

John R. Ashcroft

Secretary of State
Administrative Rules
RULE TRANSMITTAL

Administrative Rules Stamp

Rule Number 20 CSR 4240-10.095

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

Name of person to call with questions about this rule:

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

Email address Nancy.Dippell@psc.mo.gov

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

Email address Kayla.Kliethermes@psc.mo.gov

Interagency mailing address Public Service Commission, 9th Floor Gov. Office Bldg, JC, MO

TYPE OF RULEMAKING ACTION TO BE TAKEN

Emergency Rulemaking __ Rule __ Amendment __ Rescission __ Termination

Effective Date for the Emergency _____

Proposed Rulemaking __ Rule __ Amendment X Rescission

Rule Action Notice In Addition Rule Under Consideration

Request for Non-Substantive Change

Statement of Actual Cost

Order of Rulemaking __ Withdrawal __ Adopt __ Amendment __ Rescission

Effective Date for the Order _____

Statutory 30 days OR Specific date _____

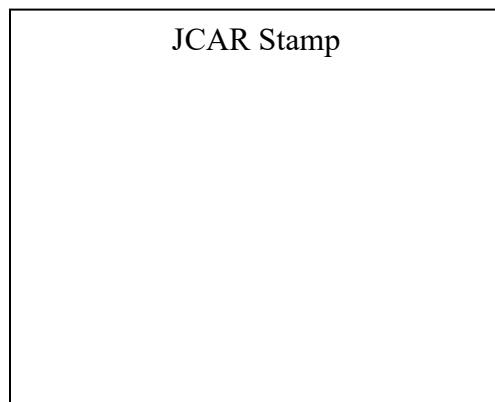
Does the Order of Rulemaking contain changes to the rule text? NO

YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Small Business Regulatory
Fairness Board (DED) Stamp



JCAR Stamp





Missouri Public Service Commission

MAIDA J. COLEMAN
Commissioner

KAYLA HAHN
Chair

JASON R. HOLSMAN
Commissioner

GLEN KOLKMEYER
Commissioner

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

JOHN P. MITCHELL
Commissioner

July 31, 2024

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

Re: 20 CSR 4240-10.095 Environmental Improvement Contingency Fund

Dear Secretary Ashcroft,

CERTIFICATION OF ADMINISTRATIVE RULE

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

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

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

Statutory Authority: *sections 386.040, 386.250, 393.140, and 393.270, RSMo 2016*

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



Enclosures

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

Nancy Dippell

Nancy Dippell
Secretary



Missouri Public Service Commission

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JOHN P. MITCHELL
Commissioner

July 31, 2024

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

Re: 20 CSR 4240-10.095 Environmental Improvement Contingency Fund

Dear Director Schappe,

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Nancy Dippell

Nancy Dippell
Secretary

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



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

Michael L. Parson

GOVERNOR
STATE OF MISSOURI

July 19, 2024

Ms. Kayla Hahn
Public Service Commission
PO Box 360
Jefferson City, MO 65102

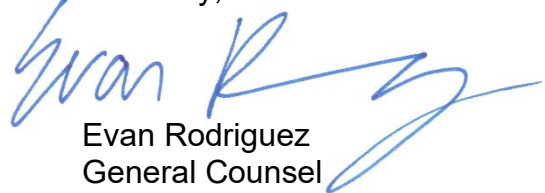
Dear Ms. Hahn:

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

- 20 CSR 4240-10.095 Environmental Improvement Contingency Fund
- 20 CSR 4240-50.050 Environmental Cost Adjustment Mechanism

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

Sincerely,


Evan Rodriguez
General Counsel

**AFFIDAVIT
PUBLIC COST**

STATE OF MISSOURI)
)
COUNTY OF COLE)

I, Chlora Lindley-Myers, Director of the Department of Commerce and Insurance, first being duly sworn, on my oath, state that it is my opinion that the cost of proposed rescission, 20 CSR 4240-10.095, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

Chlora Lindley-Myers

Chlora Lindley-Myers
Director
Department of Commerce and Insurance

Subscribed and sworn to before me this 29th day of July, 2024, I am commissioned as a notary public within the County of Osage, State of Missouri, and my commission expires on March 30, 2027.

**HAILEY LUEBBERT
NOTARY PUBLIC - NOTARY SEAL
STATE OF MISSOURI
MY COMMISSION EXPIRES MARCH 30, 2027
OSAGE COUNTY
COMMISSION #15634368**

Hailey Luebert

Notary Public



**Title 20—DEPARTMENT OF
COMMERCE AND INSURANCE
Division 4240—Public Service
Commission
Chapter 10—Utilities**

PROPOSED RESCISSION

20 CSR 4240-10.095 Environmental Improvement Contingency Fund. This rule provided parameters and procedures for small water and/or sewer utilities to request a special fund to collect revenue from customers to make improvements necessitated by environmental regulations.

PURPOSE: This rule is being rescinded as it is not currently utilized by any small water or sewer utilities. Over the life of the rule, only one utility has utilized an Environmental Improvement Contingency Fund, and that utility no longer uses it.

AUTHORITY: sections 386.040, 386.250, 393.140, and 393.270, RSMo 2016. This rule originally filed as 4 CSR 240-10.095. Original rule filed May 30, 2018, effective Jan. 30, 2019. Moved to 20 CSR 4240-10.095, effective Aug. 28, 2019. **Rescinded: Filed July 31, 2024, effective** .*

**Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 393.140, RSMo 1939, amended 1949, 1967; and 393.270, RSMo 1939, amended 1967.*

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

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Nancy Dippell, Secretary of the Commission, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 3, 2024, and should include a reference to Commission Case No. WX-2025-0033. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rescission is scheduled for October 8, 2024, at 10:00 a.m., in Room 305 of the Governor's Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support or in opposition to this proposed rescission, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Small Business Regulatory Fairness Board

Small Business Impact Statement

Date: June 28, 2024

Rule Number: 20 CSR 4240-10.095 Environmental Improvement Contingency Fund Cost

Name of Agency Preparing Statement: Missouri Public Service Commission

Name of Persons Preparing Statement: Scott Stacey and Michael Abbott

Phone Number: 573-522-6279
573-526-9821

Email: scott.stacey@psc.mo.gov
michael.abbott@psc.mo.gov

Name of Persons Approving Statement: Jim Busch, Kim Bolin and Mark Johnson

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

This rule has been utilized by one small sewer or water utility, and it no longer uses it. Therefore, no impact to small business is expected.

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

The Commission did not seek involvement on the determination for rescission as no small sewer or water utility currently utilizes this rule.

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

No additional costs to the Commission are anticipated.

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

Once rescission occurs, small businesses will not be required to comply. Additionally, the use of this rule was voluntary.

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

There are no direct and indirect costs associated with this rescission.

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

No business will be directly affected by this rescission

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

Yes ___ No X

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

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