

John R. Ashcroft
Secretary of State / Administrative Rules
RULE TRANSMITTAL

1311

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SEP 25 2024
SECRETARY OF STATE
ADMINISTRATIVE RULES
JCAR Stamp

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By JCAR at 4:19 pm, Sep 25, 2024

Rule Number 20 CSR 4240-40.015
Use a SEPARATE rule transmittal sheet for EACH individual rulemaking.

Name of person(s) Administrative Rules can contact 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 Rescission

- Rule Action Notice
- In Addition
- Rule Under Consideration
- Request for Non-Substantive Change
- Statement of Actual Cost

Order of Rulemaking > Withdrawal Adoption 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/SUBSECTIONS WITH CHANGES:



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

September 25, 2024

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

Re: 20 CSR 4240-40.015 Affiliate Transactions

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 affects 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 386.250 and 393.140, RSMo 2016.*

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

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



Nancy Dippell

Nancy Dippell
Secretary

Enclosures



Missouri Public Service Commission

MAIDA J. COLEMAN
Commissioner

KAYLA HAHN
Chair

JASON R. HOLSMAN
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JOHN P. MITCHELL
Commissioner

September 25, 2024

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

Re: 20 CSR 4240-40.015 Affiliate Transactions

Dear Director Schappe,

CERTIFICATION OF ADMINISTRATIVE RULE

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Nancy Dippell

Nancy Dippell
Secretary

Enclosures

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



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

Michael L. Parson

GOVERNOR
STATE OF MISSOURI

September 17, 2024

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

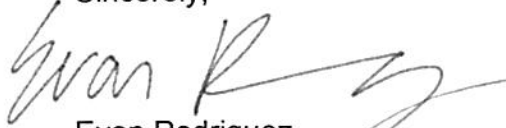
Dear Ms. Hahn:

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

- 20 CSR 4240-10.155 Affiliate Transactions Respecting Electrical Corporations, Gas Corporations, Heating Companies, Certain Water Corporations and Certain Sewer Corporations.
- 20 CSR 4240-20.015 Affiliate Transactions.
- 20 CSR 4240-40.015 Affiliate Transactions.
- 20 CSR 4240-40.016 Marketing Affiliate Transactions.
- 20 CSR 4240-80.015 Affiliate Transactions.

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

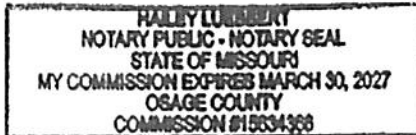
AFFIDAVIT
PUBLIC COST

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 4240-40.015, 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
Director
Department of Commerce and Insurance

Subscribed and sworn to before me this 23rd day of September, 2024, I am commissioned as a notary public within the County of Osage, State of Missouri, and my commission expires on March 30, 2027




Notary Public

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SEP 25 2024

SECRETARY OF STATE
ADMINISTRATIVE RULES

**Title 20—DEPARTMENT OF
COMMERCE AND INSURANCE
Division 4240—Public Service Commission
Chapter 40—Gas Utilities and Gas Safety Standards**

PROPOSED RESCISSION

20 CSR 4240-40.015 Affiliate Transactions. This rule was intended to prevent regulated utilities from subsidizing their nonregulated operations. In order to accomplish this objective, the rule set forth financial standards, evidentiary standards and record keeping requirements applicable to any Missouri Public Service Commission regulated gas corporation whenever such corporation participated in transactions with any affiliated entity (except with regard to HVAC services as defined in section 386.754, RSMo). The rule and its effective enforcement provided the public the assurance that their rates were not adversely impacted by the utilities' nonregulated activities.

PURPOSE: This rule is being rescinded from Chapter 40, as it is being rewritten and moved to Chapter 10.

AUTHORITY: sections 386.250 and 393.140, RSMo 2016. This rule originally filed as 4 CSR 240-40.015. Original rule filed April 26, 1999, effective Feb. 29, 2000. Moved to 20 CSR 4240-40.015, effective Aug. 28, 2019. Rescinded: Filed ____, effective ____.*

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

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

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

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed 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 December 1, 2024, and should include a reference to Commission File No. OX-2025-0104. 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 December 6, 2024, at 10:00 a.m., in Room 139 of the James C. Kirkpatrick Building, 600 W. Main 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.

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By JCAR at 4:20 pm, Sep 25, 2024