for shipping medication and notifying the pharmacy of an irregularity would increase board and pharmacy workload associated with responding to patient concerns. BJC also expressed concerns the patient notification requirements would unnecessarily divert pharmacy personnel from clinical care and towards administrative activities, which BJC alleges may detrimentally impact independent pharmacies. BJC suggested patients can easily acquire board and individual pharmacy licensure information via the internet, if desired.

RESPONSE: The board believes receipt/review of patient complaints can be accommodated within the board's current resources and notes all patients may not have internet access. The board further notes the required notifications can be provided in conjunction with the medication material/information routinely provided by pharmacies when shipping/mailing medication currently, or with written notifications pharmacies are required to provide under federal law for a wide array of medications, which will minimize costs and potential impact on pharmacy personnel. The board also notes patient notification of pharmacy contact information and a toll-free number is already required by 20 CSR 2220-2.190, if the patient/patient designee is not available for patient counseling. In regard to pharmacy workloads, the rule was flexibly drafted to allow pharmacies to identify appropriate notification measures for their practice setting which will also minimize impact. As a result, no changes have been made in response to the comment. However, the board will review private fiscal costs after the first fiscal year of implementation as required by section 536.200.3, RSMo, and reconsider rule requirements if private fiscal costs are burdensome, excessive, or exceed fiscal projections.

**20 CSR 2220-2.013 Prescription Delivery Requirements**

(5) Unless otherwise exempted by this rule or other law, all pharmacies delivering prescriptions/medication orders by mail or common commercial carrier to a patient, the patient's authorized designee, or a delivery location authorized by this rule pursuant to a patient's request must comply with the following:

(A) A reasonable attempt must be made to notify the patient verbally, electronically, or by other written means that a prescription/medication order will be shipped or mailed to the patient or the patient's authorized delivery location identified in section (2) prior to shipment/mailing. Proof of patient notification, or documentation of the date and method of notification, must be maintained in the pharmacy's records and readily retrievable if requested by the board or the board's authorized designee;

(B) Patients must be provided the following written instructions notifications with each prescription/medication order mailing or shipment in a manner that is clear, conspicuous, and easily visible by the patient or the patient's authorized designee:

1. Notification that the pharmacy is licensed and regulated by the Missouri Board of Pharmacy along with the board's current address, telephone number, and primary email address;

2. Instructions on how to detect if the integrity of a prescription or medication order has been compromised due to improper storage or temperature variations; and

3. Instructions and a mechanism for notifying the pharmacy verbally or electronically of any suspected or confirmed irregularity in the delivery of their medication, including but not limited to –

A. Timeliness of delivery;

B. Integrity of the prescription/medication order on delivery; and

C. Failure to receive the proper prescription/medication order;

(C) In addition to the requirements of section (1), pharmacies offering to mail or ship prescription/medication orders or regularly engaged in mailing or shipping prescriptions/medication orders must maintain current written policies and procedures that include policies/procedures for –

1. Mailing and shipping prescriptions/medication orders, including but not limited to notifying patients of shipments/deliveries as required in this rule and using/selecting proper packaging containers and materials to maintain physical integrity and stability of package contents per manufacturer product labeling or manufacturer specifications;

2. Handling reports or complaints that the integrity of a prescription/medication order was or may have been compromised or adulterated during mailing or shipment; and

3. Actions to be taken in the event of a suspected or confirmed temperature excursion, including but not limited to policies/procedures for notifying appropriate pharmacy staff. For purposes of the rule, a "temperature excursion" means any deviation from the manufacturer's temperature specifications or allowed excursion range or, in the absence of manufacturer specifications, applicable USP temperature standards;

(D) For purposes of this rule, a common commercial carrier means any person or entity who undertakes directly or indirectly to transport property for compensation for or on behalf of the pharmacy, including prescription drugs or devices. A common commercial carrier does not include pharmacy staff or employees delivering prescriptions/medication orders as part of their pharmacy job responsibilities, or transportation of a prescription/medication order from the pharmacy by a healthcare provider or an individual designee of the healthcare provider for administration to the patient by the healthcare provider or the healthcare provider's authorized designee.

(E) The provisions of subsections (5)(A) and (B) are not applicable to radiopharmaceuticals mailed/shipped to a medical facility for administration to the patient by an authorized healthcare provider, prescriptions/medication orders shipped or mailed from one pharmacy to another for subsequent dispensing to the patient as authorized by law, or prescriptions/medication orders mailed or shipped to a long-term care facility.

(7) Records required by this rule must be maintained in compliance with 20 CSR 2220-2.010.

## TITLE 20 – DEPARTMENT OF COMMERCE AND INSURANCE
## Division 4240 – Public Service Commission
## Chapter 10 – Utilities

### ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.310 and 393.140, RSMo 2016, and section 386.895, RSMo Supp. 2024, the commission amends a rule as follows:

**20 CSR 4240-10.030** Standards of Quality **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 17, 2024 (49 MoReg 902-908). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended July 17, 2024, and the commission held a public hearing on the proposed amendment on July 23, 2024. The commission received three (3) parties' written comments during the comment period and three (3) parties made comments during the hearing. The comments were generally favorable with a

few suggested changes.

COMMENT #1**:** Goldie Bockstruck, Director, Regulatory Affairs, submitted written comments on behalf of Summit Natural Gas of Missouri, Inc. (SNGMO). SNGMO generally supported the rule amendment but suggested the last sentence of section (11) requiring the continuous monitoring by the gas utility is unclear as to whether natural gas utilities are allowed to use third-party contracts to ensure that natural gas producers adhere to natural gas utility standards, which are likely to be stricter than the requirements proposed by the commission. At the hearing, John Clizer, Senior Counsel, on behalf of the Office of the Public Counsel, commented that since gas companies are required by the rule to install an isolation device that allows them to cut off the supply of renewable natural gas (RNG), the utilities will need the monitoring capabilities to know when to trigger that device. Scott Stacey, Deputy Counsel, on behalf of the staff of the commission (staff) explained at the hearing that the operator of the natural gas utility system is responsible for ensuring that the gas quality on the system meets the rule requirements and the extent to which a utility chooses to meet its obligations under the rule by either self-performing or utilizing contractors is a business decision. Staff stated that the utility is responsible for compliance with the rule and any regulatory action proposed to be taken by the staff with respect to non-compliance will be against the utility.

RESPONSE: The commission agrees with staff and finds the language does not need clarification. No change was made as a result of these comments.

COMMENT #2: J. Antonio Arias, General Counsel, Spire Missouri Inc., submitted written comments on Spire's behalf. Eric Bouselli on behalf of Spire made comments at the hearing. Spire commented that from its experience, research and consultation with others, the company wants to note that not all constituents contained in RNG are continuously monitored. This is because not all constituents found in RNG are present in every RNG feedstock. Staff responded at the hearing acknowledging not all constituents that may conceivably be found in RNG are specifically required to be monitored under the proposed rule amendments. The constituents for which limits are in the proposed amendment are based on staff's review of the current Natural Gas Quality standards in Federal Energy Regulatory Commission (FERC) tariffs for the interstate natural gas pipeline operators delivering gas to Missouri natural gas distribution systems. Staff explained the intention of the rule amendment is that RNG that is substituted for or blended with the natural gas delivered to a system must be of equal quality as the natural gas that is currently delivered to Missouri and utilized by Missouri customers. Staff further explained that to the extent there may be other less commonly occurring constituents of concern, the proposed amendments do not provide specific limits. Instead, the proposed amendments include general provisions in subsection (10)(K) requiring the gas to be substantially free from impurities that may cause excessive fumes when combusted in a properly designed and adjusted burner. Additionally, subsection (10)(M) requires each gas utility, including municipal systems, receiving or transporting manufactured gas or RNG on its gas transmission and distribution systems to limit the quantity of impurities and physical and chemical properties in the manufactured gas and RNG as necessary so that the gas is delivered within the limits of its system.

RESPONSE: The commission agrees with staff's explanation of the reasoning behind the proposed amendments to the rule and finds the language does not need clarification. No change was made as a result of these comments.

COMMENT #3: Spire stated in written comments that it believes the hydrogen parameter found in subsection (10)(E) is not necessary and should be removed from the rule. Spire explained that this gas constituent may be monitored based on the feedstock of the RNG, but monitoring is not always necessary. Additionally, Spire commented that there is an acceptable range of hydrogen ($H_2$) levels that would still ensure safe operation and meet the British thermal units (Btu) content requirement specified in subsection (10)(A). Spire stated it had observed multiple interstate pipelines serving Missouri that do not specify $H_2$ limits in their tariffs. Finally, Spire commented that 20 CSR 4240-40.100 allows a utility's RNG program to potentially include hydrogen gas, presumably at levels greater than those currently listed in subsection (10)(E) as proposed.

Public Counsel commented in written comments and at the hearing, that it is not clear whether the rule fully contemplates the use of hydrogen gas, which is included in the definition of renewable natural gas referenced in the rule. Public Counsel commented that because hydrogen gas has substantially different chemical properties when compared to what is commonly known as natural gas (which is primarily composed of methane), it questioned whether the quality requirements, including heating value, are intended to refer to just natural gas, hydrogen gas, or some combination of the two. Public Counsel recommended the commission consider modifying the rule to more specifically state what, if any, quality standards are affected or applicable to hydrogen gas in its final rule.

Staff commented at the hearing that the amendment in subsection (10)(E) was based on its review of the FERC tariffs for the ten (10) interstate natural gas pipeline operators delivering natural gas to Missouri. Four (4) out of the ten (10) limit hydrogen to 400 ppm as proposed by staff, and another specifies "trace amounts." Staff believes that the limit of a maximum 400 ppm of hydrogen is appropriate for RNG products that are intended to be a direct substitute for natural gas. Staff further noted that 20 CSR 4240-40.100 allows a utility's RNG program to potentially include hydrogen gas, presumably at levels greater than those currently listed in proposed subsection (10)(E). Staff stated, however, that 20 CSR 4240-40.100 also requires this be considered on a case-by-case basis. Staff commented it anticipates that if any such projects are proposed and approved, specific limits for the volume of hydrogen that may be blended with natural gas will be specified in the approval order of the commission. To account for this possibility, staff points to the beginning language of section (10) which allows exceptions to conforming with the specifications of the rule if the commission orders otherwise.

RESPONSE: The commission agrees with staff's analysis. The proposed amendment was based on a review of FERC tariffs for interstate natural gas pipeline operators delivering gas to Missouri. Based on this review, the amendment is reasonable as written. The preface language stating, "Unless otherwise ordered by the commission," allows for flexibility and compatibility in approvals of a utility's RNG program under 20 CSR 4240-40.100. Thus, no change was made as a result of these comments.

COMMENT #4: Public Counsel recommended in written comments the term "manufactured gas" should either be defined in the rule or deleted from it. Staff responded at the hearing that the term "manufactured gas" is currently found in sections (10), (11), (12), and (15) of this rule which are being

amended. Staff further noted that section 386.250, RSMo, refers to "the manufacture, sale or distribution of gas, natural and artificial," and the commission's pipeline safety standards in 20 CSR 4240-40.030 address safety requirements for pipelines transporting manufactured gas. Staff also explained the historical context of the term.
RESPONSE: The commission has reviewed the comments and agrees with staff that no amendment is necessary. No change was made as a result of these comments.

## TITLE 20 – DEPARTMENT OF COMMERCE AND INSURANCE
## Division 4240 – Public Service Commission
## Chapter 40 – Gas Utilities and Gas Safety Standards

### ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250, 386.310, and 393.140, RSMo 2016, and section 386.895, RSMo Supp. 2024, the commission adopts a rule as follows:

20 CSR 4240-40.100 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 17, 2024 (49 MoReg 909-911). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended July 17, 2024, and the commission held a public hearing on the proposed rule on July 23, 2024. The commission received five (5) written comments from parties during the comment period and (4) parties commented at the hearing. The comments were generally in support of the proposed rule with a few suggested changes.

COMMENT #1**:** Goldie Bockstruck, Director, Regulatory Affairs, submitted written comments on behalf of Summit Natural Gas of Missouri, Inc. (SNGMO). SNGMO suggested paragraph (1)(C)2. should be amended because it excludes other hydrogen production methods. SNGMO proposes a broader definition be used that would be inclusive of other methods of hydrogen production. Tim Johnston, Vice President, Roeslein Alternative Energy Service, LLC (RAES) and attorney for RAES, Dean Cooper, commented at the hearing that RAES would like to see the definition of renewable hydrogen expanded to include hydrogen produced by steam reformation of renewable natural gas (RNG). At the hearing, Scott Stacey, Deputy Counsel, on behalf of the staff of the commission (staff) submitted additional written comments stating that this change was unnecessary. Staff stated that as additional renewable hydrogen production methods become feasible, any party may propose a modification to the rule.

John Clizer, Senior Counsel, on behalf of the Office of the Public Counsel, commented at the hearing that Public Counsel opposed broadening the definition to allow nonrenewable sources of hydrogen to be included in the renewable natural gas program. Public Counsel objected to the change for two reasons. First, Public Counsel argued the change would allow hydrogen produced through the steam reformation of methane to be called renewable even though this is not a renewable process. Second, Public Counsel objected to SNGMO's proposal because it would create an ambiguity of when hydrogen is considered renewable, allowing hydrogen from any source to be considered renewable unless the hydrogen was mixed with biogas, at which point it would have to come from a renewable source to be considered a renewable natural gas.
RESPONSE: The commission agrees with staff and Public Counsel and finds the definition should not be broadened. The commission may decide to amend the rule in the future if additional hydrogen production methods become feasible. No change was made as a result of these comments.

COMMENT #2: SNGMO submitted a written comment that the definition of Renewable Natural Gas Rate Adjustment Mechanism (RNGRAM) in subsection (1)(D) did not set the frequency of the periodic adjustments of the RNGRAM. SNGMO recommended an annual filing that would include a review of the rate adjustments. Public Counsel commented in writing and at the hearing that prudence reviews should be conducted no less than once a year, unless the commission orders otherwise, and that the proposed rule already restricts the prudence reviews to once per year. Public Counsel also explained at the hearing the various scenarios in which the commission might conduct a prudence review and the possible need to include a prudence review when considering a certificate of convenience and necessity. Staff explained that being allowed to determine on a case-by-case basis the timelines for prudence reviews gives staff the flexibility to stagger gas corporation prudence reviews. Staff commented at the hearing that it is not opposed to Public Counsel's modification.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with the commenters that a period should be established for prudence reviews. However, the commission also agrees with staff that flexibility will allow staff to balance its workload while still ensuring prudence reviews happen in a timely fashion. Allowing staff to determine on a case-by-case basis when prudence reviews will take place allows staff needed flexibility to stagger those prudence reviews to better accommodate its workload. Therefore, the commission will amend subsection (4)(D) to add that prudence reviews shall be conducted at least once per year unless the commission orders otherwise during the proceeding where a RNGRAM is established.

COMMENT #3: Ted Christensen filed written comments regarding subsection (1)(D) stating that the commission should consider allowing costs for gas distribution operators for specialized full-time technicians to maintain the Btus, Moisture, SCADA, and other analytical equipment necessary to ensure gas is within contract specifications. Staff responded at the hearing that specific cost types would be considered by the commission in the application for a RNGRAM.
RESPONSE: The commission agrees with staff that it will consider specific cost types as part of the application for a RNGRAM. Thus, no change is made as a result of this comment.

COMMENT #4: Ted Christensen commented with regard to