

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

**1312**

Administrative Rules Stamp  
**RECEIVED**  
SEP 25 2024  
SECRETARY OF STATE  
ADMINISTRATIVE RULES  
JCAR Stamp

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

Rule Number 20 CSR 4240-40.016  
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, 9<sup>th</sup> 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 4240-40.016 Marketing 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**  
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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 4240-40.016 Marketing 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

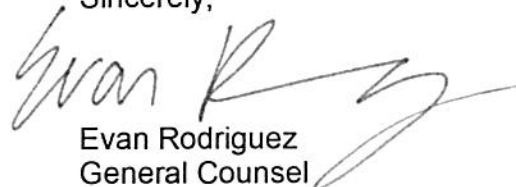
Dear Ms. Hahn:

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





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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 4240-40.016 Marketing Affiliate Transactions.** This rule set forth standards of conduct, financial standards, evidentiary standards, and record keeping requirements applicable to all Missouri Public Service Commission regulated gas corporations engaged in marketing affiliate transactions (except with regard to HVAC services as defined in section 386.754, RSMo).

*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 240-40.016. Original rule filed April 26, 1999, effective Feb. 29, 2000. Moved to 20 CSR 4240-40.016, 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 4:26 pm, Sep 25, 2024**