



# Missouri Public Service Commission

**Commissioners**

**KARL ZOBRIST**  
Chairman

**KENNETH McCLURE**

**DUNCAN E. KINCHELOE**

**HAROLD CRUMPTON**

**M. DIANNE DRAINER**

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

March 19, 1996

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

ATTENTION: Administrative Rules Division

I do hereby certify that the attached are accurate and complete copies of Proposed Amendments to Commission rules, lawfully submitted by the Missouri Public Service Commission for filing this 19th day of March, 1996, and that a "takings analysis" has occurred.

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

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

If there are any questions, please contact:

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

**FILED**  
**MAR 19 1996**  
**MISSOURI**  
**PUBLIC SERVICE COMMISSION**

BY THE COMMISSION

**David L. Rauch**  
Executive Secretary

(SEAL)

DLR:CIW:jp

Honorable Rebecca McDowell Cook  
Page two  
March 19, 1966

Enclosures

Rule Transmittals

Affidavits

Proposed Amendments (hard copy and disk):

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

4 CSR 240-30.040 Uniform System of Accounts-Class A and Class B  
Telecommunications Companies

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

4 CSR 240-50.030 Uniform Systems of Accounts-Water Companies

4 CSR 240-61.020 Uniform Systems of Accounts-Sewer Companies

Title 4 - DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240 - Public Service Commission

Chapter 20 - Electric Utilities

PROPOSED AMENDMENT

FILED  
MAR 19 1996  
MISSOURI  
PUBLIC SERVICE COMMISSION

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

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

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

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

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

\*Original authority 1939, amended 1949, 1967.

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

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

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

Title 4 - DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240 - Public Service Commission

Chapter 30 - Telephone Utilities

PROPOSED AMENDMENT

FILED

MAR 19 1996

MISSOURI  
PUBLIC SERVICE COMMISSION

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

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

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

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

*Auth: section 392.210, RSMo (1994).\* Original rule filed June 15, 1964, effective June 30, 1964. Amended: Filed April 26, 1976, effective Sept. 11, 1976. Amended: Filed July 16, 1979, effective Feb. 1, 1980. Rescinded and readopted: Filed May 17, 1986, effective Oct. 27, 1988. Amended: Filed March 19, 1996.*

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

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

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

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

Title 4 - DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240 - Public Service Commission

Chapter 40 - Gas Utilities

PROPOSED AMENDMENT

FILED  
MAR 19 1996  
MISSOURI  
PUBLIC SERVICE COMMISSION

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

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

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

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

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

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

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

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

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

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MAR 19 1996

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Title 4 - DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240 - Public Service Commission

Chapter 50 - Water Utilities

PROPOSED AMENDMENT

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

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

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

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

\*Original authority 1939, amended 1949, 1967.

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

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

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

**Title 4 - DEPARTMENT OF ECONOMIC DEVELOPMENT**

**Division 240 - Public Service Commission**

**Chapter 61 - Records and Accounts  
of Sewer Companies**

**PROPOSED AMENDMENT**

**FILED**  
**MAR 19 1996**  
**MISSOURI**  
**PUBLIC SERVICE COMMISSION**

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

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

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

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

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

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

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

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

# MEMORANDUM

**TO:** David L. Rauch, Executive Secretary

**DATE:** March 19, 1996

**RE:** Authorization to File Proposed Amendments With the Office of Secretary of State

**CASE NO:** AX-96-301

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

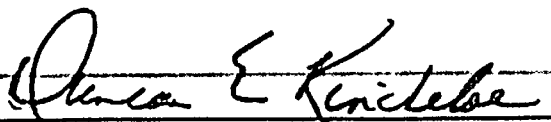
- 4 CSR 240-20.030 Uniform System of Accounts-Electrical Corporations
- 4 CSR 240-30.040 Uniform System of Accounts-Class A and Class B Telecommunications Companies
- 4 CSR 240-40.040 Uniform System of Accounts-Gas Corporations
- 4 CSR 240-50.030 Uniform Systems of Accounts-Water Companies
- 4 CSR 240-61.020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



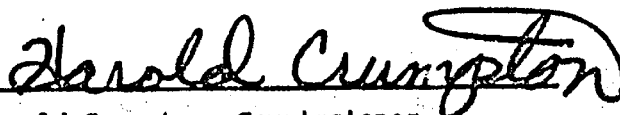
Karl Zobrist, Chairman



Kenneth McClure, Commissioner



Duncan E. Kincheloe, Commissioner



Harold Crumpton, Commissioner



M. Dianne Drainer, Vice-Chairman

FILED  
MAR 19 1996  
MISSOURI  
PUBLIC SERVICE COMMISSION

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# MEMORANDUM

**TO:** Joseph L. Driskill, Director  
Department of Economic Development

**FROM:** Cecil I. Wright, Chief Hearing Examiner *ew*  
Public Service Commission

**RE:** Affidavit for Proposed Amendments

**DATE:** March 4, 1996

As required by statute, attached for your signature is an affidavit for Proposed Amendments to certain Public Service Commission rules. If you have any questions concerning the amendments or affidavit, please contact me at 751-7497.

CIW:jp

Att: Affidavit

Proposed Amendments:

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

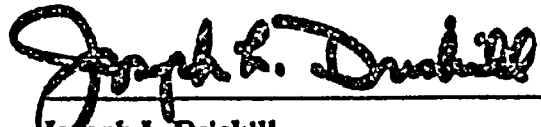
FILED  
MAR 19 1996  
MISSOURI  
PUBLIC SERVICE COMMISSION

# AFFIDAVIT

STATE OF MISSOURI )  
                          )  
COUNTY OF COLE    )

I, Joseph L. Driskill, Director of the Department of Economic Development, first being duly sworn, on my oath state that it is my opinion that the following Proposed Amendments to Public Service Commission rules will not cost state agencies or political subdivisions more than \$500 in the aggregate.

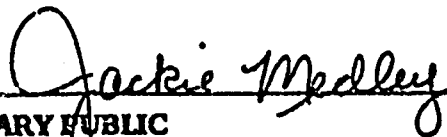
- 4 CSR 240-20.030 Uniform System of Accounts-Electrical Corporations
- 4 CSR 240-30.040 Uniform System of Accounts-Class A and Class B Telecommunications Companies
- 4 CSR 240-40.040 Uniform System of Accounts-Gas Corporations
- 4 CSR 240-50.030 Uniform Systems of Accounts-Water Companies
- 4 CSR 240-61.020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



Joseph L. Driskill  
Director  
Department of Economic Development

Subscribed and sworn to before me this 11 day of March, 1996. I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on

May 5, 1996

  
NOTARY PUBLIC

JACKIE MEDLEY  
NOTARY PUBLIC, STATE OF MISSOURI  
COUNTY OF COLE  
My Commission Expires May 5, 1996



**Missouri Public Service Commission**

**Commissioners**

**KARL ZOBRIST**  
Chairman

**KENNETH McCLURE**

**DUNCAN E. KIRCHELOE**

**HAROLD CRUMPTON**

**M. DIANNE DRAINER**

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

**March 18, 1996**

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

**Mr. Cecil Wright**  
**Chief Administrative Law Judge**  
**Missouri Public Service Commission**  
**P.O. Box 360**  
**Jefferson City, Missouri 65102**

**Re: AX-96-301**

**FILED**  
**MAR 19 1996**  
**MISSOURI**  
**PUBLIC SERVICE COMMISSION**

**Dear Mr. Wright:**

Executive Order 93-13 requires state agencies to undertake a "takings analysis" of each proposed rule or regulation in light of the United States Supreme Court decision in *Lucas v. South Carolina Coastal Council*, 112 S. Ct. 2886 (1992). Pursuant to that order I have performed a "takings analysis" of the proposed rescission noted above.

In *Lucas* the Court held that a state regulation which deprives an owner of real property of all economically beneficial use of that property constitutes a "taking" under the Fifth and Fourteenth Amendments of the U. S. Constitution, for which the owner must be compensated. The Court also held that when state regulations compel a property owner to suffer a permanent physical invasion of his/her property, such an invasion is compensable.

Mr. Cecil Wright  
March 18, 1996  
Page Two

In AX-96-301 the Commission proposes to rescind the following current rules which require various utilities to file annual reports with the Commission:

4 CSR 240-20.030

4 CSR 240-30.040

4 CSR 240-40.040

4 CSR 240-50.030

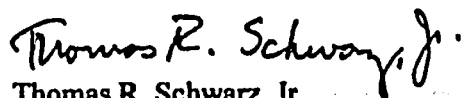
4 CSR 240-61.020.

The Commission also proposes in this rulemaking to consolidate the annual reporting requirements of all utilities by adopting a new rule, 4 CSR 240-10.080. This rulemaking does not alter the substance or format of annual utility filings, but does make explicit the procedure by which utilities may file such reports under seal to protect confidential information.

The proposed rescissions and the proposed amendment affect only procedures applicable to regulated utilities, in which no other person has property rights. The Commission's authority to hold such records confidential is found in §§ 386.480 and 610.021(14) RSMo. Such authority precludes any property right in the general public or the press to any such confidential materials. Absent a property right in the subject of the rule, no further discussion of *Lucas* principles is warranted.

Please advise if you have any questions.

Sincerely,



Thomas R. Schwarz, Jr.

Senior Counsel

Missouri Public Service Commission

MBE #29645