delivery pressure exceeds two (2) psig then the customer's piping system shall be tested at one and one-half (1 1/2) times the maximum delivery pressure. Service shall not be established until the utility determines that this test has been properly made.

(17) Each utility furnishing gas service in cities of two thousand five hundred (2500) inhabitants or over shall maintain a graphic recording pressure gauge at its plant, downtown office or at some central point in the distributing system or each subdivision of the system where continuous records shall be made of the service pressure at that point. Utilities operating in cities of five thousand (5000) or more inhabitants shall equip themselves with one (1) or more graphic recording pressure gauges in addition to the foregoing and shall make frequent records, each covering intervals of at least twenty-four (24) hours duration of the gas service pressure at various points on the system. All records or charts made by these meters shall be identified, dated and kept on file available for inspection for a period of at least two (2) years.

(18) No gas service meter shall be allowed in service which has incorrect gear ratio or dial train or is in any way mechanically defective or shows an error in measurement in excess of two percent (2%) when passing gas at the rate of six (6) cubic feet per hour per rated light capacity. When adjustment is necessary, the adjustment should be made to within at least one percent (1%) of correct registration. Tests for accuracy shall be made with a suitable meter prover, at least two (2) consecutive test runs being made which agree within one-half (1/2) of one percent (1%).

(19) Unless otherwise ordered by the commission, each gas service meter installed shall be periodically removed, inspected and tested at least once every one hundred twenty (120) months, or as often as the results obtained may warrant to insure compliance with the provisions of section (18) of this rule.

(20) Each utility furnishing metered gas service shall make a test of the accuracy of any gas service meter free of charge upon request of a consumer; provided, that the meter has not been tested within twelve (12) months previous to the request. The consumer shall be notified of the time and place of the test so that s/he may be present to witness the test should s/he so desire. A written report giving the results of the requested test shall be made to the consumer requesting the results, the original record being kept on file at the office of the utility under the provisions of section (2) of this rule.

(21) Any gas service meter will be tested by the commission upon written application of the consumer or utility as follows:

(A) The utility involved either shall remove the meter or give its consent to the removal of the meter but the consumer shall be given an opportunity to witness the disconnection, packing and shipment of the meter should s/he so desire;

(B) The meter will be returned with a special seal which, if the meter is to be reinstalled on this consumer's premises, shall not be disturbed until after the consumer has been given an opportunity to inspect the meter;

(C) A fee of two dollars (\$2) will be charged by this commission and paid to the Division of Collections of the Department of Revenue of Missouri for each gas service meter tested having a capacity of not exceeding ten (10) lights. For larger meters a proportionally larger fee will be charged, depending upon the size of the meter; and

(D) If the meter is fast beyond the prescribed limit in section (18) of this rule, the utility will be required to pay the test fee and cost of shipping meter; otherwise these expenses shall be borne by the consumer requesting the test.

(22) Each utility having more than one hundred (100) gas meters in service shall maintain one (1) or more suitable gas meter provers of standard design and keep in proper adjustment so as to register the condition of meters tested within one-half (1/2) of one percent (1%). Each meter prover must be accompanied by a certificate of calibration indicating that it has been tested with a standard which has been certified by the National Bureau of Standards or some testing laboratory of recognized standing. Meter provers must be located in a large, comfortable working space, free from excessive temperature variations, easily accessible and equipped with all necessary facilities and accessories. Meter testing equipment shall at all reasonable hours be accessible for inspection and use by any authorized representative of this commission.

(23) Each electric utility supplying energy from a constant potential system shall adopt standard service voltages for the entire system and each subdivision. Every reasonable effort shall be made by the use of proper equipment and operation to maintain those voltages within a practicable tolerance. The suitability and adequacy of these service voltages may be determined at any time by the commission. For lighting service, the variation in voltage for periods longer than one (1) minute, as measured at the consumer's cut-out, shall not exceed or fall below these units—

(A) For general all purpose supply where nominal voltage is one hundred twenty (120) volts, one hundred twenty-seven (127) volts maximum and one hundred ten (110) volts minimum;

(B) For general all purpose supply where nominal voltage is one hundred fifteen (115) volts, one hundred twenty-five (125) volts maximum and one hundred eight (108) volts minimum;

(C) For rural service, one hundred twenty-seven (127) volts maximum and one hundred ten (110) volts minimum; and

(D) For power service, the voltage, at any time, shall not be greater than ten percent (10%) above or below standard service voltage. The ranges of voltages indicated in this subsection shall be considered as being made up of three (3) voltage zones—namely, the favorable zone, tolerable zone and the

extreme zone. The favorable zone shall be that range of voltage variation with four percent (4%) above and five percent (5%) below nominal. The tolerable zone shall be that zone between six percent (6%) above and eight percent (8%) below nominal voltage, and the extreme zone shall not exceed the maximum and minimum range of the tolerable zone more than an additional three percent (3%). When the system voltage variations extend to within the extreme zone, the utility shall take those steps as may be required to improve the system voltages, or the subdivisions of, the utility, as the case may be, to within either the favorable or the tolerable zone. The utilities will not be held responsible for variations in service voltage at a customer's premises caused by the operation of that customer's apparatus in violation of the utility's rules or by the action of the elements or causes beyond the utility's control. The requirements listed in this paragraph may be waived for any particular consumer by special written agreement other than the regular service contract or application; provided, that the arrangement does not affect the quality or service to other consumers.

(24) To insure compliance with the requirements specified in section (23) of this rule, each utility furnishing electric service shall supply itself with one (1) or more portable indicating voltmeters, suitable of the service voltages condition. Where two hundred fifty (250) or more consumers are served by any utility, it must provide itself with one (1) or more portable graphic recording voltmeters suitable for the service voltages furnished. A sufficient number of voltage surveys must be made by each utility to indicate that service furnished from various transformers and service mains is at all times in compliance with the previously mentioned requirements. When graphic recording voltmeters are used, each chart or record should cover an interval of at least twenty-four (24) hours duration. These records or charts suitably identified and dated shall be kept on file available for inspection for a period of at least two (2) years.

(25) Except as provided in this rule, each electric service watt-hour meter placed in service shall be tested and adjusted for accuracy before installation or within thirty (30) days after that. New meters manufactured during and since 1937 may be placed in service without testing if the meters are not opened and if the manufacturer's seal is not broken. Whenever a watt-hour meter manufactured during or since 1937 is required to

be tested for reasons other than physical or electrical damage, it should not be opened unless faulty registration (as defined in this rule) is indicated. Each watt-hour meter which appears to be in good condition may be tested by loading the meter sufficiently to cause it to register not less than one hundred (100) kilowatt hours (kWh) at varying rates of current flow for a specified period of time. If this procedure is used, the meter must be checked with a standard meter, previously determined to be accurate, by reading and comparing the dial registers of the meter being tested with the standard meter. If the dial register of the meter being tested shows less than ninety-nine (99) kWh or more than one hundred one (101) kWh (for each one hundred (100) kWh of registration at varying rates of current flow), the meter will be considered as one with faulty registration and will be opened, retested and adjusted. Otherwise, it will be available to be placed in service. With respect to the testing of all meters manufactured prior to 1937 and with respect to those meters manufactured during and since 1937 which are required, under this rule, to be opened, retested and adjusted, the following procedure shall be followed (This procedure may be followed in all cases, at the option of the electric corporation.):

(A) Tests and adjustments for accuracy shall be made at from five percent to ten percent (5%—10%) and at from seventy-five percent to one hundred percent (75%—100%) of rated capacity of meter;

(B) Tests for accuracy at each load shall be made with suitable working standards by taking the average of at least two (2) test runs of at least thirty (30) seconds each which agree within one percent (1%), except that where stroboscopic or similarly precise methods of testing are used, only one (1) test run need be made;

(C) Any meter operating on inductive load should be tested under inductive load and should be adjusted to register accurately at the approximate power factor conditions at which the meter will normally be required to operate, or at fifty percent (50%) and one hundred percent (100%) power factors;

(D) When testing, each meter shall be adjusted as accurately as practical for correct registration at the test load specified. Where necessary to adjust the meter fast at light or heavy load, for correct registration at normal load or to correct for inductive load, the fast adjustment should not exceed two percent (2%) above correct registration; and

(E) Commutator-type meters, when feasible, should be allowed to remain in actual service at least five (5) days before being tested.

(26) No electric service watt-hour meter shall be allowed in service which has incorrect constants or dial train, or which creeps at no load at the rate of more than one (1) disk revolution in five (5) minutes or less when maximum service voltage under which meter operates is applied or which is in any way mechanically defective. Nothing contained in this section shall require any electric corporation to open any new meter manufactured during and since 1937.

(27) Any electric service meter tested on complaint or for any other reason after having been in service may be considered as having been recording within allowable limits of accuracy at any possible load if it is found to register within three percent (3%) of correct registration when tested in accordance with the provisions of section (25). After the test, however, the meter shall be adjusted for accuracy in accordance with the provisions of section (25) before being again placed in service. It is suggested that the average accuracy of a meter in service be defined as follows and that the condition of the meter, as thus determined, be used as a basis for adjusting consumer's bills for incorrect registration beyond certain limits where any utility makes the adjustment a part of its commercial practice:

(A) Test an induction meter or a commutator meter at approximately five percent to ten percent (5%—10%) of rated capacity of meter and at seventy-five percent to one hundred percent (75%—100%) rated capacity of meter; and

(B) The average of the tests at light and heavy load, defined as the average accuracy or condition of meter, shall be obtained by multiplying the result of the test at heavy load by four (4) and adding the result of the test at light load and dividing the total by five (5).

(28) Unless otherwise ordered by the commission, each electric service watt-hour meter shall be periodically tested in accordance with the following schedule or as often as the results obtained may warrant, and adjusted in accordance with section (25):

(A) Induction-type meters manufactured prior to 1927—

1. Induction-type meters having rated current capacity not exceeding fifty (50) amperes, at least once every sixty (60) months; and

2. Induction-type meters having rated current capacity exceeding fifty (50) amperes, at least once every twenty-four (24) months;

(B) Induction-type meters manufactured during the period 1927—1936:

1. Induction-type meters having rated current capacity not exceeding fifty (50) amperes, at least once every ninety-six (96) months;

2. Induction-type meters having rated current capacity exceeding fifty (50) amperes, at least once every thirty (30) months;

3. Commutator-type meters with rated current capacities not exceeding fifty (50) amperes and voltage ratings not exceeding two hundred fifty (250) volts, at least once every twenty-four (24) months; and

4. All other meters at least once every twelve (12) months;

(C) Induction-type meters manufactured during and since 1937, at least once every two hundred forty (240) months; and

(D) In commutator meters having heavy moving elements and sapphire jewels, the number of revolutions of the moving element between tests should not ordinarily exceed one (1) million.

(29) Each utility furnishing metered electric service shall make a test of the accuracy of any electric service meter free of charge upon request of a consumer; provided, that the meter has not been tested within twelve (12) months previous to the request. The consumer shall be notified of the time and place of the test so that s/he may be present to witness the test should s/he so desire. A written report giving the result of the test shall be made to the consumer requesting the test, the original record being kept on file at the office of the utility under the provisions of section (2) of this rule.

(30) Any electric service meter will be tested by the commission upon written application of the consumer or utility. The utility involved shall either remove the meter or give its consent to the removal of the meter, but the consumer shall be given an opportunity to witness the disconnection, packing and shipment of the meter should s/he so desire. The meter will be removed with a special seal which, if the meter is to be reinstalled on this consumer's premises, shall not be disturbed until after the consumer has been given an opportunity to inspect the meter. A fee of two dollars (\$2) will be charged by this commission and paid to the Division of Collections of the Missouri Department of Revenue for each single-phase or direct-current watt-hour meter having a current capacity not exceeding twenty-five (25) amperes and without instrument transformers. For other meters a proportionally larger fee will be charged, depending upon the type and size of the meter. If the meter is fast beyond the

prescribed limit in section (27) of this rule, the utility will be required to pay the test fee and cost of shipping the meter; otherwise these expenses shall be borne by the consumer requesting the test.

(31) Each utility furnishing metered electric service shall maintain suitable working standards of a rugged type for the testing of electric service meters. These working standards must be calibrated frequently to insure their accuracy. Approved secondary standards shall be owned and maintained by each utility having more than two hundred fifty (250) meters in service for the calibration of the working standards. All secondary standards and the working standards of those utilities not required to maintain secondary standards must be submitted at sufficiently frequent intervals to insure unquestionable accuracy to the Bureau of Standards at Washington, D.C. or to some testing laboratory of recognized standing for calibration where the utility does not maintain a testing laboratory having primary standards. Each standard shall be accompanied by its certificate of calibration dated and signed by the proper authority. These certificates when superseded shall be kept on file at the office of the utility, available for inspection. Meter testing equipment shall at all reasonable hours be accessible for inspection and use by any authorized representative of the commission.

(32) All water furnished by utilities for human consumption and general household purposes shall conform to standards adopted by the Missouri Department of Health. The source of supply shall be of adequate quantity to insure a supply without interruption at all times. Treatment and filtration by approved methods is strongly recommended where doubt exists as to the quality of the water furnished at any time. Satisfactory treatment and filtration of water drawn from surface supplies is required. Disinfection treatment by hypochlorites of lime, chlorine gas or other approved disinfecting agents, is generally necessary for all public water supplies. Storage reservoirs for finished water, where possible, shall be covered to protect the supply from sunlight and contamination. Where covered reservoirs are not provided due to local circumstances, chlorination facilities shall be provided at the reservoir in addition to the facilities provided at the plant.

(33) Bacteriological analyses shall be periodically made of water furnished for public uses as prescribed by the Missouri Department of Health. The commission reserves the right to require under its supervision an extended

bacteriological as well as physical and chemical examination when deemed advisable for any particular water furnished. The results of all tests made must be recorded and kept on file available for public inspection for a period of at least two (2) years. These records must indicate when, where and by whom each test was made. Methods of water analysis prescribed by the Missouri Department of Health shall be followed as regards chemical, physical and bacteriological examination and collection of samples and any departure from these methods must be specifically stated.

(34) Dead ends in the distributing mains should be avoided as far as possible. Where the dead ends exist, they should be flushed when necessary to insure satisfactory quality of water to consumers. To allow flushing, dead ends should be equipped with hydrants, flush valves or other means of allowing water to be removed from these dead ends.

(35) Every effort must be made to maintain water pressure which will at no time fall below an adequate minimum pressure suitable for domestic service. In addition to furnishing domestic and commercial service, each utility furnishing fire-hydrant service must be able, within a reasonable period of time after notice, to supply fire-hydrant service to local fire fighting equipment and facilities. No utility, however, shall be required to install larger mains or fire-hydrants or otherwise supply fire service, unless proper contractual arrangements shall have been made with the utility by the municipality, agency or individual desiring the service.

(36) Each utility furnishing water service in cities of two thousand five hundred (2500) or five thousand (5000) inhabitants shall maintain graphic recording pressure gauges at its plant and at its downtown office or at some central point in the distributing system, where continuous records shall be made of the pressure in the mains at these points. Utilities operating in cities of five thousand (5000) or more inhabitants shall equip themselves with one (1) or more graphic recording pressure gauges in addition to the previously mentioned and shall make frequent records, each covering intervals of at least twenty-four (24) hours duration, of the water pressure at various points on the system. All records or charts made by these meters shall be identified, dated and kept on file available for inspection for a period of at least two (2) years.

(37) No water service meter shall be allowed in service which has an incorrect gear ratio or dial train or is mechanically defective or

shows an error in measurement in excess of five percent (5%) when registering water at stream flow equivalent to approximately one-tenth (1/10) and full normal rating under the average service pressure. When adjustment is necessary, the adjustment shall be made as accurately as practical for average rate of flow under actual conditions of installation. Tests for accuracy shall be made with a suitable testing device in accordance with the best modern water meter practice and at rates of flow which will properly reflect the accuracy of meters over each meter's range of minimum to maximum flow.

(38) Unless otherwise ordered by the commission, each water service meter installed shall be periodically removed, inspected and tested in accordance with the following schedule, or as often as the results obtained may warrant to insure compliance with the provisions of section (37) of this rule:

(A) Five-eighths inch (5/8") meter—ten (10) years or two hundred thousand (200,000) cubic feet whichever occurs first;

(B) Three-fourths inch (3/4") meter—eight (8) years or three hundred thousand (300,000) cubic feet whichever occurs first;

(C) One inch (1") meter—six (6) years or four hundred thousand (400,000) cubic feet which ever occurs first; and

(D) All meters above one inch (1")—every four (4) years.

(39) Each utility furnishing metered water service shall make a test of the accuracy of any water service meter free of charge upon request of a consumer; provided, that the meter has not been tested within twelve (12) months previous to the request. The consumer shall be notified of the time and place of the test so that s/he may be present to witness the test should s/he so desire. A written report giving the result of the requested test shall be made to the consumer requesting the test, the original record being kept on file at the office of the utility under the provisions of section (2) of this rule.

(40) Any water service meter will be tested by the commission upon written application of the consumer or utility. The utility involved shall either remove the meter or give its consent to the removal of the meter, but the consumer shall be given an opportunity to witness the disconnection, packing and shipment of the meter should s/he so desire. The meter will be returned with a special seal which, if the meter is to be reinstalled on this consumer's premises, shall not be disturbed until after the consumer has been given an opportunity to inspect the meter. A fee of two

dollars (\$2) will be charged by this commission and paid to the Division of Collections of the Missouri Department of Revenue for each water service meter tested ranging in size up to one inch (1"). For larger meters a proportionally larger fee will be charged, depending upon the size of the meter. If the meter is fast beyond the prescribed limit in section (37) of this rule, the utility will be required to pay the test fee and cost of shipping meter; otherwise these expenses shall be borne by the consumer requesting the test.

(41) Each utility furnishing metered water service in cities of three thousand (3000) or more inhabitants shall maintain one (1) or more suitable water meter testers and keep the water meter tester in proper adjustment so as to register accurately the condition of the meters tested at all times. Meter testers must be located in a suitable working space, easily accessible and equipped with all necessary facilities and accessories. Meter testing equipment shall at all reasonable hours be accessible for inspection by any authorized representative of the commission or by any authorized representative of any department of weights and measures of Missouri or any political subdivision in which the utility operates.

(42) Preliminary engineering reports followed by detailed plans and specifications for new constructions, additions to or changes or alterations to any existing public water supply or water purification plant shall be submitted to the Department of Health for examination and written approval secured from the Department of Health before contracts are let or construction begun. Water utilities must comply with all regulations of the Department of Health or other regulatory bodies having jurisdiction pertaining to installation, extension and operation of public water supplies.

(43) Utilities shall determine the characteristics of service to be made available to each consumer, based upon the location of the premises, size and operating characteristics of the consumer's equipment and shall furnish information, upon request, as to the standard class of service to be furnished which, in the case of either new or enlarged electric connections, shall specify the nominal voltage and number of phases and the number of wires over which service will be delivered. Utilities, when requested, shall provide reasonable assistance to consumers in the selection of equipment best adapted to the service to be furnished and inform consumers

as to conditions under which efficient use of service may be realized.

**AUTHORITY:** section 393.140, RSMo (1986).<sup>\*</sup> Original rule filed March 5, 1953, effective March 15, 1953. Amended: Filed Sept. 22, 1959, effective Oct. 1, 1959. Amended: Filed May 2, 1968, effective May 16, 1968.

<sup>\*</sup>Original authority 1939, amended 1949, 1967.

#### 4 CSR 240-10.040 Service and Billing Practices for Commercial and Industrial Customers of Electric, Gas, Water and Steam Heat Utilities

**PURPOSE:** This rule establishes service and billing and payments standards to be observed by electric, gas, water and steam heat utilities, and their commercial and industrial customers in resolving questions regarding these matters so that reasonable and uniform standards exist for service and billing and payment practices for all electric, gas, water and steam heat utilities.

(1) Whenever a utility is unable to gain access to a customer's premises for the purpose of reading and testing meters or servicing or maintaining the utility's equipment or for other appropriate purposes, following calls made at the customer's premises during the usual course of business, the customer, on request from the utility, in which a particular time is specified, shall give access to his/her premises to representatives of the utility for those purposes at the time specified, which time shall be within the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, otherwise the utility may estimate for billing purposes the meter reading subject to correction when the utility may read the meter.

(2) Except for the provisions of this rule, all bills rendered to customers for metered service furnished will show the reading of the meter at the beginning and end of the period for which the bill is rendered and shall give the dates of readings, the number of units of service supplied and the basis of charge or reference. Where, by reason of the use of postal or other card form of billing or for other good reasons, this information cannot reasonably be placed on the bills, any utility may present for filing with the commission, in conjunction with its rules, a proposed form of billing. The commission may authorize, deny or require modification of any such proposed form of billing.

(3) No utility shall discontinue the service of any customer for violation of any rule of that utility except on written notice of intention to discontinue service. This notice shall state the reason for which service will be discontinued, specify a date after which the discontinuance may be effected and shall be mailed to or served upon the customer not less than forty-eight (48) hours prior to that date. This may be waived where a bypass is discovered on a customer's service meter, or in the event of discovery of dangerous leakage or short circuit on a customer's premises, or in the case of a customer utilizing the service in a manner as to make it dangerous for occupants of the premises, thus making the immediate discontinuance of service to the premises imperative or in the case of an order from a governmental agency directing the discontinuance of service. In the event of discontinuance of service for any of these reasons, the customer shall be notified of the discontinuance immediately with a statement concerning the reason for discontinuance.

(4) Each utility may require from any customer at any time a cash deposit or, at its option, a personal guarantee of a responsible person provided that the amount of any such deposit or guarantee so required shall not exceed an estimated bill covering one (1) billing period plus thirty (30) days. A cash deposit shall bear interest at a rate specified in the utility's tariffs, approved by the commission, which shall be credited annually upon the account of the customer or paid upon the return of the deposit, whichever occurs first, and provided the cash deposit remains for a period of at least six (6) months. The rate of interest of the cash deposit shall be only three percent (3%) per annum if the utility keeps the cash deposit in a separate and distinct trust fund and deposited as such in some bank or trust company and not used by the utility in the conduct of its business. These provisions shall not apply to any deposits or guarantees made by the customer for the purpose of securing an extension of or additions to a utility's distributing system in accordance with the utility's rules covering these extensions as filed with this commission. Interest shall not accrue on any cash deposit after the date the utility has made a bona fide effort to return that deposit to the depositor. The utility, in its records, shall keep evidence of its effort to return the deposit. Each utility shall file with the commission, by April 12, 1993, a tariff setting forth the interest rate payable on cash deposits, unless the utility already has a rate of interest set forth in its tariff.

(5) A statement of the practice of any utility covering deposits or guarantees of surety, together with interest rate payable upon cash deposits, must be filed with the commission as a portion of the utility's schedule of rates under the provisions of the commission's rules covering the filing and publication of rate schedules. A statement of the practice governing service main or line extensions by any utility must likewise be filed with the commission as a portion of the schedule of rates on file. Each utility shall adjust customer's bills for incorrect meter readings or improper meter registration in a reasonable and equitable manner consistent with the rules which it has on file with the commission. Any specific rule adopted by a utility covering these adjustments shall be filed with the commission in conformance with the commission's rules covering the filing and publication of rate schedules.

(6) Customer, as used in this rule, means a commercial or industrial customer of an electric, gas, water or steam heat utility.

**AUTHORITY:** sections 386.250, RSMo (Cum. Supp. 1991) and 393.140 and 393.290, RSMo (1986). \* Original rule filed March 5, 1953, effective March 15, 1953. Amended: Filed Sept. 22, 1959, effective Oct. 1, 1959. Amended: Filed May 2, 1968, effective May 16, 1968. Amended: Filed June 10, 1992, effective Feb. 26, 1993.

\*Original authority: 386.250, RSMo (1939), amended 1963, 1967, 1977, 1980, 1987, 1988, 1991; 393.140, RSMo (1939), amended 1949, 1967; and 393.290, RSMo (1939), amended 1967.

#### 4 CSR 240-10.050 Termination of Utility Service During Cold Weather—When (Rescinded November 15, 1984)

#### 4 CSR 240-10.060 Gross Receipts Tax

**PURPOSE:** This rule establishes a procedure by which the commission may obtain the information it needs to give notice of rate increases of seven percent or more to cities and counties that impose a utility gross receipts tax.

(1) When any gas, electric, sewer or water corporation, pursuant to a commission report and order or under a Purchased Gas Adjustment provision in its tariffs, files a tariff which includes an increase in annual revenues in excess of seven percent (7%) in the whole or within any part of that company's

service territory, the corporation shall file with the tariff the following information:

(A) A list of all cities and counties within its certificate area which implies a business license tax on the corporation's gross receipts, together with the name, mailing address and title (that is, collector, treasurer, clerk) of the official responsible for administration of the gross receipts tax or business license tax in each of the listed cities and counties. The corporation shall update this list throughout the period of time before the date the tariff takes effect;

(B) A reasonable estimate of the resulting annual increase in the corporation's annual gross receipts in each affected city and county; and

(C) An explanation of the methods used in developing those estimates.

(2) If the commission allows a filed tariff containing a general rate increase in excess of seven percent (7%) to go into effect without suspension and that tariff was not authorized by commission order prior to the filing, the filing gas, electric, sewer or water corporation shall file the information required in subsections (1)(A)—(C) of this rule within ten (10) days after the effective date of the tariff.

**AUTHORITY:** section 393.275(1), RSMo (1986). \* Original rule filed Oct. 6, 1987, effective Jan. 14, 1988.

\*Original authority 1984, amended 1985.

#### 4 CSR 240-10.070 Minimum Filing Requirements For General Rate Increase Requests

**PURPOSE:** This rule prescribes the information which must be filed by all electric utilities, all large local exchange telecommunications companies, all large gas, water and sewer utilities, and all steam heating utilities when filing for a general company-wide increase in rates.

(1) This rule applies to all electric utilities; to all local exchange telecommunications companies with more than five thousand (5000) access lines; to all gas utilities with more than one thousand five hundred (1500) customers; to all water utilities with more than five thousand (5000) customers; to all sewer utilities with more than five thousand (5000) customers; and to all steam heating utilities, under the jurisdiction of the commission.

(2) A general rate increase request is one where the company or utility files for an

overall increase in revenues through a company-wide increase in rates for the utility service it provides, but shall not include requests for changes in rates made pursuant to an adjustment clause or other similar provisions contained in a utility's tariffs.

(A) With regard to any telecommunications company subject to this rule, any increase in revenues as a result of an increase in rates within a previously approved rate band for a transitionally competitive or competitive service pursuant to sections 392.500 and 392.510, RSMo will not be considered a general rate increase and thereby not be subject to these minimum filing requirements.

(3) At the time a tariff(s) is filed by any company or utility subject to this rule which contains a general rate increase request, an original and fourteen (14) copies of the following information shall be filed with the executive secretary of the commission and two (2) copies shall be provided to the Office of the Public Counsel:

(A) A letter transmitting the proposed tariff changes to the executive secretary of the Missouri Public Service Commission;

(B) General information concerning the filing which will be of interest to the public and suitable for publication, including:

1. The amount of dollars of the aggregate annual increase and the percentage of increase over current revenues which the tariff(s) proposes;

2. Names of the counties and communities affected;

3. The number of the customers to be affected in each general category of service and in all rate classifications within each general category of service;

4. The average change requested in dollars and percentage change from current rates for each general category of service and for all rate classifications within each general category of service;

5. The proposed annual aggregate change by general categories of service and by rate classification within each general category of service including dollar amounts and percentage of change in revenues from current rates;


6. Copies of any press releases relative to the filing issued by the company or utility prior to or at the time of the filing; and

7. A summary of the reasons for the proposed changes or a summary explanation of the reasons the additional rate is needed.

(4) For good cause shown, the commission may grant a waiver of any of the provisions of this rule.

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**Rules of  
Department of Economic  
Development  
Division 240—Public Service Commission  
Chapter 20—Electric Utilities**

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

**4 CSR 240-20.010 Rate Schedules**

*PURPOSE: This rule prescribes the form and procedures for filing and publishing schedules of rates of all electrical corporations under the jurisdiction of the Public Service Commission.*

- (1) Every electrical corporation, as defined in section 386.020, RSMo, engaged in the manufacture, generating, furnishing or transmission of electricity for light, heat or power within Missouri is directed to have on file with this commission not later than October 15, 1913, a schedule of all rates, rentals and charges of whatever nature made by the electrical corporation for each kind of service it renders which were in force on April 15, 1913, together with proper supplements covering all changes in rate schedules authorized by this commission, if any, since April 15, 1913.
- (2) Every electrical corporation is directed on and after October 15, 1913, to publish all of its schedules of rates with this commission as follows:
- (A) To keep all of its schedules of rates established and filed with this commission and in its main or principal operating office and in each division office which is now or may be established;
- (B) To keep at each of its branch business offices where contracts for service are made or payment for customer's service is received, copies of all of its established schedules of rates which apply within the area served; and
- (C) That all schedules of rates at all times during business hours shall be readily accessible to the public and shall be immediately produced for inspection upon the demand of any person. The production for inspection of schedules of rates shall be accompanied by such assistance on the part of the proper representative of the electrical corporation having a schedule to determine accurately the rate or charge applicable to any particular kind of electrical service.
- (3) All schedules of rates, rentals and charges, or rules relating and applying to service rendered in connection with the supplying of electrical energy for light, heat and power or for any service rendered in connection with electrical energy supply, lawfully on

file with the commission and in force on April 15, 1913, will be considered as continuing in force and may be amended in the manner provided in this rule.

(4) All schedules of rates on file with this commission and in effect April 15, 1913, not in accordance with this rule shall be reprinted in the manner prescribed by this rule and filed on or before October 15, 1913. All new schedules of rates issued after April 15, 1913, must conform to this rule or they will be subject to rejection by the commission when tendered for filing. The commission reserves the right to direct the reprinting of any schedule at any time.

(5) In classifying rates for electrical service the following uniform system of classification will be followed as closely as practical:

(A) All lighting rates for residences, business places, theaters, public buildings, and the like will be placed under the head of commercial lighting;

(B) All power rates, including rates for battery charging, will be placed under the head of commercial power; and

(C) All rates for street lighting, including municipal street lighting and the free lighting of public buildings as is done in connection with street lighting will be placed under the head of street lighting.

(6) All schedules of rates should be on a good serviceable quality of paper and, if in the discretion of the commission, the volume of schedule justifies it, a schedule shall not be accepted for filing until printed.

(7) All schedules of rates filed with the commission shall bear a number with the following prefix: PSC Mo. \_\_\_\_ Rate schedules shall be numbered in consecutive serial order commencing with a No. 1 for each electrical corporation (for example, the first schedule PSC Mo., No. 1). The prefixes and numbers shall be printed on schedules as required by section (9) of this rule. For convenience the prefix is referred to as PSC.

(8) All schedules of rates shall be in book, sheet or pamphlet form of size eight and one-half inches by eleven inches (8 1/2" x 11"). A loose-leaf plan may be used so that changes may be made by reprinting and inserting a single leaf. When the loose-leaf plan is used, all sheets except the title page must show in the marginal space at the top of page or sheet, the name of the electrical corporation issuing the PSC No., the number of the schedule and the number of the page or sheet. At the bottom of the sheet in the marginal space must be shown, the date of issue and effective date

and the name, title and address of the officer by whom the schedule is issued.

(9) The title page or sheet, if loose leaf, of every schedule of rates shall show—

(A) The full corporate name of the issuing electrical corporation;

(B) The PSC number of the schedule in bold type in the center of the marginal space at top of the page and immediately under it in small type the PSC number(s) canceled;

(C) A brief description of the service areas from and to or within which the schedule applies;

(D) When a schedule rate is governed by a general publication, the reference to the general publication by its PSC number must be given. The following phraseology, as the case may be, will be used: "Governed except as otherwise provided herein by schedule PSC Mo. No. \_\_\_\_, which schedule, revised and added pages or sheets or superseding issues thereof is hereby made a part of this schedule." The rate publication referred to must be on file with the commission and be kept at every place where the schedule making reference is to be kept for public inspection;

(E) The date of issue and the date effective. If the schedule or any portion is made to expire on a specified date, the following clause must be used: "expires \_\_\_\_\_, unless sooner changed, canceled or extended";

(F) On every schedule, supplement or revised or added sheet issued on less than thirty (30) days' notice, by permission of the commission, the following notation must be shown: "Issued on \_\_\_\_\_ days' notice to the public and the commission under special permission of the Public Service Commission of Missouri, No. \_\_\_\_ of date \_\_\_\_." If issued in compliance with an order of the commission, the following notation must be shown: "Issued on \_\_\_\_\_ days' notice to the public and the commission under order of the Public Service Commission of Missouri, of date \_\_\_\_\_, in Case No. \_\_\_\_\_," when issued by authority of any section of this rule, the notice must be that required by the particular section granting permission;

(G) On the upper left-hand corner of a schedule of fewer than three (3) pages and on schedules issued in loose-leaf form, the words, "No supplement to this tariff will be issued except for the purpose of canceling this tariff." A schedule, not in loose-leaf form, of three (3) or more pages shall include the words, "Only one supplement to this schedule will be in effect at any one time"; and

(H) On the marginal space at the bottom of page will be given the name, title and

address of the officer by whom the schedule is issued, the date of issue and the effective date.

(10) The schedule shall contain in the order named:

(A) Table of Contents. Provide full and complete statement in alphabetical order of the exact location where information under the general headings or subjects will be found, specifying the page of item numbers. If the schedule contains so small a volume of matter that its title page or interior arrangement plainly may disclose its contents, the table of contents may be omitted;

(B) Description of Territory. A more lengthy description of the territory to be served than can be briefly set forth on the title page will often be necessary; any items in this category which bear any relation to the various rates should be explained under this heading;

(C) Classification of Service. Under this heading the kind of service separately grouped for commercial lighting, commercial power and street lighting will be set forth in the order named together with a detailed statement of the rate(s) in connection with same. A definite separation must be made between prompt payment discount and quantity discount and stating the manner in which they are computed clearly. If guarantees of any nature are required or a minimum charge made, the principles upon which they are based must be stated. In this case give the company's charges or deposits for meters. If penalties for delayed payments are exacted, the same must be stated. State whether current is estimated or metered and if so, how. State the company's practice in regard to lamp renewals. If a charge is made to the consumer for installing and connecting the service wires, this should be stated. State the character of the service, whether twenty-four (24)-hour or limited until midnight, whether the service is limited to certain hours of the day, on-peak, off-peak, optional service, auxiliary service, breakdown service, and the like. The kind of current, such as alternating or direct, together with the voltage, phase and frequency must be given in all cases;

(D) Rules. Under this heading will be set forth all rules which apply to contracts for furnishing electrical energy for light, heat and power, and all of the company's rules in any way relating to service, together with any particular regulations relating to a special contract for service rendered which have not already been stated in connection with the description of rates under section (5) of this rule; and

(E) Definition and Explanation of Reference Marks. Under this heading, as its name implies, shall be given the necessary description of any reference marks employed in connection with the rate tables, that is, explain the meaning of watt, kilowatt hour, horsepower, and the like. If symbols or abbreviations are used, explain their meanings, such as kilowatt hour for K.W.H.; ampere for amp. When ratings are used based on capacity installation or a percentage of capacity installation, a table of equivalents for estimating these ratings must be given. For example, one (1) sixteen (16)-candle power carbon filament lamp equals about fifty-five (55) watts. If terms maximum demand, load factor, rated capacity, peak, and the like, are used in the schedule, these should be explained under this caption. All definitions of terms and explanation of terms or symbols, abbreviations or reference marks should be arranged in logical sequence and in a manner that they will be readily understood.

(11) If a schedule or supplement to a schedule is issued which conflicts with a part of another schedule or supplement of a schedule which is in force at the time and which is not canceled in full, it specifically shall state the portion of the other schedule which is canceled and the other schedule, at the same time, shall be correspondingly amended, effective on the same date, in the regular way; and the supplement to the amended schedule shall be filed at the same time and in connection with the schedule which contains the new rates, rentals or charges.

(12) If a schedule is canceled with the purpose of canceling entirely the rates, rentals or charges named in the schedule or when through error or omission, a later issue failed to cancel the previous issue and a schedule is canceled for the purpose of perfecting the record, the cancellation notice must not be given a new PSC number, but must be issued as a supplement to the schedule which it cancels, even though the schedule at the time may have a supplement in effect.

(13) If a schedule or a part of a schedule is canceled, the cancellation notice shall make specific notice to the PSC number of the schedule in which the rates, rentals or charges will be found; or if no rates, rentals or charges are in effect, it shall state so. Cancellation of a schedule also cancels a supplement to the schedule in effect, if any. If a schedule is canceled by a similar schedule to take its place, the cancellation notice must not be given by supplement, but by notice printed in a new schedule.

(14) A change in a schedule shall be known as an amendment and excepting amendments to schedules issued in loose-leaf form, shall be printed in a supplement to the schedule which it amends, specifying the schedule by its PSC number. The supplement shall be reissued each time an amendment is made and shall always contain all the amendments to the schedule that are in force. Supplements to schedules shall be numbered consecutively as supplements to the schedules and shall not be given new or separate PSC numbers. An amendment must always be printed in the supplement in its entirety as amended.

(15) A schedule which contains reissued items brought forward from a previous issue which has not been in effect thirty (30) days or a supplement which brings forward reissued items without change from a former supplement or schedule, must bear the notation "Effective \_\_\_\_\_, except as noted in individual items." "Example: Issued \_\_\_\_\_, 19\_\_\_\_\_; effective \_\_\_\_\_, 19\_\_\_\_\_, except as noted in individual items." Reissued items brought forward without change must show in a conspicuous form and convenient manner the following: "Reissue" in black face type; the effective or the date upon which it becomes effective: in PSC Mo. No. \_\_\_\_\_ "or in supplement No. \_\_\_\_\_ to PSC Mo. No. \_\_\_\_\_." When the reissued item became effective in a former supplement to the same schedule, the PSC number may be omitted, but the supplement number must be given.

(16) Except as otherwise provided in this rule, there shall be at no time more than one (1) supplement in effect to any schedule and the effective supplement to a schedule of twenty (20) or more pages may not contain more than twenty percent (20%) of the number of pages or sheets in the schedule, including the title page, a supplement to a schedule of fewer than twenty (20) pages or ten (10) sheets may not contain more than four (4) pages or two (2) sheets, including the title page.

(17) All changes in and additions to schedules issued in loose-leaf form must be made by reprinting both pages of the leaf or sheet upon which the change is made. When no change or addition is made on one (1) of the pages reprinted, it must bear the notation, "No change in this page." Those pages or sheets shall not be given supplement numbers, but must be designated "First revised page or sheet \_\_\_\_\_." "Second revised page or sheet," and the like and must show the name of the issuing corporation and

the PSC number of the schedule, the issued and effective dates and the name, title and address of officer by whom issued.

(18) If a new schedule is filed on statutory notice canceling another schedule and after that filing and prior to the effective date of the new schedule, a supplement to the schedule to be so canceled should be lawfully issued, the rates, rentals or charges in that supplement could not continue in effect for the thirty (30) days required by law because the cancellation of the schedule also cancels the supplement to it. In this case the supplement containing changes not included in the schedule that is to become effective may be issued as a supplement both to the schedule in effect and to the schedule on file that will effect a cancellation and be given both PSC numbers. In other words, such an issue must be a supplement of each of the schedules and copies must be filed accordingly. A supplement issued under this rule containing reissued items shall note in connection with each item, in addition to the effective date required by this rule, that the reissued items expire on the date on which the new schedule will apply in lieu thereof; and the reissued items must not be brought forward in a subsequent supplement to the new schedule. This supplement may not contain any changes except those lawfully made by supplement to the schedule which is to be canceled by the schedule that has been filed and that is also supplemented; and no other kind of a supplement to a schedule that is on file and not yet effective may be made effective within thirty (30) days from the effective date of the schedule without special permission of the commission.

(19) The provisions of section (17) of this rule as to the number of supplements to a schedule that may be in effect at any time and the volume of supplemental matter they may contain need not be observed in connection with a supplement issued under sections (15)—(19) of this rule.

(20) In case of change of ownership and operation of any electrical corporation's property or of the electrical corporation in possession and operating the property, the electrical corporation taking over the operation of the properties, if the existing rates would otherwise remain legally effective, shall issue immediately and file with the commission, with PSC number, an adoption notice substantially as follows:

(A) "The (name of the electrical corporation) hereby adopts, ratifies and makes its own, in every respect as if the same had been

originally filed by it, all schedules, rules, notices, concurrences, schedule agreements, divisions, authorities or other instruments whatsoever, filed with the PUBLIC SERVICE COMMISSION, State of Missouri, by the (name of the electrical corporation), prior to (date), the beginning of its possession. By this notice it also adopts and ratifies all supplements or amendments to any of the above schedules, etc., which (name of the electrical corporation) has heretofore filed with said commission. This notice may be made effective as of the date it is filed with the commission";

(B) In the event that the successor corporation does not intend to adopt some of those schedules, rates, rules, notices, concurrences, authorities or other instruments, the notice shall specify those which are not adopted, and the successor corporation as to such exceptions shall give the cancellation or withdrawal notice provided in this rule;

(C) The adoption notice shall stand and be effective as to all of the local issues of the predecessor electrical corporation; and

(D) In case of a receivership, the receiver shall be deemed as continuing in force the schedules and rules of the corporation whose property s/he has in charge.

(21) Schedules and schedule supplements shall be filed with the commission by the proper officer of the electrical corporation designated to perform that duty; and supplements must be on file with the commission or accompany the schedule or supplement.

(22) All changes in rates, charges or rentals or in rules that affect the rates, charges or rentals shall be filed with the commission at least thirty (30) days before the date upon which they are to become effective. The title page of every rate schedule or supplement and the reissue on any page or sheet must show a full thirty (30) days' notice except as otherwise provided in this rule. The proposed change shall be accompanied by a brief summary, approximately one hundred (100) words or less, of the effect of the change on the company's customers. A copy of any proposed change and summary shall also be served on the public counsel and be available for public inspection and reproduction during regular office hours at the general business office of the utility.

(23) Each electrical corporation has the duty of filing with the commission all its schedules of rates and supplements or any rule relative to them which may be announced by the commission, under penalty for failure to do so. The commission will give consistent assis-

tance as it can in this respect, but the fact that the receipt of a rate schedule or a supplement to a rate schedule is acknowledged by the commission, or the fact that a rate schedule or supplement to a rate schedule is in the files of the commission, will not serve or operate to excuse the electrical corporation or municipality from its responsibility or liability for any violation of the law or of any ruling lawfully made which may have occurred in connection thereunder with the construction of filing of a rate schedule or supplement.

(24) Thirty (30) days' notice to the commission is required as to every publication relating to electrical rates or service except where publications are made effective on less than statutory notice by permission, regulation or requirement of the commission.

(25) Except as is otherwise provided, no schedule or supplement will be accepted for filing unless it is delivered to the commission free from all charges or claims for postage, the full thirty (30) days required by law before the date upon which the schedule or supplement is stated to be effective. No consideration will be given to or for the time during which a schedule or supplement may be held by the post office authorities because of insufficient postage. When a schedule or a supplement is issued and as to which the commission is not given the statutory notice, it is as if it had not been issued and a full statutory notice must be given of any reissue. No consideration will be given to telegraphic notices in computing the thirty (30) days' notice required. In these cases the schedule will be returned to the sender and correction of the neglect or omission cannot be made which takes into account any time elapsing between the date upon which that schedule or supplement was received and the date of the attempted correction. For rate schedules and supplements issued on short notice under special permission of the commission, literal compliance with the requirements for notice named in any order, regulation or permission granted by the commission will be exacted.

(26) When a schedule is rejected by the commission as unlawful, the records will so show and that schedule should not in the future be referred to as canceled, amended or otherwise except to note on the publication issued in lieu of that rejected schedule, "In lieu of \_\_\_\_\_, rejected by the commission;" nor shall the number which it bears be used again.

(27) Rates, charges or rentals or regulations relating to them, prescribed by the commission in its decisions and orders, after hearings

upon formal complaints, shall in every instance be promulgated by the electrical corporation against which those orders are entered, in duly published and filed rate schedules, supplements or revised pages or sheets of schedules, and notice shall be sent to the commission that its order in Case No. \_\_\_\_\_ has been complied with in item \_\_\_\_\_, page \_\_\_\_\_, of schedule PSC Mo. No. \_\_\_\_\_; or supplement to schedule PSC Mo. No. \_\_\_\_\_; or reissued page or sheet No. \_\_\_\_\_ to schedule PSC Mo. No. \_\_\_\_\_.

(28) Schedules and supplements shall be filed in numerical order of PSC numbers. If in any instance this procedure is not observed as required by these rules, a memorandum must accompany the schedule so filed with the commission explaining omission of missing number(s).

(29) Electrical corporations are directed, in filing schedules, to transmit one (1) copy of each rate schedule, supplement or other charges or regulations for the use of the commission. Schedules sent for filing must be addressed to Public Service Commission, P.O. Box 360, Jefferson City, MO 65102.

(30) All schedules filed with the commission shall be accompanied by a letter of transmittal, in duplicate, if receipt is desired, as follows:

#### LETTER OF TRANSMITTAL

(Name of electrical corporation)

To the Public Service Commission, State of Missouri, Jefferson City: Accompanying schedule issued by the \_\_\_\_\_ is sent for filing in compliance with the requirements of the Public Service Commission Law.

PSC Mo. No. \_\_\_\_\_

Supp. No. \_\_\_\_\_ to PSC Mo. No. \_\_\_\_\_

Effective \_\_\_\_\_, 19 \_\_\_\_\_

**AUTHORITY:** section 393.140, RSMo (1986). \* Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed May 16, 1977, effective Dec. 11, 1977.

\*Original authority 1939, amended 1949, 1967.

4 CSR 240-20.020 Residential Electric Underground Distribution Systems (Rescinded August 15, 1983)

#### 4 CSR 240-20.030 Uniform System of Accounts—Electrical Corporations

**PURPOSE:** This rule directs electrical corporations within the commission's jurisdiction to use the uniform system of accounts prescribed by the Federal Energy Regulatory Commission for major electric utilities and licensees, as modified here, to file annual reports, and to submit a revised depreciation study, data base and property unit catalog at least every five years.

**Editor's Note:** The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the rule has been filed with the secretary of state and is summarized here by the agency adopting it. The entire text of the rule may be found at the headquarters of the agency and is available to any interested person at a cost established by state law. Citations in this rule beginning with the word *Part* refer to 18 CFR part 101 (1992); citations beginning with the word *paragraph* refer to 1 FERC Stat. & Regs. paragraph 15,001 and following (1992).

(1) Beginning January 1, 1994, every electrical corporation subject to the commission's jurisdiction shall keep all accounts in conformity with the Uniform System of Accounts Prescribed for Public Utilities and Licensees subject to the provisions of the Federal Power Act, as prescribed by the Federal Energy Regulatory Commission (FERC) and published at 18 CFR Part 101 (1992) and 1 FERC Stat. & Regs. paragraph 15,001 and following (1992), except as otherwise provided in this rule. This uniform system of accounts provides instruction for recording financial information about electric utilities. It contains definitions, general instructions, electric plant instructions, operating expense instructions, and accounts that comprise the balance sheet, electric plant, income, operating revenues, and operation and maintenance expenses.

(2) When implementing section (1), each electrical corporation subject to the commission's jurisdiction shall—

(A) Keep its accounts in the manner and detail specified for electric utilities and licensees classified as major at Part 101 General Instructions 1.A. and paragraph 15.011.1.A.; and

(B) Assemble by July 1, 1996, and maintain after that, a property unit catalog which contains for each designated property unit, in addition to the provisions of Part 101 General Instructions 6. and paragraph 15,016—

1. A description of each unit;
2. An item list; and

3. Accounting instructions, including instructions for distinguishing between operations expense, maintenance expense and capitalized plant improvements.

(3) Regarding plant acquired or placed in service after 1993, when implementing section (1), each electrical corporation subject to the commission's jurisdiction shall—

(A) Maintain plant records of the year of each unit's retirement as part of the "continuing plant inventory records," as the term is otherwise defined at Part 101 Definitions 8. and paragraph 15.001.8.:

(B) State the detailed electric plant accounts (301 to 399, inclusive) on the basis of original cost, estimated if not known, when implementing the provisions of Part 101 Electric Plant Instructions 1.C. and paragraph 15,051.1.C.:

(C) Record electrical plant acquired as an operating unit or system at original cost, estimated if not known, except as otherwise provided by the text of the intangible plant accounts, when implementing the provisions of Part 101 Electric Plant Instructions 2.A. and paragraph 15,052.2.A.:

(D) Account for the cost of items not classified as units of property as it would account for the cost of individual items of equipment of small value or of short life, as provided in Part 101 Electric Plant Instructions 3.A.(3) and paragraph 15,053.3.A.(3):

(E) Include in equipment accounts any hand or other portable tools which are specifically designated as units of property, when implementing the provisions of Part 101 Electric Plant Instructions 9.B. and paragraph 15,059.9.B.:

(F) Use the list of retirement units contained in its property unit catalog when implementing the provisions of Part 101 Electric Plant Instructions 10.A. and paragraph 15,060.10.A.:

(G) Estimate original cost with an appropriate average of the original cost of the units by vintage year, with due allowance for any difference in size and character, when it is impracticable to determine the original cost of each unit, when implementing the provisions of Part 101 Electric Plant Instructions 10.D. and paragraph 15,060.10.D.:

(H) Charge original cost less net salvage to account 103., when implementing the provisions of Part 101 Electric Plant Instructions 10.F. and paragraph 15,060.10.F.:

(I) Keep its work order system so as to show the nature of each addition to or retirement of electric plant by vintage year, in addition to the other requirements of Part 101

Electric Plant Instructions 11.B. and paragraph 15.061.11.B.:

(J) Maintain records which classify, for each plant account, the amounts of the annual additions and retirements so as to show the number and cost of the various record units or retirement units by vintage year, when implementing the provisions of Part 101 Electric Plant Instructions 11.C. and paragraph 15.061.11.C.;

(K) Maintain subsidiary records which separate account 108, according to primary plant accounts or subaccounts when implementing the provisions of Part 101 Balance Sheet Account 108.C. and paragraph 15.110.108.C.;

(L) Maintain subsidiary records which separate account 111, according to primary plant accounts or subaccounts when implementing the provisions of Part 101 Balance Sheet Accounts 111.C. and paragraph 15.113.111.C.; and

(M) Keep mortality records of property and property retirements as will reflect the average life of property which has been retired and will aid in estimating probable service life by actuarial analysis of annual additions and aged retirements when implementing the provisions of Part 101 Income Accounts 403.B. and paragraph 15.404.403.B.

(4) In prescribing this system of accounts, the commission does not commit itself to the approval or acceptance of any item set out in any account for the purpose of fixing rates or in determining other matters before the commission. This rule shall not be construed as waiving any recordkeeping requirement in effect prior to 1994.

(5) Each electrical corporation subject to the commission's jurisdiction shall submit a depreciation study, data base and property unit catalog to the manager of the commission's energy department and to the Office of the Public Counsel, as required by the terms of subsection (5)(B).

(A) The depreciation study, data base and property unit catalog shall be compiled as follows:

1. The study shall reflect the average life and remaining life of each primary plant account or subaccount;

2. The data base shall consist of dollar amounts, by plant account or subaccount, representing—

A. Annual dollar additions and dollar retirements by vintage year and year retired, beginning with the earliest year of available data;

B. Reserve for depreciation;

C. Surviving plant balance as of the study date; and

D. Estimated date of final retirement and surviving dollar investment for each warehouse, electric generating facility, combustion turbine, general office building or other large structure; and

3. The property unit catalog shall contain a description of each retirement unit used by the company.

(B) An electrical corporation shall submit its depreciation study, data base and property unit catalog on the following occasions:

1. On or before the date adjoining the first letter of the name under which the corporation does business, excluding the word *the*, as indicated by the tariffs on file with the commission.

A. The alphabetical categories and submission due dates are as follows:

(I) A, B, C, D: January 1, 1994;

(II) E, F, G, H: July 1, 1994;

(III) I, J, K, L: January 1, 1995;

(IV) M, N, O, P: July 1, 1995;

(V) Q, R, S, T: January 1, 1996;

and

(VI) U, V, W, X, Y, Z: July 1, 1996.

B. However—

(I) An electrical corporation need not submit a depreciation study, data base or property unit catalog to the extent that the commission's staff received these items from the utility during the three (3) years prior to the due dates listed in subparagraph (5)(B)1.A.; and

(II) A utility with simultaneous due dates under 4 CSR 240-20.030(5)(B)1. and 4 CSR 240-40.040(5)(B)1. may postpone its due date with respect to one (1) of these rules by six (6) months. To exercise this option, the utility must give written notice of its intent to postpone compliance to the manager of the commission's energy department, and to the Office of the Public Counsel, before the utility's first due date;

2. When the utility files its tariff(s) with the commission proposing a general rate increase, as that term is used in the commission's rules pertaining to minimum filing requirements. However, an electrical corporation need not submit a depreciation study, data base or property unit catalog to the extent that the commission's staff received these items from the utility during the three (3) years prior to the utility filing for a general rate increase; or

3. Before five (5) years have elapsed since the last time the commission's staff received a depreciation study, data base and property unit catalog from the utility.

(6) The commission may waive or grant a variance from the provisions of this rule, in whole or in part, for good cause shown, upon a utility's written application.

*AUTHORITY: 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, effective Oct. 30, 1996.*

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

#### 4 CSR 240-20.040 Minimum Filing Requirements (Rescinded October 10, 1993)

#### 4 CSR 240-20.050 Individual Electric Meters—When Required

*PURPOSE: This rule prescribes individual metering for new multiple occupancy buildings and new mobile home parks for all electric corporations under the jurisdiction of the Public Service Commission. This rule is aimed at compliance with Sections 113(b)(1) and 115(d) of Title I of the Public Utility Regulatory Policies Act of 1978 (PURPA), PL 95-617, 16 USC 2601.*

*Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.*

(1) For the purposes of this rule—

(A) A building is defined as a single structure, roofed and enclosed within exterior walls, built for permanent use, erected, framed of component structural parts and unified in its entirety both physically and in operation for residential or commercial occupancy;

(B) Commercial adjacent buildings are defined as buildings on a contiguous plot of land owned by one (1) person, which buildings are occupied and used by one (1) person for single type of commercial operation. A person for the purpose of this definition includes any type of business entity;

(C) A commercial unit is defined as that portion of a building or premises which by appearance, design or arrangement is normally used for commercial purposes, whether or not actually so used;

(D) Construction begins when the footings are poured;

(E) A mobile home park is defined as a contiguous parcel of land which is used for the accommodation of occupied mobile homes;

(F) A multiple-occupancy building is defined as a building or premises which is designed to house more than one (1) residential or commercial unit; and

(G) A residential unit is defined as one (1) or more rooms for the use of one (1) or more persons as a housekeeping unit with space for eating, living and sleeping, and permanent provisions for cooking and sanitation.

(2) Each residential and commercial unit in a multiple-occupancy building construction of which has begun after June 1, 1981 shall have installed a separate electric meter for each residential or commercial unit.

(3) Each mobile home unit in a mobile home park, construction of which has begun after June 1, 1981 shall have installed a separate electric meter for each mobile home unit.

(4) For the purposes of carrying out the provisions of sections (2) and (3), the following exceptions apply and separate metering will not be required:

(A) For transient multiple-occupancy buildings and transient mobile home parks—for example, hotels, motels, dormitories, rooming houses, hospitals, nursing homes, fraternities, sororities, campgrounds and mobile home parks which set aside, on a permanent basis, at least eighty percent (80%) of their mobile home pads or comparable space for use by travel trailers;

(B) Where commercial unit space is subject to alteration with change in tenants as evidenced by temporary versus permanent type of wall construction separating the commercial unit space—for example, space at a trade fair;

(C) For commercial adjacent buildings;

(D) For that portion of electricity used in central space heating, central hot water heating, central ventilating and central air-conditioning systems;

(E) For buildings or mobile home parks where alternative renewable energy resources are utilized in connection with central space heating, central hot water heating, central ventilating and central air-conditioning systems; or

(F) For all portions of electricity in commercial units in buildings with central space heating, ventilating and air-conditioning systems.

(5) Any person or entity affected by this rule may file an application with the commission seeking a variance from all or parts of this rule (4 CSR 240-20.050) and for good cause shown, variances may be granted as follows:

(A) The variance request shall be filed in writing and directed to the secretary of the commission;

(B) If the commission deems it in the public interest, a hearing may be held by the commission as in complaint hearings before the commission; and

(C) A variance committee consisting of two (2) members of the commission's utility division staff and a member of the commission's general counsel's office shall be established by the commission within thirty (30) days from September 28, 1981. The public counsel shall be an *ex officio* member of this committee.

1. The variance committee shall consider all variance applications filed by utilities and shall make a written recommendation of its findings to the commission for its approval.

2. Each applicant for a variance shall have ten (10) days from the date of the variance committee's findings to either accede or request a formal hearing before the commission.

3. If applicant accedes, the commission may adopt the variance committee's findings or set the matter for formal hearing upon the application of any interested person or upon the commission's own motion.

(6) The commission, in its discretion, may approve tariffs filed by an electric corporation which are more restrictive of master metering than the provisions of this rule.

*AUTHORITY: section 386.250, RSMo (Cum. Supp. 1991).<sup>\*</sup> Original rule filed March 13, 1980, effective Dec. 15, 1980. Emergency amendment filed May 13, 1981, effective May 31, 1981, expired Sept. 28, 1981. Amended: Filed May 13, 1981, effective Sept. 28, 1981.*

*<sup>\*</sup>Original authority 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991.*

#### 4 CSR 240-20.060 Cogeneration

*PURPOSE: This rule implements Sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978 with*

*regard to small power production and cogeneration. The objective of Sections 201 and 210 of Public Utility Regulatory Policies Act is to provide a mechanism to set up a cogeneration program for Missouri for regulated utilities.*

*Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.*

(1) Definitions. Terms defined in the Public Utility Regulatory Policies Act of 1978 (PURPA) shall have the same meaning for purposes of this rule as they have under PURPA, unless further defined in this rule.

(A) Avoided costs means the incremental costs to an electric utility of electric energy or capacity or both which, but for the purchase from the qualifying facility or qualifying facilities, that utility would generate itself or purchase from another source.

(B) Back-up power means electric energy or capacity supplied by an electric utility to replace energy ordinarily generated by a facility's own generation equipment during an unscheduled outage of the facility.

(C) Interconnection costs means the reasonable costs of connection, switching, metering, transmission, distribution, safety provisions and administrative costs incurred by the electric utility directly related to the installation and maintenance of the physical facilities necessary to permit interconnected operations with a qualifying facility, to the extent those costs are in excess of the corresponding costs which the electric utility would have incurred if it had not engaged in interconnected operations, but instead generated an equivalent amount of electric energy itself or purchased an equivalent amount of electric energy or capacity from other sources. Interconnection costs do not include any costs included in the calculation of avoided costs.

(D) Interruptible power means electric energy or capacity supplied by an electric utility subject to interruption by the electric utility under specified conditions.

(E) Maintenance power means electric energy or capacity supplied by an electric utility during scheduled outages of the qualifying facility.

(F) Purchase means the purchase of electric energy or capacity or both from a qualifying facility by an electric utility.

(G) Qualifying facility means a cogeneration facility or a small power production facility which is a qualifying facility under Subpart B of Part 292 of the Federal Energy Regulatory Commission's (FERC) regulations.

(H) Rate means any price, rate, charge or classification made, demanded, observed or received with respect to the sale or purchase of electric energy or capacity or any rule or practice respecting any such rate, charge or classification and any contract pertaining to the sale or purchase of electric energy or capacity.

(I) Sale means the sale of electric energy or capacity or both by an electric utility to a qualifying facility.

(J) Supplementary power means electric energy or capacity supplied by an electric utility, regularly used by a qualifying facility in addition to that which the facility generates itself.

(K) System emergency means a condition on a utility's system which is likely to result in imminent significant disruption of service to consumers or is imminently likely to endanger life or property.

(2) Arrangements Between Electric Utilities and Qualifying Cogeneration and Small Power Production Facilities Under Section 210 of the Public Utility Regulatory Policies Act of 1978.

(A) Applicability. This section applies to the regulation of sales and purchases between qualifying facilities and electric utilities.

(B) Negotiated Rates or Terms. Nothing in this section—

1. Limits the authority of any electric utility or any qualifying facility to agree to a rate for any purchase or terms or conditions relating to any purchase, which differ from the rate or terms or conditions which would otherwise be required by this rule; or

2. Affects the validity of any contract entered into between a qualifying facility and an electric utility for any purchase.

(C) Every regulated utility which provides retail electric service in this state shall enter into a contract for parallel generation service with any customer which is a qualifying facility, upon that customer's request, where that customer may connect a device to the utility's delivery and metering service to transmit electrical power produced by that customer's energy generating system into the utility's system.

1. The utility shall supply, install, own and maintain all necessary meters and associ-

ated equipment used for billing. The costs of any such meters and associated equipment which are beyond those required for service to a customer which is not a qualifying facility shall be borne by the customer. The utility may install and maintain, at its expense, load research metering for monitoring the customer's energy generation and usage.

2. The customer shall supply, install, operate and maintain, in good repair and without cost to the utility, the relays, locks and seals, breakers, automatic synchronizer, a disconnecting device and other control and protective devices required by the utility to operate the customer's generating system parallel to the utility's system. The customer also shall supply, without cost to the utility, a suitable location for meters and associated equipment used for billing, load research and disconnection.

3. The customer shall be required to reimburse the utility for the cost of any equipment or facilities required as a result of connecting the customer's generating system with the utility's system.

4. The customer shall notify the utility prior to the initial testing of the customer's generating system and the utility shall have the right to have a representative present during the testing.

5. Meters and associated equipment used for billing, load research and connection and disconnection shall be accessible at all times to utility personnel.

6. A manual disconnect switch for the qualifying facility must be provided by the customer which will be under the exclusive control of the utility dispatcher. This manual switch must have the capability to be locked out of service by the utility-authorized switchmen as a part of the utility's workman's protection assurance procedures. The customer must also provide an isolating device which the customer has access to and which will serve as a means of isolation for the customer's equipment during any qualifying facility maintenance activities, routine outages or emergencies. The utility shall give notice to the customer before a manual switch is locked or an isolating device used, if possible; and otherwise shall give notice as soon as practicable after locking or use.

(D) No customer's generating system or connecting device shall damage the utility's system or equipment or present an undue hazard to utility personnel.

(E) If harmonics, voltage fluctuations or other disruptive problems on the utility's system are directly attributable to the operation of the customer, these problems will be corrected at the customer's expense.

(F) Every contract shall provide fair compensation for the electrical power supplied to the utility by the customer. If the utility and the customer cannot agree to the terms and conditions of the contract, the Public Service Commission (PSC) shall establish the terms and conditions upon the request of the utility or the customer. Those terms and conditions will be established in accordance with Section 210 of the Public Utility Regulatory Policies Act of 1978 and the provisions of this rule.

(3) Availability of Electric Utility System Cost Data.

(A) All regulated electric utilities shall—

1. File tariffs providing standardized rates for facilities at or under one hundred (100) kilowatts on design capacity. The tariffs are to take account of the stochastic effect achieved by the aggregate output of dispersed small systems, that is, statistically a dispersed array of facilities may produce a level of reliability not enjoyed by any one (1) of the units taken separately. When that aggregate capacity value which allows the utility to avoid a capacity cost occurs and can be reasonably estimated, a corresponding credit must be included in the standard rates. The tariffs should take into account patterns of availability of particular energy sources such as the benefits to a summer peaking utility from photovoltaic systems or to a winter peaking utility for wind facilities;

2. Submit a standard form contract for facilities over one hundred (100) kilowatts as the basis for tariffs for these facilities. Issues such as avoided costs, losses, reliability and ability to schedule are to be considered in the contract; and

3. Submitted to the commission all tariffs and other data required to be prepared and filed by electric utilities under the provisions of subsection (3)(A) no later than September 15, 1981, and updated and revised on or before January 15, 1983 and not less than every two (2) years after that, unless otherwise ordered by the commission.

(B) General Rule. To make available data from which avoided costs may be derived, not later than September 15, 1981 and updated and revised on or before January 15, 1983, and not less than every two (2) years after that, unless otherwise ordered by the commission, each regulated electric utility shall provide to the PSC and shall maintain for public inspection the following data:

1. The estimated avoided cost on the electric utility's system, solely with respect to the energy component, for various levels of purchases from qualifying facilities. These levels of purchases shall be stated in blocks of

not more than one hundred (100) megawatts for systems with peak demand of one thousand (1000) megawatts or more, and in blocks equivalent to not more than ten percent (10%) of the system peak demand for systems of less than one thousand (1000) megawatts. The avoided costs shall be stated on a cents per kilowatt-hour basis, during daily and seasonal peak and off-peak periods, by year, for the current calendar year and each of the next five (5) years:

2. The electric utility's plans for the addition of capacity by amount and type, for purchases of firm energy and capacity and for capacity retirements for each year during the succeeding ten (10) years; and

3. The estimated capacity costs at completion of the planned capacity additions and planned capacity firm purchases, on the basis of dollars per kilowatt and the associated energy costs of each unit, expressed in cents per kilowatt hour. These costs shall be expressed in terms of individual generating units and of individual planned firm purchases.

(C) Special Rule for Small Electric Utilities.

1. Each electric utility (other than any electric utility to which subparagraph (3)(C)1.B. applies) upon request shall—

A. Provide comparable data to that required under subsection (3)(B) to enable qualifying facilities to estimate the electric utility's avoided costs for periods described in subsection (3)(B); or

B. With regard to an electric utility which is legally obligated to obtain all its requirements for electric energy and capacity from another electric utility, provide the data of its supplying utility and the rates at which it currently purchases the energy and capacity.

2. If any such electric utility fails to provide this information on request, the qualifying facility may apply to the Public Service Commission for an order requiring that the information be provided.

(D) PSC Review.

1. Any data submitted by an electric utility under this section shall be subject to review by the PSC.

2. In any such review, the electric utility has the burden of coming forward with justification for its data.

(4) Electric Utility Obligations Under This Rule.

(A) Obligation to Purchase From Qualifying Facilities. Each electric utility shall purchase, in accordance with section (5), any energy and capacity which is made available from a qualifying facility—

1. Directly to the electric utility; or  
2. Indirectly to the electric utility in accordance with subsection (4)(D) of this rule.

(B) Obligation to Sell to Qualifying Facilities. Each electric utility shall sell to any qualifying facility, in accordance with section (6) of this rule, any energy and capacity requested by the qualifying facility.

(C) Obligation to Interconnect.

1. Subject to paragraph (4)(C)2. of this rule, any electric utility shall make interconnections with any qualifying facility as may be necessary to accomplish purchases or sales under this rule. The obligation to pay for any interconnection costs shall be determined in accordance with section (7) of this rule.

2. No electric utility is required to interconnect with any qualifying facility if, solely by reason of purchases or sales over the interconnection, the electric utility would become subject to regulation as a public utility under Part II of the Federal Power Act.

(D) Transmission to Other Electric Utilities. If a qualifying facility agrees, an electric utility which would otherwise be obligated to purchase energy or capacity from a qualifying facility may transmit the energy or capacity to any other electric utility. Any electric utility to which energy or capacity is transmitted shall purchase energy or capacity under this subsection (4)(D) as if the qualifying facility were supplying energy or capacity directly to the electric utility. The rate for purchase by the electric utility to which such energy is transmitted shall be adjusted up or down to reflect line losses pursuant to paragraph (5)(E)4. of this rule and shall not include any charges for transmission.

(E) Parallel Operation. Each electric utility shall offer to operate in parallel with a qualifying facility, provided that the qualifying facility complies with any applicable standards established in accordance with section (9) of this rule.

(5) Rates for Purchases.

(A) Rates for purchases shall be just and reasonable to the electric consumer of the electric utility and in the public interest and shall not discriminate against qualifying cogeneration and small power production facilities. Nothing in this rule requires any electric utility to pay more than the avoided costs for purchases.

(B) Relationship to Avoided Costs.

1. For purposes of this section, new capacity means any purchase from capacity of a qualifying facility, construction of which was commenced on or after November 9, 1978.

2. Subject to paragraph (5)(B)3. of this rule, a rate for purchases satisfies the requirements of subsection (5)(A) of this rule if the rate equals the avoided costs determined after consideration of the factors set forth in subsection (5)(E) of this rule.

3. A rate for purchases (other than from new capacity) may be less than the avoided cost if the PSC determines that a lower rate is consistent with subsection (5)(A) of this rule and is sufficient to encourage cogeneration and small power production.

4. Rates for purchases from new capacity shall be in accordance with paragraph (5)(B)2. of this rule, regardless of whether the electric utility making the purchases is simultaneously making sales to the qualifying facility.

5. In the case in which the rates for purchases are based upon estimates of avoided costs over the specific term of the contract or other legally enforceable obligation, the rates for the purchases do not violate this paragraph if the rates for the purchases differ from avoided costs at the time of delivery.

(C) Standard Rates for Purchases.

1. There shall be put into effect (with respect to each electric utility) standard rates for purchases from qualifying facilities with a design capacity of one hundred (100) kilowatts or less.

2. There may be put into effect standard rates for purchases from qualifying facilities with a design capacity of more than one hundred (100) kilowatts.

3. The standard rates for purchases under this subsection shall be consistent with subsections (5)(A) and (E) of this rule, and may differentiate among qualifying facilities using various technologies on the basis of the supply characteristics of the different technologies.

(D) Purchases as Available or Pursuant to a Legally Enforceable Obligation. Each qualifying facility shall have the option either—

1. To provide energy as the qualifying facility determines this energy to be available for the purchases, in which case the rates for the purchases shall be based on the purchasing utility's avoided costs calculated at the time of delivery; or

2. To provide energy or capacity pursuant to a legally enforceable obligation for the delivery of energy or capacity over a specified term, in which case the rates for the purchases, at the option of the qualifying facility exercised prior to the beginning of the specified term, shall be based on either the avoided costs calculated at the time of delivery or the avoided costs calculated at the time the obligation is incurred.

(E) Factors Affecting Rates for Purchases. In determining avoided costs, the following factors, to the extent practicable, shall be taken into account:

1. The data provided pursuant to section (3) of this rule, including PSC review of any such data;

2. The availability of capacity or energy from a qualifying facility during the system daily and seasonal peak periods, including:

A. The ability of the utility to dispatch the qualifying facility;

B. The expected or demonstrated reliability of the qualifying facility;

C. The terms of any contract or other legally enforceable obligation, including the duration of the obligation, termination notice requirement and sanctions for noncompliance;

D. The extent to which scheduled outages of the qualifying facility can be usefully coordinated with scheduled outages of the utility's facilities;

E. The usefulness of energy and the capacity supplied from a qualifying facility during system emergencies, including its ability to separate its load from its generation;

F. The individual and aggregate value of energy and capacity from qualifying facilities on the electric utility's system; and

G. The smaller capacity increments and the shorter lead times available with additions of capacity from qualifying facilities;

3. The relationship of the availability of energy or capacity from the qualifying facility as derived in paragraph (5)(E)2. of this rule, to the ability of the electric utility to avoid costs, including the deferral of capacity additions and the reduction of oil use; and

4. The costs or savings resulting from variations in line losses from those that would have existed in the absence of purchases from a qualifying facility, if the purchasing electric utility generated an equivalent amount of energy itself or purchased an equivalent amount of electric energy or capacity.

(F) Periods During Which Purchases not Required.

1. Any electric utility which gives notice pursuant to paragraph (5)(F)2. of this rule will not be required to purchase electric energy or capacity during any period which, due to operational circumstances, purchases from qualifying facilities will result in costs greater than those which the utility would incur if it did not make the purchases, but instead generated an equivalent amount of energy itself.

2. Any electric utility seeking to invoke paragraph (5)(F)1. of this rule must notify, in accordance with applicable state law or rule, each affected qualifying facility in time for

the qualifying facility to cease the delivery of energy or capacity to the electric utility.

3. Any electric utility which fails to comply with the provisions of paragraph (5)(F)2. of this rule will be required to pay the same rate for the purchase of energy or capacity as would be required had the period described in paragraph (5)(F)1. of this rule not occurred.

4. A claim by an electric utility that this period has occurred or will occur is subject to verification by the PSC as the PSC determines necessary or appropriate, either before or after the occurrence.

(6) Rates for Sales.

(A) Rates for sales shall be just and reasonable and in the public interest and shall not discriminate against any qualifying facility in comparison to rates for sales to other customers served by the electric utility. Rates for sales which are based on accurate data and consistent system-wide costing principles shall not be considered to discriminate against any qualifying facility to the extent that those rates apply to the utility's other customers with similar load or other cost-related characteristics.

(B) Additional Services to be Provided to Qualifying Facilities.

1. Upon request of a qualifying facility, each electric utility shall provide supplementary power, back-up power, maintenance power and interruptible power.

2. The PSC may waive any requirement of paragraph (6)(B)1. of this rule if, after notice in the area served by the electric utility and after opportunity for public comment, the electric utility demonstrates and the PSC finds that compliance with that requirement will impair the electric utility's ability to render adequate service to its customers or place an undue burden on the electric utility.

(C) Rates for Sale of Back-Up and Maintenance Power. The rate for sales of back-up power or maintenance power—

1. Shall not be based upon an assumption (unless supported by factual data) that forced outages or other reductions in electric output by all qualifying facilities on an electric utility's system will occur simultaneously or during the system peak or both; and

2. Shall take into account the extent to which scheduled outages of the qualifying facilities can be usefully coordinated with scheduled outages of the utility's facilities.

(7) Interconnection Costs.

(A) If the utility and the qualifying facility cannot reach agreement as to the amount or the manner of payment of the interconnection costs to be paid by the qualifying facility, the

PSC, after hearing, shall assess against the qualifying facility those interconnection costs to be paid to the utility, on a nondiscriminatory basis with respect to other customers with similar load characteristics or shall determine the manner of payments of the interconnection costs, which may include reimbursement over a reasonable period of time, or both. In determining the terms of any reimbursement over a period of time, the commission shall provide for adequate carrying charges associated with the utility's investment and security to insure total reimbursement of the utility's incurred costs, if it deems necessary.

(8) System Emergencies.

(A) Qualifying Facility Obligation to Provide Power During System Emergencies. A qualifying facility shall be required to provide energy or capacity to an electric utility during a system emergency only to the extent provided by agreement between the qualifying facility and electric utility or ordered under Section 202(c) of the Federal Power Act.

(B) Discontinuance of Purchases and Sales During System Emergencies. During any system emergency, an electric utility may discontinue purchases from a qualifying facility if those purchases would contribute to the emergency and sales to a qualifying facility, provided that discontinuance is on a nondiscriminatory basis.

(9) Standards for Operating Reliability. The PSC may establish reasonable standards to ensure system safety and reliability of interconnected operations. Those standards may be recommended by any electric utility, any qualifying facility or any other person. If the PSC establishes standards, it shall specify the need for the standards on the basis of system safety and reliability.

(10) Implementation of Certain Reporting Requirements. Any electric utility which fails to comply with the requirements of subsection (3)(B) shall be subject to the same penalties to which it may be subjected for failure to comply with the requirements of the FERC's regulations issued under Section 133 of PURPA.

(11) Exemption to Qualifying Facilities From the Public Utility Holding Company Act and Certain State Law and Rules.

(A) Applicability. This section applies to qualifying cogeneration facilities and qualifying small power production facilities which have a power production capacity which does not exceed thirty (30) megawatts and to any qualifying small power production facility

with a power production capacity over thirty (30) megawatts if that facility produces electric energy solely by the use of biomass as a primary energy source.

(B) A qualifying facility described in subsection (1)(A) shall not be considered to be an electric utility company as defined in Section 2(a)(3) of the Public Utility Holding Company Act of 1935, 15 USC 79b(a)(3).

(C) Any qualifying facility shall be exempted (except as otherwise provided) from Missouri PSC law or rule respecting the rates of electric utilities and the financial and organizational regulation of electric utilities. A qualifying facility may not be exempted from Missouri PSC law and rule implementing Subpart C of PURPA.

**AUTHORITY:** section 393.140, RSMo (1986).<sup>\*</sup> Original rule filed Oct. 14, 1980, effective May 15, 1981.

<sup>\*</sup>Original authority 1939, amended 1949, 1967.

#### 4 CSR 240-20.070 Decommissioning Trust Funds

**PURPOSE:** This rule is promulgated pursuant to section 393.292, RSMo 10—1) govern the review and authorization of changes to the rates and charges contained in the tariff(s) of an electric corporation as a result of a change in the level or annual accrual of funding necessary for its nuclear power plant decommissioning trust fund, 2) govern the procedure for the submission, examination, hearing and approval for the tariff changes and 3) ensure that the amounts collected from ratepayers and paid into the trust funds will be neither greater nor lesser than the amounts necessary to carry out the purposes of the trust.

**Editor's Note:** The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) As used in this rule, decommissioning means those activities undertaken in connection with a nuclear generating unit's retirement from service to ensure that the final removal, disposal, entombment or other disposition of the unit and of any radioactive components and materials associated with the

unit, are accomplished in compliance with all applicable laws, and to ensure that the final disposition does not pose any undue threat to the public health and safety. Decommissioning includes the removal and disposal of the structures, systems and components of a nuclear generating unit at the time of decommissioning.

(2) As used in this rule, decommissioning costs means all reasonable costs and expenses incurred in connection with decommissioning, including all expenses to be incurred in connection with the preparation for decommissioning, including, but not limited to, engineering and other planning expenses; and to be incurred after the actual decommissioning occurs, including, but not limited to, physical security and radiation monitoring expenses, less proceeds of insurance, salvage or resale of machinery, construction equipment or apparatus the cost of which was charged as a decommissioning expense.

(3) As used in this rule, utility(ies) means all electrical corporations subject to the jurisdiction of the Missouri Public Service Commission (commission) that own, in whole or in part, or operate nuclear generating units in Missouri or elsewhere and that have costs of these units reflected in the rates charged to Missouri ratepayers.

(4) Each utility shall establish a tax-qualified externally managed trust fund for the purpose of collecting funds to pay for decommissioning costs. The tax-qualified trust shall be established and maintained in accordance with the provisions of the *Internal Revenue Code*. If the utility has collected funds in excess of the Internal Revenue Service's (IRS) tax-qualified amount, a nontax-qualified externally managed trust fund shall be established and maintained for all these funds. These trust funds shall be administered pursuant to the following requirements:

(A) Each utility shall submit a copy of the decommissioning trust agreement and any other agreement entered into between the utility, trustee and investment manager(s) for approval by the commission. The listing of trustee fees shall be contained in or attached to the trust agreement itself. Any change in the trust agreement, trustee or investment manager(s) also shall be submitted to the commission for approval;

(B) The commission shall have the authority to require each utility to change the trustee or investment manager(s) of a decommissioning trust for good cause shown. The commission shall be informed of any significant dis-

putes between the utility, the trustee or investment manager(s);

(C) Each utility shall maintain separate tax qualified trusts for each nuclear generating unit. All decommissioning trusts shall be maintained to show the amounts contributed annually by Missouri jurisdictional customers. Amounts to be contributed annually for Missouri jurisdictional customers shall be computed based on the jurisdictional allocator used in the company's last general rate proceeding unless otherwise ordered by the commission;

(D) The decommissioning trust shall be funded through no less than quarterly payments by the utility. The tax-qualified trust shall be funded with the lesser of the utility's decommissioning costs reflected in its cost of service or the maximum amount allowable by the IRS. All funds in excess of the IRS's ruling amount shall be placed in a nonqualified trust;

(E) The trustee or investment manager(s) shall invest the tax-qualified trust assets and nontax-qualified trust assets only in assets that are prudent investments for assets held in trust and in a manner designed to maximize the after-tax return on funds invested, consistent with the conservation of the principal, subject to the limitations specified as follows:

1. The trustee and investment manager(s) shall not invest any portion of the tax-qualified or nontax-qualified trust's funds in the securities or assets of the following:

A. Any owner or operator of a nuclear power plant;

B. Any index fund, mutual fund or pooled fund in which more than fifteen percent (15%) of the assets are issued by owners or operators of nuclear power plants;

C. Any affiliated company of the utility; or

D. The trustee or investment manager's(s') company or affiliated companies (This limitation does not include time or demand deposits offered through the trustee or investment manager's(s') affiliated banking operations.);

2. The nontax-qualified trust shall be subject to the prohibitions against self-dealing applicable to the tax qualified trust as specified in the *Internal Revenue Code*; and

3. A utility's total book value of investments in equity securities in all of its decommissioning trusts shall not exceed sixty-five percent (65%) of the trust funds' book value; and

(F) All income earned by a trust's funds shall become a part of that trust's funds.

(5) The utility or the trustee shall file reports quarterly to the commission. The reports shall contain the following information:

(A) A total of all jurisdictional balances of the trust fund(s) based on a carrying cost (book) value;

(B) A total of all jurisdictional balances of the trust fund(s) based on a market value;

(C) A Missouri jurisdictional balance of the trust fund(s) based on a carrying cost (book) value;

(D) A Missouri jurisdictional balance of the trust fund(s) based on a market value;

(E) A summary of the trust account including the utility's contributions, incomes, expenses and a weighted average after-tax return for the quarter;

(F) A portfolio summary per asset class by amount and percentage;

(G) A detailed report of daily transactions; and

(H) Any other information the commission orders the utility or trustee to provide.

(6) In addition, the utility or the trustee shall file reports annually to the commission that contain the following information:

(A) An asset maturity schedule;

(B) A summary of the trust's portfolio of investments including a listing of each security detailing the carrying cost, current market value, maturity date, estimated annual income and the yield to maturity;

(C) A copy of all correspondence including income tax returns and tax exempt rulings concerning the trust with the IRS or any state revenue agency; and

(D) Any other information the commission orders the utility or trust to provide.

(7) The utility shall take every reasonable action to provide reasonable assurance that adequate funds are available at the nuclear generating unit's termination of operation, so that decommissioning can be carried out in a safe and timely manner and that lack of funds does not result in delays that may cause undue health and safety hazards.

(8) The utility shall maintain its nuclear generating unit(s) in a manner calculated to minimize the utility's total cost of maintenance and decommissioning, consistent with the prudent operation of the unit.

(9) On or before September 1, 1990 and every three (3) years after that, utilities with decommissioning trust funds shall perform and file with the commission cost studies detailing the utilities' latest cost estimates for decommissioning their nuclear generating unit(s) along with the funding levels necessary to defray these decommissioning costs.

These studies shall be filed along with appropriate tariff(s) effectuating the change in rates necessary to accomplish the funding required. In addition, the commission, at any time for just cause, may require a utility to file an updated decommissioning cost study, funding requirement and associated tariff(s).

(10) At the time a tariff(s) is filed by a utility which proposes any change in rates due to changes in the estimate of decommissioning cost or the funding level of its nuclear decommissioning trust fund(s), the utility shall file the following minimum information in support of the need for changes in its tariff rates:

(A) An updated decommissioning cost study which estimates the cost of decommissioning and the funding levels necessary to defray these costs. This study shall contain the following information:

1. Detailed quantities and unit prices in current dollars for each system of the nuclear generating unit to be decommissioned;

2. A detailed breakdown between radioactive contaminated systems and those systems which are not contaminated by radioactivity;

3. Funding levels which are computed on a levelized basis and which accrue future decommissioning costs over the remaining licensed life of the nuclear generating unit. The utility shall include the earnings rate and inflation rate assumed in the cost study as compared to those assumed in any previous study;

4. A detailed description of any facilities that were added to or deleted from the cost study filed in the previous case;

5. The beginning date for the expenditure of funds for decommissioning assumed in the study shall be no later than the expiration date of the unit's current Nuclear Regulatory Commission (NRC) license; and

6. The study shall consider and evaluate all reasonable practices or procedures which would reduce the ultimate cost of decommissioning; and

(B) A summary description of the reasons (for example, changes in regulation, technology or economics) that brought on the need to change the decommissioning cost estimate.

(11) Upon the filing of the appropriate tariff(s) as set in sections (9) and (10), the commission shall establish a schedule of proceedings which shall be limited in scope to the following issues:

(A) The extent of any change in the level or annual accrual of funding necessary for the utility's decommissioning trust fund; and

(B) The changes in rates which would reflect any change in the funding level or accrual rate.

(12) For a fund intended to be tax qualified, after receipt of any commission order modifying the annual decommissioning funding requirements, the affected utility shall apply for an adjusted IRS ruling in a timely manner, seeking deductibility of the new annual decommissioning cost accruals consistent with the effective dates given in the order. Pending final IRS approval, the utility shall be authorized to continue funding at the level which existed prior to the commission order provided that the utility will take all appropriate action to preserve the tax deduction of the amounts subsequently approved in the IRS ruling.

(13) Distributions may be made from a nuclear decommissioning trust fund only to satisfy the liabilities of the utility for nuclear decommissioning costs relating to the nuclear generating unit for which the decommissioning fund was established and to pay administrative costs, income taxes and other incidental expenses of the trust fund. The utility shall not use proceeds of the trust for the purpose of filing for an updated tax ruling or to qualify the trust.

(14) Each utility shall file with the commission the detailed plan required by the NRC for the decommissioning of its nuclear generating unit when that plan is filed with the NRC. Before any distribution of decommissioning trust funds are made for the decommissioning of its nuclear generating unit, the utility must notify and obtain commission approval of its intent to make this distribution.

(15) The utility shall conduct the decommissioning of its nuclear generating unit in accordance with NRC requirements and must not knowingly allow any procedure that would unreasonably endanger human life or the environment.

(16) Upon termination of the trust, the utility shall file with the commission the appropriate tariff(s) to reflect the termination of payments into the decommissioning trust fund, as well as refund or credit any over collection of these funds.

(17) Upon proper application and after due notice and hearing, the commission may waive any provision of this rule for good cause shown.

(18) The commission may adopt further amendments as it deems necessary for the sound management of the trust fund(s), consistent with the purpose of this rule.

*AUTHORITY: section 393.292, RSMo (Supp. 1989). Original rule filed Nov. 27, 1989, effective March 26, 1990. Amended; Filed May 4, 1993, effective Dec. 9, 1993.*

\*Original authority 1989.

#### 4 CSR 240-20.080 Electrical Corporation Reporting Requirements for Certain Events

*PURPOSE: This rule prescribes requirements and procedures for the reporting of certain events by electrical corporations to the Public Service Commission to inform the commission of developments which may affect the rendering of safe and adequate service and to enable the commission to thoroughly and fairly investigate certain events, which may have an impact in future electric rate proceedings at the time and in the context in which those events occur.*

(1) Commencing on September 1, 1991 every electrical corporation, as defined in section 386.020, RSMo, subject to the jurisdiction of the Public Service Commission (PSC) shall accumulate the following information and transmit it in writing to the manager of the energy department of the PSC, or his/her designee, no later than the last business day of the month following the month to be reported and after that on a monthly basis:

(A) All generating unit outages and derates, excluding hydroelectric generating units and units whose capacity comprise less than one and one-half percent (1 1/2%) of the electrical corporation's installed capacity;

(B) All fuel purchases for power production purposes, including the terms of those purchases. A copy of the Monthly Report of Cost and Quality of Fuels for Electric Plants on FERC Form No. 423, as submitted to the Federal Energy Regulatory Commission (FERC), will satisfy the requirements of this subsection;

(C) Net hourly generation for each generating unit;

(D) Hourly purchases and sales of electricity from or to other utility companies, independent power producers or cogenerators, including the parties to purchases and sales, and the terms of purchases and sales;

(E) Capacity purchases of longer than seven (7) days' duration;

(F) Planned outages of power production facilities, as they are scheduled or rescheduled. Changes from the planned outage schedule must be reported by telephone to the manager of the energy department of the PSC or his/her designee prior to the initiation of the outage, if the changes result in the planned outage schedule being different from the schedule in the most recently submitted monthly report;

(G) Planned fuel test burns, unit heat-rate tests and accreditation runs as they are scheduled or rescheduled. Changes from previously planned fuel test burns, unit heat-rate tests and accreditation runs must be reported by telephone to the manager of the energy department of the PSC or his/her designee prior to their initiation, if these changes result in the schedule for fuel test burns, unit heat-rate tests and accreditation runs being different from the schedule in the most recently submitted monthly report;

(H) Citations or notices of violation related to power production facilities received from any state or federal utility regulatory agency or environmental agency including, but not limited to, the FERC, the Nuclear Regulatory Commission (NRC), the Environmental Protection Agency (EPA), the Department of Natural Resources (DNR) and the Department of Energy;

(I) The terms of new contracts or existing contracts which will be booked to Accounts 310-346 or Accounts 502-546 of the FERC's Uniform System of Accounts requiring the expenditure by the electrical corporation of more than fifty thousand dollars (\$50,000) including, but not limited to, contracts for engineering, consulting, repairs and modifications or additions to an electric plant; and

(J) Copies of all written reports on forced generating unit outages of longer than three (3) days, test burns of fuel, heat-rate tests, accreditation runs and responses to state or federal utility regulatory agencies or environmental agencies including, but not limited to, the FERC, the NRC, the EPA, the DNR and the Department of Energy, concerning any alleged infractions, deviations or noncompliance with those agencies' rules or standards related to power production facilities.

(2) The information required in subsections (1)(C) and (D) of this rule may be provided to the manager of the energy department of the PSC or his/her designee on computer diskette rather than in the written report required in section (1). If the information required in subsections (1)(C) and (D) is provided on computer diskette, the data reported on each diskette and the software program

used to record the data shall be clearly identified on the diskette envelope or package and the diskette shall be accompanied by a statement as required in subsection (4)(A) of this rule.

(3) In addition to the reporting requirements in sections (1) and (2) of this rule, every electrical corporation, as defined in section 386.020, RSMo, subject to the jurisdiction of the PSC, shall report to the manager of the energy department of the PSC or his/her designee by telephone by the end of the first business day following discovery and in writing within five (5) business days following discovery the following information:

(A) Details of any accident at a power plant involving serious physical injury or death or property damage in excess of fifty thousand dollars (\$50,000);

(B) Forced outages of any nuclear generating unit(s) that could reasonably be anticipated to last longer than three (3) days;

(C) Forced outages of any fossil-fuel fired generating unit(s) which constitutes twenty percent (20%) or more of the electrical corporation's accredited capacity that reasonably could be anticipated to last longer than three (3) days, when the unit(s) is forced out due to a common occurrence;

(D) Reductions of coal inventory below a thirty (30)-day supply and reductions of oil inventory below fifty percent (50%) of normal oil inventory; and

(E) Loss of transmission capability that could limit the output of a generating plant.

(4) All reports and information submitted by electrical corporations pursuant to this rule shall be—

(A) Subscribed by the president, treasurer, general manager, receiver or other authorized representative of the electrical corporation having knowledge of the subject matter and shall be stated to be accurate and complete, and contain no material misrepresentations or omissions, based upon facts of which the person subscribing the report or information has knowledge, information or belief; and

(B) Sent to the Energy Department Manager, Public Service Commission, P.O. Box 360, Room 530, 301 West High Street, Jefferson City, MO 65102.

(5) The reporting requirements prescribed by this rule shall be in addition to all other reporting requirements prescribed by law.

(6) The information contained in the reports filed pursuant to this rule shall be subject to the provisions of section 386.480, RSMo and the use of that information in any proceeding before the commission shall be governed by

the terms of any protective order issued by the commission in the proceeding, if a protective order has been issued.

(7) The receipt by the commission or commission staff of reports prescribed by this rule shall not bind the commission or commission staff to the approval or acceptance of, or agreement with any matter contained in the reports for the purpose of fixing rates or in determining any other issue that may come before the commission.

(8) Upon proper application and after notice and an opportunity for hearing, the commission, in its discretion, may waive any provision of this rule for good cause shown.

*AUTHORITY: section 393.140, RSMo (1986).<sup>\*</sup> Original rule filed March 1, 1991, effective Sept. 30, 1991.*

*<sup>\*</sup>Original authority 1939, amended 1949, 1967.*



# MONTHLY REPORT OF COST AND QUALITY OF FUELS FOR ELECTRIC PLANTS

Form Approved  
OMB No. 1902-0024  
Expires 9/30/93

This report is mandatory under the Federal Power Act. Failure to comply may result in criminal fines, civil penalties and other sanctions as provided by law. The Federal Energy Regulatory Commission does not consider this report to be of a confidential nature.

1. Company-Plant Code		2. Month and Year of Report		3. Name of Reporting Company			4. Page Number OF	
5. Plant Name					6. Plant Location (nearest village, town, city, etc.)			
7. Name, Title and Address of person to be contacted concerning data entered on this form						8. Telephone No. Area Code ( )		Extension:
9. Signature of Official submitting this report					10. Title			11. Date Report Completed


Line No.	PURCHASES			COAL MINES ONLY				SOURCE DATA <i>For coal, enter name of mine or broker from which coal originated or was purchased. For oil, enter name of supplier, refinery and, if applicable, port of entry. For gas, enter name of pipeline (supplier) or distributor and, if applicable, port of entry.</i>	Quantity Received (Units) coal: 1,000 tons oil: 1,000 barrels gas: 1,000 Mcf	QUALITY (AS RECEIVED)				Purchase Price in \$ per million BTU to nearest 0.1 cent
	Type (Use code) (A)	Contract Expires Within 24 Mos., Expiral. Date (B)	Fuel Type (Use code) (C)	LOCATION			BTU Content (Average at coal, per lb; oil, per gal; gas, per cu. ft.) (D)			Sulfur Content (% nearest 0.01%) (E)	Ash Content (% nearest 0.1%) (F)			
				Type (Use code) (G)	Coal District No. (H)	State Abbrev. (I)						County No. (J)		
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FERC Form No. 623 (1/91)

(Use Continuation Sheet if Necessary)

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**Rules of  
Department of Economic  
Development**

**Division 240—Public Service Commission  
Chapter 30—Telephone Utilities**

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**Title 4—DEPARTMENT OF  
ECONOMIC DEVELOPMENT  
Division 240—Public Service  
Commission  
Chapter 30—Telephone Utilities**

**4 CSR 240-30.010 Rate Schedules**

*PURPOSE: This rule prescribes the form and procedures for filing and publishing schedules of rates of all telephone corporations under the jurisdiction of the Public Service Commission.*

(1) Every telephone corporation as defined in section 386.020, RSMo engaged in business in this state, is directed and required not later than September 15, 1913 to have on file with the Public Service Commission (PSC) schedules of all rates, rentals and charges of whatever nature made by the telephone corporation for each kind of service which it renders which were in force on April 15, 1913, together with proper supplements covering all changes in rate schedules authorized by this commission, if any, since April 15, 1913.

(2) Every telephone corporation is directed on and after September 15, 1913 to publish all of its schedules of rates for local service and all of its schedules of rates for long distance service as these schedules have been established and filed with this commission as follows:

(A) To keep all of its schedules established and filed with this commission in its main or principal operating office and in each division office which is now or may be established;

(B) To keep at each of its branch business offices where contracts for service are made or payment for subscribers' service is received, copies of all its established schedules of rates which apply within the area served by any such office and which apply from any point within the area to any point without the area;

(C) In every exchange area where no such business branch office is maintained, to keep at its central operating office or in a suitable place fixed by the company, and notify the public by sign or placard conspicuously posted, copies of all of its established schedules of rates which apply within the area served by any such telephone exchange and which apply from any point within the area to any point in each exchange adjacent area; and

(D) That these schedules shall be at all times during office hours readily accessible to the public and upon the demand of any person shall be immediately produced for inspection. The production for inspection

shall be accompanied by such assistance on the part of the proper representative of the telephone company having the schedules as to enable the person examining the schedules to determine accurately the rate, rental or charge applicable to any particular kind of telephone service. That in case any person shall apply at a central operating office, personally or by telephone, for information as to any specified toll or long distance rate, a correct statement of the rate shall be procured by the chief operator and furnished without telephone charge.

(3) All schedules of rates, rentals and charges or rules relating and applying to communication by telephone, or for service rendered in connection with communication by telephone, and subject to the jurisdiction of this commission and which are lawfully on file with the commission and in force April 15, 1913 will be considered as continuing in force and may be amended in the manner provided in this rule.

(4) All rate schedules for local service and all individual and joint schedules for long distance service on file with this commission and in effect April 15, 1913 not in accord with this rule shall be reprinted in the manner prescribed by this rule and filed on or before September 15, 1913. Any new rate schedules issued after April 15, 1913 must conform to this rule or they will be subject to rejection by the commission when tendered for filing. The commission reserves the right to direct the reprinting of any schedule at any time.

(5) All schedules shall bear a number with the following prefix: PSC Mo. \_\_\_\_\_. Rate schedules shall be numbered in consecutive serial order, commencing with a No. 1 for each telephone corporation (for example, the first schedule PSC Mo. No. 1). The prefix and number shall be printed on schedules as provided in section (11) of this rule. For convenience, the prefix is referred to as PSC.

(6) Joint schedules are schedules designed to contain joint rates and the term joint rate as used in this rule is construed to mean a rate made by contract, agreement or arrangement between two (2) or more telephone corporations and applying in both directions over the toll lines owned or controlled by these telephone corporations. Joint schedules apply to communication by telephone between localities on the toll lines of more than one (1) telephone corporation or between localities upon the toll lines owned, operated or leased by the same telephone corporation, when communication between these localities involves the

use of the toll line(s) of one (1) or more other telephone corporations which participate in the charges for this communication.

(7) Individual schedules of the telephone corporation are schedules designed to contain rates, rentals and other charges for any kind of long distance or toll service (other than for service covered by joint rates) when the service is rendered entirely by the particular telephone corporation which issues the schedule. Individual schedules must include all such long distance rates as may be made by the issuing corporation over its owned or controlled toll lines. As distinguished from joint schedules, individual schedules apply to all communication by telephone over the lines of the issuing telephone corporation and to instrumentalities and facilities furnished in connection with the communication by telephone.

(8) It is the general practice of telephone corporations to classify the service rendered by them under two (2) general headings, "local service" and "long distance service." "Local service" covers service classifications, rates, rentals or charges applying to communication or for instrumentalities and facilities furnished. It also covers rules governing and relating to conditions of contract for any form of telephone service within a local service area established with reference to a particular central station or group of central stations. "Long distance service" covers service classifications, rates, charges, rules applying to communication by telephone between subscribers' stations or public or semi-public pay stations located in one (1) local service area and subscribers' stations or public or semi-public pay stations located in another local service area of the same or another telephone corporation.

(9) All schedules should be on good serviceable quality of paper and if, in the discretion of the commission, the volume of a schedule justifies, the schedule shall not be accepted for filing until printed.

(10) All rate schedules filed with the commission must be in book, sheet or pamphlet form and of size eight and one-half inches by eleven inches (8 1/2" x 11"). A loose-leaf plan may be used so that changes can be made by reprinting and inserting a single leaf. When a loose-leaf plan is used, all sheets except title page must show in the marginal space at top of the page or sheet, the name of the corporation issuing, the PSC number of the schedule, the number of the page or sheet, the date of issue and effective

date, and name, title and address of officer by whom the schedule is issued.

(11) The title page or sheet, if loose-leaf, of every rate schedule shall show—

(A) The full corporate name of the issuing telephone corporation;

(B) The PSC number of the schedule in bold type in the center of marginal space at top of the page and immediately under in small type, the PSC number(s) of the schedule canceled thereby. Separate serial PSC numbers may, if desired, be used for local and long distance schedules;

(C) The title page or sheet also should show whether it is for local or long distance and whether it is joint or individual;

(D) A brief description of the service areas from and to or within which the schedule applies;

(E) When a schedule of rates is governed by a general publication, reference to the governing schedule by its PSC number must be given. The following phraseology, as the case may be, will be used: "Governed except as otherwise provided herein by schedule PSC Mo. No. \_\_\_\_\_, which schedule, supplements thereto or superseding issues thereof, is hereby made a part of this schedule"; or "Governed except as otherwise provided herein by schedule PSC Mo. No. \_\_\_\_\_, which schedule revised and added pages or sheets, or superseding issues thereof, is hereby made a part of this schedule." A rate publication so referred to must be on file with the commission and be kept at every place where the schedule making the reference is to be kept for public inspection;

(F) The Date of Issue and the Effective Date. If the schedule or any portion is made to expire on a specified date, the following clause must be used: "expires \_\_\_\_\_, unless sooner canceled, changed or extended;"

(G) On every schedule supplement or a revised or added sheet, issued on less than thirty (30) days' notice by permission of the commission, the following notation must be shown: "Issued on \_\_\_\_\_ days' notice to the public and the commission under special permission of the Public Service Commission of Missouri, No. \_\_\_\_\_, of date \_\_\_\_\_." If issued in compliance with an order of the commission, the following notation must be shown: "Issued on \_\_\_\_\_ days' notice to the public and the commission of under order of the Public Service Commission of Missouri, of date \_\_\_\_\_, in Case No. \_\_\_\_\_." When issued by authority of this rule, the notation must be that required by the rule granting the permission;

(H) On the upper left-hand corner of schedules of less than three (3) pages and on

schedules issued in loose-leaf form, the words: "No supplement to this schedule will be issued except for the purpose of canceling this schedule" shall be shown. On schedules, not in loose-leaf form, of three (3) or more pages: "Only one supplement to this schedule will be in effect at any time," shall be shown; and

(I) The name, title and address of officer by whom schedule is issued.

(12) Schedules shall contain, in the order named:

(A) Table of Contents. A full and complete statement, in alphabetic order, of the exact location where information under general headings, by subjects, will be found, specifying page or item numbers. If a schedule contains so small a volume of matter that its title page or its interior arrangement plainly discloses its contents, the table of contents may be omitted;

(B) The name of the issuing telephone corporation, including those for which the corporation acts under power of attorney or concurrence and the names of all telephone corporations participating under such authorities, both alphabetically arranged. If there are not more than ten (10) participating corporations, their names may be shown on the title page of the schedule. The record of the power of attorney or concurrence by which each telephone corporation is made party to the schedule must be shown;

(C) In local rate schedules, there shall be an alphabetical index of the central stations in the service area to which the schedule applies; and alphabetically arranged following the name of each central station or under the names of all the localities served;

(D) In individual or joint long distance schedules, there shall be an alphabetical list of localities from which rates and charges apply and of the localities to which rates and charges apply;

(E) Whenever a schedule has an application which includes localities situated outside of Missouri, the abbreviation for the name of the state in which they are situated must be shown in connection with the name of each locality;

(F) If the number of localities covered by a local rate schedule or the number of points in a long distance schedule is small and, if practicable, they may be listed on the title page of the schedule sheet;

(G) If a long distance schedule is arranged by groups (this term includes block basis or other service area description) of from or to localities, the indices must show for each locality a proper group designation;

(H) When in a long distance schedule the from and to localities are shown throughout the rate table in continuous alphabetical order or are shown by groups alphabetically arranged, no index of from or to localities will be required; but when that alphabetical arrangement in a rate table is used, the table of contents shall indicate the pages upon which the localities are shown;

(I) If a long distance schedule is so constructed as to state rates by groups and also states specific rates to or from specified localities, it shall contain an alphabetical listing of the localities in the groups or give reference to the PSC number, if issued, which contains the listing of the group localities;

(J) A group description may be used to designate localities to or from which rates named in long distance schedules apply, provided a complete list of those localities, arranged by groups, is printed in the schedule or specific reference is given to the PSC number or issue which contains such a list. In this list all of the localities in groups named in the schedule shall be arranged alphabetically showing opposite each locality, by an index reference, its group location, the name(s) of the telephone lines upon which located and the name of the central station(s) through which the locality is served; and, a complete list of those localities arranged by group description and alphabetically for each group;

(K) An explanation of reference marks, technical abbreviations and definitions of terms commonly used in the schedule, except that a special rule applying to a particular rate, rental or charge shall be shown in connection with and on the same page with the rate, rental or charge. The explanatory statement must be made in clear and explicit terms regarding the rates, rentals, charges and rules contained in the schedule as may be necessary to remove all doubt as to their proper application;

(L) The rules which govern the schedule, the title of each rule to be shown in bold type. Under this heading the rules or conditions which in any way affect the rentals, rates or charges named in the schedule, shall be entered, except that a special rule applying to a particular rate, rental or charge shall be shown in connection with and on the same page or sheet with the rate, rental or charge. No rule shall be included which in any way or in any terms authorizes substituting for any rate, rental or charge named in the schedule a rate, rental or charge found in any other schedule or made by any combination or plan other than that clearly stated in specific terms in the schedule of which the rule is a part. These rules shall include the general

rules governing conditions for any form of contract for telephone service, all privileges or facilities granted or allowed or for which charge is made, which may in anywise change, affect or determine any or the aggregate of the rates, rentals or charges for the service rendered:

(M) A telephone corporation may publish under a PSC number and file a schedule publication designed for use as a governing schedule in connection with a schedule of rates, and the governing schedule may be made a part of the schedules of rates by specific reference as provided in subsection (11)(E). When the publication is to be used in connection with long distance schedules, it may contain a list of localities, excess time charge tables and rules generally governing the schedules. When it is to be used in connection with a local rate schedule, it may contain an alphabetically arranged list showing localities served by the issuing telephone corporation, and opposite each locality its central station designation, and an alphabetical order list showing the names of all central stations separately and under the locality for each such central station the names of all localities to which the designation applies, arranged in alphabetical order. It also may contain schedules of rentals, rates and charges applying to the furnishing of instrumentalities, facilities and service, as the case may be, for attachments, auxiliary lines and stations, private and leased lines and wires, extension stations, interior systems, listings, mileage of all kinds, pole line construction, fixed period talking circuits, etc., together with rules generally governing and relating to conditions of contract for any form of telephone service; and

(N) The rates, rentals and charges shall be explicitly stated in cents, or in dollars and cents, per stated period of time or per service, specifying the kind and character of service. In local schedules, the limits of the area to which each rate, rental or charge applies must be shown. When in a local schedule the limits of any such service area include localities outside the service area to which the schedule applies, the names of such other localities must be given or if all such localities are shown in a separate locality list, be referring thereto, giving the PSC number of schedule containing any such list.

(13) Schedules containing essential joint toll rates or charges participated in by telephone corporations not subject to the supervision of this commission must be issued by telephone corporations subject to such supervision and the telephone corporations which are not so

subject shown in the schedule under proper authorities issued and on file with the commission as required by this rule.

(14) If a schedule or supplement to a schedule is issued which conflicts with a part of another schedule or supplement to a schedule which is in force at the time, and which is not canceled in full, it shall specifically state the portion of that schedule which is canceled and the schedule, at the same time, shall be correspondingly amended, effective on the same date, in the regular way; and the supplement to the amended schedule shall be filed at the same time and in connection with the schedule which contains the new rates, rentals or charges.

(15) If a schedule is canceled with the purpose of canceling entirely the rates, rentals or charges named, or when through error or omission a later issue failed to cancel the previous issue and a schedule is canceled for the purpose of perfecting the record, the cancellation notice must not be given a new PSC number, but must be issued as a supplement to the schedule which it cancels, even though that schedule may at the time have a supplement in effect.

(16) If a schedule or part of a schedule is canceled, the cancellation notice shall make specific reference to the PSC number of the schedule in which the rates, rentals or charges will be found; or if no rates, rentals or charges are in effect, it shall so state. Cancellation of a schedule also cancels a supplement to that schedule, if any is in effect. If a schedule is canceled by a similar schedule to take its place, the cancellation notice must not be given by supplement, but by notice printed in a new schedule, as provided in section (12) of this rule.

(17) A change in a schedule shall be known as an amendment and, excepting amendments to schedules issued in loose-leaf form, shall be printed in a supplement to the schedule which it amends, specifying the schedule by its PSC number. The supplement shall be reissued each time an amendment is made and shall always contain all the amendments to the schedule that are in force. Supplements to schedules shall be numbered consecutively as supplements to the schedule and shall not be given new or separate PSC numbers. An amended item must always be printed in a supplement in its entirety as amended.

(18) A supplement to a joint schedule shall contain either a list of the telephone corporations participating or shall state that the list of participating telephone corporations is "as

shown in schedules" or "as shown in schedule except (here show alphabetically all additions to and eliminations from the original list that are effected by the supplement or that have been effected by previous supplements)."

(19) A schedule which contains reissued items brought forward from a previous issue which has not been in effect thirty (30) days, or a supplement which brings forward reissued items without change from a former supplement or schedule, must bear the notation "Effective \_\_\_\_\_, except as noted in individual items." Example: "Issued, \_\_\_\_\_ 19\_\_\_\_; effective, \_\_\_\_\_ 19\_\_\_\_, except as noted in individual items." Reissued items brought forward without change must show in a conspicuous form and a convenient manner the following: "Reissue (in black face type): effective (date upon which it became effective) in PSC, \_\_\_\_\_ Mo. \_\_\_\_\_ No.;" or "in supplement No. \_\_\_\_\_ to PSC Mo. \_\_\_\_\_ No. \_\_\_\_\_." When the reissued item became effective in a former supplement to the same schedule, the PSC number may be omitted, but the supplement number must be given.

(20) Except as otherwise provided in this rule, there shall at no time be more than one (1) supplement in effect to any schedule, and the effective supplement to a schedule of twenty (20) or more pages may not contain more than twenty percent (20%) of the number of pages or sheets in the schedule, including the title page. A supplement to a schedule of less than twenty (20) pages or ten (10) sheets may not contain more than four (4) pages or two (2) sheets, including the title page. All changes in and additions to schedules issued in loose-leaf form must be made by reprinting both pages of the leaf or sheet upon which the change is made. When no change or addition is made on one (1) of the pages reprinted it must bear notation "No change in this page." These pages or sheets must not be given supplement numbers, but must be designated "First revised page or sheet \_\_\_\_\_," "Second revised page or sheet," etc., must show the name of the issuing corporation and the PSC number of the schedule, the issued and effective dates and name, title and address of officer by whom issued.

(21) If a schedule is filed on statutory notice canceling another schedule, and after the filing and prior to the effective date of the new schedule a supplement to the schedule to be canceled should be lawfully issued, the rates, rentals or charges in that supplement could not continue in effect for the thirty (30) days required by law because the cancellation of

the schedule also cancels the supplement to it. In such a case the supplement containing changes not included in the schedule that is to become effective may be issued as a supplement both to the schedule in effect and to the schedule on file that will effect such a cancellation and be given both PSC numbers. In other words, such an issue must be a supplement to each of the schedules and copies must be filed accordingly. A supplement issued under this section containing reissued items shall note in connection with each such item, in addition to the effective date as required by the rule, that the reissued items expire on the date at which the new schedule becomes effective and that the new schedule will apply in lieu of the reissued items; and the reissued items must not be brought forward in a subsequent supplement to the new schedule. Such a supplement may not contain any changes except those lawfully made by a supplement to the schedule which is to be canceled by the schedule that has been filed and that is also supplemented; and no other kind of supplement to a schedule that is on file and not yet effective may be made effective within thirty (30) days from the effective date of the schedule without special permission. The provisions of section (12) as to the number of supplements to a schedule that may be in effect at any time and the volume of supplemental matter they may contain, need not be observed in connection with a supplement issued under this section.

(22) In case of a change of ownership and operation of any telephone corporation's property or of the telephone corporation in possession and operating the property, the telephone corporation taking over the operation of the telephone line, if the existing rates would otherwise remain legally effective, shall issue immediately and file with the commission, with PSC number, an adoption notice, substantially as follows: "The (name of telephone corporation) hereby adopts, ratifies and makes its own, in every respect as if the same had been originally filed by it, all schedules, rules, notices, concurrences, schedule agreements, divisions, authorities or other instruments whatsoever, filed with the Public Service Commission, State of Missouri, by the (name of telephone corporation) prior to (date) the beginning of its possession. By this notice it also adopts and ratifies all supplements or amendments to any of the above schedules, etc., which (name of telephone corporation) has heretofore filed with said commission. This notice may be made effective as of the date it is filed with the commission." In the event that the successor corporation does not intend to adopt some of

these schedules, rates, rules, notices, concurrences, traffic agreements, divisions, authorities or other instruments, the notice shall specify those which are not adopted and the successor corporation as to these exceptions shall give the cancellation or withdrawal notice provided in these rules. The adoption notice shall stand and be effective as to all of the local issues of the predecessor telephone corporation. This paragraph applies to the taking over of part of a telephone corporation's property as well as to the entire property. In case of a receivership, the receiver shall be deemed as continuing in force the individual schedules and rules of the charge, but as to joint schedules, joint rules and joint business with other telephone corporations, the receiver must file with the required adoption notice, any exceptions specified.

(23) Schedules and supplements shall be filed with the commission by a proper officer of the telephone corporation designated to perform that duty and concurrences of every other telephone corporation participating in joint schedules and supplements must be on file with the commission or accompany the schedule or supplement.

(24) Schedules issued by a telephone corporation under its PSC numbers may include, under proper concurrences shown in the schedules, rates or charges applying over a long distance line to or from localities on other telephone corporations' lines and concurring telephone corporations may use these schedules for public inspection. These schedules must be filed by the issuing telephone corporation and the filing will constitute filing for all lawfully concurring telephone corporations, having record of the concurrence on file with this commission. A telephone corporation issuing a joint publication shall at once send copies to each and every telephone corporation party.

(25) All changes in rates, charges or rentals or in rules that affect rates, charges or rentals, shall be filed with the commission at least thirty (30) days before the date upon which they are to become effective. The title page of every rate schedule or supplement and the reissue of any page or sheet must show thirty (30) days' notice except as otherwise provided in this rule. The proposed changes shall be accompanied by a brief summary, approximately one hundred (100) words or less, of the effect of the change on the company's customers. A copy of any proposed change and summary also shall be served on the public counsel and be available for public inspection and reproduction during

regular office hours at a public business office of the utility in each exchange or group of exchanges affected by the proposed change.

(26) Each telephone corporation subject to the supervision of this commission has the duty of filing with the commission all of its rate schedules and supplements to the rate schedules, under penalty for failure to do so. The commission will give all consistent assistance as it can in this respect, but the fact that receipt of a rate schedule or supplement to a rate schedule is acknowledged by the commission or the fact that a rate schedule or supplement to a rate schedule is in the files of the commission, will not serve or operate to excuse the telephone corporation for responsibility or liability for any violation of the law or of any ruling lawfully made which may have occurred in connection with the construction or filing of the rate schedule or supplement.

(27) Thirty (30) days' notice to the commission required as to every publication relating to telephone rates or service, except where publications are made effective on less than statutory notice by permission, regulation or requirement of the commission.

(28) Except as is otherwise provided in this rule, no schedule or supplement will be accepted for filing unless it is delivered to the commission free from all charges or claims for postage, the full thirty (30) days required by law before the date upon which the schedule or supplement is stated to be effective. No consideration will be given to or for the time during which a schedule or supplement may be held by the post office authorities because of insufficient postage. When a schedule or a supplement is issued and for which the commission is not given the statutory notice, it is as if it had not been issued, and full statutory notice must be given of any reissue. No consideration will be given to telegraphic notices in computing the thirty (30) days' notice required. In those cases the schedule will be returned to the sender and correction of the neglect or omission cannot be made which takes into account any time elapsing between the date upon which the schedule or supplement was received and the date of attempted correction. For rate schedules and supplements issued on short notice under special permission of the commission, literal compliance with the requirements for notice named in any order, regulation or permission granted by the commission will be exacted.

(29) When a schedule is rejected by the commission as unlawful, the records will show

and the schedule should not be referred to as canceled, amended or otherwise, except to note on publication issued in lieu of the rejected schedule "In lieu of \_\_\_\_\_, rejected by commission"; nor shall the number which it bears be used again.

(30) Rates, charges or rentals or rules relating to, prescribed by the commission in its decisions and orders, after hearings upon formal complaints, shall in every instance be promulgated by the telephone corporation against which these orders are entered, in duly published and filed rate schedules, supplements to these or revised pages or sheets of schedules, and notice shall be sent to the commission that its order in Case No. \_\_\_\_\_ has been complied with in item, \_\_\_\_\_ page \_\_\_\_\_ of schedule PSC \_\_\_\_\_ Mo. \_\_\_\_\_ No. \_\_\_\_\_; or supplement \_\_\_\_\_ to schedule PSC Mo. \_\_\_\_\_ No. \_\_\_\_\_; or reissued page or sheet No. \_\_\_\_\_ to schedule PSC \_\_\_\_\_ Mo. \_\_\_\_\_ No. \_\_\_\_\_.

(31) Schedules and supplements shall be filed in numerical order of PSC numbers so far as practicable. If in any instance the foregoing is not observed as required by these rules, a memorandum must accompany the schedule to file with the commission explaining omission of missing number(s).

(32) Telephone corporations are directed to transmit one (1) copy of each rate schedule, supplement or other charges, rentals or regulations for the use of the commission. Schedules sent for filing must be addressed to Public Service Commission, P.O. Box 360, Jefferson City, MO 65102.

(33) Concurrence may be given by a telephone corporation to embrace all forms of joint schedules issued by another telephone corporation in which the concurring telephone corporation is shown as a participating, originating, intermediate or terminal corporation, after the following form:

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

\_\_\_\_\_  
(Name of telephone corporation in full)

\_\_\_\_\_  
(Date)

Rebecca McDowell Cook (8/30/96)  
Secretary of State

This is to certify that the (name of telephone corporation) assents to and concurs in the publication and filing of any joint schedule or supplement thereto which the (name of telephone corporation) may make and file in which it is shown as a participating corporation, and hereby makes itself a party to and bound thereby insofar as such schedule contains joint rates or charges or governing regulations applying to communication by telephone in any way involving use of its toll line or lines (see note 2), until this authority is revoked by formal and official notice of revocation placed in the hands of the Public Service Commission of Missouri, and of the telephone corporation to which this concurrence is given.

\_\_\_\_\_  
(Name of telephone corporation)

By \_\_\_\_\_  
(Name of officer),

\_\_\_\_\_  
(Title of officer)

The telephone corporation issuing this form shall file the original with the commission and shall furnish a duplicate to the telephone corporation to which the concurrence is given.

(34) Each telephone corporation shall give authorizations and concurrences serial numbers, beginning with No. 1 in each series, as indicated by forms and continuing in consecutive numbers as to each series, and keeping these numbers separate and apart from PSC numbers of rate schedules. A concurrence may be revoked by filing notice of such revocation with the commission and serving the same upon the telephone corporation to which the concurrence was given. The notice must specify the date upon which revocation is to be made effective and must give at least sixty (60) days' notice to the commission and to the telephone corporation to which concurrence was given. Corresponding correction of a schedule(s) shall be made by amending or reissuing the schedule(s), making the change lawfully effective on statutory notice upon the effective date stated in the notice of revocation. The granting of authority to issue tariffs under power of attorney or concurrence does not relieve the telephone corporation conferring the authority from the necessity of complying with the requirement for keeping the schedules open to public inspection. It must use the schedules issued under its authority for that purpose.

(35) All schedules filed with the commission shall be accompanied by a letter of transmittal, in duplicate if receipt is desired. The letter of transmittal shall be in the following form:

**LETTER OF TRANSMITTAL**

\_\_\_\_\_  
(Name of telephone corporation)

\_\_\_\_\_  
(Date)

To the Public Service Commission, State of Missouri, Jefferson City:

Accompanying schedule issued by the \_\_\_\_\_ is sent you for filing in compliance with the requirements of the Public Service Commission Law:

PSC \_\_\_\_\_

Mo. \_\_\_\_\_ No. \_\_\_\_\_ Sup. \_\_\_\_\_

No. \_\_\_\_\_ to PSC \_\_\_\_\_

Mo. \_\_\_\_\_ No. \_\_\_\_\_ Effective, \_\_\_\_\_ 19 \_\_\_\_\_

*AUTHORITY: section 392.220, RSMo (Cum. Supp. 1991). \* Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed May 16, 1977, effective Dec. 11, 1977.*

*\*Original authority 1939, amended 1937, 1952, 1991.*

*Warner v. Southwestern Bell Telephone Co., 428 SW2d 596 (Mo. 1968). Telephone company engaged in intrastate commerce subject to statutes establishing PSC and to its lawful rules.*

*State ex rel. City of West Plains v. Public Service Commission, 310 SW2d 925 (Mo. banc 1958). Rules prescribed by commission for telephone company pertaining to manner in which utility would thereafter treat expense item of license and occupation taxes became integral part of company's schedule of rates and charges.*

**4 CSR 240-30.020 Residential Telephone Underground Systems**

*PURPOSE: This rule prescribes the use of residential telephone underground distribution systems for the advancement of public safety and health, for the benefit of aesthetics and for the promotion of public convenience and safety.*

(1) The following words and terms, when used in this rule shall have the meaning indicated:

(A) Applicant—the developer, builder or other person, partnership, association, firm, private or public corporation, trust, estate, political subdivision, governmental agency or other legal entity recognized by law, applying for the construction of a telephone distribution system in a subdivision;

(B) Building—a single structure roofed and enclosed within exterior walls, built for permanent use, erected, framed of component structural parts and unified in its entirety both physical and in operation for single-family residential occupancy in a subdivision;

(C) Commission—the Public Service Commission of the state of Missouri as defined in section 386.020(1), RSMo.

(D) Multiple-occupancy building—a structure which stands alone, enclosed with exterior walls or which is cut off from adjoining structures by fire walls, built for permanent use, erected, framed of component structural parts and unified in entirety, both physically and in operation for reasonably permanent occupancy as two (2) or more single-family residences in a subdivision;

(E) Subdivision—a lot, tract or parcel of land divided into two (2) or more lots, plots, sites or other divisions for use for new residential buildings or the land on which is constructed new multiple-occupancy buildings per a recorded plat if the record is required by law;

(F) Utility—an electrical corporation as defined in section 386.020(25), RSMo; and

(2) After January 23, 1973, telephone lines constructed, installed and owned by utilities in subdivisions shall be installed underground. Conversion of an existing overhead telephone line to underground shall not be required for those new buildings or multiple-occupancy buildings on lots which abut an existing overhead telephone line. Telephone lines installed by a utility shall be installed in accordance with the provisions of this rule.

(3) This rule shall be applicable to all utilities having facilities within this state.

(4) Within the applicant's subdivision, the utility shall construct, own, operate and maintain underground telephone lines only along public streets, roads and highways which the utility has the legal right to occupy and on public lands and private property across which rights-of-way and easements, satisfactory to the utility, may be obtained without cost to or condemnation by it. Rights-of-way and easements, within the subdivision, satisfactory to the utility, must be furnished by the applicant in reasonable time to meet construction and service requirements and before the utility shall be required to commence its installation, such rights-of-way and easements, by applicant, at no charge to the utility, must be cleared of trees, tree stumps and other obstructions and graded to within six inches (6") of final grade. Clearance and grading must be maintained by the applicant during construction by the utility.

(5) Upon receipt of a proper application, the utility, at no charge, shall install an underground telephone system with suitable materials to assure that the applicant will receive safe, adequate and reasonable telephone service for the foreseeable future.

(6) Where, due to the manner in which a subdivision is developed, the utility is required to construct an underground telephone distribution system through a section(s) of the subdivision where service will not be connected for at least two (2) years, then the utility may require a reasonable advancement for the construction from the applicant before construction is commenced, in order to guarantee performance. Where the subdivision is developed in a uniform manner, so that the utility may restrict the construction of its underground telephone distribution system to a section(s) in which buildings or multiple-occupancy buildings are being constructed, the utility may not require an advance. If advance is required, then the advance, without interest, shall be returned to the applicant on a *pro rata* basis as the permanent service connection is made to each building or multiple-occupancy building. Any portion of an advance remaining unrefunded ten (10) years from the date the utility is first ready to render service with the extension will be retained by the utility and credited to the appropriate construction account.

(7) This rule is based on the premise that each utility and applicant will cooperate at all times in an effort to keep the cost of construction, installation, maintenance and oper-

ation of the underground telephone distribution system as low as possible.

(8) The following shall apply to construction of underground telephone distribution systems:

(A) To the extent practicable, electric cables, telephone cables and gas pipes may be installed in the same trench, care being taken to conform to any applicable code and utility specification;

(B) All construction, installation, maintenance and operation of underground telephone systems shall be in accordance with applicable codes, orders, rules or utility specifications if the specifications comply with this rule; and

(C) When necessary, temporary facilities may be installed to provide service within a subdivision for a maximum period of one (1) year following the installation of those facilities. The utility shall notify the commission in writing when any temporary facilities are installed in areas where underground facilities are required, and further notify the commission in writing when those facilities are removed or installed underground. Notices shall be made within thirty (30) days of installation or removal.

(9) In circumstances when the application of these rules appears impracticable or unjust to either party or discriminatory to other customers, for example, difficult rock conditions, the utility or applicant shall refer the matter to the commission for special ruling or for the approval of special conditions which may be mutually agreed upon prior to commencing construction.

*AUTHORITY: section 386.310, RSMo (Cum. Supp. 1989).<sup>\*</sup> Original rule filed Jan. 11, 1973, effective Jan. 23, 1973.*

*<sup>\*</sup>Original authority 1939, amended 1979, 1989.*

**4 CSR 240-30.030 Extended Area Service (Rescinded September 24, 1987)****4 CSR 240-30.040 Uniform System of Accounts—Class A and Class B Telecommunications Companies**

*PURPOSE: This rule adopts the Federal Communications Commission's Part 32 uniform system of accounts to permit uniformity, as much as is advisable, in the filing of annual reports and the maintenance of books and records of companies regulated by both the FCC*

and the Missouri Public Service Commission. This rule prescribes for recordkeeping purposes a uniform system of accounts for Class A and Class B telecommunications companies regulated by the Missouri Public Service Commission. This rule also prescribes that, unless otherwise directed by the commission, certain telecommunications companies must develop surrogates to approximate the capital to expense shifts resulting from the use of Part 32, and that all Class B telecommunications companies must keep their plant accounts in Part 32, Class A detail.

*Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the rule has been filed with the secretary of state and is summarized here by the agency adopting it. The entire text of the rule may be found at the headquarters of the agency and is available to any interested person at a cost established by state law.*

(1) The uniform system of accounts prescribed by the Federal Communications Commission (FCC) for Class A and Class B telecommunications companies effective January 1, 1988, and the text pertaining to the accounts, and contents of the accounts system, a copy of which be approved by the commission and prescribed for the use of Class A and Class B telecommunications companies subject to the jurisdiction of the commission and that every such telecommunications company is required to keep all accounts in conformity with and those telecommunications companies that have not already adopted the uniform system of accounts of the FCC are ordered to do so for intrastate recordkeeping purposes. For purposes of recordkeeping conformity with the uniform system of accounts prescribed by the FCC for telecommunications companies effective January 1, 1988, this commission classifies for accounting purposes Class A and Class B telecommunications companies as follows:

(A) Class A—Companies having annual revenues from regulated telecommunications operations of more than \$100,000,000 system-wide;

(B) Class B—Companies having annual revenues from regulated telecommunications operations of \$100,000,000 or less system-wide; and

(C) Class B companies that desire more detailed accounting may adopt the accounts

prescribed for Class A companies upon the submission of a written notification to the commission.

(2) The uniform system of accounts prescribed by the FCC for Class A and Class B telecommunications companies consists of: general instructions; balance sheet accounts—current and noncurrent assets; telecommunications plant accounts; balance sheet accounts—depreciation and amortization; balance sheet accounts—liabilities and stockholders equity; revenue accounts; expense accounts; and income accounts. The uniform system of accounts breaks down each of these major items into individual subitems or accounts.

(3) The adoption by telecommunications companies in Missouri of the uniform system of accounts issued by the FCC shall in nowise bind the commission to the approval or acceptance of any item or account for the purpose of fixing rates or in determining any other matter that may come before the commission.

(4) Class B companies that desire more detailed accounting than is required of them under this rule may do so upon the submission of a written notification to the commission.

(5) All Class B telecommunications companies shall keep their plant accounts in Part 32, Class A detail.

*AUTHORITY: 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, effective Oct. 30, 1996.*


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

**4 CSR 240-30.050 Uniform System of Accounts—Class C and D Telephone Corporations**  
(Rescinded October 27, 1988)

**4 CSR 240-30.060 Minimum Filing Requirements**  
(Rescinded October 10, 1993)

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Development  
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- (H) Environmental Protection and Safety Requirements. (192.515)
- (I) Records. (192.517)
- (J) Test Requirements for Customer-Owned Fuel Lines.

**4 CSR 240-40.030(11) Upgrading**

- (A) Scope. (192.551)
- (B) General Requirements. (192.553)
- (C) Upgrading to a Pressure That Will Produce a Hoop Stress of Thirty Percent (30%) or More of SMYS in Steel Pipelines. (192.555)
- (D) Upgrading—Steel Pipelines to a Pressure That Will Produce a Hoop Stress Less Than Thirty Percent (30%) of SMYS—Plastic, Cast Iron and Ductile Iron Pipelines. (192.557)

**4 CSR 240-40.030(12) Operations**

- (A) Scope. (192.601)
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- (E) Initial Determination of Class Location and Confirmation or Establishment of Maximum Allowable Operating Pressure. (192.607)
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- (G) Change in Class Location—Confirmation or Revision of Maximum Allowable Operating Pressure. (192.611)
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**4 CSR 240-40.030(13) Maintenance**

- (A) Scope. (192.701)
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- (C) Transmission Lines—Patrolling. (192.705)

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- (E) Line Markers for Mains and Transmission Lines. (192.707)
- (F) Recordkeeping.
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- (H) Transmission Lines—Permanent Field Repair of Imperfections and Damages. (192.713)
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**4 CSR 240-40.030(14) Gas Leaks**

- (A) Scope.
- (B) Investigation and Classification Procedures.
- (C) Leak Classifications.

**4 CSR 240-40.030(15) Replacement Programs**

- (A) Scope.
- (B) Replacement Programs—General Requirements.
- (C) Replacement Program—Unprotected Steel Service Lines and Yard Lines.

**(D) Replacement Program—Cast Iron.**

**(E) Replacement/Cathodic Protection Program—Unprotected Steel Transmission Lines, Feeder Lines and Mains.**

**4 CSR 240-40.036(16) Waivers of Compliance**

*Fields v. Missouri Power & Light Company, 374 SW2d 17 (Mo. 1963). Violations of general law, municipal ordinances, rules of the Public Service Commission and the like are considered and held to be negligence per se. Here, violation of a rule of a private gas company filed with the P.S.C. cannot result in the creation of a cause of action in favor of another person separate and apart from an action based on common law negligence.*

**4 CSR 240-40.040 Uniform System of Accounts—Gas Corporations**

**PURPOSE:** This rule directs gas companies within the commission's jurisdiction to use the uniform system of accounts prescribed by the Federal Energy Regulatory Commission for major natural gas companies, as modified here, to file an annual report, and to submit a revised depreciation study, data base and property unit catalog at least every five years

*Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the rule has been filed with the secretary of state and is summarized here by the agency adopting it. The entire text of the rule may be found at the headquarters of the agency and is available to any interested person at a cost established by state law. Citations in this rule beginning with the word Part refer to 18 CFR part 201 (1992); citations beginning with the word paragraph refer to 2 FERC Stat. & Regs. paragraph 20,001 and following (1992).*

(1) Beginning January 1, 1994, every gas company subject to the commission's jurisdiction shall keep all accounts in conformity with the Uniform System of Accounts Prescribed for Natural Gas Companies Subject to the Provisions of the Natural Gas Act, as prescribed by the Federal Energy Regulatory Commission (FERC) and published at 18 CFR part 201 (1992) and 2 FERC Stat. & Regs. paragraph 20,001 and following (1992), except as otherwise provided in this rule. This uniform system of accounts pro-

vides instruction for recording financial information about gas corporations. It contains definitions; general instructions; gas plant instructions; operating expense instructions; accounts that comprise the balance sheet, gas plant, income, operating revenues, and operation and maintenance expenses.

(2) When implementing 4 CSR 240-40.040(1), each gas company subject to the commission's jurisdiction shall—

(A) Keep its accounts in the manner and detail specified for natural gas companies classified as "major" at Part 201 General Instructions 1.A. and paragraph 20,011.1.A.; and

(B) Assemble by July 1, 1996 and maintain after that, a property unit catalog which contains for each designated property unit, in addition to the provisions of Part 201 General Instructions 6. and paragraph 20,016—

1. A description of each unit;
2. An item list; and
3. Accounting instructions, including instructions for distinguishing between operations expense, maintenance expense and capitalized plant improvements.

(3) Regarding plant acquired or placed in service after 1993, when implementing section (1), each gas corporation subject to the commission's jurisdiction shall—

(A) Maintain plant records of the year of each unit's retirement as part of the "continuing plant inventory records," as the term is otherwise defined at Part 201 Definitions 8. and paragraph 20,001.8.;

(B) State the detailed gas plant accounts (301 to 399, inclusive) on the basis of original cost, estimated if not known, when implementing the provisions of Part 201 Gas Plant Instructions 1.C. and paragraph 20,041.1.C.;

(C) Record gas plant acquired as an operating unit or system at original cost, estimated if not known, except as otherwise provided by the text of the intangible plant accounts, when implementing the provisions of Part 201 Gas Plant Instructions 2.A. and paragraph 20,042.2.A.;

(D) Account for the cost of items not classified as units of property as it would account for the cost of individual items of equipment of small value or of short life, as provided in Part 201 Gas Plant Instructions 3.A.(3) and paragraph 20,043.3.A.(3);

(E) Include in equipment accounts any hand or other portable tools which are specifically designated as units of property, when implementing the provisions of Part 201 Gas Plant Instructions 9.B. and paragraph 20,049.9.B.;

(F) Use the list of retirement units contained in its property unit catalog when implementing the provisions of Part 201 Gas Plant Instructions 10.A. and paragraph 20,050.10.A.;

(G) Estimate original cost with an appropriate average of the original cost of the units by vintage year, with due allowance for any difference in size and character, when it is impracticable to determine the original cost of each unit, when implementing the provisions of Part 201 Gas Plant Instructions 10.D. and paragraph 20,050.10.D.;

(H) Charge original cost less net salvage to account 108., when implementing the provisions of Part 201 Gas Plant Instructions 10.F. and paragraph 20,050.10.F.;

(I) Keep its work order system so as to show the nature of each addition to or retirement of gas plant by vintage year, in addition to the other requirements of Part 201 Gas Plant Instructions 11.B. and paragraph 20,051.11.B.;

(J) Maintain records which classify, for each plant account, the amounts of the annual additions and retirements so as to show the number and cost of the various record units or retirement units by vintage year, when implementing the provisions of Part 201 Gas Plant Instructions 11.C. and paragraph 20,051.11.C.;

(K) Maintain subsidiary records which separate account 108. according to primary plant accounts or subaccounts when implementing the provisions of Part 201 Balance Sheet Account 108.C. and paragraph 20,011.108.C.;

(L) Maintain subsidiary records which separate account 111. according to primary plant accounts or subaccounts when implementing the provisions of Part 201 Balance Sheet Accounts 111.C. and paragraph 20,114.111.C.; and

(M) Keep mortality records of property and property retirement as will reflect the average life of retiring property and will aid actuarial analysis of the probable service life of annual additions and aged retirements when implementing the provisions of Part 201 Income Accounts 403.B. and paragraph 20,422.403.B.

(4) In prescribing this system of accounts the commission does not commit itself to the approval or acceptance of any item set out in any account, for the purpose of fixing rates or in determining other matters before the commission. This rule shall not be construed as waiving any recordkeeping requirement in effect prior to 1994.

(5) Each gas corporation subject to the commission's jurisdiction shall submit a depreciation study, data base and property unit catalog to the manager of the commission's energy department, and to the Office of the Public Counsel, as required by the terms of subsection (5)(B).

(A) The depreciation study, data base and property unit catalog shall be compiled as follows:

1. The study shall reflect the average life and remaining life of each primary plant account or subaccount;

2. The data base shall consist of dollar amounts, by plant account or subaccount, representing—

A. Annual dollar additions and dollar retirements by vintage year and year retired, beginning with the earliest year of available data;

B. Reserve for depreciation;

C. Surviving plant balance as of the study date; and

D. Estimated date of final retirement and surviving dollar investment for each warehouse, propane/air production facility, liquified natural gas facility, underground natural gas storage facility, general office building or other large structure;

3. The property unit catalog shall contain a description of each retirement unit used by the company.

(B) A gas company shall submit its depreciation study, data base and property unit catalog on the following occasions:

1. On or before the date adjoining the first letter of the name under which the corporation does business, excluding the word the, as indicated by the tariffs on file with the commission.

A. The alphabetical categories and submission due dates are as follows:

(I) A, B, C, D: January 1, 1994;

(II) E, F, G, H: July 1, 1994;

(III) I, J, K, L: January 1, 1995;

(IV) M, N, O, P: July 1, 1995;

(V) Q, R, S, T: January 1, 1996;

(VI) U, V, W, X, Y, Z: July 1,

1996.

B. However—

(I) A gas company need not submit a depreciation study, data base or property unit catalog to the extent that the commission's staff received these items from the utility during the three (3) years prior to the due dates listed in subparagraph (5)(B)1.A.; or

(II) A utility with simultaneous due dates under 4 CSR 240-20.030(5)(B)1. and 4 CSR 240-40.040(5)(B)1. may postpone its due date with respect to one (1) of these rules by six (6) months. To exercise this option, the utility must give written notice of its intent to

postpone compliance to the manager of the commission's energy department, and to the Office of the Public Counsel, before the utility's first due date;

2. When the utility files its tariff(s) with the commission proposing a general rate increase, as that term is used in the commission's rules pertaining to minimum filing requirements. However, a gas company need not submit a depreciation study, data base or property unit catalog to the extent that the commission's staff received these items from the utility during the three (3) years prior to the utility filing for a general rate increase; or

3. Before five (5) years have elapsed since the last time the commission's staff received a depreciation study, data base and property unit catalog from the utility.

(6) The commission may waive or grant a variance from the provisions of this rule, in whole or in part, for good cause shown, upon a utility's written application.

*AUTHORITY:* 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, effective Oct. 30, 1996.

\*Original authority 1939, amended 1949, 1967.

#### 4 CSR 240-40.050 Gas Leaks

(Rescinded October 10, 1993)

#### 4 CSR 240-40.055 Gas Leaks in Unprotected Steel Service Lines

Emergency rule filed Feb. 24, 1989, effective March 6, 1989, expired July 1, 1989.

#### 4 CSR 240-40.060 Gas Used for Decorative Outdoor Lighting

Emergency rule filed Oct. 15, 1979, effective Nov. 5, 1979, expired March 3, 1980.

#### 4 CSR 240-40.061 Gas Used For Decorative Outdoor Lighting

(Rescinded September 25, 1987)

#### 4 CSR 240-40.070 Minimum Filing Requirements

(Rescinded October 10, 1993)

#### 4 CSR 240-40.080 Drug and Alcohol Testing

*PURPOSE:* This rule adopts by reference the most recent federal regulations on this subject matter in place at the time of the promulgation of this rule. The rule requires operators of gas systems to test certain employees for the presence of prohibited drugs or alcohol and provide an employee assistance program. In addition, the rule provides a description of the technical procedures which must be utilized in conducting the drug and alcohol testing. The rule applies to operators of gas systems subject to the safety jurisdiction of the Public Service Commission.

*Editor's Note:* The following material is incorporated into this rule by reference:

1) Office of the Federal Register, National Archives and Records Administration, 49 Code of Federal Regulations part 199, October 1, 1994 (Washington D.C.: U.S. Government Printing Office, 1994);

2) Office of the Federal Register, National Archives and Records Administration, 49 Code of Federal Regulations part 199, Amendment 199-10, 59 Federal Register 62242, December 2, 1994 (Washington D.C.: U.S. Government Printing Office, 1994);

3) Office of the Federal Register, National Archives and Records Administration, 49 Code of Federal Regulations part 199, Amendment 199-11, 59 Federal Register 62218, December 2, 1994 (Washington D.C.: U.S. Government Printing Office, 1994);

4) Office of the Federal Register, National Archives and Records Administration, 49 Code of Federal Regulations part 199, Amendment 199-12, 59 Federal Register 62234, December 2, 1994 (Washington D.C.: U.S. Government Printing Office, 1994);

5) Office of the Federal Register, National Archives and Records Administration, 49 Code of Federal Regulations part 40, October 1, 1994 (Washington D.C.: U.S. Government Printing Office, 1994);

6) Office of the Federal Register, National Archives and Records Administration, Amendment to 49 Code of Federal

*Regulations part 40, 60 Federal Register 19535, April 19, 1995 (Washington D.C.: U.S. Government Printing Office, 1995); and*

*7) Office of the Federal Register, National Archives and Records Administration, Amendment to 49 Code of Federal Regulations part 40, 60 Federal Register 19675, April 20, 1995 (Washington D.C. U.S. Government Printing Office, 1995).*

*In accordance with section 536.031(4), RSMo, the full text of material incorporated by reference will be made available to any interested person at the Office of the Secretary of State and the headquarters of the adopting state agency:*

(1) The commission adopts by reference as rules of the commission the following federal pipeline safety regulations for drug and alcohol testing, as set forth in the *Code of Federal Regulations (CFR)* and the *Federal Register (FR)*:

(A) 49 CFR part 199, October 1, 1994 (Washington D.C.: U.S. Government Printing Office, 1994);

(B) 49 CFR part 199, Amendment 199-10, 59 FR 62242, December 2, 1994 (Washington D.C.: U.S. Government Printing Office, 1994);

(C) 49 CFR part 199, Amendment 199-11, 59 FR 62218, December 2, 1994 (Washington D.C.: U.S. Government Printing Office, 1994); and

(D) 49 CFR part 199, Amendment 199-12, 59 FR 62234, December 2, 1994 (Washington D.C.: U.S. Government Printing Office, 1994).

(2) The commission adopts by reference as rules of the commission the following federal procedures for transportation workplace drug and alcohol testing programs, as set forth in the *Code of Federal Regulations* and the *Federal Register*:

(A) 49 CFR part 40, October 1, 1994 (Washington D.C.: U.S. Government Printing Office, 1994);

(B) Amendment to 49 CFR part 40, 60 FR 19535, April 19, 1995 (Washington D.C.: U.S. Government Printing Office, 1995); and

(C) Amendment to 49 CFR part 40, 60 FR 19675, April 20, 1995 (Washington D.C.: U.S. Government Printing Office, 1995).

(3) For purposes of this rule, the following substitutions should be made for certain references in the federal pipeline safety regulations adopted by reference in section (1) of this rule:

(A) The references to "state agency" in sections 199.3, 199.7(b), 199.13(b)(2), 199.17(a), 199.21(b), 199.23(b), 199.205, 199.231(c), 199.231(d), and 199.245(c) of the federal rule should refer to "the commission" instead;

(B) The references to "accident" in sections 199.3, 199.11(b), 199.205, 199.221, 199.223, 199.225(a), and 199.231(e) of the federal rule should refer to a "federal incident reportable under 4 CSR 240-40.020" instead;

(C) The references to "part 192, 193, or 195 of this chapter" or "part 192, 193, or 195" in sections 199.1, 199.3, 199.200, 199.201, and 199.205 of the federal rule should refer to "4 CSR 240-40.030" instead. The commission regulations contained in 4 CSR 240-40.030 parallel 49 CFR part 192, but the commission does not have any rules pertaining to 49 CFR part 193 or 195;

(D) The references to the applicability exemptions for operators of master meter systems as defined in "section 191.3 of this chapter" in section 199.1 and 199.201 of the federal rule should refer to "4 CSR 240-40.020(2)(F)" instead; and

(E) The reference to the applicability exemptions for liquefied petroleum gas (LPG) operators as discussed in "section 192.11 of this chapter" in section 199.201 of the federal rule should refer to "4 CSR 240-40.030(1)(F)" instead.

(4) The federal pipeline safety regulations adopted by reference in section (1) of this rule require operators of gas systems to test certain employees for the presence of prohibited drugs or alcohol and provide an employee assistance program. The regulations contain subparts on drug testing and alcohol misuse prevention program.

(A) The drug testing subpart contains sections on: scope and compliance; definitions; Department of Transportation (DOT) procedures; anti-drug plan; use of persons who fail or refuse a drug test; drug tests required; drug testing laboratory; review of drug testing results; retention of sample and retesting; employee assistance program; contractor employees; recordkeeping; and reporting of anti-drug testing results.

(B) The alcohol misuse prevention program subpart contains sections on: purpose; applicability; alcohol misuse plan; alcohol testing procedures; definitions; preemption of state and local laws; other requirements imposed by operators; requirement for notice; starting date for alcohol testing programs; alcohol concentration; on-duty use; pre-duty use; use following an accident; refusal to submit to a required alcohol test;

alcohol tests required; retention of records; reporting of alcohol testing results; access to facilities and records; removal from covered function; required evaluation and testing; other alcohol-related conduct; operator obligation to promulgate a policy on the misuse of alcohol; training for supervisors; referral, evaluation, and treatment; and contractor employees.

(5) The federal procedures for transportation workplace drug and alcohol testing programs adopted by reference in section (2) of this rule provide a description of the technical procedures which must be utilized in conducting the drug and alcohol testing. The regulations contain subparts on general, drug testing, alcohol testing, and non-evidential alcohol screening tests.

(A) The general subpart contains sections on applicability and definitions.

(B) The drug testing subpart contains sections on: the drugs; preparation for testing; specimen collection procedures; laboratory personnel; laboratory analysis procedures; quality assurance and quality control; reporting and review of results; protection of employee records; individual access to test and laboratory certification results; and use of Department of Health and Human Services (DHHS) certified laboratories.

(C) The alcohol testing subpart contains sections on: the breath alcohol technician (BAT); devices to be used for breath alcohol tests; quality assurance plans for evidential breath testing devices (EBTs); locations for breath alcohol testing; the breath alcohol testing form; preparation for breath alcohol testing; procedures for screening tests; procedures for confirmation tests; refusals to test and uncompleted tests; inability to provide an adequate amount of breath; invalid tests; availability and disclosure of alcohol testing information about individual employees; and maintenance and disclosure of records concerning EBTs and BATs.

(D) The non-evidential alcohol screening tests subpart contains sections on: authorization for use of non-evidential alcohol screening devices; the screening test technician (STT); quality assurance plans for non-evidential screening devices; locations for non-evidential alcohol screening tests; testing forms; screening test procedure; refusals to test and uncompleted tests; inability to provide an adequate amount of breath or saliva; invalid tests; availability and disclosure of alcohol testing information about individual employees; and maintenance and disclosure of records concerning non-evidential testing devices and STTs.

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**Rules of  
Department of Economic  
Development  
Division 240—Public Service Commission  
Chapter 50—Water Utilities**

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**Title 4—DEPARTMENT OF  
ECONOMIC DEVELOPMENT**

**Division 240—Public  
Service Commission  
Chapter 50—Water Utilities**

**4 CSR 240-50.010 Rate Schedules**

*PURPOSE: This rule prescribes the form and procedures for filing and publishing schedules of rates of all water utilities under the jurisdiction of the Public Service Commission.*

(1) Every water corporation engaged in the furnishing or distribution of water for domestic or other beneficial use in the state of Missouri is directed not later than October 15, 1913 to have on file with this commission and keep open for public inspection, schedules showing all rates and charges in connection with the service or whatever nature made by these water corporations for each and every kind of service which it renders as were in force on April 15, 1913 together with proper supplements covering all changes in the rate schedules authorized by this commission, if any, since April 15, 1913.

(2) All the rate schedules now on file with the commission not in accordance with these rules shall be issued in the form and manner prescribed by this rule and all rate schedules issued after April 15, 1913 must conform to this rule.

(3) Rate schedules shall be drawn up substantially in accordance with Form No. 13 and shall be plainly printed or typewritten on good quality of paper of size eight and one-half inches by eleven inches (8 1/2" x 11") in book, sheet or pamphlet form. A loose-leaf plan may be used so changes can be made by reprinting and inserting a single leaf. When the loose leaf plan is used, all sheets, except the title page sheet, must show in the marginal space at top of page the name of the water corporation issuing, the PSC number of the schedule and the number of the page. In the marginal space at bottom of the sheet, should be shown: the date of issue, the effective date and the name, title and address of the officer by whom the schedule is issued. All schedules shall bear a number with the prefix PSC Mo. \_\_\_\_\_ Schedules shall be numbered in consecutive serial order beginning with number 1 for each water corporation. If a schedule or part thereof is cancelled, a new schedule or part thereof (sheet or sheets if loose-leaf will refer to the schedule cancelled by its PSC number; thus, PSC

Mo. No. \_\_\_\_\_ cancelling PSC Mo. No. \_\_\_\_\_.

(4) Each schedule shall be accompanied by a letter of transmittal, in duplicate if receipt is desired, in the following form:

**LETTER OF TRANSMITTAL**

(Name of water corporation)

(Date)

Accompanying schedule issued by the \_\_\_\_\_ is sent you for filing in compliance with the requirements of the Public Service Commission Law:

PSC Mo. No. \_\_\_\_\_  
Sup. No. \_\_\_\_\_ to PSC Mo. No. \_\_\_\_\_  
Effective, \_\_\_\_\_, 19 \_\_\_\_\_.

(Signature and title of filing officer)

(5) All proposed changes in rates, charges or rentals or in rules that affect rates, charges or rentals, filed with the commission shall be accompanied by a brief summary, approximately one hundred (100) words or less, of the effect of the change on the company's customers. A copy of any proposed change and summary shall also be served on the public counsel and be available for public inspection and reproduction during regular office hours at the general business office of the utility.

(6) Thirty (30)-days notice to the commission is required as to every publication relating to water rates or service except where publications are made effective on less than statutory notice by permission, regulation or requirement of the commission.

(7) Except as is otherwise provided, no schedule or supplement will be accepted for filing unless it is delivered to the commission free from all charges or claims for postage, the full thirty (30) days required by law before the date upon which such schedule or supplement is stated to be effective. No consideration will be given to or for the time during which a schedule or supplement may be held by the post office authorities because of insufficient postage. When a schedule or a supplement is issued and as to which the commission is not given the statutory notice, it is as if it had not been issued and a full statutory notice must be given of any rescission. No consideration will be given to telegraphic notices in computing the thirty (30) days' notice required. In such cases the schedule will be returned to the sender and

correction of the neglect or omission cannot be made which takes into account any time elapsing between the date upon which such schedule or supplement was received and the date of the attempted correction. For rate schedules and supplements issued on short notice under special permission of the commission, literal compliance with the requirements or notice named in any order, regulation or permission granted by the commission will be exacted.

*AUTHORITY: section 393.140(11), RSMo (1966). \* Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed May 16, 1977, effective Dec. 11, 1977. Amended: Filed May 29, 1986, effective Oct. 27, 1986.*

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

**4 CSR 240-50.020 Preservation of Records**

*PURPOSE: This rule prescribes the standards and retention of records of all water utilities.*

*Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the rule has been filed with the secretary of state and is summarized here by the agency adopting it. The entire text of the rule may be found at the headquarters of the agency and is available to any interested person at a cost established by state law.*

(1) The Public Service Commission adopts and prescribes for the use of all water utilities subject to its jurisdiction, *Regulations to Govern the Preservation of Records of Electric, Gas and Water Utilities*, published by the National Association of Regulatory Utility Commissioners (NARUC) in April 1974 with the following modifications of retention periods for the item number shown:

(A) Item 30. Plan ledgers: a) Ledgers of utility plant accounts including land and other detailed ledgers showing the cost of utility plants by classes—life of the corporation;

(B) Item 31. Construction work in progress ledgers, work orders and supplemental records: a) work order sheets to which are posted in summary form or in detail the entries for labor, materials and other charges for utility plant additions and the entries closing the work orders to utility plant in service at completions—life of the corporation;

(C) Item 32. Retirement work in progress ledgers, work orders and supplemental records: a) work order sheets to which are

posted the entries for removal costs, materials recovered and credits to utility plant accounts for cost of plant retired—life of the corporation; and

(D) Item 62. Budgets and other forecasts: (prepared for internal administrative or operating purposes) of estimated future income, receipts and expenditures in connection with financing, construction and operations and acquisition or disposals of properties or investments by the company and its associate companies, including revisions of estimates and memoranda showing reasons for revisions; also records showing comparison of actual income and receipts and expenditures with estimates—three (3) years beyond the latest period covered by the forecast.

(2) The NARUC regulations apply to all books of account and other records prepared by the water utilities. It provides for protection and storage of records, the use and life of record media (microfilm, magnetic tape, etc.) and then a listing of records by type and their retention periods. The type of records are—corporate and general; automatic data processing; general accounting; insurance, operations and maintenance; personnel; plant and depreciation; purchases and stores; revenue accounting and collecting; tax; treasury; and miscellaneous. A copy of the NARUC regulations may be obtained from NARUC, P.O. Box 684, Washington, D.C. 20044.

*AUTHORITY: section 393.140, RSMo (1986).<sup>\*</sup> Original rule filed May 7, 1975, effective June 6, 1975.*

*<sup>\*</sup>Original authority 1939, amended 1949, 1967.*

#### 4 CSR 240-50.030 Uniform Systems of Accounts—Water Companies

*PURPOSE: This rule prescribes uniform systems of accounts for and the filing of annual reports by all classes of water companies.*

*Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the rule has been filed with the secretary of state and is summarized here by the agency adopting it. The entire text of the rule may be found at the headquarters of the agency and is available to any interested person at a cost not more than the actual cost of reproduction.*

(1) The uniform systems of accounts for Class A and B and for Class C and D water companies, issued by the National Associa-

tion of Regulatory Utility Commissioners in 1973, as revised July 1976, are adopted and prescribed for use by all water companies under the jurisdiction of the Public Service Commission.

(2) For the purpose of this rule, the four (4) classes of water companies have annual water operating revenues as follows:

- (A) Class A—\$500,000 or more;
- (B) Class B—\$250,000 to \$500,000;
- (C) Class C—\$50,000 to \$250,000; and
- (D) Class D—Less than \$50,000.

(3) The uniform systems of accounts for Class A and B water utilities contain—definitions of terms; general instructions; utility plant instructions; operating expense instruction balance sheet accounts; utility plant account; income accounts; operating revenue accounts; and operation and maintenance expense accounts. The systems of accounts for Class C and D sewer companies are comprised of the same items but are less complex in their executions.

(4) In prescribing these systems of accounts the commission does not commit itself to the approval or acceptance of any item set out in any account for the purpose of fixing rates or in determining other matters before the commission.

*AUTHORITY: section 393.140, RSMo (1994).<sup>\*</sup> 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, effective Oct. 30, 1996.*

*<sup>\*</sup>Original authority 1939, amended 1949, 1957.*

#### 4 CSR 240-50.040 Minimum Filing Requirements

(Rescinded October 10, 1993)

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**Rules of  
Department of Economic  
Development**

**Division 240—Public Service Commission  
Chapter 61—Records and Accounts  
of Sewer Companies**

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**Title 4—DEPARTMENT OF  
ECONOMIC DEVELOPMENT**  
Division 240—Public Service Commission  
Chapter 61—Records and  
Accounts of Sewer Companies

**4 CSR 240-61.010 Preservation of Records**

**PURPOSE:** This rule prescribes the length of time that records must be maintained by sewer utilities subject to the jurisdiction of the Public Service Commission.

*Editor's Note:* The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the rule has been filed with the secretary of state and is summarized here by the agency adopting it. The entire text of the rule may be found at the headquarters of the agency and is available to any interested person at a cost not more than the actual cost of reproduction.

(1) The Public Service Commission adopts and prescribes, *Regulations to Govern the Preservation of Records of Sewer Utilities*, issued in booklet form, which prescribes the length of time that records must be maintained by sewer utilities subject to the jurisdiction of the commission.

(2) The regulations provide general instructions on storage, preservation, microfilming and destruction of records. Individual records and their retention periods are then listed within the categories of—plant and accumulated provision for depreciation; treasury; revenue accounting and collecting; payroll and personnel records; purchases and stores; operations; statistics; and miscellaneous.

**AUTHORITY:** section 393.140, RSMo (1986). Original rule filed July 22, 1975, effective Aug. 1, 1975.

**4 CSR 240-61.020 Uniform Systems of Accounts—Sewer Companies**

**PURPOSE:** This rule prescribes uniform systems of accounts for and the filing of annual reports by all classes of sewer companies.

*Editor's Note:* The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the rule has been filed with the secretary of state and is summarized here by the agency adopting it. The entire text of the rule may be found at the

headquarters of the agency and is available to any interested person at a cost established by state law.

(1) *The Uniform Systems of Accounts For Class A and B Sewer Utilities 1976*, issued by the National Association of Regulatory Commissioners and the *Uniform Systems of Accounts For Class C and D Sewer Utilities 1976*, issued by the National Association of Regulatory Utility Commissioners are adopted and prescribed for use by all sewer companies under the jurisdiction of the Public Service Commission.

(2) For the purpose of this rule, the four (4) classes of sewer companies are as follows:

(A) Class A—annual sewer operating revenues of \$500,000 or more;

(B) Class B—annual sewer operating revenues of \$250,000 to \$500,000;

(C) Class C—annual sewer operating revenues of \$50,000 to \$250,000; and

(D) Class D—annual sewer operating revenues of less than \$50,000.

(3) The uniform systems of accounts for Class A and B sewer utilities contain: definition of terms; general instructions; utility plant instructions; operating expense instructions; balance sheet accounts; utility plant accounts; income accounts; operating revenue accounts; and operation and maintenance accounts. The systems of accounts for Class C and D sewer companies are comprised of the same items but are less complex in their execution.

(4) In prescribing the systems of accounts the commission does not commit itself to the approval or acceptance of any item set out in any such account for the purpose of fixing rates or in determining other matters before the commission.

**AUTHORITY:** section 393.140, RSMo (1994).<sup>\*</sup> 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, effective Oct. 30, 1996.

<sup>\*</sup>Original authority 1939, amended 1949, 1967.

*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 Sewerage 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.