

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Amendment of the )  
Commission's Rule Regarding Applications for ) Case No. EO-2018-0189  
Certificates of Convenience and Necessity )

## **THE OFFICE OF THE PUBLIC COUNSEL’S COMMENTS**

**COMES NOW** the Office of the Public Counsel and, in response to the Commission’s proposed rescission of rule **4 CSR 240-3.105 Filing Requirements for Electric Utility Applications for Certificates of Convenience and Necessity** and proposed new rule **4 CSR 240-20.045 Filing Requirements for Electric Utility Applications for Certificates of Convenience and Necessity** published in Vol. 43, No. 10 of the *Missouri Register* on May 15, 2018, with comments due on or before June 14, 2018, comments as follows:

1. The Office of the Public Counsel notes that the proposed rule 4 CSR 240-20.045 adopts requirements of notice to landowners impacted by electric transmission lines. In a prior certificate rulemaking (Case No. EX-2015-0225), the Office of the Public Counsel made comments on April 29, 2016, recommending similar notice requirements. If the Commission goes forward with this rulemaking, the Office of the Public Counsel recommends that these notice requirements be extended to gas transportation lines built to supply generating plants or those residing, or owning or leasing land, near a proposed new generating plant or substation site. The Office of the Public Counsel recommends that proposed rule 4 CSR 240-20.045 be modified so that the notice requirements be extended to accomplish the following:

If a permanent easement or other permanent property interest would be obtained over all or any portion of the land or if the land contains a habitable structure that would be within three hundred (300) feet of the centerline of the electric

transmission line, gas transportation line associated with a new generating plant, or within one mile of the site for a new generating plant or associated substation.

2. The Office of the Public Counsel notes that from May 1, 1913, until April 30, 2003 (see attachments), the Commission's rules regarding certificates of convenience and necessity were written broadly to cover all the lines of utility service over which the Commission exercised certificate authority. It was not until April 30, 2003, that the Commission created separate rules for certificates for different lines of utility service in chapter 3 of 4 CSR 240 as part of a reorganization of its rules in rulemaking Case No. AX-2001-0654, to collect filing and reporting requirements into one chapter—chapter 3. Even then, the rule for certificates for electric plant were not overly prescriptive, essentially tracking the statutory language that now is codified in § 393.170, RSMo. See attachments of prior rules.

3. With its proposed rule 4 CSR 240-20.045 the Commission is asserting extra-state jurisdiction that, to the Office of the Public Counsel's knowledge it has never asserted before, and that no court has opined that the Commission has. The assertion of extra-state jurisdiction is most explicitly found in 4 CSR 240-20.045(2)(B). In cases where a transmission line segment in Missouri was part of a plan to transmit electricity among states, the certificate the Commission has issued has been geographically restricted to that part of the line(s) sited in Missouri. See, *e.g.*, *Re Arkansas-Missouri Power Company*, 1 Mo. P.S.C. (N.S.) 543 (*Report and Order* October 22, 1948), *Re Kansas City Power & Light Company*, 13 Mo. P.S. C. (N.S.) 322 (*Report and Order* August 18, 1967), *In the Matter of the Application of Transource Missouri, LLC for a Certificate of Convenience and Necessity Authorizing It to Construct, Finance, Own, Operate, and Maintain the Iatan-Nashua and Sibley-Nebraska City Electric Transmission Projects*, Case No. EA-2013-0098 (*Report and Order* August 7, 2013), and *In the Matter of the Application of*

*Ameren Transmission Company of Illinois for a Certificate of Public Convenience and Necessity Authorizing it to Construct, Install, Own, Operate, Maintain and Otherwise Control and Manage a 345-kV Electric Transmission Line from Palmyra, Missouri to the Iowa Border and an Associated Substation Near Kirksville, Missouri*, Case No. EA-2017-0345 (*Order Approving Unanimous Stipulation and Agreement* January 10, 2018). Although Kansas City Power & Light Company (Spearville wind farm in Kansas KCPL built), KCP&L Greater Missouri Operations Company (Crossroads in Mississippi GMO acquired), Union Electric Company (Goose Creek and Raccoon Creek in Illinois UE acquired) and The Empire District Electric Company (Plum Point Empire jointly built) each have at least one generating plant physically located outside the state of Missouri, none have certificates for them. The Office of the Public Counsel believes that the Commission's jurisdiction does not extend to the construction or acquisition of utility plant geographically located outside the state of Missouri.

4. In the leading certificate case *Public Service Commission v. Kansas City Power & Light Company*, 325 Mo. 1217, 31 S.W.2d 67 (1930), the court said the following at pages 1225-27:

A reasonable construction of the Public Service Commission Act forces the conclusion that it was the intention of the Legislature to clothe the commission with exclusive authority to determine whether or not the furnishing of electricity to a given town or community is a public necessity or necessary for public convenience, and if so, to prescribe safe, efficient and adequate property, equipment and appliances in order to furnish adequate service at reasonable rates and at the same time safeguard the lives and property of the general public, those using the electricity and those engaged in the manufacture and distribution thereof.

If, as appellant contends, an electrical corporation which has a certificate of convenience and necessity to operate its plant in a given town or community might extend its lines to and furnish other communities with electricity without a certificate or authority from the commission, the purpose of the statute would be defeated. Under such a construction of the statute, the commission would have no opportunity to determine whether or not public convenience and necessity

demanded the use of electricity in the community to which the line was extended, and no opportunity to prescribe the safe and efficient construction of said extension or determine whether or not appellant was financially able to construct, equip and operate such extension and furnish adequate service at reasonable rates in the new community, without crippling the service in the community where the commission had theretofore authorized it to operate.

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We interpret the report as holding that the power company was lawfully authorized to operate its plant in the city of St. Louis and was not required to obtain additional certificates for extensions of its lines in the territory where it already had authority to operate. If this report should be construed as holding that a public utility which is lawfully authorized to operate in a given territory, may extend its operations beyond the limits of such territory without first obtaining authority from the commission so to do, it would not be good law and should not be followed.

The rationale of that opinion—potential impacts on consumers where already providing service and ability to serve adequately in new areas—applies not only to plant additions, but also to a utility expanding its service area to new customers, regardless of which state in which those customers, or new plant may be located. However, the Office of the Public Counsel believes the federal constitutional commerce clause is applicable, and the following limit is express in what is now § 386.030, RSMo.: “Neither this chapter, nor any provision of this chapter, except when specifically so stated, shall apply to or be construed to apply to commerce with foreign nations or commerce among the several states of this union, except insofar as the same may be permitted under the provisions of the Constitution of the United States and the acts of Congress.”

5. With its proposed rule 4 CSR 240-20.045 the Commission is also asserting jurisdiction over electric utility acquisition of already built generating plant that, to the Office of the Public Counsel’s knowledge it has never asserted before, and that no court has opined that the Commission has. The Office of the Public Counsel does not see how whether an improvement justifies its cost from a public interest perspective—the Missouri Supreme Court’s explanation of “necessary or convenient” as used in § 393.170, RSMo.—is applicable when the

improvement already exists. Expanding certification to acquisitions would change the inquiry in that instance to “is the public better off if a Missouri electrical corporation owns an asset than if it does not,” a different test.

6. The Office of the Public Counsel believes that the Commission’s efforts to make its rule for certificates of convenience and necessity more prescriptive is ill-advised. While the effort imports some of the specificity that one must obtain certificates for generating plants specific to the plant and its location before it is built found in *Stopaquila.Org v. Aquila, Inc.*, 180 S.W.3d 24 (Mo. App. 2005), and *State ex rel. Cass County v. Public Service Commission*, 259 S.W.3d 544 (Mo. App. 2008), the Commission need only state that certificates for generating plants, and associated improvements, must be obtained before they are built, and must specify the plant to be built and where it is to be sited. As drafted the rule still provides essentially no guidance on what constitutes a showing that the proposed plant is “necessary and convenient for the public service,” or an explication of when the Commission may find a condition to be “reasonable and necessary.” Electrical corporations seeking certificates of convenience and necessity are sophisticated. Further, proposed rule 4 CSR 240-20.045 does not provide any clarity on the question of when franchise authority is required before the Commission has the jurisdiction to issue a certificate of convenience and necessity. Of course, clarification of that question with regard to electric transmission lines now is pending before the Missouri Supreme Court in *Grain Belt Express Clean Line v. Public Service Commission*, Case No. SC96993.

7. Senate Bill 564 includes the following change to § 393.170.1, RSMo., that will become effective in August of 2018:

No gas corporation, electrical corporation, water corporation or sewer corporation shall begin construction of a gas plant, electric plant, water system or sewer system, **other than an energy generation unit that has a capacity of one**

**megawatt or less**, without first having obtained the permission and approval of the commission.

Proposed rule 4 CSR 240-20.045 neither includes nor anticipates this upcoming change to the law.

8. The Office of the Public Counsel observes that the Commission's proposal to rescind rule 4 CSR 240-3.105 and promulgate a new rule 4 CSR 240-20.045 on the same topic of requirements for applications for electrical corporation certificates of convenience and necessity is contrary to the Staff's stated goal of collecting into one chapter all of the Commission's filing and reporting requirements which preceded the Commission's promulgating in 2002 what is now rule 4 CSR 240-3.105 in furtherance of "improve[ing] the ease with which a business entity or other reader of the Commission's rules can identify the [filing and reporting] requirements that must be met," that led to the creation of rule 4 CSR 240-3.105.

9. In addition to the foregoing and not necessarily exhaustive of all of the potential improvements, the Office of the Public Counsel believes that, as drafted, proposed rule 4 CSR 240-20.045 could be improved by changing the term defined as "asset" to "generating plant asset," with corresponding revisions to the text of the rule referring to generating plants and related plant; making it clear whether the definitions are exhaustive or not (several use the word "includes"); revising definitions included for the word "construction" so they do not circularly include the word "construction" that is being defined; clarifying the intent of 4 CSR 240-20.045(1)(C)6.C. as it is unclear that there is any transmission project that only has a relationship to Missouri ratepayers "through the regional transmission organization/independent system operator cost allocation process" as stated in 4 CSR 240-20.045(1)(C)6.C.; revising 4 CSR 240-20.045(2) to be limited to applications by electrical corporations, not "to all applications for a certificate of convenience and necessity"; eliminating 4 CSR 240-20.045(2)(E) since it makes no

sense that the Commission issue a certificate that is imprudent from a public interest standpoint and, like 4 CSR 240-20.045(2)(D) it is not a requirement, which the rule states that it is; requiring the map referred to in 4 CSR 240-20.045(3)(A) to be of the same scale as the map required by 4 CSR 240-20.045(3)(D); changing the word “The” at the beginning of 4 CSR 240-20.045(3)(C) to “A” since there is more than one way to write a legal description; changing the words “An indication” at the beginning of 4 CSR 240-20.045(5)(E) to “A statement”; changing the word “construction” in 4 CSR 240-20.045(5)(I) and 4 CSR 240-20.045(5)(J) to “asset” or, if asset changed to “generating plant asset” as suggested above, then “generating plant asset”; defining what a “common electric transmission line(s)” is as used in 4 CSR 240-20.045(6)(E); and the Office of the Public Counsel sees no reason to limit the requirements of 4 CSR 240-20.045(5)(G), (H) and (6)(G), (H) to non-incumbent electric providers, which may mean something different than non-incumbent electric utilities.

**Wherefore**, the Office of the Public Counsel files with the Commission the foregoing comments to its proposed rescission of rule **4 CSR 240-3.105 Filing Requirements for Electric Utility Applications for Certificates of Convenience and Necessity** and proposed new rule **4 CSR 240-20.045 Filing Requirements for Electric Utility Applications for Certificates of Convenience and Necessity** published in Vol. 43, No. 10 of the *Missouri Register* on May 15, 2018.

Respectfully,

/s/ Nathan Williams

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 14<sup>th</sup> day of June 2018.

/s/ Nathan Williams



STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

FILED  
April 4, 2017  
Data Center  
Missouri Public  
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RULES OF PRACTICE AND PROCEDURE  
AND FORMS GOVERNING MATTERS  
BEFORE THE COMMISSION

Adopted April 24, 1913  
Effective May 1, 1913



*(Fifth Edition—October 15, 1932)*

Rec. Staff Exhibit No. 202  
Date 3-22-17 Reporter MC  
File No. EA-2016-0358

Office, Jefferson City, Missouri

Attachment I  
1/37



**RULES OF PRACTICE AND PROCEDURE AND FORMS  
GOVERNING MATTERS BEFORE THE PUBLIC  
SERVICE COMMISSION OF THE STATE  
OF MISSOURI**

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Adopted April 24, 1913

Effective May 1, 1913

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#### **RULE I. Sessions of the Commission.**

The principal office of the Commission shall be in Jefferson City, and shall always be open during business hours, Sundays and legal holidays excepted.

The regular monthly session of the Commission shall be held in its office on the first Tuesday of each month, at 9 o'clock a. m., at which time any person having business with the Commission may appear and be heard. The Commission will hold other sessions at Jefferson City and elsewhere in the State at such times as it may designate. The sessions of the Commission shall be public.

#### **RULE II. Secretary to Furnish Information.**

The Secretary of the Commission will, upon request, advise as to the form of petition, answer, or other papers necessary to be

filed in any case, and furnish such information from the files of the Commission as will conduce to a full presentation of material facts.

### **RULE III. Formal Proceedings—General Matters Applicable to All Cases.**

1. *Address of the Commission.* All communications should be addressed to "Public Service Commission, Jefferson City, Missouri."

2. *Case Numbers and Titles.* Each matter coming formally before the Commission will be known as a case and shall receive a number and a title, descriptive of the subject matter. Such number and title shall be used on all papers in the case.

3. *Documents Filed.* All documents filed with the Commission shall be printed or typewritten, and, so far as practicable, shall be upon paper 8½ by 13 inches in size.

4. *Service of Papers.* Notices, orders or other papers may be served personally or by mail as provided by section 25 of the Public Service Commission Law and by the Code of Civil Procedure, and when any party has appeared by attorney, service upon such attorney will be deemed proper service upon the party.

5. *Witnesses and Subpoenas.* Subpoenas requiring the attendance of witnesses for the purpose of taking testimony may, upon the application of any party, be signed and issued by any member of the Commission or by the Secretary.

Subpoenas for the production of books, papers or documents (unless directed to issue by the Commission upon its own motion) will only be issued, in the discretion of a Commissioner, upon application in writing.

6. *Amendments.* The Commission may, in its discretion, allow any complaint, answer, petition or other paper to be amended or corrected or omission to be supplied therein.

7. *Orders.* All orders made by the Commission will be filed in the office of the Commission and certified copies thereof shall be served upon the parties to be affected thereby.

8. *Intervention.* In any formal proceeding, the Commission may permit any corporation, association, body politic or person, having an interest in the result of such proceeding, to intervene and be heard, after opportunity has been given to the party or parties to such proceeding to be heard on such intervention. Leave thus granted shall entitle the intervener to have

notice of and to appear at the taking of testimony, to produce and cross-examine witnesses, and to be heard in person or by counsel on the argument.

**RULE IV. Complaints—Contests and Proceedings up to Hearing.**

1. *Who May Complain.* Complaint may be made by the Commission of its own motion, or by any corporation or person, chamber of commerce, board of trade, or any civic, commercial, mercantile, traffic, agricultural or manufacturing association or organization, or any body politic or municipal corporation, by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any corporation, person or public utility including any rule, regulation or charge heretofore established or fixed by or for any corporation, person or public utility in violation, or claimed to be in violation, of any provision of law, or of any rule or order or decision of the Commission: Provided, that no complaint shall be entertained by the Commission, except upon its own motion, as to the reasonableness of any rates or charges of any gas, electric, water or telephone corporation, unless the same be signed by the mayor or the president or chairman of the board of aldermen or a majority of the council, commission or other legislative body of any city, town, village or county, within which the alleged violation occurred, or not less than twenty-five consumers or purchasers, or prospective consumers or purchasers, of such gas, electricity, water or telephone service.

(a) Any public utility shall have the right to complain on any of the grounds upon which complaint may be made by other parties.

2. *Contests of Complaint.* Each complaint shall show the venue, "Before the Public Service Commission of the State of Missouri," shall bear a heading showing the name of the complainant and the name of the defendant and shall state:

(a) The full name and postoffice address of the complainant.

(b) The full name and postoffice address of the defendant.

(c) Fully, clearly and with reasonable certainty the act or thing done or omitted to be done, of which complaint is made, with a reference, where practicable, to the law, order or rule, and the section or sections thereof, of which a violation is claimed.

(d) Such other matters or facts, if any, as may be necessary to acquaint the Commission fully with the details of the alleged violation.

3. *Signature of Complainant.*

(a) The complaint shall be signed by the complainant or his attorney, if any, and shall show the name and postoffice address of such attorney and shall be verified. Complaints by unincorporated associations may be verified by any officer or director thereof.

(b) No oral or unsigned complaint will be entertained or acted upon by the Commission.

4. *Copies to Accompany Complaint.* At the time complainant files his original complaint, he must also file copies thereof equal in number to one more than twice the number of corporations or persons to be served.

5. *Procedure of Commission on Filing of Complaint.* Upon the filing of such complaint, the Commission shall immediately examine the same to ascertain whether it establishes a *prima facie* case and conforms to these rules. If the Commission is of the opinion that the complaint does not establish a *prima facie* case or does not conform to these rules, it shall notify the complainant or his attorney to that effect, and opportunity may be given to amend the complaint within the specified time. If the complaint is not so amended within such time or such extension thereof as the Commission, for good cause shown, may grant, it will be dismissed.

If the Commission is of the opinion that such complaint, either as originally filed or as amended, does establish a *prima facie* case and conform to these rules, the Commission shall serve upon each corporation or person complained of an order under the hand of its secretary and attested by its seal, accompanied by a copy of said complaint, directed to such corporation or person and requiring that the matter complained of be satisfied, or that the complaint be answered in writing within ten days from the date of service of such order, provided that the Commission may, in particular cases, require the answer to be filed within a shorter time.

6. *Satisfaction of Complaint.* If the defendant desires to satisfy the complaint, he may submit to the Commission, within the time allowed for the satisfaction or answer, a statement of the relief which he is willing to give. On the acceptance of this offer by the complainant and the approval of the Commission, no further proceedings need be taken.

7. *Answer to Complaint.* If satisfaction be not made as aforesaid, the corporation or person complained of must, within the time specified in the order of such extension thereof as the Commission, for good cause shown, may grant, file an answer to the complaint, with admission of service by complaint or his attorney endorsed thereon, or an affidavit of service. The answer must contain a specific denial of such material allegations of the complaint as controverted by the defendant and also a statement of any new matter constituting a defense. If the answering party has no information or belief upon the subject sufficient to enable him to answer an allegation of the complaint, he may so state in his answer and place his denial upon that ground.

**RULE V. Hearings and Rehearings—In All Formal Proceedings.**

1. *When Hearings will be Given.* Except as otherwise determined in specific cases, the Commission will grant a hearing in the following classes of cases:

(a) When an order to satisfy a complaint or to make answer thereto has been made and the corporation or person complained of has not satisfied the cause of complaint.

(b) When an application has been made in a formal proceeding.

2. *Notice of Place of Hearing.*

(a) Notice of the day and hour of a hearing shall be served at least ten days before the time set therefor, unless the Commission shall find that public necessity requires the hearing to be held at an earlier date. Hearings shall be held in the office of the Commission in Jefferson City unless elsewhere specified in the notice.

(b) In formal applications, the Commission may, in its discretion, give all other corporations or persons who may be affected thereby an opportunity to be heard, either by service upon them of a copy of the petition or by publication of the substance thereof, at the expense of the applicant, for such length of time and in such newspaper or newspapers as the Commission may designate. In such cases, the form of the notice must be submitted to the Secretary of the Commission for approval, and proof of the publication thereof must be filed with the Secretary at or before the hearing.



3. *Stipulation as to Facts.* The parties to any proceeding or investigation before the Commission may, by stipulation in writing filed with the Commission or entered in the record, agree upon the facts or any portion thereof involved in the controversy, which stipulation shall be regarded and used as evidence at the hearing. It is desirable that the facts be thus agreed upon whenever practicable. The Commission may in such cases require such additional evidence as it may deem necessary.

4. *Procedure at Hearings.*

(a) Witnesses will be examined orally and under oath before the Commission or a Commissioner unless facts are stipulated or the Commission or Commissioner otherwise orders.

(b) The complainant must establish the facts upon which he bases his complaint, unless the defendant admits the same. The defendant must likewise give evidence of the facts alleged in the answer, unless admitted by the complainant, and must fully disclose its defense at the hearing. In case of failure to answer, the Commission will take such proof of the facts as may be deemed proper and reasonable and make such order thereon as the circumstances of the case may require.

(c) If documentary evidence is offered, the Commission in lieu of requiring the originals to be filed, may, in its discretion, accept certified, or otherwise authenticated, copies of such documents or such portions of the same as may be relevant, or may require such evidence to be transcribed as part of the record.

5. *Adjournments.* Hearings may be adjourned from time to time by or at the direction of the Commission or a Commissioner.

6. *Briefs.* The Commission or a Commissioner may require the submission of briefs.

7. *Investigations on Commission's Own Motion.* The Commission may at any time, of its own motion, make investigations and order hearings into any act or thing done or omitted to be done by any public utility, which the Commission may believe is in violation of any provision of law or of any order or rule of the Commission. It may also, through its own experts or employees,

or otherwise, secure such evidence as it may consider necessary or desirable in any formal proceeding in addition to the evidence presented by the parties.

8. *Rehearings.* Any party to a formal proceeding or any stockholder or bondholder or other party pecuniarily interested in the public utility affected may apply for a rehearing as to any matters determined by the Commission and specified in the application for the rehearing, and the Commission may grant and hold such rehearing on said matters if in its judgment sufficient reason therefor be made to appear. Such application shall set forth specifically the ground or grounds on which the applicant considers the Commission's decision or order to be unlawful, unjust or unreasonable. Rehearings must be asked for before the effective date of the decision or order complained of. In further respects, rehearings will be governed by the provisions of section 110 of the Public Service Commission Law.

#### **RULE VI. Applications—General Matters Applicable to All.**

1. All applications for the approval, determination, consent, permission, certificate or authorization of the Commission in cases where such approval, determination, consent, permission, certificate or authorization is required by law, shall be by petition, duly verified. Five copies of the petition shall also be filed. In all cases there must be annexed to the original petition certified or verified copies of the certificate of organization of every corporation directly affected by the proposed action, and certified copies of all such certificates, statements or records which modify, change or extend the purposes or powers of such corporations.

The petition must contain such further statements as may be required by any provision of law or of these rules and must show in detail compliance therewith.

2. *Documents Filed With Application.* Whenever under these rules any map, profile, certificate, statement or other document is required to be filed with a petition and the same has theretofore been filed with the Commission, the petition may state the fact of such filing, with the date and the proceedings in which, or occasion on which, the filing was made.

3. *Procedure of Commission on Filing of Petition.* Upon the filing of such petition, the Commission shall examine the same to see whether it establishes a *prima facie* case for action on the part of the Commission and conforms to these rules. If the peti-

tion fails in either of these respects, the Commission will give notice of the defects to the applicant, who may correct the same. If the petition be found to state a *prima facie* case and to comply with the rules, the Commission may make an order *ex parte* granting the application or will appoint a time and place for a hearing on the same.

#### **RULE VII. Financial Condition Defined.**

Wherever an applicant is required to set forth its financial condition, such financial condition shall be given so far as practicable in proper schedules annexed to and referred to and properly designated in the petition. Such schedules shall show the following:

- (1) Amount and kinds of stock authorized.
- (2) Amount and kinds of stock issued and outstanding.
- (3) Terms of preference of all preferred stock.
- (4) Brief description of each mortgage upon property of the applicant, giving date of execution, name of mortgagor, name of mortgagee or trustee, amount of indebtedness authorized to be secured thereby and amount of indebtedness actually secured.
- (5) Number and amount of bonds authorized and issued, giving name of company which issued and describing each class separately, giving date of issue, par value, rate of interest, date of maturity, and how secured.
- (6) Other indebtedness giving same by classes and describing security, if any. A brief statement showing devolution or assumption of any of the foregoing debts upon or by any person or corporation, if the original liability has been transferred.
- (7) Amount of interest paid during previous fiscal year and rate thereof. If different rates were paid, amount paid at each rate.
- (8) Rate and amount of dividends paid during previous five years.
- (9) Detailed statement of earnings and expenditures for and balance sheet showing conditions at the close of last fiscal year, unless already filed with the Commission as part of the annual report.

**RULE VIII. Extension of Time to File Required Reports, Statements or Data, or to Comply With Commission's Orders—Applications For.**

Whenever a public utility has been required by the Commission to file any report, statement or data or to comply with any other order of the Commission within a time specified, and for any reason is unable to do so within the time specified, it must, before the expiration of such time, file with the Commission an application for extension of time, in which event—

1. The petition shall set forth in detail:

(a) What, if any, effort has been made by the applicant to prepare such report, statement or data or to comply with such order.

(b) Any facts tending to show why the said report, statement or data cannot be filed or said order complied with within the time prescribed.

(c) Any other facts which may make an extension of time necessary or proper.

(d) The further period of time deemed necessary by the applicant within which to make and file such report, statement or data or to comply with such order.

2. The Commission may direct a hearing upon said petition and in that event the applicant shall attend before the Commission or the Commissioner holding the hearing and produce such witnesses and documents as the Commission may require.

**RULE IX. Switch Connections and Spurs—Complaints For.**

When complaint is made for the installation of a switch connection or spur, under the provisions of section 28 of the Public Service Commission Law:

1. The complaint, in addition to the requirements of Rule IV, 2, must state:

(a) Character and amount of business which will probably be tendered at such connection or spur.

(b) Length of track necessary to be built by defendant, and the cost of same.

2. With the complaint shall be filed:

(a) Map on scale of not less than 100 feet per inch, showing location of existing tracks; property lines; build-

ings and structures in the vicinity; and the location and length of the proposed switch connection or spur. Such map should be filed in triplicate; one copy shall be on tracing linen unless waived by the Commission.

#### **RULE X. Applications for Consent to Discontinue a Station.**

On an application for the consent of the Commission to discontinue a station.

1. The petition shall, in addition to the matters required by Rule VI, state:

(a) The fact upon which the applicant relies for the consent.

(b) Whether the station is situated on a line operated under lease or other agreement.

(c) Whether there is any agreement with the lessor or predecessor as to the maintenance of the station.

(d) Whether there is any agreement between the applicant or its lessor or predecessor and any person or persons, association or corporation or municipality, with reference to the maintenance of the station at the point in question.

(e) Whether any application as to the station in question has heretofore been made to the Board of Railroad Commissioners or to the Public Service Commission.

2. With the petition should be filed certified copies of any such agreement as are not already on file with the Commission.

#### **RULE XI. Value of Property of Public Utilities.**

Formal proceedings instituted by the Commission to ascertain the value of the property of a public utility shall be conducted as provided in the Public Service Commission Law. Whenever in any formal proceeding the value of the property, or a portion thereof, of a public utility becomes relevant and pertinent, the Commission may, through its own experts and employees, or otherwise, investigate and ascertain such value.

**RULE XII. Railroad and Street Railroad Crossings—Applications for Construction, Alteration or Abolition of.**

When application is made for the construction, alteration or abolition of crossings (1) of public roads, highways or streets by railroads, or (2) of railroads by public roads, highways or streets, or (3) of railroads by railroads, or (4) of railroads by street railroads, or (5) of street railroads by railroads, or (6) of public roads or highways by street railroads, or (7) of street railroads by public roads or highways, under the provisions of section 50 of the Public Service Commission Law.

1. The petition, in addition to the requirements of Rule VI, must state:

(a) If the application is for a crossing at grade, such facts, data and estimates of cost as tend to show that it is not reasonable or practicable to effect a separation of grades.

(b) Such safety device or other protection, if any, as the applicant may believe should be installed, with detailed information concerning the same.

2. With the petition shall be filed:

(a) Map on scale of not less than 200 feet per inch, showing accurately the location of all tracks, buildings, structures, property lines, streets and roads in the vicinity of the proposed crossing.

(b) Profiles showing ground lines and proposed grade lines of approaches on such public roads, highways or streets, railroads or street railroads as may be affected by the proposed crossing. In case of a contemplated crossing of a railroad by a railroad, the profile of each railroad shall show the customary information for not less than one (1) mile on each side of the proposed crossing.

**RULE XIII. Safety Devices at Railroad Crossings—Applications For.**

Whenever a railroad or street railroad desires to protect any crossing which it may have at grade with another railroad or street railroad, with an interlocking or other safety device, it may make application to the Commission for an order approving such device and directing its construction and also prescribing the

division of the cost of construction, maintenance and operation of the same.

1. The petition, in addition to the requirements of Rule VI, must state:

(a) The kind of device proposed, with a description thereof and an estimate of the cost of its construction and operation.

(b) The average number of trains of each class, and of cars in case of street railroads, operated daily over the crossing by each railroad over a period of not less than thirty (30) days.

2. With the petition shall be filed:

(a) Map on scale of not less than 100 feet per inch, showing the location of main tracks, the length and location of all switches, sidings and spur tracks, all buildings and obstructions to the view in the vicinity, the proposed location of tower, if any, and the proposed location of all derails, switches, signals and detector bars, which are proposed to be operated by the device.

(b) A profile of each railroad or street railroad, showing the customary information for not less than one (1) mile on each side of the crossing, in case of railroads, and not less than 1,000 feet in case of street railroads.

(c) Copies of such contracts or agreements, if any, as may have been entered into relating to the construction or protection of the crossing.

#### **RULE XIV. New Construction or Extensions—Application For.**

When application is made by a railroad corporation, street railroad corporation, gas corporation, electrical corporation, telephone corporation, water corporation, or heating company for a certificate that the present or future public convenience or necessity require, or will require a proposed new construction or an extension, as specified in the Public Service Commission Law.

1. The petition, in addition to the requirements of Rule VI, must state:

(a) The proposed location, route or routes, the method of construction, and the names of all public utility corporations or persons with whom the proposed new construction or extension is likely to compete.

(b) The manner, in detail, in which it is proposed to finance the proposed new construction or extension.

2. With the petition shall be filed:

(a) Map to suitable scale, showing the location or route of the proposed new construction or extension with its relation to other public utilities with which the same is likely to compete, which map shall contain all data necessary for a complete understanding of the situation.

(b) When the consent, franchise or permit of a county, city, municipal or other public authority is necessary, a certified copy of the application therefor and of the ordinance or other document granting such consent, franchise or permit. If it is impossible to file a copy of the application, the facts rendering such filing impossible shall be stated.

3. At the hearing, proof must be made that the proposed new construction or extension is or will be necessary or convenient for the public service, and proof must be made of the *bona fides* of the enterprise and of the financial ability of the applicant to build the new proposed construction or extension for which permission and approval are sought.

**RULE XV. Franchises and Permits—Applications For Permission to Exercise.**

When application is made by a railroad corporation, street railroad corporation, gas corporation, electrical corporation, telephone corporation, water corporation or heating company for a certificate that public convenience and necessity require the exercise of a right or privilege under a franchise or permit, in the cases specified in the Public Service Commission Law.

1. The petition, in addition to the requirements of Rule VI, must state:

(a) The financial condition of the applicant as defined in Rule VII.

(b) The facts showing the proceedings theretofore taken with reference to franchise or permit for which permission and approval are sought.

(c) If the application is for permission to exercise a right or privilege under any franchise or permit granted prior to April 15, 1913, but not theretofore ex-



exercised, or the exercise of which has been suspended for more than one year, the reason why such right or privilege has not been exercised or has been suspended.

(d) The facts showing that the exercise of such right or privilege under such franchise or permit is required by the public convenience and necessity.

2. With the petition shall be filed:

(a) A certified copy of the written application to the proper county, city, municipal or other public authority for its consent, franchise or permit and of the ordinance or other document, if any has been secured, granting such consent, franchise or permit. If it is impossible to file a copy of the application, the facts rendering such filing impossible shall be stated.

(b) Map to suitable scale, showing the streets, avenues and all other places and property in or upon or along which it is proposed to exercise such franchise or permit.

3. If a public utility desires to exercise a right or privilege under a franchise or permit which it contemplates securing, but which has not as yet been granted to it, such public utility may apply to the Commission for an order preliminary to the issue of the certificate. The Commission will, in its discretion, thereupon make an order declaring that it will thereafter, upon application, issue the desired certificate, upon such terms and conditions as it may designate, after the public utility has obtained the contemplated franchise or permit. Upon the presentation to the Commission of evidence satisfactory to it that such franchise or permit has been secured by such public utility, the Commission will thereupon issue such certificate.

**RULE XVI. Sale, Lease, Assignment, Mortgage or Other Disposition of Property—Applications For.**

When application is made by a railroad corporation, street railroad corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, or heating company for an order authorizing the sale, lease, assignment, mortgage or other disposition of the whole or any part of its railroad, street railroad, plant or system necessary or useful in the performance of its duties to the public, or any fran-

chise or permit or any right thereunder, or by any means whatsoever, direct or indirect, the merger or consolidation of its property, franchises or permits or any part thereof, with any other public utility, in the cases specified in the Public Service Commission Law:

1. The petition must be made by all the parties to the proposed transaction, and, in addition to the requirements of Rule VI, must state:

(a) The financial condition of each applicant, as defined in Rule VII.

(b) In detail the reasons upon the part of each applicant for entering into the proposed sale, lease, assignment, mortgage or other disposition of such property, franchise or permit and all the facts warranting the same and showing it is for the benefit of the public service.

2. With the petition shall be filed:

(a) A copy of proposed contract, agreement, lease or mortgage, and if prior agreements have been made between the parties relating to the same subject-matter, copies of such agreements must be filed with the petition or referred to as already on file with the Commission.

#### **RULE XVII. Acquisition of Part or All of Capital Stock of Another Utility—Applications For.**

When application is made by any public utility for authorization to purchase or acquire, take or hold any part of the capital stock of any other public utility, under the provisions of the Public Service Commission Law,

1. The petition must be made by the public utility proposing to purchase, acquire, take or hold the stock, and in addition to the requirements of Rule VI, must state:

(a) The financial condition of the applicant and of the corporation whose stock is sought to be purchased, acquired, taken or held, as defined in Rule VII.

(b) The reason why the applicant desires to secure the stock, and the amount of the stock of the public utility affected already owned or held by applicant, if any.

(c) Price proposed to be paid for the stock, the terms of payment with the market value thereof, the highest and lowest price during the period of at least one year prior to the application, and dividends, if any, paid for a period of five years.

**RULE XVIII. Stocks, Bonds, Notes and Other Evidences of Indebtedness—Application For Order Authorizing Issue of.**

When application is made by any public utility for an order authorizing the issue of stock or stock certificates, or bonds, notes or other evidences of indebtedness payable at periods of more than twelve months, after the date thereof, under the provisions of the Public Service Commission Law:

1. The petition, in addition to the requirements of Rule VI, shall state:

(a) The financial condition of the applicant as defined in Rule VII, and a description of the railroad, street railroad, plant or system, and equipment of the applicant, with its original cost, where possible, and its cost to the applicant, and the amount of its stock held by other corporations and their names, and the kind of stock held by each. If it is impossible to state the original cost, the facts creating such impossibility shall be stated.

(b) The amount and kind of stock, if any, which the public utility desires to issue, and, if preferred, the nature and extent of the preference; the amount of bonds, notes or other evidences of indebtedness, if any, which the public utility desires to issue, with terms, rate of interest, and whether and how to be secured.

(c) The use to which the capital to be secured by the issue of such stock or stock certificates, or bonds, notes or other evidences of indebtedness is to be put, with a definite statement of how much is to be used severally for the acquisition of property, the construction, completion, extension or improvement of facilities, the improvement of service, the maintenance of service, the discharge or refunding of obligations, and the reimbursement of moneys actually expended from income

or from any other moneys in the treasury, as provided by the Public Service Commission Law.

(d) The property in detail which is to be acquired, with its value, a detailed description of the contemplated construction, completion, extension or improvement of facilities set forth in such a manner that an estimate of cost may be made, a statement of the character of the improvement of service proposed, and of the reasons why the service should be maintained from its capital. If it is proposed to discharge or refund obligations or to reimburse moneys actually expended, a statement of the nature and description of such obligations and expenditures, including the par value of the obligations and the amount for which they were actually sold and the application of the proceeds and of the moneys expended, showing when, to whom and for what paid or applied.

(e) Whether any contracts have been made for the acquisition of such property, or for such construction, completion, extension or improvement of facilities, or for the reimbursement of expenditures, or for the disposition of any of the stock or stock certificates, or bonds, notes or other evidences of indebtedness which it is proposed to issue, or the proceeds thereof, and if any contracts have been made, copies thereof shall be annexed to the petition.

(f) Whether any of the outstanding stock or stock certificates or bonds, notes or other evidences of indebtedness of the public utility have been issued or used in capitalizing the right to be a corporation, or any franchise or permit, or the right to own, operate or enjoy any such franchise or permit, or any contract for consolidation or lease, and, if so, the amount thereof and the franchise right, contract or lease so capitalized.

(g) If the stock or stock certificates are to be issued by a corporation formed by the merger or consolidation of two or more corporations, the petition shall contain a complete statement of the financial condition of the corporations so to be merged or consolidated of the kind required by subdivision (a), hereinbefore set forth, and of their capital stock at the par value thereof.

(h) Such other facts as may be pertinent to the application.

2. With the petition must be filed:

(a) A certificate or proposed certificate of proceedings at the meeting of directors and stockholders authorizing the issue of the desired securities with a copy of the mortgage, if any.

(b) A certified list of the certificates of stock already outstanding, with the shares of stock represented by each certificate, and the amounts paid to the public utility on each certificate as originally issued, either in money, labor or property, stating the amount of each.

(c) Maps, profiles, plans and plats of proposed property and construction as will indicate to the Commission the property to be acquired and the location, extent and character of the proposed construction.

(d) Original deeds of property or certified copies thereof covered by proposed issue, with a detailed statement of its actual cost.

(e) Certified copies of all contracts for the acquisition of proposed property and equipment and for construction, with plans and specifications of such buildings and structures as may have been designed.

(f) Complete inventory of all property and equipment proposed to be acquired, and a statement of the cost thereof.

(g) A certified statement of all cash bonuses and other donations of property received, if any.

3. If the application is granted, in whole or in part, the Commission's order will:

(a) Prescribe the purposes and amounts for which the issue authorized or the proceeds thereof may be used.

(b) Direct the applicant to report under oath the sale or sales of the securities or obligations authorized, the terms and conditions of sale and the amount realized therefrom.

(c) Require the applicant to make a verified report at least every six months, showing in detail the use and application by it of the moneys so realized until such moneys shall have been fully expended.

(d) Specify such condition or conditions and prescribe such terms as the Commission may deem reasonable and necessary to the exercise of its permission. (See form No. 9 for forms of such orders.)

**RULE XIX. Increase in Charges—Applications for Permission to Make.**

When application is made by any public utility to raise any rate, fare, toll, rental or charge or so alter any classification, contract, practice, rule or regulation as to result in an increase in any rate, fare, toll, rental or charge, under the provisions of the Public Service Commission Law.

1. The petition, in addition to the requirements of Rule VI, must state:

(a) The rates, fares, tolls, rentals or charges in effect and the increases which it is desired to make. These allegations may be made by reference to schedules accompanying the petition.

(b) The reasons for the increase, to be stated in full, so that the Commission may clearly see the justification therefor.

2. With the petition must be filed:

(a) Such schedules or data, if any, as the Commission's tariff circulars or other applicable orders may, from time to time, specify.

3. If the Commission is satisfied with the showing so made, it may take action on the application *ex parte*; otherwise it may order a hearing and give notice thereof to such corporations or persons as it may consider necessary or desirable.

**Rule XX. Long and Short Distance Messages: Thirty-Day Notice Rule—Applications for Relief From.**

When application is made by a telegraph or telephone corporation for authorization to charge less for a longer than for a shorter distance service for the transmission of messages or conversation over the same line or route in the same direction, under the provisions of section 94 of the Public Service Commission Law.

1. The petition, in addition to the requirements of Rule VI, must state:

(a) Such facts in connection with the matter and the reasons for the desired relief as may be specified from time to time in the Commission's tariff circulars or other applicable orders or instructions.

2. With the petition must be filed:

(a) Such schedules or data, if any, as the Commission's tariff circulars or other applicable orders or instructions may, from time to time, specify.

3. If the Commission is satisfied with the showing so made, it may take action on the application *ex parte*; otherwise it may order a hearing and give notice thereof to such corporations or persons as it may consider necessary or desirable.

#### **RULE XXI. Excessive or Discriminatory Charges—Applications for Permission to Refund.**

When application is made by any public utility to make a reparation to any shipper or consumer on account of the rates charged to said shipper or consumer being excessive or discriminatory:

1. The petition, in addition to the requirements of Rule VI, must state:

(a) Such facts in connection with the matter as may be specified from time to time in the Commission's tariff circulars or other applicable orders or instructions.

2. With the petition shall be filed:

(a) Such admissions, undertakings or statements on the part of the applicant as the Commission's tariff circulars or other applicable orders or instructions may, from time to time, specify.

3. If the Commission is satisfied with the showing made, it may take action on the application *ex parte*; otherwise it may order a hearing and give notice thereof to such corporations or persons as it may consider necessary or desirable.

**RULE XXII. Other Applications.**

All applications relating to matters over which the Commission has jurisdiction, and which are not governed by any of the preceding rules, shall be made by petition, setting forth the name and address of the applicant, and the matter with reference to which the Commission's order, authorization or permission is desired. Thereupon the procedure shall be such as the Commission may prescribe.

**RULE XXIII. Deviations From Rules—Authorizations For.**

In special cases, for good cause shown, the Commission may permit deviations from these rules in so far as it may find compliance therewith to be impossible or impracticable.

**RULE XXIV. Forms Prescribed For Use.**

The following forms may be used in cases to which they are applicable, with such modifications as the circumstances may render necessary:

1. Formal Complaint.
2. Formal Application.
3. Answer to Formal Complaint.
4. Order to Satisfy or Answer a Complaint.
5. Notice of Hearing on Complaint.
6. Published Notice of Hearing on Application.
7. Application for Approval of Expenditures out of the Proceeds of the Authorized Sale of Stock, Bonds, Notes and other Evidences of Indebtedness.
8. Acknowledgment by a Company of Receipt of an Order of the Commission, as Required by Section 25 of the Public Service Commission Law.
9. Standard Clauses for Orders Approving Issuance of Stocks, Bonds and Other Obligations.



## No. 1.

## FORM OF FORMAL COMPLAINT.

Before the Public Service Commission of the State of Missouri.

(Insert name of complainant), <i>Complainant,</i>	}	No..... (To be inserted by the secretary of the Commission.)
vs. (Insert name of defendant), <i>Defendant.</i>		

## COMPLAINT.

The complaint of (here insert full name of complainant) respectfully shows:

- (1) That (here state occupation and postoffice address of complainant).  
 (2) That (here insert full name, occupation and postoffice address of defendant).

(3) That (here insert fully, clearly and with reasonable certainty the act or thing done or omitted to be done which complainant claims constitutes a cause of complaint, with reference, where practicable, to the law, order or rule, and the section or sections thereof, of which a violation is claimed).

Wherefore, complainant asks (here state specifically the relief to which complainant believes he is entitled).

Dated at....., Missouri, this..... day of.....  
 19...

.....  
 (Complainant's name.)

State of Missouri, }  
 County of ..... } ss.  
 (Name and address of attorney, if any.)

(Insert name of complainant or other person qualified to verify), being first duly sworn, deposes and says: that he is the complainant in the action entitled as above; that he has read the foregoing complaint and knows the contents thereof; and that the same is true of his own knowledge, except as to matters which are therein stated on information or belief, and that as to those matters he believes it to be true.

Subscribed and sworn to before me, this..... day of.....  
 19...

## No. 2.

## FORM OF FORMAL APPLICATION.

Before the Public Service Commission of the State of Missouri.

In the matter of the Application of (here insert name of applicant) for (here insert desired order, authorization, permission or certificate, thus: "order authorizing issue of stocks and bonds")	}	No..... (To be inserted by the secretary of the Commission.)

## APPLICATION.

The petition of (here insert name of applicant) respectfully shows:

1. That (here insert principal place of business or postoffice address, character of business and territorial extent thereof, of applicant).

2. That (here insert fully, clearly and with reasonable certainty, the facts required by these rules and any additional facts which the applicant desires to state to show the relief which he desires and the facts on which it is based).

Wherefore, petitioner asks that the Public Service Commission of the State of Missouri (here state specifically the action which the applicant desires the Public Service Commission to take).

Dated at . . . . ., Missouri, this . . . . . day of . . . . ., 19...

(Petitioner's name.)

State of Missouri, }

(Name and address of attorney, if any.)

County of . . . . . }

Subscribed and sworn to before me, this . . . . . day of . . . . ., 19...

## No. 3.

## FORM OF ANSWER OF FORMAL COMPLAINT.

Before the Public Service Commission of the State of Missouri.

(Insert name of complainant),

Complainant,

vs.

(Insert name of defendant),

Defendant.

No. . . . .

(To be inserted by the secretary of the Commission.)

## ANSWER.

The above named defendant, for answer to the complaint in this proceeding, respectfully states:

1. That (here follow specific denials of such material allegations of the complaint as are controverted by the defendant, and also a statement of any new matter constituting a defense. Continue numbering each succeeding paragraph).

Wherefore, the defendant prays that the complaint be dismissed (or other appropriate prayer).

(Name of defendant.)

State of Missouri, }

ss.

County of . . . . . }

Subscribed and sworn to before me, this . . . . . day of . . . . ., 19...

## No. 4.

## FORM OR ORDER TO SATISFY OR ANSWER A COMPLAINT.

Before the Public Service Commission of the State of Missouri.

(Insert name of complainant), <i>Complainant,</i>	}	No..... (To be inserted by the secretary of the Commission.)
vs.		
(Insert name of defendant), <i>Defendant.</i>		

## ORDER TO SATISFY OR ANSWER.

To (here insert name and address of defendant):

You are hereby notified that a complaint has been filed in the action entitled as above against you as defendant, and you are hereby ordered to satisfy the matters therein complained of or to answer said complaint in writing within ten (10) days from the service upon you of this order and the copy of said complaint which is hereunto attached.

By order of the Public Service Commission.

Dated at Jefferson City, Missouri, this.....day of....., 19....

.....  
Secretary, Public Service Commission  
of the State of Missouri.

(Seal of Commission.)

## No. 5.

## FORM OF NOTICE OF HEARING ON COMPLAINT.

Before the Public Service Commission of the State of Missouri.

(Insert name of complainant), <i>Complainant,</i>	}	No..... (To be inserted by the secretary of the Commission.)
vs.		
(Insert name of defendant), <i>Defendant.</i>		

## NOTICE OF HEARING.

To (here insert names of all parties):

You, and each of you, are hereby notified that the Public Service Commission of the State of Missouri has set the above entitled case for hearing before Commissioner.....on (day of week) the (day of month) day of (name of month), 19...., at.....o'clock...m., Jefferson City, Missouri, at which time and place you will be given an opportunity to be heard.

By order of the Public Service Commission.

Dated at Jefferson City, Missouri, this.....day of....., 19....

.....  
Secretary, Public Service Commission  
of the State of Missouri.

(Seal of Commission.)

## No. 6.

## FORM OF PUBLISHED NOTICE OF HEARING ON APPLICATION.

Before the Public Service Commission of the State of Missouri.

*In the Matter of the Application of* (here insert  
name of applicant) *for* (here insert desired  
order, authorization, permission or certifi-  
cate). } No. ....  
(To be inserted by the secre-  
tary of the Commission.)

## NOTICE OF HEARING.

Notice is hereby given that the application of (name of applicant in full)  
for the (approval, determination, consent, permission, certificate or authoriza-  
tion) of the Public Service Commission of the State of Missouri to (here state  
nature of consent asked) will be heard before Commissioner. ....  
at the office of the Commission, Jefferson City, Missouri, on (day of week),  
the (day of month) day of (name of month), 19...., at.....o'clock  
....m.

By order of the Public Service Commission.

Dated at Jefferson City, Missouri, this.....day of.....  
19...

.....  
Secretary, Public Service Commission  
of the State of Missouri.

(Seal of Commission.)

## No. 7.

FORM OF APPLICATION FOR APPROVAL OF EXPENDITURES OUT  
OF THE PROCEEDS OF THE AUTHORIZED SALE OF STOCK,  
BONDS, NOTES AND OTHER EVIDENCES OF INDEBTEDNESS.

Before the Public Service Commission of the State of Missouri.

*In the Matter of the Application of* (here insert  
name of applicant) *for* (here insert desired  
order, for approval of expenditures). } No. ....  
(To be inserted by the secre-  
tary of the Commission.)

*A P P L I C A T I O N* is hereby made by the.....Company for  
the approval and consent of the Commission to the expenditure of the sum of  
\$. .... from the proceeds of the sale of....., par or face value,  
of the (stock), (bonds), (notes, etc.) issued by the said company in accordance  
with the provisions of the Order of the Public Service Commission, dated  
....., 19...., the said expenditure to be for the purpose  
specified in the statement annexed hereto (marked Schedule "A") and made a  
part of this application.

The undersigned hereby certifies:

(a) That the amount to be expended for each and every item  
in the statement hereunto annexed (Schedule "A") represents the  
actual and reasonable charge for the property received or service or  
labor performed;

(b) That no such item is in whole or in part directly or indirectly for the replacement, renewal or repair of any part of the fixed capital of the company as such fixed capital is defined in the accounting rules of the Commission;

(c) That no such item is in whole or in part directly or indirectly in substitution of any lost, wasted or expired capital;

(d) That no such item is properly chargeable to income, and

(e) That the proposed expenditure represents a real increase in the fixed capital of the company over and above all proper allowances for expired capital of every kind.

..... Company.

By.....

.....  
(Schedule "A" Annexed.)

No. 8.

**FORM OF ACKNOWLEDGMENT BY A COMPANY OF RECEIPT OF AN  
ORDER OF THE COMMISSION, AS REQUIRED BY SECTION 25  
OF THE PUBLIC SERVICE COMMISSION LAW.**

Before the Public Service Commission of the State of Missouri.

Case No.....

....., 19.....

I—We.....

.....  
.....  
.....  
hereby admit service on this date of a certified copy of an order of the Public  
Service Commission of Missouri, dated.....

....., in the matter of.....

.....  
.....  
.....  
the terms of which are accepted and will be obeyed.

(SIGN HERE).....

## No. 9.

# FORMS OF STANDARD CLAUSES FOR ORDERS APPROVING ISSUANCE OF STOCK, BONDS AND OTHER OBLIGATIONS.

1. *Orders for Approval of Stock.* All orders submitted to the Commission for the approval of stock shall contain standard clauses 1, 2, 10, 11, 12 and 14. (See clauses set out under this form.)

2. *Orders for Approval of Mortgage.* All orders submitted to the Commission for the approval of a mortgage shall contain standard clauses 3, 13, and 14. (See clauses.)

3. *Orders for Approval of Bonds.* All orders submitted to the Commission for the approval of bonds, notes or other evidences of indebtedness shall contain standard clauses 4, 5 or 5-a, 6, 8 or 9, 10, 11, 12 and 14. (See clauses.)

4. *Orders for Public Sale of Securities.* Every order submitted to the Commission for approval which provides for the public sale of securities shall contain clause 7. (See clause.)

5. *Compliance with These Forms.* The Secretary shall advise the Commission before the adoption of an order approving a mortgage or the issuance of stock, bonds, notes or other evidences of indebtedness, that these forms have been complied with.

## CLAUSE 1. CERTIFICATE OF NECESSITY—STOCK.

*Section* . Application having been made to the Public Service Commission by.....  
Company under provisions of the Public Service Commission Law for the consent of the Commission to the issuance by said company of.....capital stock to the amount of.....dollars (\$ ), par value, and a hearing having been duly held upon said application before the Commission, Honorable.....presiding; and it appearing to the Commission that the authorized capital stock of the said.....Company has been duly increased from.....dollars (\$ ) to.....dollars (\$ ) of which.....dollars (\$ ), par value, have been issued and are outstanding; and it being now the opinion of the Commission:

(1) That the money to be procured by a further issue of stock is reasonably required for [acquisition of property,] [construction, completion, extension or improvement of its facilities, plant or distributing system,] [discharge or lawful refunding of its obligations] or [reimbursements of moneys actually expended from income or from other moneys in the treasury of the corporation not secured by or obtained from the issue of stocks, bonds, notes, or other evidence of indebtedness of such corporation], for the [acquisition of property, construction, completion, extension or improvement of its facilities, plant or distributing system or discharge or lawful refunding of its obligations,] and particularly for the purposes which are hereinafter stated in this order, and

(2) That said purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

CLAUSE 2. AUTHORITY TO ISSUE—STOCK.

Section . It is ORDERED, that the.....  
 Company be and hereby is authorized to issue its..... stock to  
 the amount of..... dollars (\$.....),  
 par value; that all the stock hereby authorized shall be..... stock  
 of said company to be issued for money.....

and that the proceeds thereof shall be applied only to the following purposes, that is to say:

- (1) For acquisition of property described as follows:  
..... \$
- (2) For acquisition of property to replace property of the company, the property so acquired being described as follows:  
..... \$
- (3) For maintenance of service..... \$
- (4) For discharge or refunding of obligations of the company incurred for:
  - (a) Acquisition of property..... \$
  - (b) Construction, completion, extension or improvement of its facilities, plant or distributing system..... \$
  - (c) Maintenance of service..... \$
  - (d) Replacement of property of the company..... \$
- (5) For reimbursement of moneys expended from income or such other moneys in the treasury for:
  - (a) Acquisition of property..... \$
  - (b) Construction, completion, extension or improvement of its facilities, plant or distributing system..... \$
  - (c) Discharge of its obligations..... \$

**Total** . . . . . \$

CLAUSE 3. APPROVAL OF MORTGAGE.

*Section* . Application having been made to the Public Service Commission by, . . . . . Company under provisions of the Public Service Commission law for the consent of the Commission to the execution and issuance by said company of a mortgage to . . . . . as trustee, and a hearing having been duly held upon said application before the Commission, Honorable . . . . . presiding; and it appearing to the Commission that the owners of capital stock of said . . . . . Company to an amount equal to that required by law have consented to the issuance of said mortgage;

Section . It is ORDERED, that the Public Service Commission does hereby consent to the issuance and execution by said..... Company unto said....., as trustee of a ..... mortgage, said mortgage to be dated as of the..... day of....., 19... to secure an issue of..... dollars (\$.....) of bonds of said..... Company,

said bonds to be dated as of the ..... day of....., 19...., and to be payable on the..... day of....., 19...., redeemable at.....( ) per cent of the par value thereof and accrued interest, and the said bonds to bear interest at..... ( ) per cent per annum, payable..... annually upon the terms and conditions in said mortgage set forth and contained. The form of such mortgage submitted by said..... Company to the Commission is hereby approved and ordered filed and properly identified by reference thereon to the application under authority of which this order is issued.

Said company, however, shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as hereafter authorized by the Commission.

#### CLAUSE 4. CERTIFICATE OF NECESSITY—BONDS, ETC.

*Section* . Application having been made to the Public Service Commission by..... Company under provisions of the Public Service Commission Law for the consent of the Commission to the issuance by said Company of [bonds] [notes] or [other evidence of indebtedness] to the amount of..... dollars (\$ ), face value, said [bonds] [notes, etc.] to be payable on the..... day of....., 19...., and to bear interest at.... ( ) per cent per annum, payable..... annually and secured by a ..... mortgage upon all the property of the company; and a hearing having been duly held upon said application before the Commission, Honorable ..... presiding; and it being now the opinion of the Commission:

(1) That the money to be procured by the issue of said [bonds] [notes] or [other evidence of indebtedness] of the said..... Company to the amount of..... dollars (\$ ) face value, payable at a period of more than twelve months after the date thereof, is necessary to and reasonably required by said company for the [acquisition of property], [construction, completion, extension or improvement of its facilities, plant or distributing system], [improvement or maintenance of its service], [discharge or lawful refunding of its obligations] or [reimbursement of moneys actually expended from income or from other moneys in the treasury of the corporation not secured by or obtained from the issue of stocks, bonds, notes or other evidence of indebtedness of such corporation], for the [acquisition of property, construction, completion, extension or improvement of its facilities, plant or distributing system or discharge or lawful refunding of its obligations], and particularly for the purposes which are hereinafter stated in this order; and

(2) That, except as to the following specified amounts of said [bonds], [notes], or [other evidence of indebtedness] authorized to be issued hereunder to procure money for the purposes following, to wit:

\$....., or so much thereof as may be necessary, to pay expenses of sale and make up discount;

\$.....for maintenance of service;

\$.....for acquisition of property to replace property of the company;

\$....., or so much thereof as in the opinion of the Commission may be necessary, to discharge or refund obligations of the company incurred for [maintenance of service] [acquisition of property to replace property of the company],

said purposes are not in whole or in part reasonably chargeable to operating expenses or to income.



# CLAUSE 5. AUTHORITY TO ISSUE BONDS, ETC.

*Section* . It is ORDERED, that the Public Service Commission does hereby authorize the issue by the said..... Company of.....dollars (\$) face value of principal of [bonds] [notes] or [other evidence of indebtedness] of said company, maturing the.....day of.....19...., redeemable at any time after the.....day of....., 19...., at.....( ) per cent of the par or face value thereof besides accrued interest and to bear interest at.....( ) per cent per annum, payable.....annually under and in pursuance of the terms of the mortgage hereby approved, to be made and executed by the said..... Company to....., as trustee.

# CLAUSE 5a. AUTHORITY TO ISSUE BONDS, ETC.

*Section* . It is ORDERED, that the Public Service Commission does hereby authorize the issue by the said..... Company of.....dollars (\$) face value of principal of [bonds] [notes, etc.] of said company, maturing the.....day of....., 19...., redeemable at any time after the.....day of....., 19...., at.....( ) per cent of the par or face value thereof besides accrued interest and to bear interest at..... ( ) per cent per annum, payable.....annually, under and in pursuance of the terms of the mortgage heretofore and on the.....day of....., 19...., made and executed by the said..... Company to the....., as trustee.

# CLAUSE 6. PURPOSES OF ISSUE.

*Section* . It is ORDERED, that said issue of [stock] [bonds] [notes, etc.] is authorized upon the conditions following and not otherwise, to wit:

First: That the said..... Company shall sell the said [bonds] [notes, etc.] hereby authorized so as to net the said company not less than.....( ) per cent of the par value of the principal thereof besides interest accrued thereon, and that the proceeds thereof shall be applied only to the following purposes, that is to say:

- (1) For acquisition of property described as follows:  
..... \$
- (2) For acquisition of property to replace property of the company, the property so acquired being described as follows:  
..... \$
- (3) For maintenance of service..... \$
- (4) For discharge or refunding of obligations of the company incurred for:
  - (a) Acquisition of property..... \$
  - (b) Construction, completion, extension or improvement of its facilities, plant or distributing system..... \$

- (c) Maintenance of service..... \$
- (d) Replacement of property of the company..... \$

(5) For reimbursement of moneys expended from income or such other moneys in the treasury for:

- (a) Acquisition of property..... \$
- (b) Construction, completion, extension or improvement of its facilities, plant or distributing system..... \$
- (c) Discharge of its obligations..... \$

(6) For expenses of sale of bonds hereby authorized and to make up the discount or deficiency, if any, in the amount realized from the sale to net not less than..... (     ) per cent of par of the bonds sold for the purposes specified in subdivisions..... (     ) and..... (     ) of section..... (     ) and to be applied pro rata for the purposes therein stated, not exceeding the sum of..... \$

---

Total..... \$

#### CLAUSE 7. PUBLIC SALE OF SECURITIES.

Second: That no [bonds] [notes, etc.] authorized hereunder shall be sold by the company for less than..... (     ) per cent of par with interest accrued thereon, unless the same shall be first offered to public subscription as herein provided. Whenever the company shall desire to sell [bonds] [notes, etc.] issued hereunder except for not less than..... (     ) per cent of par and accrued interest, the treasurer of the company shall invite proposals for the purchase of such [bonds] [notes, etc.] by public advertisement for not less than once a week for four successive weeks in such newspaper or newspapers as the Commission may designate, and shall award the same to the highest bidder or bidders therefor. The said proposals shall only be publicly opened by the treasurer of the company and in the presence of the Public Service Commissioners or such of them as shall attend at the time and place specified in such public advertisement. It shall be a condition of said sale (and the advertisement calling for proposals therefor shall so declare) that any bidder may bid for all or none of said bonds at one price, or for all or any portion at one price, or for portions at different prices, and any bidder who shall bid for a portion of said [bonds] [notes, etc.] may be required to accept a part of the portion bid for by him at the same rate as may be specified in his bid, and any bid which conflicts with this condition may be rejected; and if the board of directors deem it to be in the interest of the company so to do, they may award the [bonds] [notes, etc.] to the bidder offering the highest price for all or a number of the said [bonds] [notes, etc.], and provided also that if the board of directors deem it to be in the interest of the company they may reject all bids. The board of directors may prescribe such other conditions incident to and providing for the proposal for the purchase of [bonds] [notes, etc.] as it may see fit.

### CLAUSE 8. SINKING FUND AND PAYMENTS.

Third: That to provide for.....said  
 .....Company shall establish and maintain a cumulative sinking fund, and that for said purpose said company shall pay in cash into said fund out of the revenue at least.....dollars (\$ ), beginning on the.....day of.....19..., and on the.....day of.....in each and every year thereafter, and continuing until the.....day of....., 19..., or until said funds with accumulations shall have aggregated.....dollars (\$ ). Said company shall use the cash funds in said sinking fund for the acquisition, at the authorized price of issue, of bonds issued by said company directly to said fund. Said company shall, if there are cash funds in said sinking fund not either used or required for the purchase of bonds, as hereinbefore provided, use such funds for the purchase of bonds in the following manner: Between.....and.....of each year said company shall cause an advertisement to be inserted in at least two newspapers of general circulation published in the city of St. Louis or Kansas City, or one in each of said cities, once in each week for four successive weeks, that the company will purchase upon.....for the sinking fund of the extent of the cash sinking fund in its hands, bonds of said company then outstanding, at the lowest price for which the same shall be offered, not exceeding.....( ) per cent of the par value thereof, besides interest accrued thereon. Upon.....said company shall apply the cash in sinking fund then in its hands to the purchase of bonds of said company with unmatured coupons attached tendered to it as aforesaid, at not exceeding.....( ) per cent of the face value thereof, besides the interest accrued thereon, giving preference in said purchases to the bonds which shall be offered at the lowest price; and in case bonds shall be offered by two or more holders at the same price, to an amount in the aggregate exceeding the cash in sinking fund applicable thereto, then giving preference to such bonds in the order of the date of the reception by said company of the offer to sell the same. If there are any cash funds in said sinking fund not used or required for the acquisition of bonds, as hereinbefore provided, said company may invest said funds or any portion thereof in such manner and under such conditions as may be approved by the Public Service Commission. Any cash funds remaining in the sinking fund after application as hereinbefore provided shall be deposited in a bank in a separate fund. All bonds and coupons acquired for the sinking fund shall be stamped as irrevocably belonging to the sinking fund and shall not again be issued. Said coupons shall be detached when and as said coupons become due and payable and shall be delivered to the treasurer of said company as evidence that the respective amounts have been paid into the said sinking fund, and said company shall pay into said sinking fund the amounts indicated by said coupons when and as they become due and payable.

### CLAUSE 9. AMORTIZATION FUND.

Fourth: That all discounts, commissions and expenses in connection with the approval, issuance and sale of the said [bonds] [notes, etc.] authorized to be issued under this order not to exceed.....dollars (\$ ) shall be amortized out of the income of the company before the.....day of.....19..., by the payment of [a monthly] [an annual] installment, so long as may be necessary, of an amount not less than....., such [monthly] [annual] installment to begin.....

# CLAUSE 10. ACCOUNTS, REPORTS AND AUDIT.

Fifth: That said company shall keep separate, true and accurate accounts showing the receipt and application in detail of the proceeds of the sale or disposal of the [stock] [bonds] [notes, etc.] hereby authorized to be issued and at the end of each six months the company shall make verified reports to the Commission stating the sale or sales of said [stock] [bonds] [notes, etc.] during the previous six months, the terms and conditions of sale, the moneys realized therefrom, and the use and application of such moneys; and said accounts, vouchers and records shall be open to audit and may be audited from time to time by accountants and examiners designated for such purpose by the Commission.

# CLAUSE 11. WITHDRAWAL OF FUNDS ON APPROVAL.

Sixth: That none of the proceeds of the aforementioned [stocks] [bonds] [notes, etc.] hereby authorized for the purposes specified in subdivision . . . . . of paragraph . . . . . of section . . . . . of this order, other than the receipts on account of accrued interest, shall be expended by the said company for the purpose specified therein until a properly itemized bill for each proposed expenditure shall have been submitted to the Commission by the company with the certificate of one of its officers that such expenditure represents a real increase in its fixed capital as defined in the accounting rules of the Commission and not a replacement of any part of such fixed capital or a substitution for wasted capital or other loss properly chargeable to income, and until such bill shall have been approved by the Commission.

# CLAUSE 12. LIMIT OF AUTHORITY.

Seventh: That the authority hereby given to issue such [stock] [bonds] [notes, etc.] shall apply only to [stock] [bonds] [notes, etc.] issued by the said company on or before the [thirtieth day of June] [thirty-first day of December], 19 . . .

# CLAUSE 13. FILING OF MORTGAGE.

Eighth: That a duplicate original of the mortgage consented to and authorized as aforesaid upon execution thereof be filed by the petitioner with the Secretary of the Commission.

# CLAUSE 14. ACCEPTANCE OF ORDERS.

*Section* . It is ORDERED, that this order take effect on the . . . . . day of . . . . ., 19 . . ., and, except as provided in the . . . . . paragraph of section . . . . ., limiting the duration of the authority to issue such [stock] [bonds] [notes, etc.] herein granted, continue in force until otherwise ordered by the Commission, and that within ten days after service upon it of a copy of this order said company notify the Commission whether the terms of this order are accepted and will be obeyed.

✓

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

NOTICE OF REVISION OF RULES OF PRACTICE AND PROCEDURE  
GOVERNING MATTERS BEFORE THE COMMISSION

RULE III. Formal Proceedings--General Matters Applicable to all  
Cases.

9. After a case has been set on the docket for hearing and after notices have been sent to all interested parties, parties desiring a continuance in said cause for a good cause shown before said continuance shall be granted, shall be required to pay to the Commission ten cents (\$.10) for each notice to be sent to the parties interested notifying them of said continuance.

RULE IV. Complaints--Contest and Proceedings up to Hearing.

Section 4 has been revised so that it now reads as  
follows:

4. Copies to Accompany Complaint. At the time complainant files, his original complaint, he must also file nine copies thereof, five copies of which shall be accompanied by copies of exhibits, if any, filed with the original complaint. Additional copies of exhibits shall be furnished when requested by the Secretary.

RULE VI. Application--General Matters Applicable to all.

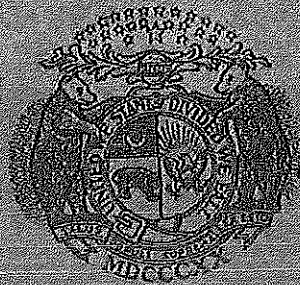
Section 1 has been revised so that it now reads as  
follows:

1. All applications for the approval, determination, consent, permission, certificate or authorization of the commission in cases where such approval, determination, consent, permission, certificate or authorization is required by law, shall be by petition, duly verified. Nine copies of the petition shall also be filed, five copies of which shall be accompanied by copies of the exhibits, if any, filed with the original petition. Additional copies of exhibits shall be furnished when requested by the Secretary. In all cases there must be annexed to the original petition certified or verified copies of the certificate of organization of every corporation directly affected by the proposed action and certified copies of all such certificates, statements or records which modify, change or extend the purposes or powers of such corporations.

The petition must contain such further statements as may be required by any provision of law or of these rules and must show in detail compliance therewith.



STATE of MISSOURI  
  
PUBLIC SERVICE COMMISSION  
  
RULES  
  
of  
  
PRACTICE and PROCEDURE  
  
with suggested forms



Rec Staff Exhibit No. 203  
Date 3-22-17 Reporter MC  
File No EA-2016-0358

Approved: November 2, 1953  
Effective: January 1, 1954



**RULES**  
of  
**PRACTICE and PROCEDURE**  
before the  
**PUBLIC SERVICE COMMISSION**  
of the  
**STATE OF MISSOURI**

**THOMAS A. JOHNSON**  
*General Counsel*

**MARVIN P. MOORE**  
*Secretary*

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a Session of the Public Service  
Commission held at its office in  
Jefferson City on the 2nd day  
of November, 1953

In the Matter of Rules of Practice  
and Procedure before the Public  
Service Commission.

---

O R D E R

WHEREAS, the Rules of Practice and Procedure before the Public Service Commission of Missouri heretofore in force were adopted April 24, 1913, since which date some of said rules have become outmoded and unnecessary, and there exists a need for additional rules; and

WHEREAS, the Commission's counsel has submitted proposed Rules of Practice and Procedure to replace the present rules, the Commission has fully and carefully considered the same and has determined that the proposed revision, as finally drafted, is not inconsistent with law and will assist and promote the orderly and efficient discharge of the duties and responsibilities of the Commission.

Now, therefore, it is


ORDERED: 1. That, pursuant to the authority granted by Section 386.410 R. S. Mo. 1949, the attached Rules of Practice and Procedure be and the same are hereby adopted as the Rules of





Practice and Procedure before this Commission, to be effective on January 1, 1954, and the Secretary of the Commission shall file a certified copy of this Order and the attached Rules with the Secretary of State of Missouri on or before December 21, 1953.


ORDERED: 2. That the said Rules of Practice and Procedure shall be printed and made available to the public through the office of the Secretary of the Commission, and as hereby adopted shall supersede the Rules of Practice and Procedure heretofore adopted at any time.

  
Tyre W. Burton, Chairman

  
Charles L. Henson, Commissioner

  
E. L. McClintock, Commissioner

  
Henry McKay Cary, Commissioner

  
Frank Collier, Commissioner

**RULES OF PRACTICE AND PROCEDURE BEFORE THE  
PUBLIC SERVICE COMMISSION  
of the STATE OF MISSOURI**

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- Rule 1.04. The General Counsel.
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**RULES OF PRACTICE AND PROCEDURE BEFORE THE  
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of the STATE OF MISSOURI.**

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**RULES OF PRACTICE AND PROCEDURE BEFORE THE  
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**RULES OF PRACTICE AND PROCEDURE BEFORE THE  
PUBLIC SERVICE COMMISSION  
of the STATE OF MISSOURI**

**RULE 1. GENERAL.**

**Rule 1.01. Definitions.** As used in these Rules, except as otherwise required by the context:

(a) **"Person"** means and shall include individuals, partnerships, corporations, associations, joint stock companies, public trusts, organized groups of persons, whether incorporated or not, receivers or trustees of the foregoing, municipalities, including cities, counties, or other political subdivisions of the State of Missouri, or of any one or more of the foregoing, or any officer, agent, or employee of any of the foregoing acting as such in the course of his official duty.

(b) **"Commission," "Chairman" and "Commissioner"** means the Public Service Commission of the State of Missouri, its Chairman and a member thereof, respectively.

(c) **"Secretary"** means and shall include the Secretary or the Office of the Secretary of the Commission.

(d) **"Presiding Officer"** means and shall include any member of the Commission, or any Examiner, duly designated as such.

(e) **"Applicants."** Persons on whose behalf applications are made for permission or authorization which the Commission may give under statutory or other authority delegated to it and persons seeking relief not otherwise designated in this rule are styled applicants.

(f) **"Complainants."** Persons on whose behalf a complaint against a gas, electric, water, telephone, heating or transportation corporation is filed, including complaints as to service and rates, are styled complainants.

**RULES OF PRACTICE AND PROCEDURE BEFORE THE  
PUBLIC SERVICE COMMISSION  
of the STATE OF MISSOURI.**

(g) **"Respondents."** Persons subject to any statute administered by the Commission, or any orders, rules, or regulations issued or promulgated thereunder, against whom any complaint is filed or to whom an order or notice is issued by the Commission instituting a proceeding or investigation on its own initiative, are styled respondents.

(h) **"Interveners."** Persons petitioning to intervene as provided by Rule 12.02, when admitted as a party to a proceeding, are styled interveners.

**Rule 1.02. The Commission.**

(a) **Offices.** The office of the Commission is at Jefferson City, Missouri. All general inquiries to the Commission should be addressed to the Secretary, Public Service Commission, Jefferson State Office Building, Jefferson City, Missouri.

(b) **Hours.** The offices of the Commission shall be open from 8:00 A. M. to 5:00 P. M. and hearings shall generally be held between 10:00 A. M. and 4:30 P. M.

(c) **Quorum.** Three members of the Commission constitute a quorum.

**Rule 1.03. The Secretary.**

(a) **Official Records.** The Secretary shall maintain a complete record of all proceedings of the Commission, all orders issued by the Commission, and shall have the power to administer oaths in all parts of the State.

(b) **Certification or Authorization of Commission Action.** All orders and other actions of the Commission shall be certified or authenticated by the Secretary by his signature and the application of the Seal of the Commission.

**RULES OF PRACTICE AND PROCEDURE BEFORE THE  
PUBLIC SERVICE COMMISSION  
of the STATE OF MISSOURI.**

(c) **Filings and Requests for Copies.** Pleadings and other papers to be filed with the Commission shall be filed in the office of the Secretary of the Commission at Jefferson City; and requests for official information, copies of orders of the Commission or opportunity to inspect public records shall be made to the office of the Secretary.

**Rule 1.04. The General Counsel.**

(a) **Representation of the Public.** It is the duty of the General Counsel to represent the public in rate hearings before the Commission. In addition, upon request, it is his duty to give to the public and any municipality advice and opinions as to their rights under the public service commission law.

(b) **Representation of the Commission.** It is the duty of the General Counsel to represent and appear for the Commission in all actions and proceedings before the Commission, in all courts and before Federal regulatory bodies; and in general to perform all duties and services as attorney and counsel to the Commission which the Commission may reasonably require.

**Rule 1.05. Code of Ethics.** Any person who signs a pleading or brief, or enters an appearance at a hearing for another person, by such act represents that he is authorized to do so, that he is a licensed attorney at law in this State or the state of his residence and agrees to comply with the rules and regulations of the Commission.



**RULES OF PRACTICE AND PROCEDURE BEFORE THE  
PUBLIC SERVICE COMMISSION  
of the STATE OF MISSOURI.**

**RULE 2. FORMAL REQUIREMENTS FOR ALL PLEADINGS  
AND BRIEFS.**

**Rule 2.01. Form and Size.** Pleadings shall be bound at the top, shall be typewritten upon paper 8-1/2 x 13 inches in size, and exhibits or appendices, except maps, annexed thereto, where practical, folded to that size. The impression shall be on one side of the paper only and shall be double-spaced, except that footnotes and quotations in excess of a few lines may be single-spaced. Briefs may be typewritten upon paper 8-1/2 x 13 inches in size, or printed upon paper 6 x 9 inches in size. Reproduction may be by any process, provided all copies are clear and permanently legible. (See Rule 2.05).

**\*Rule 2.02. Title and Number.** Pleadings, briefs and other documents shall show the title of the proceedings before the Commission and the case number assigned by the Secretary, and shall show the name and address of the attorney, if any, on the flyleaf or at the end of the document. In the event the title of a proceeding contains more than one name as applicants, defendants, respondents or intervenors, it shall be sufficient to show only the first of such names as it appears in the first document commencing the proceeding, followed by an appropriate abbreviation indicating the existence of other such parties, provided the document shall bear the case number assigned to such proceeding.

*\*Amended — effective date February 10, 1964*

**RULES OF PRACTICE AND PROCEDURE BEFORE THE  
PUBLIC SERVICE COMMISSION  
of the STATE OF MISSOURI.**

**\*Rule 2.03. Signatures.** Any application, petition, complaint, answer, or other document or pleading shall be signed by the attorney for the party presenting the same for filing, if such party is represented by an attorney, otherwise by the party himself. Applications for temporary authority, or any other pleadings requiring verification, shall be signed and verified by affidavit under oath by the party, if an individual, by a member of a party partnership, or by an officer of a party corporation.

*\*Amended — effective date February 10, 1964*

**Rule 2.04. Copies.** Unless otherwise required by the Commission, there shall be filed with the Commission an original and 9 conformed copies of each pleading (including exhibits attached thereto), together with an additional conformed copy for each interested party upon whom a copy of such pleading must be served by the Commission.

**Rule 2.05. Amended Pleadings.** Amendments to pleadings may be offered at any time prior to submission to the Commission for decision. The Commission shall decide whether or not the offered amendment shall be allowed. Amendments offered prior to hearing shall be served on all parties and then filed with the Commission.

**RULES OF PRACTICE AND PROCEDURE BEFORE THE  
PUBLIC SERVICE COMMISSION  
of the STATE OF MISSOURI.**

**RULE 3. COMPLAINTS AND COMMISSION INVESTIGATIONS.**

**Rule 3.01. Informal Complaints.** Informal complaints may be made by any person against any public utility, verbally or in writing, and shall be disposed of as the Commission may determine.

**Rule 3.02. Formal Complaints.**

(a) **Who May Complain.** Complaint may be made by the Commission of its own motion, or by any corporation or person, chamber of commerce, board of trade, or any civic, commercial, mercantile, traffic, agricultural or manufacturing association or organization, or any body politic or municipal corporation, by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any corporation, person or public utility including any rule, regulation or charge heretofore established or fixed by or for any corporation, person or public utility in violation, or claimed to be in violation, of any provision of law, or of any rule or order or decision of the Commission: Provided, that no complaint shall be entertained by the Commission, except upon its own motion, as to the reasonableness of any rates or charges of any gas, electric, water or telephone corporation, unless the same be signed by the mayor or the president or chairman of the board of aldermen or a majority of the council, commission or other legislative body of any city, town, village or county, within which the alleged violation occurred, or not less than twenty-five consumers or purchasers, or prospective consumers or purchasers, of such gas, electric, water or telephone service.

1. Any public utility shall have the right to complain on any of the grounds upon which complaint may be made by other parties.

(b) **Form and Contents.** Such complaint shall comply with Rules 2.01 through 2.05 and shall state clearly and concisely the facts, the alleged injury, and the requested relief.

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(c) **Procedure upon Filing of Complaint.** The Commission, without argument and without hearing, may dismiss such complaint for failure to state facts upon which relief can be granted or may strike irrelevant allegations therefrom. If such complaint is in substantial compliance with these rules and appears to state facts upon which relief can be granted, the Commission shall serve a copy thereof upon each respondent, together with an order requiring that the matter complained of be satisfied or that the complaint be answered within ten days after the date of such service. In particular cases, the Commission may require the filing of an answer within a shorter time.

(d) **Satisfaction of Complaint.** If the respondent desires to satisfy the complaint, he may submit to the Commission, within the time allowed for the satisfaction or answer, a statement of the relief which he is willing to give. On the approval by the Commission of such an offer, and acceptance by complainant, no further proceedings need be taken.

(e) **Answer to Complaint.** If satisfaction be not made as aforesaid, the corporation or person complained of shall, within the time specified in the order or such extension thereof as the Commission, for good cause shown, may grant, file an answer to the complaint. All grounds of defense, both of law and of fact, shall be raised in the answer. If the answering party has no information or belief upon the subject sufficient to enable him to answer an allegation of the complaint, he may so state in his answer and place his denial upon that ground.

(f) **Hearing on Complaint.** When an order to satisfy a complaint or to make answer thereto has been made and the person complained of has not satisfied the cause of the complaint, the Commission will hold a hearing thereon.

**Rule 3.03. Commission Investigation.** Investigation may be made by the Commission and shall be made when requested by the public utility to be investigated.

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**RULE 4. APPLICATION GENERALLY.**

**Rule 4.01. Contents.** All applications shall state clearly and concisely the authorization or relief sought; shall cite by appropriate reference the statutory provision or other authority under which Commission authorization or relief is sought; and, in addition to specific requirements for particular types of application (see Rules 5.01 through 8.01), shall state the following:

(a) The exact legal name of each petitioner and the location of the principal place of business.

(b) The name, title, and address of the person to whom correspondence or communications in regard to the application are to be addressed. Notices, orders and other papers may be served upon the person so named, and such service shall be deemed to be service upon applicant.

(c) Applications seeking ex parte action or the granting of relief pending full hearing shall set forth the necessity or emergency for such requested action.

**Rule 4.02. Financial Statement.** Wherever these rules provide that a financial statement shall be attached to the application, such statement shall consist of the following:

(a) Petitioner's latest available balance sheet together with an annual income statement as of the same date.

(b) Brief description of stock authorized and outstanding together with a statement of dividends paid thereon during the five previous calendar or fiscal years, depending on applicant's accounting period.

(c) Brief description of bonded and other indebtedness.

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**RULE 5. APPLICATION FOR CERTIFICATES OF PUBLIC  
CONVENIENCE AND NECESSITY.**

**Rule 5.01.** Applications for motor carrier authority shall comply with Rules 1 to 13 inclusive of General Order No. 33-C.

**Rule 5.02.** Applications for a certificate of public convenience and necessity by a gas, electric, water, heating, telephone, railroad or street railroad corporation shall comply with Rules 2.01 through 2.05 and 4.01. In addition, such applications shall contain the following:

- (a) Description of the area to be served.
- (b) The route of any construction involved, with a list of all utilities which such construction will cross or with which it is likely to compete.
- (c) The manner in which such construction is to be financed.
- (d) The granting of consent by franchise by city or county, when such is required, by including a certified copy of document containing such consent or franchise, or statutory affidavit of company officials that such consent has been acquired.
- (e) The facts showing that the granting of the application is required by the public convenience and necessity.

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**RULE 6. APPLICATIONS FOR AUTHORITY TO CHANGE  
RATES.**

**Rule 6.01. Contents.** This rule applies to applications for authority to change any rate, fare or charge. Such applications shall comply with Rules 2.01 through 2.05, and 4.01. In addition, such applications shall contain the following data, either in the body of the application or in exhibits attached thereto.

(a) Financial statement (see Rule 4.02), and pro forma statement giving effect to the proposed increase.

(b) A statement of the presently effective rates, fares, or charges which are proposed to be changed. Such statement need not be in tariff form.

(c) A statement of the proposed changes. Such statement need not be in tariff form, but shall set forth the proposed rate structure with reasonable clarity.

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**RULE 7. APPLICATIONS TO ISSUE SECURITIES.**

**Rule 7.01. Contents.** This rule applies to applications by others than motor carriers for authority to issue stock certificates, bonds, notes, and other evidences of indebtedness, payable at periods of more than twelve months after the date thereof. Such applications shall comply with Rules 2.01 through 2.05 and 4.01. In addition, they shall contain the following data, either in the body of the application or in exhibits attached thereto:

(a) Financial Statement (see Rule 4.02), including the adjustments showing the results of the issuance of the proposed securities.

(b) A brief description of the securities which petitioner desires to issue.

(c) A statement of the purposes for which the securities are to be issued.

(d) Copies of executed instruments defining the terms of the proposed securities, unless the same have been previously filed with the Commission, in which event reference shall be made to the proceeding in which they have been filed. If such instruments have not been executed at the time of filing, then a statement of the general terms and conditions to be contained in the instruments which are proposed to be executed shall be set forth.

(e) Certified copy of resolutions of the directors authorizing the issue of the desired security.

(f) Other pertinent facts. The filing of additional information may be required in particular cases.



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**RULE 8. APPLICATIONS TO ACQUIRE STOCK OF ANOTHER  
PUBLIC UTILITY, TO DISPOSE OF OR ENCUMBER  
UTILITY PROPERTY OR TO MERGE AND CON-  
SOLIDATE PUBLIC UTILITY CORPORATIONS.**

**Rule 8.01. Contents.** This rule applies to applications for authority to acquire any of the stock of another public utility, to sell, lease, assign, mortgage, or otherwise dispose of or encumber the whole or any part of any utility properties necessary or useful in the performance of duties to the public, or any franchise or permit, or any right thereunder, or any merger or consolidation with any other public utility.

Such applications shall comply with Rules 2.01 through 2.05 and 4.01, and shall be signed by all parties which are public utilities. In addition, they shall contain the following data, either in the body of the application or in exhibits attached thereto:

- (a) Financial statement for each petitioner. (See Rule 4.02).
- (b) A brief statement of the character of business performed and the territory served by each petitioner.
- (c) A brief description of the property involved in the transaction, including any franchises, permits, or operative rights.
- (d) Reasons upon the part of each petitioner for entering into the proposed transaction and all facts warranting the same.
- (e) Copy of proposed deed, bill of sale, lease, mortgage, or other encumbrance, and contract or agreement therefor, if any, and a copy of each plan or agreement for purchase, merger or consolidation.

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(f) If a merger or consolidation, a pro forma balance sheet and income statement, giving effect thereto.

(g) Certified copy of resolution of the board of directors of each applicant authorizing the proposed action.

(h) Other pertinent facts. The filing of additional information may be required in particular cases.

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**RULE 9. OTHER APPLICATIONS.**

**Rule 9.01. Generally.** Applications and pleadings relating to matters not specifically mentioned in these rules shall comply with Rules 2.01 through 2.05 and 4.01. Inquiries are to be directed to the Secretary of the Commission.

**Rule 9.02. Applications for Extension of Effective Date of or Time to Comply with Decisions or Orders of the Commission.** Such applications shall set forth specifically the reasons for the requested extension, and an original and nine copies shall be filed.

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**RULE 10. FILING, DOCKET, AND HEARING CALENDAR.**

**Rule 10.01. Filing.** Pleadings, briefs and other documents shall be filed with the Secretary of the Commission. A date for hearing shall be set by the Commission after it determines that the issues are defined by the pleadings filed. Requests for hearing date should be addressed to the Secretary. Reasons should be stated for a requested hearing date of less than fifteen days from the time of the request.

**Rule 10.02. Rejections of Filings.** Pleadings, briefs or documents which are not in substantial compliance with these rules, Commission orders, or applicable statutes, will not be filed. The Secretary may return such papers with an indication of the deficiencies therein and the reasons for not filing same; or, in the event that a pleading omits information required by these rules, may require the filing of an amendment containing such information. Tendered filings which have been rejected shall not be entered on the Commission's docket. The mere fact of filing shall not waive any failure to comply with these rules, and the Commission may require amendment of a pleading, or entertain appropriate motions in connection therewith.

**Rule 10.03. Docket.** The Secretary's office shall maintain a docket of all proceedings, and each proceeding shall be assigned an appropriate case number. Such docket shall be available for public inspection during office hours.

**Rule 10.04. Hearing Calendar.** The Secretary shall cause to be maintained a record of proceedings filed and proceedings set for hearing, which shall be available for public inspection at the office of the Secretary in Jefferson City.

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**RULE 11. PREHEARING PROCEDURE AND EXCHANGE OF  
EXHIBITS.**

**Rule 11.01. Prehearing Conference.** The Chairman or presiding officer may hold prehearing conferences for the purpose of formulating or simplifying the issues, arranging for the exchange of proposed exhibits or prepared expert testimony, limitation of the number of witnesses, and such other matters as may expedite orderly conduct and disposition of the proceeding.

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**RULE 12. HEARINGS.**

**Rule 12.01. Notice.**

(a) **Time and Place.** Notice of the day, hour and place of hearing shall be served at least ten days prior to the time set therefor, unless the Commission shall find that public necessity requires the hearing be held on shorter notice.

(b) **How Served.** Notice of hearing shall be served by mail by the Secretary. A copy shall be mailed to each party designated as applicant, complainant, protestant, respondent or intervener. In addition, in all matters which the Commission believes to be of general interest to the citizens of a particular community, a copy of the Notice of Hearing shall be mailed by the Secretary to the mayor, the postmaster, or the president of the chamber of commerce, or all three, and to the publisher of a local newspaper, if such there be.

(1). **Publication of Notice.** Whenever it is advisable, in the opinion of the Commission, to order publication of the Notice of Hearing in one or more newspapers, the cost of such shall be borne by the applicant. In such case the Commission shall specify the length of time of publication.

**\*Rule 12.011. Notice register of motor carrier cases.**

(a) Notice in motor carrier cases shall be given in a register to be published monthly and mailed to all interested motor carriers and rail carriers at least 30 days prior to the hearing date. Such notice shall include a statement outlining the authority being sought in each application. Such statement shall include the name of the applicant, the origin and destination of the requested authority, the nature of the commodity, and such other information as the Commission shall deem relevant.

(b) Any party desiring a copy of the application in any motor carrier case may receive same upon request to the Secretary of the Commission.

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**Rule 12.02. Intervention.**

(a) **Application for Intervention.** Applications to intervene in and become a party to a proceeding shall comply with Rules 2.01 through 2.05 and shall be filed at least ten days before the proceeding is called for hearing, except for good cause shown. Such applications shall set forth the grounds of the proposed intervention, the position and interest of the intervener in the proceeding, and whether intervener's position is in support of or opposed to the relief sought.

(b) **Commission Policy on Intervention.** Applications for intervention may be granted or denied at the discretion of the Commission. It shall be the general policy of the Commission to grant such application where the petitioner shows that:

(1) The intervener has an interest in the proceeding different from that of the general public; or

(2) The proposed intervention would serve the public interest; or

(3) The intervener is a municipality or other body politic.

**Rule 12.03. Participation Without Intervention.** The Commission may permit participation without intervention.

**Rule 12.04. Consolidation.** Proceedings involving related questions of law or fact may be consolidated.

**Rule 12.05. Order of Procedure.** Unless otherwise directed by the presiding officer, the order of procedure in hearings before the Commission will be as follows:

(a) **Generally.** In all proceedings, except investigation proceedings, petitioners shall open and close. Interveners shall follow the parties, if any, on whose behalf the intervention is made. In rate cases, the Commission's counsel shall have first cross-examination.

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(b) **Investigation Proceedings.** In investigation proceedings, the Commission's counsel shall open and close.

**Rule 12.06. Limiting Number of Witnesses.** To avoid unnecessary cumulative evidence, the presiding officer may limit the number of witnesses or the time for testimony on a particular issue.

**\*Rule 12.07. Who May Practice Before The Commission.** Only those persons who are licensed attorneys in the State of Missouri, or persons licensed as attorneys in other states as hereinafter set out, shall be permitted to practice before this Commission. Nonresident attorneys, not members of the Bar of Missouri, shall be permitted to practice before this Commission under the same rules, regulations and limitations as an attorney in good standing in Missouri would be permitted to practice before the corresponding commission, board, official, or other body of the state of residence of such nonresident attorney. An individual who is a party may act as his own attorney.

*\*Amended — effective date April 10, 1962*



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**RULE 13. SUBPOENAS.**

**Rule 13.01. Requests for Subpoenas.** Requests for the issuance of subpoenas, requiring the attendance of a witness for the purpose of taking oral testimony before the Commission, shall be in writing and may be by letter or wire.

**Rule 13.02. Subpoenas Duces Tecum.** Requests for the issuance of subpoenas for the production of documents or records shall be in writing; shall specify the particular document or record, or part thereof, desired to be produced; and shall state the reasons why the production thereof is believed to be material and relevant to the issues involved.

**Rule 13.03. Who May Issue.** Subpoenas may be issued by the Commission or any Commissioner, and shall be signed by a Commissioner or the Secretary. No subpoena shall issue unless applicant therefor establishes that he has a proper relation to the matter, and gives the name and address of the desired witness. Signed and sealed blank subpoenas will not be issued to anyone. The name and address of the witness shall be inserted in the original subpoena, a copy of which shall be filed in the proceeding. Subpoenas shall show at whose instance the subpoena is issued.

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**RULE 14. PRESIDING OFFICERS.**

**Rule 14.01. Designation.** When evidence is to be taken in a proceeding before the Commission, any member of the Commission or any examiner designated by the Commission may preside at the hearing.

**Rule 14.02. Authority.** The presiding officer shall control the course of hearings; administer oaths; order subpoenas issued; receive evidence; hold appropriate conferences before or during hearings; rule upon all objections or motions which do not involve final determination of proceedings; receive offers of proof; hear argument; and fix the time for the filing of briefs. He may take such other action as may be necessary and appropriate to the discharge of his duties, consistent with the statutory or other authorities under which the Commission functions and with the rules, regulations and policies of the Commission.

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**RULE 15. EVIDENCE.**

**Rule 15.01. Form and Admissibility.** The Commission follows in general the practice in the circuit courts of this State and the common law rules on admissibility of evidence as interpreted by the courts of this State, except that the Commission may permit the introduction of hearsay evidence when, in its opinion, the circumstances require.

**Rule 15.02. Rulings.** The presiding officer shall rule on the admissibility of all evidence. Such rulings may be reviewed by the Commission in determining the matter on its merits. In extraordinary circumstances, where prompt decision by the Commission is necessary to promote substantial justice, the presiding officer may refer the matter to the Commission for determination during the progress of the hearing.

**Rule 15.03. Objections and Exceptions.** When objections are made to the admission or exclusion of evidence, the grounds relied upon shall be stated briefly. Formal exceptions to rulings are unnecessary and need not be taken.

**Rule 15.04. Offer of Proof.** Where a party wishes to make an offer of proof for the record, such offer shall consist of a statement of the substance of the evidence to the admission of which objection has been sustained.

**Rule 15.05. Prepared Testimony.** With the approval of the presiding officer, a witness may read into the record his testimony on direct examination. Before any prepared testimony is read, unless excused by the presiding officer, the witness shall deliver copies thereof to the presiding officer, the reporter, and counsel for

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all parties. Admissibility shall be subject to the rules governing oral testimony. If the presiding officer deems that substantial saving in time will result without prejudice to any party, prepared testimony may be copied into the record without having the witness read it aloud.

**Rule 15.06. Documentary Evidence.** If relevant and material matter offered in evidence is embraced in a document containing other matter, the party offering it shall designate specifically the matter so offered. If other matter in the document would unnecessarily encumber the record, the document will not be received in evidence, but at the discretion of the presiding officer, the relevant and material matter may be read into the record or copies thereof received as an exhibit. Other parties shall be afforded opportunity to examine the document, and to offer in evidence other portions thereof believed material and relevant.

**Rule 15.07. Stipulation.** The parties may file a stipulation as to the facts, in which event the same shall be numbered and used at the hearing. Such procedure is desirable wherever practicable. Such stipulation shall not preclude the offering of additional evidence by any party or by the Commission's staff.

**Rule 15.08. Exhibits.** Exhibits shall be legible and wherever practicable shall be either prepared on paper not exceeding 8½ x 13 inches in size, or bound or folded to that approximate size. Wherever practicable, the sheets of each exhibit should be numbered, and rate comparisons and other figures shall be set forth in tabular form.

**Rule 15.09. Marking of Exhibits.** Exhibits shall be marked as follows:

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(1) Applicant's Exhibits will be numbered consecutively in the order of introduction as follows:

Applicant's Exhibit 1  
Applicant's Exhibit 2  
——— etc. ———

(2) Respondent's Exhibits will be lettered alphabetically in the order of introduction (with the name of each respondent, if more than one, following the word "respondent") as follows:

Respondent's Exhibit A  
Respondent's Exhibit B  
——— etc. ———

(3) The Commission's Staff Exhibits will be marked numerically in the order of introduction as follows:

Staff Exhibit 1  
Staff Exhibit 2  
——— etc. ———

(4) Intervener's Exhibit will be marked alphabetically in the order of introduction (with the name of each intervener, if more than one, following the word "intervener") as follows:

Intervener's Exhibit A  
Intervener's Exhibit B  
——— etc. ———

**Rule 15.10. Copies of Exhibits.** When exhibits are offered in evidence, the original and two copies shall be furnished to the reporter, and the party offering exhibits should also be prepared to furnish a copy for each Commissioner or Examiner sitting, each

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party and the staff, unless such copies have previously been so furnished or the presiding officer directs otherwise.

**Rule 15.11. Commission Records.** If any matter contained in a document on file as a public record with the Commission is offered in evidence, such document need not be produced as an exhibit unless directed otherwise by the presiding officer, but may be received in evidence by reference, provided that the particular portions of such document are specifically identified and otherwise competent, relevant and material. If testimony in proceedings other than the one being heard is offered in evidence, a copy thereof shall be presented as an exhibit, unless otherwise ordered by the presiding officer.

**Rule 15.12. Official Notice of Facts.** Official notice may be taken of such matters as may be judicially noticed by the courts of the State of Missouri.

**Rule 15.13. Additional Evidence.** At the hearing, the presiding officer may require the production of further evidence upon any issue. Upon agreement of the parties, he may authorize the filing of specific documentary evidence as a part of the record within a fixed time after submission, reserving exhibit numbers therefor.

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**RULE 16. BRIEFS AND ORAL ARGUMENTS.**

**Rule 16.01. Briefs.** The presiding officer shall fix the time for the filing of briefs, if counsel for any party requests permission to file a brief.

**Rule 16.02. Oral Argument.** The presiding officer shall fix the time for the presentation of oral argument, if counsel for any party requests such setting.

**Rule 16.03. Waiver of Right to File Brief or Orally Argue.** Failure to request, at the close of the testimony, the fixing of time for filing briefs or for oral argument shall waive the right to subsequently file a brief or present oral argument.



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**RULE 17. DECISIONS.**

**Rule 17.01. Issuance of Reports and Orders.** A proceeding shall stand submitted for decision by the Commission after the taking of evidence, and the filing of such briefs or the presentation of such oral argument as may have been prescribed by the Commission or the presiding officer. The Commission's formal decisions and orders shall be issued and filed as soon as practicable after proceedings have been submitted.

**Rule 17.02. Service of Reports and Orders.** Decisions and orders shall be served by the Secretary's office by mailing certified copies thereof to the parties of record. When service is not accomplished by mail, it may be effected by personal delivery of a certified copy thereof. When a party to a proceeding has appeared by a representative, service upon such representative shall be deemed to be service upon the party.

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**RULE 18. REOPENING PROCEEDINGS.**

**Rule 18.01. Petition to set aside Submission.** After conclusion of a hearing, but before issuance of a decision, a party to the proceeding may serve on all other parties, and file with the Commission, a petition to set aside submission and reopen the proceeding for the taking of additional evidence. Such petition shall specify the facts claimed to constitute grounds in justification thereof, including material changes of fact or of law alleged to have occurred since the conclusion of the hearing. It shall contain a brief statement of proposed additional evidence, and explain why such evidence was not previously adduced.

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**RULE 19. REHEARINGS.**

**Rule 19.01. Motions for Rehearing.** Motions for rehearing of a decision or order shall be filed before the effective date of the decision or order. Such motion shall set forth specifically the grounds on which petitioner considers the decision or order to be unlawful or erroneous.

**Rule 19.02. Effect of Filing.** Mere filing of a motion for rehearing shall not excuse compliance with a decision or order.

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**RULE 20. RULES.**

**Rule 20.01. Construction and Amendment.** These rules shall be liberally construed to secure just, speedy, and inexpensive determination of the issues presented. Rules may be amended at any time by the Commission.

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**RULE 21. FORMS.**

**Rule 21.01. Forms.** The following forms of an application, a complaint, and an answer are merely illustrative as to general form. The content of particular pleadings will vary depending upon the subject matter and applicable procedural rules.

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**No. 1. Application.**

(See Rules 2, 4, 5, 6, 7, 8, 9 and 12.02)

**BEFORE THE PUBLIC SERVICE COMMISSION OF THE  
STATE OF MISSOURI**

In the Matter of the Application of  
The Ozark Transit Company for  
permission and authority to estab-  
lish new rates of passenger fares.

CASE NO.....

**APPLICATION**

Comes now The Ozark Transit Company, (hereinafter referred to as "Applicant), and in support of its application for permission and authority to establish new rates of passenger fares respectfully represents and states:

1. The company is a corporation duly organized and existing under and by virtue of the laws of the State of Missouri, is duly

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authorized to and is engaged in the business of operating a transit system by motor bus lines for local transportation within the City of Anytown, Missouri.

2. Applicant is a public utility and subject to the jurisdiction, control and regulation of the Public Service Commission of the State of Missouri, to the same extent as are other public utilities operating within this State.

3. Communications in regard to this application should be addressed to Richard C. Roe, President of the applicant company, whose address is 100 Main Street, Anytown, Missouri.

4. Applicant states that, due to changed conditions, the fare structure under which it is now operating and which was established by the order of this Commission in Public Service Commission Case No. 1000, is not now producing revenues sufficient to meet the proper and reasonable costs of the operation of the applicant's transit system, including allowances for depreciation, provision for taxes, and a reasonable return upon the value of the property actually used in public service, as a result of which the rates so prescribed and now in effect are unjust and unreasonable.

5. Applicant states that upon September 1, 1953, as a result of negotiations with representatives of its employees, it entered into an agreement concerning wages to be paid to its employees for a period of three years beginning September 1, 1953, as a result of which applicant became obligated to increase all wages to all employees in an amount of 10¢ per hour beginning September 1, 1953, and an additional 5¢ per hour beginning January 1, 1954. As a result of such agreement the annual cost of the operation of applicant's transit system has been increased an estimated \$200,000.00 on an annual basis beginning with the calendar year 1954.

6. In addition to the increased operating costs hereinbefore described, applicant has purchased new buses and retired old equip-

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ment from its plant account, resulting in a net increase in the original cost less depreciation of its property devoted to public service in the amount of \$300,000.00.

7. Applicant states that due to the material increased cost of operation and the increased net rate base the amount available for return for the current year ending December 21, 1953, under present fares will result in less than a 4 per cent rate of return on said net original cost rate base; and for a projected 12-month period beginning January 1, 1954, will result in less than a 3 per cent rate of return on said net original cost rate base.

8. Applicant states that it proposes to establish the fares set out in the schedule hereto annexed and made a part hereof, marked Exhibit 1, in order to provide the additional revenue required to produce a fair and reasonable rate of return upon the value of its property devoted to public service, and estimates that the increases resulting from the estimated additional revenue from such proposed fares will result, on an annual basis, in a return of approximately 6 per cent on said net original cost rate base; and alleges that such return will not be an excessive or unreasonable rate of return but will be within the limits of the allowable return required by law.

9. Applicant prays that the Commission notify interested parties, set this case for hearing and after hearing authorize and establish the fares herein requested and permit the immediate filing of tariffs specifying the rates of fare so approved, and grant to applicant such other and further relief as to it may seem meet and proper.

The Ozark Transit Company

By **Richard C. Roe,**  
President

**John C. Doe,**  
Attorney for Applicant

# PUBLIC SERVICE COMMISSION

STATE OF MISSOURI )

)SS.

COUNTY OF \_\_\_\_\_ )

Richard C. Roe, of lawful age being duly sworn, deposes and says: That he is President of The Ozark Transit Company, the corporation described in the foregoing application, that he is duly authorized to and did sign said application as such President, that he has knowledge of the facts stated in the foregoing application and for and on behalf of said corporation states that such facts are true to the best of his knowledge and belief.

**Richard C. Roe,**  
President

Subscribed and sworn to before me  
this 15th day of October, 1953.

• • • • •

Notary Public in and for  
.....County, Missouri.  
My Commission expires.....



**RULES OF PRACTICE AND PROCEDURE BEFORE THE  
PUBLIC SERVICE COMMISSION  
of the STATE OF MISSOURI.**

**No. 2. Complaint**

**BEFORE THE PUBLIC SERVICE COMMISSION OF THE  
STATE OF MISSOURI**

John A. Jones,	Complainant,	} CASE NO.....
vs.		
Anytown Telephone		
Company, a Corporation, Respondent.		

**COMPLAINT**

The complaint of John A. Jones, Elmer Barton, James Brown, William Smith and Andrew Johnson, all residing on R.F.D. No. 1, Anytown, Missouri, respectfully shows that:

1. Respondent is Anytown Telephone Company, a corporation, operating a telephone utility at Anytown, Missouri, and under the jurisdiction of the Public Service Commission of the State of Missouri.

2. Complainant, John A. Jones, for himself and for others named hereinabove, heretofore on or about the first day of July, 1951, applied to respondent for telephone service at his residence located on R.F.D. No. 1, Anytown, Missouri; said residence being located within the service area of the Anytown Telephone Company, as shown by its exchange area map on file with this Commission, and was at that time advised by respondent that respondent did not have a telephone line within the immediate vicinity of complainant's home (and the others named hereinabove), but that under respondent's construction program, as then planned, it was estimated that complainant might receive service within 6 to 9 months thereafter.

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3. Complainant states that on or about March 1, 1952, he applied to respondent at its office in Anytown, Missouri, for telephone service at his residence, and was again advised that no line had yet been constructed in his locality and that it would be a number of months until such could be done.

4. Complainant states that on or about October 1, 1952, he again went to the office of respondent in Anytown, Missouri, and made inquiry as to the possibility of telephone service, and was informed that if as many as five customers existed within his immediate neighborhood who desired service the respondent could and would build a line to serve such five customers, providing such customers deposited with respondent the necessary sum above the amount which the company would expend for said customers under its extension rule on file with this Commission and based on an estimated cost of construction. That thereafter and during October, 1952, complainant received a letter from respondent setting forth the estimated cost of construction and advising that each of such five prospective customers would be required to deposit \$50.00 with respondent, or a total of \$250.00, as the excess of cost of construction under its extension rules.

5. Complainant states that thereafter he secured the signatures of the four other complainants named herein, along with his own, on said letter and returned on or about November 1, 1952 to the office of respondent, and inquired as to when construction might be completed and service begun, and was informed by respondent that construction probably would be completed about February 1, 1953. Complainant offered to deposit the specified sum of \$250.00 for said five prospective customers including complainant, but respondent said the deposit was not then required or that they were not then ready to receive it.

6. Complainant states that respondent still has not been willing to receive the proffered deposit of \$250.00, has not yet begun construction of any telephone line to serve himself and the other

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four complainants joining with him, that they are without telephone service and are all in need of same, and that he has exhausted the possibility of securing service by requests directed to respondent.

WHEREFORE, Complainant for himself and the other four named herein, requests an order of this Commission requiring respondent to immediately construct a telephone line from its present system to furnish service to the residences of all five named herein desiring service, based on respondent's estimated cost of construction and the deposit by complainants with respondent of the sum of \$250.00 as heretofore specified by respondent to be the necessary deposit in accordance with its extension rule.

**John A. Jones,**  
Complainant

**W. W. Green,**  
Attorney for Complainant

**RULES OF PRACTICE AND PROCEDURE BEFORE THE  
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of the STATE OF MISSOURI.**

**No. 3. Answer**

**BEFORE THE PUBLIC SERVICE COMMISSION OF THE  
STATE OF MISSOURI**

John A. Jones,	Complainant,	}	CASE. NO.....
vs.			
Anytown Telephone			
Company, a Corporation, Respondent.			

**ANSWER TO COMPLAINT**

Comes now the Anytown Telephone Company, a corporation, and in answer to the complaint in the above entitled case states as follows:

1. That inquiry by complainant for himself and others concerning telephone service on County Road "A" near Anytown, Missouri, was made to respondent some time ago, and that the estimated cost of construction and service under the rules, regulations and rates on file by respondent with this Commission were outlined to complainant.

2. That because a number of construction projects having precedence over the County Road "A" project are now in progress but unfinished, and because of any unforeseen increase in the required amount of construction and alteration of facilities of respondent within its initial rate area, and because of a strike of employees of respondent during part of the month of August, 1953, respondent cannot now state when it can begin construction of the telephone

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line on County Road "A" which would provide service to complainant and the others listed by him in the complaint in this case.

3. That according to the best information and belief of respondent one or more of the parties listed in said complaint as desiring service from respondent may live outside the exchange area of the respondent as revealed by its exchange area map on file with this Commission.

4. That as soon as other construction projects are completed it will give consideration to the request of the complainant and such others in the same locality on County Road "A" within the exchange area served by respondent, and thereafter proceed to extend its lines to render service to such parties under its extension rule on file with this Commission.

WHEREFORE, having fully answered the complaint filed herein, Anytown Telephone Company prays the Commission to enter an order dismissing the complaint herein and to permit respondent to proceed as outlined in this answer.

.....  
President, Anytown Telephone Company

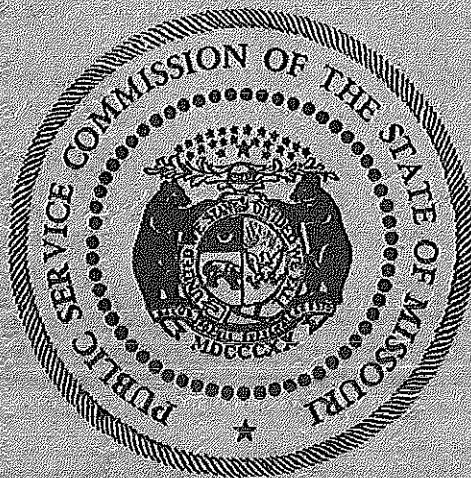
.....  
Attorney for Respondent



*Ann Craig*

FILED  
April 4, 2017  
Data Center  
Missouri Public  
Service Commission

*RULES*  
*of*  
*PRACTICE and PROCEDURE*  
*before the*  
*PUBLIC SERVICE COMMISSION*  
*of the*  
*STATE OF MISSOURI*



JEREMIAH D. FINNEGAN  
General Counsel

SAM L. MANLEY  
Secretary

PSC Staff Exhibit No. 204  
Date 3-22-17 Reporter mc  
File No. EA-2016-0358

Attachment 3



**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service  
Commission held at its office  
in Jefferson City on the 1st  
day of April, 1971.

In the Matter of Rules of  
Practice and Procedure before  
the Public Service Commission.

---

**ORDER**

Whereas, the Rules of Practice and Procedure before the Public Service Commission of Missouri heretofore in force were adopted November 2, 1953 and became effective January 1, 1954, since which date some of said rules have become outmoded and unnecessary, and there exists a need for additional rules; and


Whereas, the Commission's counsel has submitted proposed Rules of Practice and Procedure to replace the present rules, the Commission has fully and carefully considered the same and has determined that the proposed revision, as finally drafted, is not inconsistent with law and will assist and promote the orderly and efficient discharge of the duties and responsibilities of the Commission.

It is, therefore,

ORDERED: 1. That, pursuant to the authority granted by Section 386.410 RSMo 1969, the attached Rules of Practice and Procedure be, and the same are, hereby adopted as the Rules of Practice and Procedure before this Commission, to be effective on June 1, 1971 and the Secretary of the Commission shall file a certified copy of this Order and the attached Rules with the Secretary of State of Missouri on or before May 17, 1971.

ORDERED: 2. That the said Rules of Practice and Procedure shall be printed and made available to the public through the office of the Secretary of the Commission, and as hereby adopted shall supersede the Rules of Practice and Procedure heretofore adopted at any time.

BY THE COMMISSION



Sam L. Manley

Secretary

Clark, Chm., Fain, Jones,  
Reine and Mauze, CC., Concur.



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**RULE 1. GENERAL.**

**Rule 1.01. Definitions.** As used in these Rules, except as otherwise required by the context:

(a) "Applicants." Persons on whose behalf applications are made for permission or authorization which the Commission may give under statutory or other authority delegated to it and persons seeking relief not otherwise designated in this rule are styled applicants.

(b) "Commission," "Chairman" and "Commissioner" means the Public Service Commission of the State of Missouri, its Chairman and a member thereof, respectively.

(c) "Complainants." Persons on whose behalf a complaint against a public utility or motor carrier is filed, including complaints as to service and rates, are styled complainants.

(d) "Intervenors." Persons petitioning to intervene (either in support of or in opposition to the relief sought) as provided by Rule 12.02, when admitted as a party to a proceeding, are styled intervenors, and may be referred to as protestants if they oppose the relief sought.

(e) "Parties" means individuals, partnerships, corporations, associations, and other persons who are applicants, complainants, petitioners, defendants, intervenors, protestants, and respondents, according to the nature of the proceedings and their relationship thereto.

(f) "Person" means and shall include individuals, partnerships, corporations, associations, joint stock companies, public trusts, organized groups of persons, whether incorporated or not, receivers or trustees of the foregoing, municipalities, including cities, counties, or other political subdivisions of the State of Missouri, or of any one or more of the foregoing, or any officer, agent, or employee of any of the foregoing acting as such in the course of his official duty.

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(g) "Pleading" means any complaint, answer, reply, application, protest, petition or motion.

(h) "Presiding Officer" means and shall include any member of the Commission, or any Examiner, duly designated as such.

(i) "Respondents." Persons subject to any statute administered by the Commission, or any orders, rules, or regulations issued or promulgated thereunder, against whom any complaint is filed or to whom an order or notice is issued by the Commission instituting a proceeding or investigation on its own initiative, are styled respondents.

(j) "Secretary" means and shall include the Secretary or the Office of the Secretary of the Commission.

(k) "Staff Counsel" means and shall include the General Counsel of the Commission and any Assistant General Counsel of the Commission participating in a proceeding before the Commission. Staff Counsel may also be referred to as "Legal Staff".

(l) "Public Utility" means and includes every common carrier, pipeline, gas, electrical, telephone, telegraph, water, heat or refrigerating, and sewer corporations, as these terms are defined in Section 386.020, RSMo.

(m) "Motor Carrier" means and includes both common carriers and contract carriers engaged in the transportation by motor vehicle of passengers or property for hire or compensation upon the public highways.

**Rule 1.02. The Commission.**

(a) Offices. The office of the Commission is at Jefferson City, Missouri. All general inquiries to the Commission should be addressed to the Secretary, Public Service Commission, Jefferson State Office Building, Jefferson City, Missouri.

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(b) Hours. The offices of the Commission shall be open from 8:00 A.M. to 5:00 P.M. and hearings shall generally be held between 10:00 A.M. and 4:30 P.M.

(c) Quorum. Three members of the Commission constitute a quorum.

**Rule 1.03. The Secretary.**

(a) Official Records. The Secretary shall maintain a complete record of all proceedings of the Commission, all orders issued by the Commission, and shall have the power to administer oaths in all parts of the State.

(b) Certification or Authorization of Commission Action. All orders and other actions of the Commission shall be certified or authenticated by the Secretary by his signature and the application of the Seal of the Commission.

(c) Filings and Requests for Copies. Pleadings and other papers to be filed with the Commission shall be filed in the office of the Secretary of the Commission at Jefferson City; and requests for official information, copies of orders of the Commission or opportunity to inspect public records shall be made to the office of the Secretary.

**Rule 1.04. The General Counsel.**

(a) Representation of the Public. It is the duty of the General Counsel to represent the public in rate hearings before the Commission. In addition, upon request, it is his duty to give to the public and any municipality advice and opinions as to their rights under the public service commission law.

(b) Representation of the Commission. It is the duty of the General Counsel to represent and appear for the Commission in all actions and proceedings before the Commission, in all courts and before Federal

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regulatory bodies; and in general to perform all duties and services as attorney and counsel to the Commission which the Commission may reasonably require.

**Rule 1.05. Code of Ethics.** Any person who signs a pleading or brief, or enters an appearance at a hearing for another person, by such act represents that he is authorized to do so, that he is a licensed attorney at law in this State or the state of his residence and agrees to conform to the standards of ethical conduct required of attorneys before the courts of Missouri and to comply with the rules and regulations of the Commission.

**Rule 1.06. Time, Computation.**

(a) In computing any period of time prescribed or allowed by these rules, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is Sunday or a legal holiday in Missouri, in which event the period runs until the end of the next day which is neither a Sunday nor a holiday. A half holiday shall not be considered as a holiday.

(b) In computing the time period in which certificate authority granted by the Commission is effective, the authority is considered effective at the earliest possible time on the date the order granting the authority takes effect. A certificate authority ceases to be effective at the latest possible time on the last date prior to a new order canceling such authority.

**RULE 2. FORMAL REQUIREMENTS FOR ALL PLEADINGS AND BRIEFS.**

**Rule 2.01. Form and Size.** Pleadings shall be bound at the top, shall be typewritten upon standard legal size paper, and exhibits or appendices, except maps, annexed thereto, where practical, folded to that size. The impression shall be on one side of the paper only and shall be double-spaced, except that footnotes and quotations in excess of a few

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lines may be single-spaced. Briefs may be typewritten upon standard legal size paper, or printed upon paper 6 x 9 inches in size. Reproduction may be by any process, provided all copies are clear and permanently legible. (See Rule 2.05).

**Rule 2.02. Title and Number.** Pleadings, briefs and other documents shall show the title of the proceedings before the Commission and the case number assigned by the Secretary, and shall show the name and address of the attorney, if any, on the flyleaf or at the end of the document. In the event the title of a proceeding contains more than one name as applicants, defendants, respondents or intervenors, it shall be sufficient to show only the first of such names as it appears in the first document commencing the proceeding, followed by an appropriate abbreviation indicating the existence of other such parties, provided the document shall bear the case number assigned to such proceeding.

**Rule 2.03. Signatures.** Any application, petition, complaint, answer, reply, protest, or other document or pleading shall be signed by one of the following methods:

(a) If the party is an individual, by the attorney for the individual presenting the same for filing, otherwise by the individual himself.

(b) If the party is a partnership, by the attorney for the partnership presenting the same for filing, otherwise by each member of the partnership.

(c) If the party is a corporation by the attorney for the corporation, ~~and by an officer of the corporation.~~

**Rule 2.04. Copies.** Unless otherwise required by the Commission, there shall be filed with the Commission an original and 9 conformed copies of each pleading (including exhibits attached thereto), together with an additional conformed copy for each interested party upon whom a copy of such pleading must be served by the Commission.



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**Rule 2.05. Amended Pleadings.** Amendments to pleadings may be offered at any time prior to submission to the Commission for decision. The Commission shall decide whether or not the offered amendment shall be allowed. Amendments offered prior to hearing shall be served on all parties and then filed with the Commission.

**Rule 2.06. Verification.** All applications for authority including temporary authority, shall be subscribed and verified by affidavit under oath by the party, if an individual, by a member of a party partnership, or by an officer of a party corporation.

**RULE 3. COMPLAINTS**

**Rule 3.01. Informal Complaints.** Informal complaints may be made by a person against any public utility or motor carrier verbally or in writing, and shall be disposed of as the Commission may determine. A proceeding thus instituted is deemed to be without prejudice to the rights of the complainant to file and prosecute a formal complaint.

**Rule 3.02. Formal Complaints.**

(a) **Who May Complain.** Complaint may be made by the Commission of its own motion, or by any corporation or person, chamber of commerce, board of trade, or any civic, commercial, mercantile, traffic, agricultural or manufacturing association or organization, or any body politic or municipal corporation, by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any corporation, person or public utility or motor carrier including any rule, regulation or charge heretofore established or fixed by or for any corporation, person or public utility or motor carrier in violation, or claimed to be in violation, of any provision of law, or of any rule or order or decision of the Commission: Provided, that no complaint shall be entertained by the Commission, except upon its own motion, as to the reasonableness of any rates or charges of any public utility or motor

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carrier unless the same be signed by the mayor or the president or chairman of the board of aldermen or a majority of the council, commission or other legislative body of any city, town, village or county, within which the alleged violation occurred, or not less than twenty-five consumers or purchasers, or prospective consumers or purchasers, of such public utility or motor carrier service.

1. Any public utility or motor carrier shall have the right to complain on any of the grounds upon which complaint may be made by other parties.

(b) Form and Contents. Such complaint shall comply with Rules 2.01 through 2.06 and shall state clearly and concisely the facts, the alleged injury, and the requested relief. *RS Mo - 386.330 Sec 2.*  
*386.390 Sub 1*

(c) Procedure upon Filing of Complaint. The Commission, without argument and without hearing, may dismiss such complaint for failure to state facts upon which relief can be granted or may strike irrelevant allegations therefrom. If such complaint is in substantial compliance with these rules and appears to state facts upon which relief can be granted, the Commission shall serve a copy thereof upon each respondent, together with an order requiring that the matter complained of be satisfied or that the complaint be answered within ten days after the date of such service. In particular cases, the Commission may require the filing of an answer within a shorter time.

(d) Satisfaction of Complaint. If the respondent desires to satisfy the complaint, he may submit to the Commission, within the time allowed for the satisfaction or answer, a statement of the relief which he is willing to give. On the approval by the Commission of such an offer, and acceptance by complainant, no further proceedings need be taken.

(e) Answer to Complaint. If satisfaction be not made as aforesaid, the corporation or person complained of shall, within the time specified in the order or such extension thereof as the Commission, for good cause shown, may grant, file an answer to the complaint. All grounds of

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defense, both of law and of fact, shall be raised in the answer. If the answering party has no information or belief upon the subject sufficient to enable him to answer an allegation of the complaint, he may so state in his answer and place his denial upon that ground.

(f) Hearing on Complaint. When an order to satisfy a complaint or to make answer thereto has been made and the person complained of has not satisfied the cause of the complaint, the Commission will hold a hearing thereon.

**Rule 3.03. Commission Investigation.** Investigation may be made by the Commission and shall be made when requested by the public utility or motor carrier to be investigated.

**RULE 4. APPLICATION GENERALLY.**

**Rule 4.01 Contents.** All applications shall state clearly and concisely the authorization or relief sought; shall cite by appropriate reference the statutory provision or other authority under which Commission authorization or relief is sought; and, in addition to specific requirements for particular types of application (see Rules 5.01 through 8.01), shall state the following:

(a) The exact legal name of each petitioner and the location of the principal place of business.

(b) The name, title, and address of the person to whom correspondence or communications in regard to the application are to be addressed. Notices, orders and other papers may be served upon the person so named, and such service shall be deemed to be service upon applicant.

(c) Applications seeking ex parte action or the granting of relief pending full hearing shall set forth the necessity or emergency for such requested action.

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**Rule 4.02. Financial Statement.** Wherever these rules provide that a financial statement shall be attached to the application, such statement shall consist of the following:

- (a) Petitioner's latest available balance sheet together with an annual income statement as of the same date.
- (b) Brief description of stock authorized and outstanding together with a statement of dividends paid thereon during the five previous calendar or fiscal years, depending on applicant's accounting period.
- (c) Brief description of bonded and other indebtedness.

**RULE 5. APPLICATION FOR CERTIFICATES OF PUBLIC  
CONVENIENCE AND NECESSITY.**

**Rule 5.01.** Applications for motor carrier authority shall comply with Rules 1 to 13 inclusive of General Order No. 33-E.

**Rule 5.02.** Applications for a certificate of public convenience and necessity by a public utility shall comply with Rules 2.01 through 2.06 and 4.01 and 4.02. In addition, such applications shall contain the following:

- (a) Legal description of area to be served with plat of area.
  - (1) Where certificated area to be served is large, plat should be drawn to a scale of one-half ( $\frac{1}{2}$ ) inch to the mile on maps comparable to county highway maps issued by Missouri State Highway Department.
  - (2) Where certificated area to be served is small, plat should be drawn to a scale of one thousand (1,000) feet to the inch.

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(b) The route of any construction involved, with a list of all utilities which such construction will cross or with which it is likely to compete.

(c) The manner in which such construction is to be financed.

(d) The granting of consent by franchise by city or county, when such is required, by including a certified copy of document containing such consent or franchise, or statutory affidavit of company officials that such consent has been acquired.

(e) The facts showing that the granting of the application is required by the public convenience and necessity.

**(REFER TO SECOND SAMPLE FORM – RULE 21.)**

**Rule 5.03.** Applications by a sewer corporation for prior approval of the Commission for the power to acquire through eminent domain proceedings the lands, property and rights of any character whatsoever should comply with Rules 2.01 through 2.06 and Rules 4.01 and 4.02. In addition, such application should contain the following:

- (a) Legal description of the areas to be acquired;
- (b) The names and addresses of all persons who may have any legal or equitable title of record in the lands, property and rights of any character whatsoever to be acquired.

Upon the filing of such applications, the Secretary of the Commission shall notify all named parties, who shall have the right to intervene and make their interests known.

**RULE 6. APPLICATIONS FOR AUTHORITY TO CHANGE RATES.**

**Rule 6.01. Contents.** This rule applies to applications for authority

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to change any rate, fare or charge. Such applications shall comply with Rules 2.01 through 2.06, and 4.01. In addition, such applications shall contain the following data, either in the body of the application or in exhibits attached thereto.

(a) Financial statement (see Rule 4.02), and pro forma statement giving effect to the proposed increase.

(b) A statement of the presently effective rates, fares, or charges which are proposed to be changed. Such statement need not be in tariff form.

(c) A statement of the proposed changes. Such statement need not be in tariff form, but shall set forth the proposed rate structure with reasonable clarity.

**RULE 7. APPLICATIONS TO ISSUE SECURITIES.**

**Rule 7.01. Contents.** This rule applies to applications by others than motor carriers for authority to issue stock certificates, bonds, notes, and other evidence of indebtedness, payable at periods of more than twelve months after the date thereof. Such applications shall comply with Rules 2.01 through 2.05 and 4.01. In addition, they shall contain the following data, either in the body of the application or in exhibits attached thereto:

(a) Financial Statement (see Rule 4.02), including the adjustments showing the results of the issuance of the proposed securities.

(b) A brief description of the securities which petitioner desires to issue.

(c) A statement of the purposes for which the securities are to be issued.

(d) Copies of executed instruments defining the terms of the proposed securities, unless the same have been previously filed with the

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Commission, in which event reference shall be made to the proceeding in which they have been filed. If such instruments have not been executed at the time of filing, then a statement of the general terms and conditions to be contained in the instruments which are proposed to be executed shall be set forth.

(e) Certified copy of resolutions of the directors authorizing the issue of the desired security.

(f) Other pertinent facts. The filing of additional information may be required in particular cases.

**Rule 7.02. Hearings.**

(a) Hearings on applications for authority to issue securities will be held pursuant to the notice provided for in these Rules, except in those cases meeting all the requirements of paragraph (b) hereof.

(b) Applications for authority to issue securities will be determined without notice or hearing and upon the verified application and exhibits required by Rule 7.01 and stipulated facts, if any, in all cases in which the applicant shall so request in the application or otherwise, and all parties entitled to notice shall in writing waive notice and hearing or shall in writing consent to the entry of an order in accordance with the prayer of the application, and the Commission shall determine that a hearing is neither necessary nor desirable.

**RULE 8. APPLICATIONS TO ACQUIRE STOCK OF ANOTHER  
PUBLIC UTILITY, TO DISPOSE OF OR ENCUMBER  
UTILITY PROPERTY OR TO MERGE AND CONSOLIDATE  
PUBLIC UTILITY CORPORATIONS.**

**Rule 8.01. Contents.** This rule applies to applications for authority to acquire any of the stock of another public utility, to sell, lease, assign,

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mortgage, or otherwise dispose of or encumber the whole or any part of any utility properties necessary or useful in the performance of duties to the public, or any franchise or permit, or any right thereunder, or any merger or consolidation with any other public utility.

Such applications shall comply with Rules 2.01 through 2.06 and 4.01, and shall be signed by all parties which are public utilities. In addition, they shall contain the following data, either in the body of the application or in exhibits attached thereto:

- (a) Financial statement for each petitioner. (See Rule 4.02).
- (b) A brief statement of the character of business performed and the territory served by each petitioner.
- (c) A brief description of the property involved in the transaction, including any franchises, permits, or operative rights.
- (d) Reasons upon the part of each petitioner for entering into the proposed transaction and all facts warranting the same.
- (e) Copy of proposed deed, bill of sale, lease, mortgage, or other encumbrance, and contract or agreement therefor, if any, and a copy of each plan or agreement for purchase, merger or consolidation.
- (f) If a merger or consolidation, a pro forma balance sheet and income statement, giving effect thereto.
- (g) Certified copy of resolution of the board of directors of each applicant authorizing the proposed action.
- (h) Other pertinent facts. The filing of additional information may be required in particular cases.



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**RULE 9. OTHER APPLICATIONS.**

**Rule 9.01. Generally.** Applications and pleadings relating to matters not specifically mentioned in these rules shall comply with Rules 2.01 through 2.05 and 4.01, and 4.02. Inquiries are to be directed to the Secretary of the Commission.

**Rule 9.02. Applications for Extension of Effective Date of or Time to Comply with Decisions or Orders of the Commission.** Such applications shall set forth specifically the reasons for the requested extension, and an original and nine copies shall be filed.

**RULE 10. FILING, DOCKET, AND HEARING CALENDAR.**

**Rule 10.01. Filing.** Pleadings, briefs and other documents shall be filed with the Secretary of the Commission. A date for hearing shall be set by the Commission after it determines that the issues are defined by the pleadings filed. Requests for hearing date should be addressed to the Secretary. Reasons should be stated for a requested hearing date of less than fifteen days from the time of the request.

**Rule 10.02. Rejections of Filings.** Pleadings, briefs or documents which are not in substantial compliance with these rules, Commission orders, or applicable statutes, will not be filed. The Secretary may return such papers with an indication of the deficiencies therein and the reasons for not filing same; or, in the event that a pleading omits information required by these rules, may require the filing of an amendment containing such information. Tendered filings which have been rejected shall not be entered on the Commission's docket. The mere fact of filing shall not waive any failure to comply with these rules, and the Commission may require amendment of a pleading, or entertain appropriate motions in connection therewith.

**Rule 10.03. Docket.** The Secretary's office shall maintain a docket of all proceedings, and each proceeding shall be assigned an appropriate

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case number. Such docket shall be available for public inspection during office hours.

**Rule 10.04. Hearing Calendar.** The Secretary shall cause to be maintained a record of proceedings filed and proceedings set for hearing, which shall be available for public inspection at the office of the Secretary in Jefferson City.

**Rule 10.05. Continuances.** Upon application or when the Commission deems it necessary a continuance of hearing date may be obtained. When a continuance has been granted at the request of the applicant, the application may be dismissed by the Commission for want of prosecution if the Commission has not received, within 90 days from the date of continuance, a request from the applicant that the matter be set for hearing.

**Rule 10.06. Dismissal.** Formal complaints, applications or petitions may be dismissed for want of prosecution if the Commission has not received, within 90 days from the date of filing or granting of a continuance, a request from the Applicant that the matter be set for hearing. Failure to appear at a hearing without previously having secured a continuance in accordance with procedure established by this Commission, except for good cause shown, shall be grounds for dismissal of the party's complaint, application or petition.

**RULE 11. PREHEARING PROCEDURE**

**Rule 11.01. Prehearing Conference.** The Chairman or Presiding officer may hold prehearing conferences for the purpose of formulating or simplifying the issues, arranging for the exchange of proposed exhibits or prepared expert testimony, limitation of the number of witnesses, and such other matters as may expedite orderly conduct and disposition of the proceeding. Facts disclosed in the course of the prehearing conference are privileged and, except by agreement, shall not be used against participating parties either before the Commission or elsewhere unless fully substantiated by other evidence.

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**RULE 12. HEARINGS.**

**Rule 12.01. Notice.**

(a) Time and Place. Notice of the day, hour and place of hearing shall be served at least ten days prior to the time set therefor, unless the Commission shall find that public necessity requires the hearing be held on shorter notice.

(b) How Served. Notice of hearing shall be served by mail by the Secretary. A copy shall be mailed to each party designated as applicant, complainant, protestant, respondent or intervenor. In addition, in all matters which the Commission believes to be of general interest to the citizens of a particular community, a copy of the Notice of Hearing shall be mailed by the Secretary to the mayor, the postmaster, or the president of the chamber of commerce, or all three, and to the publisher of a local newspaper, if such there be.

(1). Publication of Notice. Whenever it is advisable, in the opinion of the Commission, to order publication of the Notice of Hearing in one or more newspapers, the cost of such shall be borne by the applicant. In such case the Commission shall specify the length of time of publication.

**Rule 12.011. Notice register of motor carrier cases.**

(a) Notice in motor carrier cases shall be given in a register to be published monthly and mailed to all interested motor carriers and rail carriers at least 30 days prior to the hearing date. Such notice shall include a statement outlining the authority being sought in each application. Such statement shall include the name of the applicant, the origin and destination of the requested authority, the nature of the commodity, and such other information as the Commission shall deem relevant.

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(b) Any party desiring a copy of the application in any motor carrier case may receive same upon request to the Secretary of the Commission.

**Rule 12.02. Intervention.**

(a) Application for Intervention. Applications to intervene in and become a party to a proceeding shall comply with Rules 2.01 through 2.05 and shall be filed at least ten days before the proceeding is called for hearing, except for good cause shown. Such applications shall set forth the grounds of the proposed intervention, the position and interest of the intervenor in the proceeding, and whether intervenor's position is in support of or opposed to the relief sought.

(b) Commission Policy on Intervention. Applications for intervention may be granted or denied at the discretion of the Commission. It shall be the general policy of the Commission to grant such application where the petitioner shows that:

- (1) The intervenor has an interest in the proceeding different from that of the general public; or
- (2) The proposed intervention would serve the public interest; or
- (3) The intervenor is a municipality or other body politic.

**Rule 12.03. Participation Without Intervention.** The Commission may permit participation without intervention.

**Rule 12.04. Consolidation.** Proceedings involving related questions of law or fact may be consolidated.

**Rule 12.05. Order of Procedure.** Unless otherwise directed by the presiding officer, the order of procedure in hearings before the Commission will be as follows:

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(a) Generally. In all proceedings, except investigation proceedings, petitioners shall open and close. Intervenor shall follow the parties, if any, on whose behalf the intervention is made. In rate cases, the staff counsel shall have first cross-examination.

(b) Investigation Proceedings. In investigation proceedings, the Commission's counsel shall open and close.

**Rule 12.06. Limiting Number of Witnesses.** To avoid unnecessary cumulative evidence, the presiding officer may limit the number of witnesses or the time for testimony on a particular issue.

*See Supplemental Order 3*

**Rule 12.07. Who May Practice Before The Commission.** Only those persons who are licensed attorneys in the State of Missouri, or persons licensed as attorneys in other states as hereinafter set out, shall be permitted to practice before this Commission. Nonresident attorneys, not members of the Bar of Missouri, shall be permitted to practice before this Commission under the same rules, regulations and limitations as an attorney in good standing in Missouri would be permitted to practice before the corresponding commission, board, official, or other body of the state of residence of such nonresident attorney. An individual who is a party may act as his own attorney.

**Rule 12.08. Transcripts, Procurement and Correction.** Transcripts of all testimony and proceedings in hearings may be obtained at a standard cost per page upon written request to the Secretary of the Commission. Suggested corrections to the Transcript of record may be offered within ten (10) days after the transcript is filed in the proceeding except for good cause shown and shall be served upon each party or his attorney, the official reporter and the Presiding Officer. If no objection is made to the suggested corrections, the Presiding Officer will direct the corrections to be made and the manner of making them, otherwise the parties will be heard by the Commission who shall then determine the manner in which the record shall be changed, if at all.

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**RULE 13. SUBPOENAS.**

**Rule 13.01. Requests for Subpoenas.** Requests for the issuance of subpoenas, requiring the attendance of a witness for the purpose of taking oral testimony before the Commission, shall be in writing and may be by letter or wire.

**Rule 13.02. Subpoenas Duces Tecum.** Requests for the issuance of subpoenas for the production of documents or records shall be in writing; shall specify the particular document or record, or part thereof, desired to be produced; and shall state the reasons why the production thereof is believed to be material and relevant to the issues involved.

**Rule 13.03. Who May Issue.** Subpoenas may be signed and issued by a Commissioner or by the Secretary of the Commission. No subpoena shall issue unless applicant therefor establishes that he has a proper relation to the matter, and gives the name and address of the desired witness. The name and address of the witness shall be inserted in the original subpoena, a copy of which and the return shall be filed in the proceeding. Subpoenas shall show at whose instance the subpoena is issued. Generally, signed and sealed blank subpoenas will not be issued to anyone.

**RULE 14. PRESIDING OFFICERS.**

**Rule 14.01. Designation.** When evidence is to be taken in a proceeding before the Commission, any member of the Commission or any examiner designated by the Commission may preside at the hearing.

**Rule 14.02. Authority.** The presiding officer shall control the course of hearings; administer oaths; order subpoenas issued; receive evidence; hold appropriate conferences before or during hearings; rule upon all objections or motions which do not involve final determination of proceedings; receive offers of proof; hear argument; and fix the time for the filing of briefs. He may take such other action as may be necessary and

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appropriate to the discharge of his duties, consistent with the statutory or other authorities under which the Commission functions and with the rules, regulations and policies of the Commission.

**RULE 15. EVIDENCE.**

**Rule 15.01 Form and Admissibility.** The Commission follows in general the practice in the circuit courts of this State and the common law rules on admissibility of evidence as interpreted by the courts of this State, except that the Commission may permit the introduction of hearsay evidence when, in its opinion, the circumstances require.

**Rule 15.02. Rulings.** The presiding officer shall rule on the admissibility of all evidence. Such rulings may be reviewed by the Commission in determining the matter on its merits. In extraordinary circumstances, where prompt decision by the Commission is necessary to promote substantial justice, the presiding officer may refer the matter to the Commission for determination during the progress of the hearing.

**Rule 15.03. Objections and Exceptions.** When objections are made to the admission or exclusion of evidence, the grounds relied upon shall be stated briefly. Formal exceptions to rulings are unnecessary and need not be taken.

**Rule 15.04. Offer of Proof.** Where a party wishes to make an offer of proof for the record, such offer shall consist of a statement of the substance of the evidence to the admission of which objection has been sustained.

**Rule 15.05. Prepared Testimony.** With the approval of the presiding officer, a witness may read into the record his testimony on direct examination. Before any prepared testimony is read, unless excused by the presiding officer, the witness shall deliver copies thereof to the presiding officer, the reporter, and counsel for all parties. Admissibility shall be subject to the rules governing oral testimony. If the presiding officer

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deems that substantial saving in time will result without prejudice to any party, prepared testimony may be copied into the record without having the witness read it aloud.

**Rule 15.06. Documentary Evidence.** If relevant and material matter offered in evidence is embraced in a document containing other matter, the party offering it shall designate specifically the matter so offered. If other matter in the document would unnecessarily encumber the record, the document will not be received in evidence, but at the discretion of the presiding officer, the relevant and material matter may be read into the record or copies thereof received as an exhibit. Other parties shall be afforded opportunity to examine the document, and to offer in evidence other portions thereof believed material and relevant.

**Rule 15.07. Stipulation.** The parties may file a stipulation as to the facts, in which event the same shall be numbered and used at the hearing. Such procedure is desirable wherever practicable. Such stipulation shall not preclude the offering of additional evidence by any party or by the Commission's staff.

**Rule 15.08. Exhibits.** Exhibits shall be legible and wherever practicable shall be either prepared on standard legal size paper, or bound or folded to that approximate size. Wherever practicable, the sheets of each exhibit should be numbered, and rate comparisons and other figures shall be set forth in tabular form.

**Rule 15.09. Marking of Exhibits.** Exhibits shall be marked as follows:

(1) Applicant's Exhibits will be numbered consecutively in the order of introduction as follows:

Applicant's Exhibit 1

Applicant's Exhibit 2

\_\_\_\_\_ etc. \_\_\_\_\_



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(2) Respondent's Exhibits will be lettered alphabetically in the order of introduction (with the name of each respondent, if more than one, following the word "respondent") as follows:

Respondent's Exhibit A  
Respondent's Exhibit B  
\_\_\_\_\_ etc. \_\_\_\_\_

(3) The Commission's Staff Exhibits will be marked numerically in the order of introduction as follows:

Staff Exhibit 1  
Staff Exhibit 2  
\_\_\_\_\_ etc. \_\_\_\_\_

(4) Intervenor's Exhibits will be marked alphabetically in the order of introduction (with the name of each intervenor, if more than one, following the word "intervenor") as follows:

Intervenor's Exhibit A  
Intervenor's Exhibit B  
\_\_\_\_\_ etc. \_\_\_\_\_

**Rule 15.10. Copies of Exhibits.** When exhibits are offered in evidence, the original and two copies shall be furnished to the reporter, and the party offering exhibits should also be prepared to furnish a copy for each Commissioner or Examiner sitting, each party and the staff, unless such copies have previously been so furnished or the presiding officer directs otherwise.

**Rule 15.11. Commission Records.** If any matter contained in a document on file as a public record with the Commission is offered in evidence, such document need not be produced as an exhibit unless directed otherwise by the presiding officer, but may be received in evidence by reference, provided that the particular portions of such document are specifically identified and otherwise competent, relevant

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and material. If testimony in proceedings other than the one being heard is offered in evidence, a copy thereof shall be presented as an exhibit, unless otherwise ordered by the presiding officer.

**Rule 15.12. Official Notice of Facts.** Official notice may be taken of such matters as may be judicially noticed by the courts of the State of Missouri.

**Rule 15.13. Additional Evidence.** At the hearing, the presiding officer may require the production of further evidence upon any issue. Upon agreement of the parties, he may authorize the filing of specific documentary evidence as a part of the record within a fixed time after submission, reserving exhibit numbers therefor.

**RULE 16. BRIEFS AND ORAL ARGUMENTS.**

**Rule 16.01. Briefs.** The presiding officer shall fix the time for the filing of briefs, if counsel for any party requests permission to file a brief. The Commission may on its own motion set the time for and require the filing of briefs.

**Rule 16.02. Oral Argument.** The Commission shall fix the time for the presentation of oral argument, if counsel for any party requests such setting, and the same is acceptable to the Commission. The Commission may on its own motion set the time for and require oral argument.

**Rule 16.03. Waiver of Right to File Brief or Orally Argue.** Failure to request, at the close of the testimony, the fixing of time for filing briefs or for oral argument shall waive the right to subsequently file a brief or present oral argument.

**Rule 16.04. Parties May Waive Reading of Transcript.** Section 536.080 (2) RSMo. states that each official of an agency who renders or joins in rendering a final decision shall, prior to such final decision in

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contested cases, either hear all the evidence, read the full record including all the evidence, or personally consider the portions of the record cited or referred to in the arguments or briefs. By written stipulation or oral stipulation in the record at a hearing, the parties may waive compliance with the provisions of this section.

**RULE 17. DECISIONS.**

**Rule 17.01. Issuance of Reports and Orders.** A proceeding shall stand submitted for decision by the Commission after the taking of evidence, and the filing of such briefs or the presentation of such oral argument as may have been prescribed by the Commission or the presiding officer. The Commission's formal decisions and orders shall be issued and filed as soon as practicable after proceedings have been submitted.

**Rule 17.02. Service of Reports and Orders.** Decisions and orders shall be served by the Secretary's office by mailing certified copies thereof to the parties of record. When service is not accomplished by mail, it may be effected by personal delivery of a certified copy thereof. When a party to a proceeding has appeared by a representative, service upon such representative shall be deemed to be service upon the party.

**RULE 18. REOPENING PROCEEDINGS**

**Rule 18.01. Petition to set aside Submission.** After conclusion of a hearing, but before issuance of a decision, a party to the proceeding may serve on all other parties, and file with the Commission, a petition to set aside submission and reopen the proceeding for the taking of additional evidence. Such petition shall specify the facts claimed to constitute grounds in justification thereof, including material changes of fact or of law alleged to have occurred since the conclusion of the hearing. It shall contain a brief statement of proposed additional evidence, and explain why such evidence was not previously adduced.



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SAMPLE FORM NO. 1

BEFORE THE PUBLIC SERVICE COMMISSION  
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CASE NO. T-\_\_\_\_\_

In the matter of the application of  
John Smith, for a Certificate of Convenience and Necessity to operate as a freight-carrying common carrier of commodities in bulk by dump truck in intrastate commerce over irregular routes.

APPLICATION

Comes now John Smith, hereinafter called the Applicant, pursuant to Section 390.051 RSMo. 1969, and states to the Commission:

1. Applicant is an individual, doing business under his own name at \_\_\_\_\_, Missouri.
2. Applicant is the sole owner of the following dump truck(s), all of which are in good condition, the reasonable value of which are \_\_\_\_\_.

(SET OUT MODEL, MAKE AND VALUE OF EACH VEHICLE)

3. Applicant's financial statement as of this date is:  
ASSETS:

\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TOTAL: \$ \_\_\_\_\_

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**LIABILITIES:**

\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**TOTAL:** \$ \_\_\_\_\_

**NET WORTH:** \$ \_\_\_\_\_

4. Applicant requests the Commission to issue to him authority to operate as a common carrier of bulk commodities in dump trucks, over irregular routes as follows:

Within a radius of \_\_\_\_\_ Miles of \_\_\_\_\_, Missouri.

OR

Between all points in the Counties of \_\_\_\_\_  
\_\_\_\_\_

( AND IF DESIRED )

Applicant also requests authority to transport commodities in bulk in dump trucks for contractors between all points in the State for road, bridge, revetment, dike, levee and airport construction.

Such service described above is authorized irrespective of the location of any points served on the route or routes of regular route carriers.

5. Applicant states he will charge such rates as are authorized by the Commission and will comply with the rules and regulations of the Commission.

6. The commodities to be transported in the service for which authority is herein sought are of limited or nominal value, far less than the amount required to be protected by cargo insurance under the provisions of Rule No. 24 of General Order 33-E of this Commission.

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7. Applicant proposes to render the above-described service to all points described regardless of whether or not such points are on the authorized routes of a regular route carrier.

8. Applicant states that there is a public need for the transportation of bulk commodities in dump trucks and that he is qualified to render such service and was requested to file this application by \_\_\_\_\_.

WHEREFORE, Applicant prays this Commission to issue its Certificate of Convenience and Necessity granting Applicant authority to render the intrastate service above described, and to relieve Applicant from the cargo insurance requirements of Rule No. 24 of General Order 33-E of this Commission.

Dated at \_\_\_\_\_, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

/s/ John Smith

JOHN SMITH

\_\_\_\_\_  
Attorney for the Applicant

State of Missouri )

) ss

County of Any )

John Smith, of lawful age being duly sworn, states that he has read the above and foregoing Application and that the statements made therein are true according to best of his knowledge and belief.

\_\_\_\_\_  
JOHN SMITH

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 1970.

\_\_\_\_\_  
Notary Public

My Commission expires \_\_\_\_\_

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**SAMPLE FORM NO. 2**

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

**CASE NO.** \_\_\_\_\_

In the Matter of the Application  
of John Doe Sewer Co. Inc., for a  
Certificate of Public Convenience  
and Necessity to Operate and Main-  
tain a Sanitary Sewage Disposal  
System in a certain described  
area in Any County, Missouri.

\_\_\_\_\_

**APPLICATION**

Comes now John Doe Sewer Company, Inc., hereinafter referred to  
as Applicant, pursuant to Section 393.170 RSMo. 1969, and in support of  
its application for a Certificate of Public Convenience and Necessity  
respectfully represents and states:

1. The Applicant is a corporation duly organized and existing under  
and by virtue of the laws of the State of Missouri, with its principal office  
located at 111 Main Street, Anytown, Missouri.

2. Communications in regard to this application should be addressed  
to:

John Doe, President  
John Doe Sewer Co.  
111 Main Street  
Anytown, Missouri



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I. M. Attorney  
No. 1 First Street  
Anytown, Missouri

3. Applicant seeks a Certificate of Public Convenience and Necessity to provide a sanitary sewage disposal system in a certain area of Any County, Missouri, more specifically described in Exhibit 4 attached hereto.

4. Applicant has employed the Independent Engineers Co. to make an evaluation and economic feasibility study which includes, but is not limited to:

- (a) plans and specifications of the distribution system to be installed within two (2) years including the size, type, and location of pipe,
- (b) proposed rates, rules, and regulations,
- (c) plans for financing,
- (d) cost of installation over two (2) years and estimated entire cost,
- (e) number of customers to be served and need for service in the area requested.

5. There are attached hereto and made a part hereof copies of the following:

Exhibit 1. A certified copy of the Articles of Incorporation of John Doe Sewer Co., Inc.

Exhibit 2. Current financial statements of Applicant.

Exhibit 3. Map showing area sought to be served by Applicant.

Exhibit 4. Legal Description of area sought to be served by Applicant.

Exhibit 5. Copy of feasibility study of proposed system.

Exhibit 6. Certified copy of City or County consent of franchise.



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**Sample Form of Complaint**

**BEFORE THE PUBLIC SERVICE COMMISSION OF THE  
STATE OF MISSOURI**

John A. Jones,                      Complainant,

vs.

Anytown Telephone

CASE NO. . . . .

Company, a Corporation, Respondent.

**COMPLAINT**

The complaint of John A. Jones, Elmer Barton, James Brown, William Smith and Andrew Johnson, all residing on R.F.D. No. 1, Anytown, Missouri, respectfully shows that:

1. Respondent is Anytown Telephone Company, a corporation, operating a telephone utility at Anytown, Missouri, and under the jurisdiction of the Public Service Commission of the State of Missouri.

2. Complainant, John A. Jones, for himself and for others named hereinabove, heretofore on or about the first day of July, 1968, applied to respondent for telephone service at his residence located on R.F.D. No. 1, Anytown, Missouri; said residence being located within the service area of the Anytown Telephone Company, as shown by its exchange area map on file with this Commission, and was at that time advised by respondent that respondent did not have a telephone line within the immediate vicinity of complainant's home (and the others named hereinabove), but that under respondent's construction program, as then planned, it was estimated that complainant might receive service within 6 to 9 months thereafter.

3. Complainant states that on or about March 1, 1969, he applied to respondent at its office in Anytown, Missouri, for telephone service at his residence, and was again advised that no line had yet been constructed in

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his locality and that it would be a number of months until such could be done.

4. Complainant states that on or about October 1, 1969, he again went to the office of respondent in Anytown, Missouri, and made inquiry as to the possibility of telephone service, and was informed that if as many as five customers existed within his immediate neighborhood who desired service the respondent could and would build a line to serve such five customers, providing such customers deposited with respondent the necessary sum above the amount which the company would expend for said customers under its extension rule on file with this Commission and based on an estimated cost of construction. That thereafter and during October, 1969, complainant received a letter from respondent setting forth the estimated cost of construction and advising that each of such five prospective customers would be required to deposit \$50.00 with respondent, or a total of \$250.00, as the excess of cost of construction under its extension rules.

5. Complainant states that thereafter he secured the signatures of the four other complainants named herein, along with his own, on said letter and returned on or about November 1, 1969 to the office of respondent, and inquired as to when construction might be completed and service begun, and was informed by respondent that construction probably would be completed about February 1, 1970. Complainant offered to deposit the specified sum of \$250.00 for said five prospective customers including complainant, but respondent said the deposit was not then required or that they were not then ready to receive it.

6. Complainant states that respondent still has not been willing to receive the proffered deposit of \$250.00, has not yet begun construction of any telephone line to serve himself and the other four complainants joining with him, that they are without telephone service and are all in need of same, and that he has exhausted the possibility of securing service by requests directed to respondent.

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WHEREFORE, Complainant for himself and the other four named herein, requests an order of this Commission requiring respondent to immediately construct a telephone line from its present system to furnish service to the residences of all five named herein desiring service, based on respondent's estimated cost of construction and the deposit by complainants with respondent of the sum of \$250.00 as heretofore specified by respondent to be the necessary deposit in accordance with its extension rule.

**John A. Jones,**  
Complainant

**W. W. Green,**  
Attorney for Complainant

Sample Form of Answer

**BEFORE THE PUBLIC SERVICE COMMISSION OF THE  
STATE OF MISSOURI**

John A. Jones,                      Complainant,

vs.

Anytown Telephone

CASE NO. . . . .

Company, a Corporation, Respondent.

**ANSWER TO COMPLAINT**

Comes now the Anytown Telephone Company, a corporation, and in answer to the complaint in the above entitled case states as follows:

1. That inquiry by complainant for himself and others concerning telephone service on County Road "A" near Anytown, Missouri, was made to respondent some time ago, and that the estimated cost of construction and service under the rules, regulations and rates on file by respondent with this Commission were outlined to complainant.

**RULES OF PRACTICE AND PROCEDURE BEFORE THE  
PUBLIC SERVICE COMMISSION  
of the STATE OF MISSOURI**

2. That because a number of construction projects having precedence over the County Road "A" project are now in progress but unfinished, and because of any unforeseen increase in the required amount of construction and alteration of facilities of respondent within its initial rate area, and because of a strike of employees of respondent during part of the month of August, 1970, respondent cannot now state when it can begin construction of the telephone line on County Road "A" which would provide service to complainant and the others listed by him in the complaint in this case.

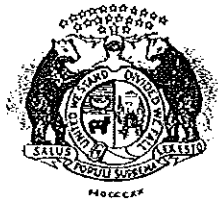
3. That according to the best information and belief of respondent one or more of the parties listed in said complaint as desiring service from respondent may live outside the exchange area of the respondent as revealed by its exchange area map on file with this Commission.

4. That as soon as other construction projects are completed it will give consideration to the request of the complainant and such others in the same locality on County Road "A" within the exchange area served by respondent, and thereafter proceed to extend its lines to render service to such parties under its extension rule on file with this Commission.

WHEREFORE, having fully answered the complaint filed herein, Anytown Telephone Company prays the Commission to enter an order dismissing the complaint herein and to permit respondent to proceed as outlined in this answer.

.....  
President, Anytown Telephone Company

.....  
Attorney for Respondent



.....  
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ADMINISTRATIVE SERVICES

## APPENDIX A

Rule 15.051. Prepared Testimony in Utility Rate Cases. All prepared testimony in utility rate cases shall be filed with the Commission in the following manner and form:

- (a) All prepared testimony shall be typed or printed, in black type on white paper 8 $\frac{1}{2}$  inches by 11 inches, observing the following margins:

- Left-hand Margin - 1 $\frac{1}{4}$  inches
- Top Margin - 3/4 inch
- Right-hand Margin - 3/4 inch
- (which margin need not be justified)
- Bottom Margin - 3/4 inch

- (b) The testimony shall be double spaced and pages numbered consecutively at the top beginning with the first page as page 1.
- (c) The testimony shall be filed unfolded and stapled together at the top left-hand margin.
- (d) Parties filing prepared testimony shall file sufficient copies as required by order of this Commission.



STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a Session of the Public Service  
Commission held at its office  
in Jefferson City on the 4th  
day of October, 1972.

In the matter of rules of  
practice and procedure before  
the Public Service Commission.

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SUPPLEMENTAL ORDER NO. 3

The Commission has reviewed its Rules of Practice and Procedure as the result of the Repeal and Adoption of Court Rules by the Supreme Court of Missouri on February 1, 1972 which became effective September 1, 1972.

The Commission concludes that its present Rule 12.07, entitled "Who May Practice Before The Commission", is inconsistent with the new Missouri Supreme Court Rule 9, entitled "Practice By Non-Resident Attorneys". The Commission further concludes that a new rule should be adopted to conform with the new Supreme Court Rule 9.

It is, therefore,

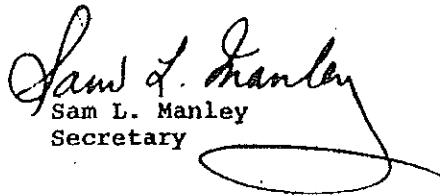
ORDERED: 1. That the Commission's Rule No. 12.07, entitled "Who May Practice Before The Commission", be, and the same is, hereby repealed and in lieu thereof, the following rule is adopted:

Rule 12.07. Who May Practice Before The Commission. Only those persons who are licensed, resident attorneys in the State of Missouri, or non-resident attorneys as hereinafter set out, shall be permitted to practice before this Commission. A non-resident attorney who is a member of The Missouri Bar and maintains an office in Missouri for the practice of law may practice law and do a law business before this Commission as in the case of a resident attorney. Any attorney not a member of The Missouri Bar but who is a member in good standing of the Bar of any Court of record may be permitted to appear and participate in a particular case before this Commission under the following conditions:

The visiting attorney shall file with his initial pleading a statement identifying each Court of which he is a member of the Bar and certifying that neither he nor any member of his firm is disqualified to appear in any such Court. The statement shall also designate some member of The Missouri Bar having an office within the State of Missouri as associate counsel. Such designated attorney shall enter his appearance as an attorney of record. An individual who is a party may act as his own attorney.

ORDERED: 2. That this Order shall become effective on the 16th day of October, 1972 and the Secretary of the Commission shall file a certified copy of this Order and newly adopted Rule 12.07 with the Secretary of State of Missouri on or before the 6th day of October, 1972 and make a copy of this Order available to all interested parties.

BY THE COMMISSION

  
Sam L. Manley  
Secretary

(SEAL)

Jones, Chm., Clark, Fain,  
Reine and Mauzé, CC., Concur.

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a Session of the Public Service  
Commission held at its office  
in Jefferson City on the 18th  
day of January, 1972.

In the Matter of Rules of  
Practice and Procedure before  
the Public Service Commission.

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SUPPLEMENTAL ORDER NO. 2

The Commission has reviewed its Rules of Practice and  
Procedure and is of the opinion that Rule No. 2.03 Signatures  
should be amended.

It is, therefore,

ORDERED: 1. That pursuant to the authority granted by  
Section 386.410 RSMo 1969, Rule 2.03 Signatures of the Rules of  
Practice and Procedure before the Public Service Commission be,  
and it is, hereby amended to read as follows:

Rule 2.03. Signatures. Except as required by  
Rule 2.06 Verification, any application, petition, complaint,  
answer, reply, protest, or other document or pleading shall  
be signed by one of the following methods:

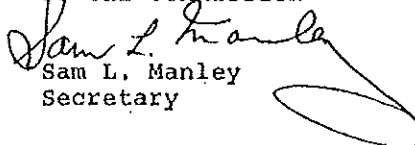
(a) If the party is an individual, by the attorney  
for the individual presenting the same for filing, other-  
wise by the individual himself.

(b) If the party is a partnership, by the attorney  
for the partnership presenting the same for filing, other-  
wise by each member of the partnership.

(c) If the party is a corporation by the attorney  
for the corporation.

ORDERED: 2. That this Order shall become effective on  
the 28th day of January, 1972 and the Secretary of the Commission  
shall file a certified copy of this Order and amended rule with  
the Secretary of State of Missouri on the 18th day of January, 1972  
and make a copy of this Order available to all interested parties.

BY THE COMMISSION

  
Sam L. Manley  
Secretary

(S E A L)

Jones, Chm., Clark, Fain,  
Reine, and Mauzé, CC., Concur.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 2—Practice and Procedure**

**PROPOSED AMENDMENT**

**4 CSR 240-2.060 Applications.** The commission is proposing to delete sections (3)–(13), (15) and (17) from the rule, to renumber the remaining sections of the rule accordingly, and to add one new section at the end of the rule.

*PURPOSE:* This amendment reflects a reorganization of the commission's rules regarding general filing requirements in that requirements mirroring those found in the sections being deleted from this rule are being adopted in various rules of the commission's new Chapter 3.

*[(3) Competitive telecommunications companies are exempt from subsections (7)(A)–(E), (8)(A)–(E), and (11)(C)–(G) of this rule; however, they must file a pleading indicating which company will be holding the certificate of service authority and providing service to Missouri customers, and the tariff under which service will be provided.*

*(4) In addition to the requirements of section (1), applications for a certificate of convenience and necessity by a gas, electric, water, sewer or heating company shall include the following information:*

*(A) If the application is for a service area—*

*1. A statement as to the same or similar utility service, regulated and nonregulated, available in the area requested;*

*2. If there are ten (10) or more residents or landowners, the name and address of no fewer than ten (10) persons residing in the proposed service area or of no fewer than ten (10) landowners in the event there are no residences in the area, or, if there are fewer than ten (10) residents or landowners, the name and address of all residents and landowners;*

*3. The legal description of the area to be certificated;*

*4. A plat drawn to a scale of one-half inch (1/2") to the mile on maps comparable to county highway maps issued by the Missouri Department of Transportation or a plat drawn to a scale of two thousand feet (2,000') to the inch; and*

*5. A feasibility study containing plans and specifications for the utility system and estimated cost of the construction of the utility system during the first three (3) years of construction; plans for financing; proposed rates and charges and an estimate of the number of customers, revenues and expenses during the first three (3) years of operations;*

*(B) If the application is for electrical transmission lines, gas transmission lines or electrical production facilities—*

*1. A description of the route of construction and a list of all electric and telephone lines of regulated and nonregulated utilities, railroad tracks or any underground facility, as defined in section 319.015, RSMo, which the proposed construction will cross;*

*2. The plans and specifications for the complete construction project and estimated cost of the construction project or a statement of the reasons the information is currently unavailable and a date when it will be furnished; and*

*3. Plans for financing;*

*(C) When no evidence of approval of the affected governmental bodies is necessary, a statement to that effect;*

*(D) When approval of the affected governmental bodies is required, evidence must be provided as follows:*

*1. When consent or franchise by a city or county is required, approval shall be shown by a certified copy of the*

*document granting the consent or franchise, or an affidavit of the applicant that consent has been acquired; and*

*2. A certified copy of the required approval of other governmental agencies; and*

*(E) The facts showing that the granting of the application is required by the public convenience and necessity.*

*(5) In addition to the requirements of section (1), applications for a certificate of interexchange service authority to provide customer-owned coin telephone (COCT) service shall be filed on the form provided by the commission.*

*(A) Applications for COCT service shall include a description of the general area in which service is to be offered.*

*(B) Providers of COCT service shall be exempt from the provisions of sections 392.390(1) and (3), RSMo, but shall remain subject to the provisions of section 386.370, RSMo.*

*(6) In addition to the requirements of section (1), applications for a certificate of service authority to provide telecommunications services, whether interexchange, local exchange or basic local exchange, shall include:*

*(A) A request to be classified as a competitive telecommunications company, if applicable, and a description of the types of service the applicant intends to provide;*

*(B) If the application is for basic local exchange service authority, the applicant shall indicate the exchange(s) in which service is to be offered; and*

*(C) A proposed tariff with an effective date which is not fewer than forty-five (45) days after the tariff's issue date.*

*(7) In addition to the requirements of section (1), applications for authority to sell, assign, lease or transfer assets shall include:*

*(A) A brief description of the property involved in the transaction, including any franchises, permits, operating rights or certificates of convenience and necessity;*

*(B) A copy of the contract or agreement of sale;*

*(C) The verification of proper authority by the person signing the application or a certified copy of resolution of the board of directors of each applicant authorizing the proposed action;*

*(D) The reasons the proposed sale of the assets is not detrimental to the public interest;*

*(E) If the purchaser is subject to the jurisdiction of the commission, a balance sheet and income statement with adjustments showing the results of the acquisitions of the property; and*

*(F) For gas, electrical, telecommunications, water and sewer companies, a statement of the impact, if any, the sale, assignment, lease or transfer of assets will have on the tax revenues of the political subdivisions in which any structures, facilities or equipment of the companies involved in that sale are located.*

*(8) In addition to the requirements of section (1), applications for authority to merge or consolidate shall include:*

*(A) A copy of the proposed plan and agreement of corporate merger and consolidation, including organizational charts depicting the relationship of the merging entities before and after the transaction;*

*(B) A certified copy of the resolution of the board of directors of each applicant authorizing the proposed merger and consolidation;*

*(C) The balance sheets and income statements of each applicant and a balance sheet and income statement of the surviving corporation;*

*(D) The reasons the proposed merger is not detrimental to the public interest;*

(E) An estimate of the impact of the merger on the company's Missouri jurisdictional operations relative to the merger and acquisition in question; and

(F) For gas, electrical, water, sewer and telecommunications companies, a statement of the impact, if any, the merger or consolidation will have on the tax revenues of the political subdivision in which any structures, facilities or equipment of the companies involved are located.

(9) If the purchaser under either section (7) or (8) is not subject to the jurisdiction of the commission, but will be subject to the commission's jurisdiction after the sale, the purchaser must comply with these rules.

(10) In addition to the requirements of section (1), applications for gas storage companies for authority to acquire property through eminent domain proceedings shall include:

(A) The legal description of the areas to be acquired;

(B) A map showing the areas to be acquired;

(C) Names and addresses of all persons who may have any legal or equitable title of record in the property to be acquired; and

(D) The reasons it is necessary to acquire the property and why it is in the public interest.

(11) In addition to the requirements of section (1), applications for authority to issue stock, bonds, notes and other evidences of indebtedness shall contain the following:

(A) A brief description of the securities which applicant desires to issue;

(B) A statement of the purpose for which the securities are to be issued and the use of the proceeds;

(C) Copies of executed instruments defining the terms of the proposed securities—

1. If these instruments have been previously filed with the commission, a reference to the case number in which the instruments were furnished;

2. If these instruments have not been executed at the time of filing, a statement of the general terms and conditions to be contained in the instruments which are proposed to be executed; and

3. If none of these instruments is either executed or to be executed, a statement of how the securities are to be sold;

(D) A certified copy of resolutions of the directors of applicant authorizing the issuance of the securities;

(E) A balance sheet and income statement with adjustments showing the effects of the issuance of the proposed securities upon—

1. Bonded and other indebtedness; and

2. Stock authorized and outstanding;

(F) A statement of what portion of the issue is subject to the fee schedule in section 386.300, RSMo; and

(G) A five (5)-year capitalization expenditure schedule as required by section 392.310 or 393.200, RSMo.

(12) In addition to the requirements of section (1), applications for authority to acquire the stock of a public utility shall include:

(A) A statement of the offer to purchase stock of the public utility or a copy of any agreement entered with shareholders to purchase stock;

(B) A certified copy of the resolution of the directors of applicant authorizing the acquisition of the stock; and

(C) Reasons why the proposed acquisition of the stock of the public utility is not detrimental to the public interest.

(13) In addition to the requirements of section (1), applications for commission approval of territorial agreements shall include:

(A) A copy of the territorial agreement and a specific designation of the boundary, including legal description;

(B) An illustrative tariff which reflects any changes in a regulated utility's operations or certification;

(C) An explanation as to why the territorial agreement is in the public interest;

(D) A list of all persons whose utility service would be changed by the agreement; and

(E) A check for fees required by these rules.]

[[14]] (3) In addition to the requirements of section (1), applications for variances or waivers from commission rules and tariff provisions, as well as those statutory provisions which may be waived, shall contain information as follows:

(A) Specific indication of the statute, rule or tariff from which the variance or waiver is sought;

(B) The reasons for the proposed variance or waiver and a complete justification setting out the good cause for granting the variance or waiver; and

(C) The name of any public utility affected by the variance or waiver.

[[15] In addition to the requirements of section (1), applications for commission authority for a change of electrical suppliers shall include:

(A) A description of the type of structure where the change of supplier is sought, and the street address, if any, of the structure;

(B) The name and address of the electrical supplier currently providing service to the structure;

(C) The name and address of the electrical supplier to which the applicant wishes to change;

(D) The applicant's reasons for seeking a change of supplier;

(E) If the applicant's reasons involve service problems, a description of the problems and dates of occurrence, if known;

(F) If the applicant's reasons involve service problems, a description of the contacts which applicant has had with the current supplier regarding the problems, if any, and what efforts the current supplier has made to solve the problems, if any;

(G) The reasons a change of electrical suppliers is in the public interest;

(H) If the current electrical supplier and the requested electrical supplier agree to the requested change, a verified statement for each supplier with the application, indicating agreement; and

(I) If the applicant is an electrical supplier, a list of the names and addresses of all customers whose electrical supplier is proposed to be changed.]

[[16]] (4) A name change may be accomplished by filing the items below with a cover letter requesting a change of name. Notwithstanding any other provision of these rules, the items required herein may be filed by a nonattorney. Applications for approval of a change of name shall include:

(A) A statement, clearly setting out both the old name and the new name;

(B) Evidence of registration of the name change with the Missouri secretary of state; and

(C) Either an adoption notice and revised tariff title sheet with an effective date which is not fewer than thirty (30) days after the filing date of the application, or revised tariff sheets with an effective date



which is not fewer than thirty (30) days after the filing date of the application.

*[(17) In addition to the requirements of section (1), applications for a certificate of service authority to provide shared tenant services (STS) shall be filed on the form provided by the commission.*

*(A) STS applications shall include:*

- 1. A description of all telecommunications services to be offered at the certificated location;*
  - 2. A description of any non-telecommunications services to be offered at the certificated location;*
  - 3. A copy of the contract or contracts to be used with tenants at the certificated location;*
  - 4. A copy of the contract or contracts to be signed with the local exchange company (LEC);*
  - 5. A description of the type of STS technology to be used at the certificated location;*
  - 6. A description of the form of interconnection to be used to provide toll services to tenants at the certificated location;*
  - 7. A copy of the notice used to inform tenants that local exchange access line service may not be immediately available if STS is terminated at the certificated location;*
  - 8. A statement of the rates to be charged tenants at the certificated location; and*
  - 9. A statement of the total number of tenants and corresponding stations to be served at the certificated location.*
- (B) Applicant shall submit annual reports filed on the form provided by the commission. Each such report shall include a list of all premises at which applicant provides STS, and a list of all STS-related complaints received from tenants, including a summary of the nature of each such complaint, and a list of case numbers for any formal complaints filed with the commission.]*

**(5) In addition to the general requirements set forth above, the requirements found in Chapter 3 of the commission's rules pertaining to the filing of various types of applications must also be met.**

*AUTHORITY: sections 386.250 and 386.410, RSMo [Supp. 1998] 2000. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 16, 2002.*

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed amendment is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission ques-*

*tions. 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.*

## **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

### **Division 240—Public Service Commission**

#### **Chapter 2—Practice and Procedure**

#### **PROPOSED RESCISSION**

**4 CSR 240-2.200 Small Company Rate Increase Procedure.** This rule provided procedures for small water, sewer and gas utilities to obtain rate increases without the necessity of filing a formal rate increase request.

**PURPOSE:** *The commission is rescinding this rule from this chapter and adopting nearly identical requirements mirroring those found in the rule in a new rule in the commission's new Chapter 3, as a part of an overall reorganization of the commission's rules regarding general filing requirements.*

**AUTHORITY:** *section 386.410, RSMo Supp. 1998. Original rule filed March 10, 1995, effective Nov. 30, 1995. Rescinded and readopted: Filed Aug. 24, 1999, effective April 30, 2000. Rescinded: Filed Aug. 16, 2002.*

**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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rescission is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of 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.*

## **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

### **Division 240—Public Service Commission**

#### **Chapter 3—Filing and Reporting Requirements**

#### **PROPOSED RULE**

#### **4 CSR 240-3.010 General Definitions**

*PURPOSE: This rule sets forth the definitions of certain terms used in rules 4 CSR 240-3.015 through 4 CSR 240-3.030, and also includes the definitions of general terms used within this chapter of the commission's rules. Definitions of additional terms used in certain utility-specific rules are found in 4 CSR 240-3.100, 4 CSR 240-3.200, 4 CSR 240-3.300, and 4 CSR 240-3.500. All definitions found in this chapter supplement those definitions found in Chapters 386, 392 and 393 of the Missouri Revised Statutes.*

- (1) Applicant means any person or public utility, as defined herein, on whose behalf an application is made.
- (2) Bill means a written or electronic demand for payment for service or equipment and the taxes, assessments, and franchise fees related thereto.
- (3) Commission means the Missouri Public Service Commission as created by Chapter 386 of the *Missouri Revised Statutes*.
- (4) Commission staff means all personnel employed by the commission whether on a permanent or contractual basis who are not attorneys in the general counsel's office, who are not members of the commission's research department, or who are not law judges.
- (5) Complaint means an informal or formal complaint under 4 CSR 240-2.070.
- (6) Corporation includes a corporation, company, association, or joint stock company or association, or any other entity created by statute which is allowed to conduct business in the state of Missouri.
- (7) Customer means any person, firm, partnership, corporation, municipality, cooperative, organization, governmental agency, etc., that accepts financial and other responsibilities in exchange for services provided by one (1) or more public utilities.
- (8) Delinquent charge means a charge remaining unpaid by a monthly billed customer at least twenty-one (21) days and for at least sixteen (16) days by a quarterly billed customer from the rendition of the bill by the utility or a charge remaining unpaid after the preferred payment date selected by the customer.
- (9) Deposit means a money advance to a utility for the purpose of securing payment of delinquent charges which might accrue to the customer who made the advance.
- (10) Electric utility means an electrical corporation as defined in section 386.020(15), RSMo.
- (11) Financing means acquisition of equity or debt interests, loans, guarantees of loans, advances, sale and repurchase agreements, sale and leaseback agreements, sales on open account, conditional or installment sales contracts or other investments or extensions of credit.
- (12) Gas utility means a gas corporation as defined in section 386.020(18), RSMo.
- (13) Guarantee means a written promise from a third party to assume liability up to a specified amount for delinquent charges which might accrue to a particular customer.
- (14) Municipality means a city, village or town.
- (15) Person means any individual, firm, joint venture, partnership, corporation, association, county, state, municipality, political subdivision, cooperative association or joint stock association, and includes any trustee, receiver, assignee or personal representative of them.

(16) Pleading means any application, complaint, petition, answer, motion, staff recommendation, or other similar written document, which is not a tariff or correspondence, and which is filed in a case. A brief is not a pleading under this definition.

(17) Political subdivision means any township, city, town, village, and any school, road, drainage, sewer and levee district, or any other public subdivision, public corporation or public quasi-corporation having the power to tax.

(18) Premises means a tract of land or real estate, including buildings and other appurtenances thereon, to which utility service is provided to a customer.

(19) Public counsel means the Office of the Public Counsel as created by the Omnibus State Reorganization Act of 1974, and includes the assistants who represent the public before the commission.

(20) Public utility means public utility as defined in section 386.020(42), RSMo.

(21) Regulated electrical corporation means every electrical corporation as defined in section 386.020, RSMo, subject to commission regulation pursuant to Chapter 393, RSMo.

(22) Regulated gas corporation means every gas corporation as defined in section 386.020, RSMo, subject to commission regulation pursuant to Chapter 393, RSMo.

(23) Regulated heating company means every heating company as defined in section 386.020, RSMo, subject to commission regulation pursuant to Chapter 393, RSMo.

(24) Rule means all of these rules as a whole or the individual rule in which the word appears, whichever interpretation is consistent with the rational application of this chapter.

(25) Service means service as defined in section 386.020(47), RSMo.

(26) Sewer utility means a sewer corporation as defined in section 386.020(48), RSMo.

(27) Steam heating utility means a heating company as defined in section 386.020(20), RSMo.

(28) Tariff means a document published by a public utility, and approved by the commission, that sets forth the services offered by that utility and the rates, terms and conditions for the use of those services.

(29) Telecommunications company means a telecommunications company as defined in section 386.020(51), RSMo.

(30) Utility company means an electric utility, a gas utility, a sewer utility, a steam heating utility, a telecommunications company or a water utility, either individually or collectively, as those terms are defined herein.

(31) Variance means an exemption granted by the commission from any applicable standard required pursuant to this chapter.

(32) Water utility means a water corporation as defined in section 386.020(58), RSMo.

*AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.*

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.015 Filing Requirements for Utility Company Applications for Waivers or Variances**

**PURPOSE:** This rule provides a reference to the commission's practice and procedure rule regarding this subject.

(1) The requirements for filing applications for waivers or variances from commission rules and tariff provisions, as well as those statutory provisions that may be waived, are contained in Chapter 2 of the commission's rules in rule 4 CSR 240-2.060.

**AUTHORITY:** section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October

25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.020 Filing Requirements Regarding Utility Company Name Changes**

**PURPOSE:** This rule provides a reference to the commission's practice and procedure rule regarding this subject.

(1) The requirements for filings regarding utility company name changes are contained in Chapter 2 of the commission's rules in rule 4 CSR 240-2.060.

**AUTHORITY:** section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.025 Utility Company Tariff Filings Which Create Cases**



*PURPOSE:* This rule provides a reference to the commission's practice and procedure rule regarding this subject.

(1) The commission's rule regarding tariff filings which create cases, which includes various filing requirements, is contained in Chapter 2 of the commission's rules in rule 4 CSR 240-2.065.

*AUTHORITY:* section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.030 Minimum Filing Requirements for Utility Company General Rate Increase Requests**

*PURPOSE:* This rule prescribes the information which must be filed by all electric utilities, all large local exchange telecommunications companies, all large gas, water and sewer utilities, and all steam heating utilities when filing for a general company-wide increase in rates. Additional requirements regarding this subject matter are also found in 4 CSR 240-3.160 for electric utilities and 4 CSR 240-3.235 for gas utilities.

(1) This rule applies to all electric utilities; to all local exchange telecommunications companies with more than five thousand (5,000) access lines; to all gas utilities with more than one thousand five hundred (1,500) customers; to all water utilities with more than five thousand (5,000) customers; to all sewer utilities with more than five thousand (5,000) customers; and to all steam heating utilities, under the jurisdiction of the commission.

(2) A general rate increase request is one where the company or utility files for an overall increase in revenues through a company-wide increase in rates for the utility service it provides, but shall not

include requests for changes in rates made pursuant to an adjustment clause or other similar provisions contained in a utility's tariffs.

(A) With regard to any telecommunications company subject to this rule, any increase in revenues as a result of an increase in rates within a previously approved rate band for a transitionally competitive or competitive service pursuant to sections 392.500 and 392.510, RSMo will not be considered a general rate increase and thereby not be subject to these minimum filing requirements.

(3) At the time a tariff(s) is filed by any company or utility subject to this rule which contains a general rate increase request, an original and fourteen (14) copies of the following information shall be filed with the secretary of the commission and two (2) copies shall be provided to the Office of the Public Counsel:

(A) A letter transmitting the proposed tariff changes to the secretary of the commission of the Missouri Public Service Commission;

(B) General information concerning the filing which will be of interest to the public and suitable for publication, including:

1. The amount of dollars of the aggregate annual increase and the percentage of increase over current revenues which the tariff(s) proposes;

2. Names of the counties and communities affected;

3. The number of the customers to be affected in each general category of service and in all rate classifications within each general category of service;

4. The average change requested in dollars and percentage change from current rates for each general category of service and for all rate classifications within each general category of service;

5. The proposed annual aggregate change by general categories of service and by rate classification within each general category of service including dollar amounts and percentage of change in revenues from current rates;

6. Copies of any press releases relative to the filing issued by the company or utility prior to or at the time of the filing; and

7. A summary of the reasons for the proposed changes or a summary explanation of the reasons the additional rate is needed.

(4) For good cause shown, the commission may grant a waiver of any of the provisions of this rule.

*AUTHORITY:* section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should

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**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.100 Definitions Pertaining Specifically to Electric Utility Rules**

*PURPOSE: This rule sets forth the definitions of certain terms used in rules 4 CSR 240-3.105 through 4 CSR 240-3.190, which are in addition to the definitions set forth in rule 4 CSR 240-3.010 of this chapter.*

(1) Affiliate means any person who, directly or indirectly, controls or is controlled by or is under common control with an electric utility.

(2) Affiliated entity means any person, including an individual, corporation, service company, corporate subsidiary, firm, partnership, incorporated or unincorporated association, political subdivision including a public utility district, city, town, county, or a combination of political subdivisions, which directly or indirectly, through one (1) or more intermediaries, controls, is controlled by, or is under common control with the regulated electrical corporation.

(3) Affiliate transaction means any transaction for the provision, purchase or sale of any information, asset, product or service, or portion of any product or service, between a regulated electrical corporation and an affiliated entity, and shall include all transactions carried out between any unregulated business operation of a regulated electrical corporation and the regulated business operations of an electrical corporation. An affiliate transaction for the purposes of this rule excludes heating, ventilating and air conditioning (HVAC) services as defined in section 386.754, RSMo by the General Assembly of Missouri.

(4) Appliance or equipment means any device which consumes electric energy and any ancillary device required for its operation.

(5) Avoided costs means the incremental costs to an electric utility of electric energy or capacity or both which, but for the purchase from the qualifying facility or qualifying facilities, that utility would generate itself or purchase from another source.

(6) Consideration shall be interpreted in its broadest sense and shall include any cash, donation, gift, allowance, rebate, discount, bonus, merchandise (new or used), property (real or personal), labor, service, conveyance, commitment, right or other thing of value.

(7) Control (including the terms “controlling,” “controlled by,” and “common control”) means the possession, directly or indirectly, of the power to direct, or to cause the direction of the management or policies of an entity, whether such power is exercised through one (1) or more intermediary entities, or alone, or in conjunction with, or pursuant to an agreement with, one (1) or more other entities, whether such power is exercised through a majority or minority ownership or voting of securities, common directors, officers or stockholders, voting trusts, holding trusts, affiliated entities, contract or any other direct or indirect means. The commission shall presume that the beneficial ownership of ten percent (10%) or more of voting securities or partnership interest of an entity constitutes control for

purposes of this rule. This provision, however, shall not be construed to prohibit a regulated electrical corporation from rebutting the presumption that its ownership interest in an entity confers control.

(8) Cost-effective means that the present value of life-cycle benefits is greater than the present value of life-cycle costs to the provider of an energy service.

(9) Decommissioning means those activities undertaken in connection with a nuclear generating unit’s retirement from service to ensure that the final removal, disposal, entombment or other disposition of the unit and of any radioactive components and materials associated with the unit, are accomplished in compliance with all applicable laws, and to ensure that the final disposition does not pose any undue threat to the public health and safety. Decommissioning includes the removal and disposal of the structures, systems and components of a nuclear generating unit at the time of decommissioning.

(10) Decommissioning costs means all reasonable costs and expenses incurred in connection with decommissioning, including all expenses to be incurred in connection with the preparation for decommissioning, including, but not limited to, engineering and other planning expenses; and to be incurred after the actual decommissioning occurs, including, but not limited to, physical security and radiation monitoring expenses, less proceeds of insurance, salvage or resale of machinery, construction equipment or apparatus the cost of which was charged as a decommissioning expense.

(11) Demand-side resource means any inefficient energy-related choice that can be influenced cost-effectively by a utility. The meaning of this term shall not be construed to include load-building program.

(12) Energy service means the need that is served or the benefit that is derived by the ultimate consumer’s use of energy.

(13) Inefficient energy-related choice means any decision that causes the life-cycle cost of providing an energy service to be higher than it would be for an available alternative choice.

(14) Load-building program means an organized promotional effort by a utility to persuade energy-related decision makers to choose the form of energy supplied by that utility instead of other forms of energy for the provision of energy service or to persuade customers to increase their use of that utility’s form of energy, either by substituting it for other forms of energy or by increasing the level or variety of energy services used. This term is not intended to include the provision of technical or engineering assistance, information about filed rates and tariffs or other forms of routine customer service.

(15) Promotional practices means any consideration offered or granted by an electric utility or its affiliate to any person for the purpose, express or implied, of inducing the person to select and use the service or use additional service of the utility or to select or install any appliance or equipment designed to use the utility service, or for the purpose of influencing the person’s choice or specification of the efficiency characteristics of appliances, equipment, buildings, utilization patterns or operating procedures. The term promotional practices shall not include the following activities:

(A) Making any emergency repairs to appliances or equipment of customers;

(B) Providing appliances or equipment incidental to demonstrations of sixty (60) days or less in duration;

(C) Providing light bulbs, street or outdoor lighting service, wiring, service pipe or other service equipment or appliances, in accordance with tariffs filed with and approved by the commission;

(D) Providing appliances or equipment to an educational institution for the purpose of instructing students in the use of the appliances or equipment;

(E) Merchandising appliances or equipment at retail and, in connection therewith, the holding of inventories, making and fulfillment of reasonable warranties against defects in material and workmanship existing at the time of delivery and financing; provided that the merchandising shall not violate any prohibition contained in 4 CSR 240-14.020;

(F) Inspecting and adjusting of appliances or equipment by an electric utility;

(G) Repairing and other maintenance to appliances or equipment by an electric utility if charges are at cost or above;

(H) Providing free or below-cost energy audits or other information or analysis regarding the feasibility and cost-effectiveness of improvements in the efficiency characteristics of appliances, equipment, buildings, utilization patterns or operating procedures;

(I) Offering to present or prospective customers by an electric utility technical or engineering assistance; and

(J) Advertising or publicity by an electric utility which is under its name and on its behalf and which does not in any manner, directly or indirectly, identify, describe, refer to, mention or relate to any architect, builder, engineer, subdivider, developer or other similar person, or which mentions no less than three (3) existing projects, developments or subdivisions.

(16) Purchase means the purchase of electric energy or capacity or both from a qualifying facility by an electric utility.

(17) Qualifying facility means a cogeneration facility or a small power production facility which is a qualifying facility under Subpart B of Part 292 of the Federal Energy Regulatory Commission's (FERC) regulations.

(18) Sale means the sale of electric energy or capacity or both by an electric utility to a qualifying facility.

**AUTHORITY:** section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

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**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.105 Filing Requirements for Electric Utility  
Applications for Certificates of Convenience and Necessity**

**PURPOSE:** Applications to the commission requesting that the commission grant a certificate of convenience and necessity must meet the requirements of this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications by an electric utility for a certificate of convenience and necessity shall include:

(A) If the application is for a service area—

1. A statement as to the same or similar utility service, regulated and nonregulated, available in the area requested;

2. If there are ten (10) or more residents or landowners, the name and address of no fewer than ten (10) persons residing in the proposed service area or of no fewer than ten (10) landowners in the event there are no residences in the area, or, if there are fewer than ten (10) residents or landowners, the name and address of all residents and landowners;

3. The legal description of the area to be certificated;

4. A plat drawn to a scale of one-half inch (1/2") to the mile on maps comparable to county highway maps issued by the Missouri Department of Transportation or a plat drawn to a scale of two thousand feet (2,000') to the inch; and

5. A feasibility study containing plans and specifications for the utility system and estimated cost of the construction of the utility system during the first three (3) years of construction; plans for financing; proposed rates and charges and an estimate of the number of customers, revenues and expenses during the first three (3) years of operations;

(B) If the application is for electrical transmission lines, gas transmission lines or electrical production facilities—

1. A description of the route of construction and a list of all electric and telephone lines of regulated and nonregulated utilities, railroad tracks or any underground facility, as defined in section 319.015, RSMo, which the proposed construction will cross;

2. The plans and specifications for the complete construction project and estimated cost of the construction project or a statement of the reasons the information is currently unavailable and a date when it will be furnished; and

3. Plans for financing;

(C) When no evidence of approval of the affected governmental bodies is necessary, a statement to that effect;

(D) When approval of the affected governmental bodies is required, evidence must be provided as follows:

1. When consent or franchise by a city or county is required, approval shall be shown by a certified copy of the document granting the consent or franchise, or an affidavit of the applicant that consent has been acquired; and

2. A certified copy of the required approval of other governmental agencies; and

(E) The facts showing that the granting of the application is required by the public convenience and necessity.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.



**AUTHORITY:** section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

##### **Division 240—Public Service Commission**

##### **Chapter 3—Filing and Reporting Requirements**

#### **PROPOSED RULE**

##### **4 CSR 240-3.110 Filing Requirements for Electric Utility Applications for Authority to Sell, Assign, Lease or Transfer Assets**

**PURPOSE:** Applications to the commission for the authority to sell, assign, lease or transfer assets must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to sell, assign, lease or transfer assets shall include:

(A) A brief description of the property involved in the transaction, including any franchises, permits, operating rights or certificates of convenience and necessity;

(B) A copy of the contract or agreement of sale;

(C) The verification of proper authority by the person signing the application or a certified copy of resolution of the board of directors of each applicant authorizing the proposed action;

(D) The reasons the proposed sale of the assets is not detrimental to the public interest;

(E) If the purchaser is subject to the jurisdiction of the commission, a balance sheet and income statement with adjustments showing the results of the acquisitions of the property; and

(F) A statement of the impact, if any, the sale, assignment, lease or transfer of assets will have on the tax revenues of the political subdivisions in which any structures, facilities or equipment of the companies involved in that sale are located.

(2) If the purchaser is not subject to the jurisdiction of the commission, but will be subject to the commission's jurisdiction after the sale, the purchaser must comply with these rules.

(3) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

**AUTHORITY:** section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

##### **Division 240—Public Service Commission**

##### **Chapter 3—Filing and Reporting Requirements**

#### **PROPOSED RULE**

##### **4 CSR 240-3.115 Filing Requirements for Electric Utility Applications for Authority to Merge or Consolidate**

**PURPOSE:** Applications to the commission for the authority to merge or consolidate must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to merge or consolidate shall include:

(A) A copy of the proposed plan and agreement of corporate merger and consolidation, including organizational charts depicting the relationship of the merging entities before and after the transaction;

(B) A certified copy of the resolution of the board of directors of each applicant authorizing the proposed merger and consolidation;

(C) The balance sheets and income statements of each applicant and a balance sheet and income statement of the surviving corporation;

(D) The reasons the proposed merger is not detrimental to the public interest;

(E) An estimate of the impact of the merger on the company's Missouri jurisdictional operations relative to the merger and acquisition in question; and

(F) A statement of the impact, if any, the merger or consolidation will have on the tax revenues of the political subdivision in which any structures, facilities or equipment of the companies involved are located.

(2) If the purchaser is not subject to the jurisdiction of the commission, but will be subject to the commission's jurisdiction after the sale, the purchaser must comply with these rules.

(3) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

*AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.*

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
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Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.120 Filing Requirements for Electric Utility Applications for Authority to Issue Stock, Bonds, Notes and Other Evidences of Indebtedness**

*PURPOSE:* Applications to the commission for the authority to issue stock, bonds, notes or other evidences of indebtedness must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to issue stock, bonds, notes and other evidences of indebtedness shall contain the following:

(A) A brief description of the securities which applicant desires to issue;

(B) A statement of the purpose for which the securities are to be issued and the use of the proceeds;

(C) Copies of executed instruments defining the terms of the proposed securities—

1. If these instruments have been previously filed with the commission, a reference to the case number in which the instruments were furnished;

2. If these instruments have not been executed at the time of filing, a statement of the general terms and conditions to be contained in the instruments which are proposed to be executed; and

3. If none of these instruments is either executed or to be executed, a statement of how the securities are to be sold;

(D) A certified copy of resolutions of the directors of applicant authorizing the issuance of the securities;

(E) A balance sheet and income statement with adjustments showing the effects of the issuance of the proposed securities upon—

1. Bonded and other indebtedness; and

2. Stock authorized and outstanding;

(F) A statement of what portion of the issue is subject to the fee schedule in section 386.300, RSMo; and

(G) A five (5)-year capitalization expenditure schedule as required by section 393.200, RSMo.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

*AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.*

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.125 Filing Requirements for Electric Utility Applications for Authority to Acquire the Stock of a Public Utility**

**PURPOSE:** Applications to the commission for the authority to acquire the stock of a public utility must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to acquire the stock of a public utility shall include:

(A) A statement of the offer to purchase stock of the public utility or a copy of any agreement entered with shareholders to purchase stock;

(B) A certified copy of the resolution of the directors of applicant authorizing the acquisition of the stock; and

(C) Reasons why the proposed acquisition of the stock of the public utility is not detrimental to the public interest.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

**AUTHORITY:** section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.130 Filing Requirements for Applications for Approval of Electric Service Territorial Agreements**

**PURPOSE:** This rule establishes requirements that applications to the commission for approval of territorial agreements between electric service providers must meet. As noted in the rule, additional

requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1) and 4 CSR 240-3.135.

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for commission approval of territorial agreements between electric service providers shall include:

(A) A copy of the territorial agreement and a specific designation of the boundary, including legal description;

(B) An illustrative tariff which reflects any changes in a regulated utility's operations or certification;

(C) An explanation as to why the territorial agreement is in the public interest;

(D) A list of all persons whose utility service would be changed by the agreement; and

(E) A check for the initial filing fee set forth in 4 CSR 240-3.135.

(2) If any of the items required by subsections (1)(A)-(D) of this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

**AUTHORITY:** sections 386.250, 386.800 and 394.312, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.135 Schedule of Fees Applicable to Applications for Approval of Electric Service Territorial Agreements, Petitions for Designation of Electric Service Areas and Applications for Resolution of Annexation-Related Disputes**

**PURPOSE:** This rule establishes a schedule of fees for commission review of proposed territorial agreements, petitions for commission



*designation of electric service areas, and annexation-related applications.*

(1) Commission review of an application for a proposed territorial agreement, a petition for commission designation of electric service areas, or an application for resolution of an annexation-related dispute, shall be accompanied by an initial filing fee in the amount of five hundred dollars (\$500).

(2) In addition to the filing fee, the fee for commission review of an opposed application for approval of a proposed territorial agreement between electric service providers is set at six hundred eighty-five dollars (\$685) per hour of hearing time, subject to a minimum charge for hearing time of six hundred eighty-five dollars (\$685). There is an additional charge of three dollars and fifty cents (\$3.50) per page of transcript. These fees are in addition to the fees authorized by section 386.300, RSMo.

(3) The parties shall be responsible for payment of any unpaid fees on and after the effective date of the commission's report and order relating to the electric territorial agreement, designation of service areas or annexation-related application. The executive director shall send an itemized billing statement to the applicants on or after the effective date of the commission's report and order. Responsibility for payment of the fees shall be that of the parties to the proceeding as ordered by the commission in each case.

(4) An application for commission review of proposed amendment(s) to an existing territorial agreement between electric service providers shall not be subject to the fee of five hundred dollars (\$500) specified in section (1) of this rule. However, the applicants shall be responsible for the payment of a fee which reflects necessary hearing time (including the minimum hearing time charge) and the transcript costs as specified in section (2) of this rule.

(5) On July 1 of each year, the filing fee and the fee per hour of evidentiary hearing time will be modified to match any percentage change in the Consumer Price Index for the twelve (12)-month period ending December 31 of the preceding year.

*AUTHORITY: sections 386.250, 386.800 and 394.312, RSMo 2000. Original rule filed Aug. 16, 2002.*

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.140 Filing Requirements for Applications for Authority for a Change of Electrical Suppliers**

*PURPOSE: Applications to the commission for the approval of a change of electrical suppliers must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).*

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for the approval of a change in electrical suppliers shall include:

(A) A description of the type of structure where the change of supplier is sought, and the street address, if any, of the structure;

(B) The name and address of the electrical supplier currently providing service to the structure;

(C) The name and address of the electrical supplier to which the applicant wishes to change;

(D) The applicant's reasons for seeking a change of supplier;

(E) If the applicant's reasons involve service problems, a description of the problems and dates of occurrence, if known;

(F) If the applicant's reasons involve service problems, a description of the contacts which applicant has had with the current supplier regarding the problems, if any, and what efforts the current supplier has made to solve the problems, if any;

(G) The reasons a change of electrical suppliers is in the public interest;

(H) If the current electrical supplier and the requested electrical supplier agree to the requested change, a verified statement for each supplier with the application, indicating agreement; and

(I) If the applicant is an electrical supplier, a list of the names and addresses of all customers whose electrical supplier is proposed to be changed.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

*AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.*

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A*

*public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.*

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

##### **Division 240—Public Service Commission**

##### **Chapter 3—Filing and Reporting Requirements**

#### **PROPOSED RULE**

##### **4 CSR 240-3.145 Filing Requirements for Electric Utility Rate Schedules**

*PURPOSE: This rule prescribes the form and procedures for filing and publishing schedules of rates of all electric utilities under the jurisdiction of the Public Service Commission.*

(1) Every electrical corporation, as defined in section 386.020, RSMo, engaged in the manufacture, generating, furnishing or transmission of electricity for light, heat or power within Missouri is directed to have on file with this commission not later than October 15, 1913, a schedule of all rates, rentals and charges of whatever nature made by the electrical corporation for each kind of service it renders which were in force on April 15, 1913, together with proper supplements covering all changes in rate schedules authorized by this commission, if any, since April 15, 1913.

(2) Every electrical corporation is directed on and after October 15, 1913, to publish all of its schedules of rates with this commission as follows:

(A) To keep all of its schedules of rates established and filed with this commission and in its main or principal operating office and in each division office which is now or may be established;

(B) To keep at each of its branch business offices where contracts for service are made or payment for customer's service is received, copies of all of its established schedules of rates which apply within the area served; and

(C) That all schedules of rates at all times during business hours shall be readily accessible to the public and shall be immediately produced for inspection upon the demand of any person. The production for inspection of schedules of rates shall be accompanied by such assistance on the part of the proper representative of the electrical corporation having a schedule to determine accurately the rate or charge applicable to any particular kind of electrical service.

(3) All schedules of rates, rentals and charges, or rules relating and applying to service rendered in connection with the supplying of electrical energy for light, heat and power or for any service rendered in connection with electrical energy supply, lawfully on file with the commission and in force on April 15, 1913, will be considered as continuing in force and may be amended in the manner provided in this rule.

(4) All schedules of rates on file with this commission and in effect April 15, 1913, not in accordance with this rule shall be reprinted in the manner prescribed by this rule and filed on or before October 15, 1913. All new schedules of rates issued after April 15, 1913, must conform to this rule or they will be subject to rejection by the com-

mission when tendered for filing. The commission reserves the right to direct the reprinting of any schedule at any time.

(5) In classifying rates for electrical service the following uniform system of classification will be followed as closely as practical:

(A) All lighting rates for residences, business places, theaters, public buildings, and the like will be placed under the head of commercial lighting;

(B) All power rates, including rates for battery charging, will be placed under the head of commercial power; and

(C) All rates for street lighting, including municipal street lighting and the free lighting of public buildings as is done in connection with street lighting will be placed under the head of street lighting.

(6) All schedules of rates should be on a good serviceable quality of paper and, if in the discretion of the commission, the volume of schedule justifies it, a schedule shall not be accepted for filing until printed.

(7) All schedules of rates filed with the commission shall bear a number with the following prefix: PSC Mo. Rate schedules shall be numbered in consecutive serial order commencing with a No. 1 for each electrical corporation (for example, the first schedule PSC Mo., No. 1). The prefixes and numbers shall be printed on schedules as required by section (9) of this rule. For convenience the prefix is referred to as PSC.

(8) All schedules of rates shall be in book, sheet or pamphlet form of size eight and one-half inches by eleven inches (8 1/2" × 11"). A loose-leaf plan may be used so that changes may be made by reprinting and inserting a single leaf. When the loose-leaf plan is used, all sheets except the title page must show in the marginal space at the top of page or sheet, the name of the electrical corporation issuing the PSC No., the number of the schedule and the number of the page or sheet. At the bottom of the sheet in the marginal space must be shown, the date of issue and effective date and the name, title and address of the officer by whom the schedule is issued.

(9) The title page or sheet, if loose leaf, of every schedule of rates shall show—

(A) The full corporate name of the issuing electrical corporation;

(B) The PSC number of the schedule in bold type in the center of the marginal space at top of the page and immediately under it in small type the PSC number(s) canceled;

(C) A brief description of the service areas from and to or within which the schedule applies;

(D) When a schedule rate is governed by a general publication, the reference to the general publication by its PSC number must be given. The following phraseology, as the case may be, will be used: "Governed except as otherwise provided herein by schedule PSC Mo. No., which schedule, revised and added pages or sheets or superseding issues thereof is hereby made a part of this schedule." The rate publication referred to must be on file with the commission and be kept at every place where the schedule making reference is to be kept for public inspection;

(E) The date of issue and the date effective. If the schedule or any portion is made to expire on a specified date, the following clause must be used: "expires, unless sooner changed, canceled or extended";

(F) On every schedule, supplement or revised or added sheet issued on less than thirty (30)-days' notice, by permission of the commission, the following notation must be shown: "Issued on \_\_\_\_ days' notice to the public and the commission under special permission of the Public Service Commission of Missouri, No. \_\_\_\_ of date \_\_\_\_." If issued in compliance with an order of the commission, the following notation must be shown: "Issued on \_\_\_\_ days' notice to the public and the commission under order of the Public Service Commission of Missouri, of date \_\_\_\_, in Case No. \_\_\_\_," when



issued by authority of any section of this rule, the notice must be that required by the particular section granting permission;

(G) On the upper left-hand corner of a schedule of fewer than three (3) pages and on schedules issued in loose-leaf form, the words, "No supplement to this tariff will be issued except for the purpose of canceling this tariff." A schedule, not in loose-leaf form, of three (3) or more pages shall include the words, "Only one supplement to this schedule will be in effect at any one time"; and

(H) On the marginal space at the bottom of page will be given the name, title and address of the officer by whom the schedule is issued, the date of issue and the effective date.

(10) The schedule shall contain in the order named:

(A) Table of Contents. Provide full and complete statement in alphabetical order of the exact location where information under the general headings or subjects will be found, specifying the page of item numbers. If the schedule contains so small a volume of matter that its title page or interior arrangement plainly may disclose its contents, the table of contents may be omitted;

(B) Description of Territory. A more lengthy description of the territory to be served than can be briefly set forth on the title page will often be necessary; any items in this category which bear any relation to the various rates should be explained under this heading;

(C) Classification of Service. Under this heading the kind of service separately grouped for commercial lighting, commercial power and street lighting will be set forth in the order named together with a detailed statement of the rate(s) in connection with same. A definite separation must be made between prompt payment discount and quantity discount and stating the manner in which they are computed clearly. If guarantees of any nature are required or a minimum charge made, the principles upon which they are based must be stated. In this case give the company's charges or deposits for meters. If penalties for delayed payments are exacted, the same must be stated. State whether current is estimated or metered and if so, how. State the company's practice in regard to lamp renewals. If a charge is made to the consumer for installing and connecting the service wires, this should be stated. State the character of the service, whether twenty-four (24)-hour or limited until midnight, whether the service is limited to certain hours of the day, on-peak, off-peak, optional service, auxiliary service, breakdown service, and the like. The kind of current, such as alternating or direct, together with the voltage, phase and frequency must be given in all cases;

(D) Rules. Under this heading will be set forth all rules which apply to contracts for furnishing electrical energy for light, heat and power, and all of the company's rules in any way relating to service, together with any particular regulations relating to a special contract for service rendered which have not already been stated in connection with the description of rates under section (5) of this rule; and

(E) Definition and Explanation of Reference Marks. Under this heading, as its name implies, shall be given the necessary description of any reference marks employed in connection with the rate tables, that is, explain the meaning of watt, kilowatt hour, horsepower, and the like. If symbols or abbreviations are used, explain their meanings, such as kilowatt hour for K.W.H.; ampere for amp. When ratings are used based on capacity installation or a percentage of capacity installation, a table of equivalents for estimating these ratings must be given. For example, one (1) sixteen (16)-candle power carbon filament lamp equals about fifty-five (55) watts. If terms maximum demand, load factor, rated capacity, peak, and the like, are used in the schedule, these should be explained under this caption. All definitions of terms and explanation of terms or symbols, abbreviations or reference marks should be arranged in logical sequence and in a manner that they will be readily understood.

(11) If a schedule or supplement to a schedule is issued which conflicts with a part of another schedule or supplement of a schedule which is in force at the time and which is not canceled in full, it specifically shall state the portion of the other schedule which is can-

celed and the other schedule, at the same time, shall be correspondingly amended, effective on the same date, in the regular way; and the supplement to the amended schedule shall be filed at the same time and in connection with the schedule which contains the new rates, rentals or charges.

(12) If a schedule is canceled with the purpose of canceling entirely the rates, rentals or charges named in the schedule or when through error or omission, a later issue failed to cancel the previous issue and a schedule is canceled for the purpose of perfecting the record, the cancellation notice must not be given a new PSC number, but must be issued as a supplement to the schedule which it cancels, even though the schedule at the time may have a supplement in effect.

(13) If a schedule or a part of a schedule is canceled, the cancellation notice shall make specific notice to the PSC number of the schedule in which the rates, rentals or charges will be found; or if no rates, rentals or charges are in effect, it shall state so. Cancellation of a schedule also cancels a supplement to the schedule in effect, if any. If a schedule is canceled by a similar schedule to take its place, the cancellation notice must not be given by supplement, but by notice printed in a new schedule.

(14) A change in a schedule shall be known as an amendment and excepting amendments to schedules issued in loose-leaf form, shall be printed in a supplement to the schedule which it amends, specifying the schedule by its PSC number. The supplement shall be reissued each time an amendment is made and shall always contain all the amendments to the schedule that are in force. Supplements to schedules shall be numbered consecutively as supplements to the schedules and shall not be given new or separate PSC numbers. An amendment must always be printed in the supplement in its entirety as amended.

(15) A schedule which contains reissued items brought forward from a previous issue which has not been in effect thirty (30) days or a supplement which brings forward reissued items without change from a former supplement or schedule, must bear the notation "Effective \_\_\_\_\_, except as noted in individual items." "Example: Issued \_\_\_\_\_, 20\_\_ ; effective \_\_\_\_\_, 20\_\_, except as noted in individual items." Reissued items brought forward without change must show in a conspicuous form and convenient manner the following: "Reissue" in black face type; the effective or the date upon which it becomes effective; in PSC Mo. No. \_\_\_\_\_ "or in supplement No. \_\_\_\_\_ to PSC Mo. No. \_\_\_\_\_." When the reissued item became effective in a former supplement to the same schedule, the PSC number may be omitted, but the supplement number must be given.

(16) Except as otherwise provided in this rule, there shall be at no time more than one (1) supplement in effect to any schedule and the effective supplement to a schedule of twenty (20) or more pages may not contain more than twenty percent (20%) of the number of pages or sheets in the schedule, including the title page, a supplement to a schedule of fewer than twenty (20) pages or ten (10) sheets may not contain more than four (4) pages or two (2) sheets, including the title page.

(17) All changes in and additions to schedules issued in loose-leaf form must be made by reprinting both pages of the leaf or sheet upon which the change is made. When no change or addition is made on one (1) of the pages reprinted, it must bear the notation, "No change in this page." Those pages or sheets shall not be given supplement numbers, but must be designated "First revised page or sheet," "Second revised page or sheet," and the like and must show the name of the issuing corporation and the PSC number of the schedule, the

issued and effective dates and the name, title and address of officer by whom issued.

(18) If a new schedule is filed on statutory notice canceling another schedule and after that filing and prior to the effective date of the new schedule, a supplement to the schedule to be so canceled should be lawfully issued, the rates, rentals or charges in that supplement could not continue in effect for the thirty (30) days required by law because the cancellation of the schedule also cancels the supplement to it. In this case the supplement containing changes not included in the schedule that is to become effective may be issued as a supplement both to the schedule in effect and to the schedule on file that will effect a cancellation and be given both PSC numbers. In other words, such an issue must be a supplement of each of the schedules and copies must be filed accordingly. A supplement issued under this rule containing reissued items shall note in connection with each item, in addition to the effective date required by this rule, that the reissued items expire on the date on which the new schedule will apply in lieu thereof; and the reissued items must not be brought forward in a subsequent supplement to the new schedule. This supplement may not contain any changes except those lawfully made by supplement to the schedule which is to be canceled by the schedule that has been filed and that is also supplemented; and no other kind of a supplement to a schedule that is on file and not yet effective may be made effective within thirty (30) days from the effective date of the schedule without special permission of the commission.

(19) The provisions of section (17) of this rule as to the number of supplements to a schedule that may be in effect at any time and the volume of supplemental matter they may contain need not be observed in connection with a supplement issued under sections (15)–(19) of this rule.

(20) In case of change of ownership and operation of any electrical corporation's property or of the electrical corporation in possession and operating the property, the electrical corporation taking over the operation of the properties, if the existing rates would otherwise remain legally effective, shall issue immediately and file with the commission, with PSC number, an adoption notice substantially as follows:

(A) "The (name of the electrical corporation) hereby adopts, ratifies and makes its own, in every respect as if the same had been originally filed by it, all schedules, rules, notices, concurrences, schedule agreements, divisions, authorities or other instruments whatsoever, filed with the PUBLIC SERVICE COMMISSION, State of Missouri, by the (name of the electrical corporation), prior to (date), the beginning of its possession. By this notice it also adopts and ratifies all supplements or amendments to any of the above schedules, etc., which (name of the electrical corporation) has heretofore filed with said commission. This notice may be made effective as of the date it is filed with the commission";

(B) In the event that the successor corporation does not intend to adopt some of those schedules, rates, rules, notices, concurrences, authorities or other instruments, the notice shall specify those which are not adopted, and the successor corporation as to such exceptions shall give the cancellation or withdrawal notice provided in this rule;

(C) The adoption notice shall stand and be effective as to all of the local issues of the predecessor electrical corporation; and

(D) In case of a receivership, the receiver shall be deemed as continuing in force the schedules and rules of the corporation whose property s/he has in charge.

(21) Schedules and schedule supplements shall be filed with the commission by the proper officer of the electrical corporation designated to perform that duty; and supplements must be on file with the commission or accompany the schedule or supplement.

(22) All changes in rates, charges or rentals or in rules that affect the rates, charges or rentals shall be filed with the commission at least thirty (30) days before the date upon which they are to become effective. The title page of every rate schedule or supplement and the reissue on any page or sheet must show a full thirty (30) days' notice except as otherwise provided in this rule. The proposed change shall be accompanied by a brief summary, approximately one hundred (100) words or less, of the effect of the change on the company's customers. A copy of any proposed change and summary shall also be served on the public counsel and be available for public inspection and reproduction during regular office hours at the general business office of the utility.

(23) Each electrical corporation has the duty of filing with the commission all its schedules of rates and supplements or any rule relative to them which may be announced by the commission, under penalty for failure to do so. The commission will give consistent assistance as it can in this respect, but the fact that the receipt of a rate schedule or a supplement to a rate schedule is acknowledged by the commission, or the fact that a rate schedule or supplement to a rate schedule is in the files of the commission, will not serve or operate to excuse the electrical corporation or municipality from its responsibility or liability for any violation of the law or of any ruling lawfully made which may have occurred in connection thereunder with the construction of filing of a rate schedule or supplement.

(24) Thirty (30) days' notice to the commission is required as to every publication relating to electrical rates or service except where publications are made effective on less than statutory notice by permission, regulation or requirement of the commission.

(25) Except as is otherwise provided, no schedule or supplement will be accepted for filing unless it is delivered to the commission free from all charges or claims for postage, the full thirty (30) days required by law before the date upon which the schedule or supplement is stated to be effective. No consideration will be given to or for the time during which a schedule or supplement may be held by the post office authorities because of insufficient postage. When a schedule or a supplement is issued and as to which the commission is not given the statutory notice, it is as if it had not been issued and a full statutory notice must be given of any reissue. No consideration will be given to telegraphic notices in computing the thirty (30) days' notice required. In these cases the schedule will be returned to the sender and correction of the neglect or omission cannot be made which takes into account any time elapsing between the date upon which that schedule or supplement was received and the date of the attempted correction. For rate schedules and supplements issued on short notice under special permission of the commission, literal compliance with the requirements for notice named in any order, regulation or permission granted by the commission will be exacted.

(26) When a schedule is rejected by the commission as unlawful, the records will so show and that schedule should not in the future be referred to as canceled, amended or otherwise except to note on the publication issued in lieu of that rejected schedule, "In lieu of \_\_\_\_\_, rejected by the commission;" nor shall the number which it bears be used again.

(27) Rates, charges or rentals or regulations relating to them, prescribed by the commission in its decisions and orders, after hearings upon formal complaints, shall in every instance be promulgated by the electrical corporation against which those orders are entered, in duly published and filed rate schedules, supplements or revised pages or sheets of schedules, and notice shall be sent to the commission that its order in Case No. \_\_\_\_\_ has been complied with in item \_\_\_\_\_, page \_\_\_\_\_, of schedule PSC Mo. No. \_\_\_\_\_; or supplement to schedule PSC Mo. No. \_\_\_\_\_; or reissued

page or sheet No. \_\_\_\_\_ to schedule PSC Mo. No. \_\_\_\_\_.

(28) Schedules and supplements shall be filed in numerical order of PSC numbers. If in any instance this procedure is not observed as required by these rules, a memorandum must accompany the schedule so filed with the commission explaining omission of missing number(s).

(29) Electrical corporations are directed, in filing schedules, to transmit one (1) copy of each rate schedule, supplement or other charges or regulations for the use of the commission. Schedules sent for filing must be addressed to Public Service Commission, PO Box 360, Jefferson City, MO 65102.

(30) All schedules filed with the commission shall be accompanied by a letter of transmittal, in duplicate if receipt is desired, which shall be prepared consistent with the format designated by the commission.

*AUTHORITY: sections 386.250 and 393.140, RSMo 2000. Original rule filed Aug. 16, 2002.*

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.150 Filing Requirements for Electric Utility Promotional Practices**

*PURPOSE: Electric utilities with promotional practices must meet the filing requirements in this rule prior to offering a promotional practice.*

(1) Any promotional practices offered by an electric utility must meet the requirements set out in the commission's rules regarding utility promotional practices (4 CSR 240-14).

(2) No electric utility or its affiliate shall offer or grant any additional promotional practice or vary or terminate any existing promotional practice, directly or indirectly, or in concert with others, or by any means whatsoever, until a tariff filing showing the addition or variation or termination in the form prescribed by this rule has been made with the commission and a copy furnished to each other electric utility providing the same or competing utility service in any portion of the service area of the filing utility.

(A) The utility shall provide the following information on the tariff sheets:

1. The name, number or letter designation of the promotional practice;

2. The class of persons to which the promotional practice is being offered or granted;

3. Whether the promotional practice is being uniformly offered to all persons within that class;

4. A description of the promotional practice and a statement of its purpose or objective;

5. A statement of the terms and conditions governing the promotional practice;

6. If the promotional practice is offered or granted, in whole or in part, by an affiliate or other person, the identity of the affiliate or person and the nature of their participation; and

7. Other information relevant to a complete understanding of the promotional practice.

(3) The utility shall provide the following supporting information for each promotional practice:

(A) A description of the advertising or publicity to be employed with respect to the promotional practice;

(B) For promotional practices that are designed to evaluate the cost-effectiveness of potential demand-side resources, a description of the evaluation criteria, the evaluation plan and the schedule for completing the evaluation; and

(C) For promotional practices that are designed to acquire demand-side resources, documentation of the criteria used and the analysis performed to determine that the demand-side resources are cost-effective.

*AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.*

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

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

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and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.155 Requirements for Electric Utility Cogeneration Tariff Filings**

*PURPOSE:* This rule defines the requirements of electric utilities pertaining to the filing of tariffs regarding purchasing electricity generated by small power producers and cogenerators. Additional provisions pertaining to cogeneration are set forth in 4 CSR 240-20.060.

(1) Terms defined in the Public Utility Regulatory Policies Act of 1978 (PURPA) shall have the same meaning for purposes of this rule as they have under PURPA, unless further defined in this rule.

(2) All regulated electric utilities shall—

(A) File tariffs providing standardized rates for facilities at or under one hundred (100) kilowatts on design capacity. The tariffs are to take account of the stochastic effect achieved by the aggregate output of dispersed small systems, that is, statistically a dispersed array of facilities may produce a level of reliability not enjoyed by any one (1) of the units taken separately. When that aggregate capacity value which allows the utility to avoid a capacity cost occurs and can be reasonably estimated, a corresponding credit must be included in the standard rates. The tariffs should take into account patterns of availability of particular energy sources such as the benefits to a summer peaking utility from photovoltaic systems or to a winter peaking utility for wind facilities. For the purposes of this rule, rate means any price, rate, charge or classification made, demanded, observed or received with respect to the sale or purchase of electric energy or capacity or any rule or practice respecting any such rate, charge or classification and any contract pertaining to the sale or purchase of electric energy or capacity;

(B) Submit a standard form contract for facilities over one hundred (100) kilowatts as the basis for tariffs for these facilities. Issues such as avoided costs, losses, reliability and ability to schedule are to be considered in the contract.

(3) All tariffs and other data required to be prepared and filed by electric utilities under the provisions of subsection (1) shall be submitted no later than September 15, 1981, and updated and revised on or before January 15, 1983, and not less than every two (2) years after that, unless otherwise ordered by the commission.

(4) To make available data from which avoided costs may be derived, not later than September 15, 1981, and updated and revised on or before January 15, 1983, and not less than every two (2) years after that, unless otherwise ordered by the commission, each regulated electric utility shall provide to the Public Service Commission (PSC) and shall maintain for public inspection the following data:

(A) The estimated avoided cost on the electric utility's system, solely with respect to the energy component, for various levels of purchases from qualifying facilities. These levels of purchases shall be stated in blocks of not more than one hundred (100) megawatts for systems with peak demand of one thousand (1,000) megawatts or

more, and in blocks equivalent to not more than ten percent (10%) of the system peak demand for systems of less than one thousand (1,000) megawatts. The avoided costs shall be stated on a cents per kilowatt-hour basis, during daily and seasonal peak and off-peak periods, by year, for the current calendar year and each of the next five (5) years;

(B) The electric utility's plans for the addition of capacity by amount and type, for purchases of firm energy and capacity and for capacity retirements for each year during the succeeding ten (10) years; and

(C) The estimated capacity costs at completion of the planned capacity additions and planned capacity firm purchases, on the basis of dollars per kilowatt and the associated energy costs of each unit, expressed in cents per kilowatt hour. These costs shall be expressed in terms of individual generating units and of individual planned firm purchases.

(5) Special Rule for Small Electric Utilities.

(A) Each electric utility (other than any electric utility to which subparagraph (5)(A)2. applies) upon request shall—

1. Provide comparable data to that required under section (2) to enable qualifying facilities to estimate the electric utility's avoided costs for periods described in section (2); or

2. With regard to an electric utility which is legally obligated to obtain all its requirements for electric energy and capacity from another electric utility, provide the data of its supplying utility and the rates at which it currently purchases the energy and capacity.

(B) If any such electric utility fails to provide this information on request, the qualifying facility may apply to the Public Service Commission for an order requiring that the information be provided.

(6) PSC Review.

(A) Any data submitted by an electric utility under this section shall be subject to review by the PSC.

(B) In any such review, the electric utility has the burden of coming forward with justification for its data.

(7) Implementation of Certain Reporting Requirements. Any electric utility which fails to comply with the requirements of subsection (1)(B) shall be subject to the same penalties to which it may be subjected for failure to comply with the requirements of the Federal Energy Regulatory Commission's (FERC's) regulations issued under Section 133 of PURPA.

*AUTHORITY:* sections 386.250 and 393.140, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments

and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.160 Filing Requirements for Electric Utility General Rate Increase Requests**

*PURPOSE:* This rule prescribes information which must be filed by all electric utilities when filing for a general company-wide increase in rates. As noted in the rule, additional provisions pertaining to the filing requirements for general rate increase requests are found at 4 CSR 240-3.030.

(1) In addition to the requirements of 4 CSR 240-3.030, any electric utility which submits a general rate increase request shall submit the following:

(A) Its depreciation study, database and property unit catalog. However, an electric utility need not submit a depreciation study, database or property unit catalog to the extent that the commission's staff received these items from the utility during the three (3) years prior to the utility filing for a general rate increase or before five (5) years have elapsed since the last time the commission's staff received a depreciation study, database and property unit catalog from the utility. The depreciation study, database and property unit catalog shall be compiled as follows:

1. The study shall reflect the average life and remaining life of each primary plant account or subaccount;

2. The database shall consist of dollar amounts, by plant account or subaccount, representing—

A. Annual dollar additions and dollar retirements by vintage year and year retired, beginning with the earliest year of available data;

B. Reserve for depreciation;

C. Surviving plant balance as of the study date; and

D. Estimated date of final retirement and surviving dollar investment for each warehouse, electric generating facility, combustion turbine, general office building or other large structure; and

3. The property unit catalog shall contain a description of each retirement unit used by the utility.

*AUTHORITY:* section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-

654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.165 Annual Report Filing Requirements for Electric Utilities**

*PURPOSE:* This rule establishes standards for filing annual reports by electric utilities subject to the jurisdiction of the Missouri Public Service Commission, including procedures for filing annual report information under seal.

(1) All electric utilities subject to the jurisdiction of the Missouri Public Service Commission shall file an annual report with the commission on or before April 15 of each year.

(2) Electric utilities shall file their annual reports on either a form provided by the commission or on a computer-generated replica which is acceptable to the commission. All requested information shall be included in the annual report where applicable.

(3) Where a utility subject to this rule considers the information requested on the annual report form to be confidential, it must make a written request to the secretary of the commission to file that information under seal and state good cause for maintaining the information under seal. The secretary of the commission shall then, through the general counsel, present that request to the commission for approval. The secretary of the commission shall inform the utility within three (3) days of the commission decision whether the request has been granted.

(4) A utility which is unable to meet the filing date established in section (1) of this rule shall make a written request to extend the filing date for its annual report to the secretary of the commission and state the reason for the extension request. The secretary of the commission, through the chief administrative law judge, shall present the report to the commission for approval. The secretary of the commission shall inform the utility in writing within three (3) days of the decision of the commission.

*AUTHORITY:* sections 386.250 and 393.140, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.*

**Title 4—DEPARTMENT OF ECONOMIC  
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Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.175 Submission Requirements for Electric Utility Depreciation Studies**

**PURPOSE:** *This rule sets forth the requirements regarding the submission of depreciation studies by electric utilities.*

(1) Each electric utility subject to the commission's jurisdiction shall submit a depreciation study, database and property unit catalog to the manager of the commission's energy department and to the Office of the Public Counsel, as required by the terms of subsection (1)(B).

(A) The depreciation study, database and property unit catalog shall be compiled as follows:

1. The study shall reflect the average life and remaining life of each primary plant account or subaccount;

2. The database shall consist of dollar amounts, by plant account or subaccount, representing—

A. Annual dollar additions and dollar retirements by vintage year and year retired, beginning with the earliest year of available data;

B. Reserve for depreciation;

C. Surviving plant balance as of the study date; and

D. Estimated date of final retirement and surviving dollar investment for each warehouse, electric generating facility, combustion turbine, general office building or other large structure; and

3. The property unit catalog shall contain a description of each retirement unit used by the company.

(B) An electric utility shall submit its depreciation study, database and property unit catalog on the following occasions:

1. On or before the date adjoining the first letter of the name under which the corporation does business, excluding the word the, as indicated by the tariffs on file with the commission.

A. The alphabetical categories and submission due dates are as follows:

(I) A, B, C, D: January 1, 1994;

(II) E, F, G, H: July 1, 1994;

(III) I, J, K, L: January 1, 1995;

(IV) M, N, O, P: July 1, 1995;

(V) Q, R, S, T: January 1, 1996; and

(VI) U, V, W, X, Y, Z: July 1, 1996.

B. However—

(I) An electric utility need not submit a depreciation study, database or property unit catalog to the extent that the commission's staff received these items from the utility during the three (3) years prior to the due dates listed in subparagraph (1)(B)1.A.; and

(II) A utility with simultaneous due dates under subparagraph (1)(B)1.A. above and 4 CSR 240-3.275(1)(B)1. may postpone its due date with respect to one (1) of these rules by six (6) months. To exercise this option, the utility must give written notice of its intent to postpone compliance to the manager of the commission's energy department, and to the Office of the Public Counsel, before the utility's first due date;

2. Before five (5) years have elapsed since the last time the commission's staff received a depreciation study, database and property unit catalog from the utility.

(2) The commission may waive or grant a variance from the provisions of this rule, in whole or in part, for good cause shown, upon a utility's written application.

**AUTHORITY:** *section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.*

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

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

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**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
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Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.180 Submission of Electric Utility Residential Heat-Related Service Cold Weather Report**

**PURPOSE:** *This rule sets forth the requirements for electric utilities to submit reports regarding services provided during the commission's designated cold weather period.*



(1) Each utility providing heat-related utility service shall submit a report to the consumer services department of the commission for each calendar month no later than the twentieth day of the following month. The utility shall provide a copy of each report to the Office of the Public Counsel. The report shall include the information listed below for each operational district into which the utility has divided its Missouri service territory. Utilities providing both electric and gas service shall report the information separately for their gas-only territory:

(A) The number of days on which discontinuance of service was not prohibited by the cold weather rule's daily temperature moratorium (4 CSR 240-13.055(4));

(B) The utility shall report the following information for all residential customers and state separately the information for those on whose behalf the utility has received notice of qualification for publicly funded energy assistance:

1. The number of residential customers who agreed to pay for their heat-related utility service under a payment agreement in accordance with 4 CSR 240-13.055(8);

2. The number of residential customers whose heat-related utility service was discontinued due to failure to make timely payments under a 4 CSR 240-13.055(8) agreement;

3. The total amount due and owing from residential customers whose utility service was discontinued due to failure to make timely payments under a 4 CSR 240-13.055(8) agreement;

4. The number of residential customers whose heat-related utility service was involuntarily discontinued and who were not participants under a 4 CSR 240-13.055(8) payment agreement; and

5. The total amount due and owing from residential customers whose heat-related utility service was involuntarily discontinued and who were not participants under a 4 CSR 240-13.055(8) payment agreement.

**AUTHORITY:** section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.185 Submission of Reports Pertaining to the  
Decommissioning of Electric Utility Plants**

**PURPOSE:** Electric utilities with nuclear plants must submit the reports pertaining to the decommissioning trust fund of the nuclear plants as outlined in this rule. The rule pertaining to decommissioning trust funds may be found at 4 CSR 240-20.070.

(1) The utility or the trustee shall file reports quarterly to the commission. The reports shall contain the following information:

(A) A total of all jurisdictional balances of the trust fund(s) based on a carrying cost (book) value;

(B) A total of all jurisdictional balances of the trust fund(s) based on a market value;

(C) A Missouri jurisdictional balance of the trust fund(s) based on a carrying cost (book) value;

(D) A Missouri jurisdictional balance of the trust fund(s) based on a market value;

(E) A summary of the trust account including the utility's contributions, incomes, expenses and a weighted average after-tax return for the quarter;

(F) A portfolio summary per asset class by amount and percentage;

(G) A detailed report of daily transactions; and

(H) Any other information the commission orders the utility or trustee to provide.

(2) In addition, the utility or the trustee shall file reports annually to the commission that contain the following information:

(A) An asset maturity schedule;

(B) A summary of the trust's portfolio of investments including a listing of each security detailing the carrying cost, current market value, maturity date, estimated annual income and the yield to maturity;

(C) A copy of all correspondence including income tax returns and tax exempt rulings concerning the trust with the Internal Revenue Service (IRS) or any state revenue agency; and

(D) Any other information the commission orders the utility or trust to provide.

(3) On or before September 1, 1990 and every three (3) years after that, utilities with decommissioning trust funds shall perform and file with the commission cost studies detailing the utilities' latest cost estimates for decommissioning their nuclear generating unit(s) along with the funding levels necessary to defray these decommissioning costs. These studies shall be filed along with appropriate tariff(s) effectuating the change in rates necessary to accomplish the funding required. In addition, the commission, at any time for just cause, may require a utility to file an updated decommissioning cost study, funding requirement and associated tariff(s).

(4) At the time a tariff(s) is filed by a utility which proposes any change in rates due to changes in the estimate of decommissioning cost or the funding level of its nuclear decommissioning trust fund(s), the utility shall file the following minimum information in support of the need for changes in its tariff rates:

(A) An updated decommissioning cost study which estimates the cost of decommissioning and the funding levels necessary to defray these costs. This study shall contain the following information:

1. Detailed quantities and unit prices in current dollars for each system of the nuclear generating unit to be decommissioned;

2. A detailed breakdown between radioactive contaminated systems and those systems which are not contaminated by radioactivity;

3. Funding levels which are computed on a levelized basis and which accrue future decommissioning costs over the remaining licensed life of the nuclear generating unit. The utility shall include the earnings rate and inflation rate assumed in the cost study as compared to those assumed in any previous study;

4. A detailed description of any facilities that were added to or deleted from the cost study filed in the previous case;

5. The beginning date for the expenditure of funds for decommissioning assumed in the study shall be no later than the expiration date of the unit's current Nuclear Regulatory Commission (NRC) license; and

6. The study shall consider and evaluate all reasonable practices or procedures which would reduce the ultimate cost of decommissioning; and

(B) A summary description of the reasons (for example, changes in regulation, technology or economics) that brought on the need to change the decommissioning cost estimate.

(5) Upon proper application and after due notice and hearing, the commission may waive any provision of this rule for good cause shown.

**AUTHORITY:** sections 386.250 and 393.292, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

## **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

### **Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements**

#### **PROPOSED RULE**

#### **4 CSR 240-3.190 Electric Utility Reporting Requirements**

**PURPOSE:** This rule prescribes requirements and procedures for the reporting of certain events by electrical corporations to the Public Service Commission to inform the commission of developments which

*may affect the rendering of safe and adequate service and to enable the commission to thoroughly and fairly investigate certain events, which may have an impact in future electric rate proceedings at the time and in the context in which those events occur.*

(1) Commencing on September 1, 1991, every electrical corporation, as defined in section 386.020, RSMo, subject to the jurisdiction of the Public Service Commission (PSC) shall accumulate the following information and transmit it to the manager of the energy department of the PSC, or his/her designee, no later than the last business day of the month following the month to be reported and after that on a monthly basis:

(A) All generating unit outages and derates, excluding hydroelectric generating units and units whose capacity comprise less than one and one-half percent (1 1/2%) of the electrical corporation's installed capacity;

(B) All fuel purchases for power production purposes, including the terms of those purchases. A copy of the Monthly Report of Cost and Quality of Fuels for Electric Plants on FERC Form No. 423, as submitted to the Federal Energy Regulatory Commission (FERC), will satisfy the requirements of this subsection;

(C) Net hourly generation for each generating unit;

(D) Hourly purchases and sales of electricity from or to other utility companies, independent power producers or cogenerators, including the parties to purchases and sales, and the terms of purchases and sales;

(E) Capacity purchases of longer than seven (7) days' duration;

(F) Planned outages of power production facilities, as they are scheduled or rescheduled. Changes from the planned outage schedule must be reported by telephone or electronic transmission to the manager of the energy department of the PSC or his/her designee prior to the initiation of the outage, if the changes result in the planned outage schedule being different from the schedule in the most recently submitted monthly report;

(G) Planned fuel test burns, unit heat-rate tests and accreditation runs as they are scheduled or rescheduled. Changes from previously planned fuel test burns, unit heat-rate tests and accreditation runs must be reported by telephone or electronic transmission to the manager of the energy department of the PSC or his/her designee prior to their initiation, if these changes result in the schedule for fuel test burns, unit heat-rate tests and accreditation runs being different from the schedule in the most recently submitted monthly report;

(H) Citations or notices of violation related to power production facilities received from any state or federal utility regulatory agency or environmental agency including, but not limited to, the FERC, the Nuclear Regulatory Commission (NRC), the Environmental Protection Agency (EPA), the Department of Natural Resources (DNR) and the Department of Energy (DOE);

(I) The terms of new contracts or existing contracts which will be booked to Accounts 310-346 or Accounts 502-546 of the FERC's Uniform System of Accounts requiring the expenditure by the electrical corporation of more than fifty thousand dollars (\$50,000) including, but not limited to, contracts for engineering, consulting, repairs and modifications or additions to an electric plant; and

(J) Copies of all written reports on forced generating unit outages of longer than three (3) days, test burns of fuel, heat-rate tests, accreditation runs and responses to state or federal utility regulatory agencies or environmental agencies including, but not limited to, the FERC, the NRC, the EPA, the DNR and the DOE, concerning any alleged infractions, deviations or noncompliance with those agencies' rules or standards related to power production facilities.

(2) The information required in subsections (1)(C) and (D) of this rule may be provided to the manager of the energy department of the PSC or his/her designee on computer diskette or by electronic transmission. If the information required in subsections (1)(C) and (D) is provided on computer diskette or by electronic transmission, the data reported and the software program used to record the data shall be



clearly identified and shall be accompanied by a statement as required in subsection (4)(A) of this rule.

(3) In addition to the reporting requirements in sections (1) and (2) of this rule, every electrical corporation, as defined in section 386.020, RSMo, subject to the jurisdiction of the PSC, shall report to the manager of the energy department of the PSC or his/her designee by telephone or electronic transmission by the end of the first business day following discovery the information described in subsections (3)(A)–(E) below. If the report is initially made by telephone, the electric utility shall submit a written description either by mail or electronic transmission within five (5) business days following the discovery.

(A) Details of any accident at a power plant involving serious physical injury or death or property damage in excess of fifty thousand dollars (\$50,000);

(B) Forced outages of any nuclear generating unit(s) that could reasonably be anticipated to last longer than three (3) days;

(C) Forced outages of any fossil-fuel fired generating unit(s) which constitutes twenty percent (20%) or more of the electrical corporation's accredited capacity that reasonably could be anticipated to last longer than three (3) days, when the unit(s) is forced out due to a common occurrence;

(D) Reductions of coal inventory below a thirty (30)-day supply and reductions of oil inventory below fifty percent (50%) of normal oil inventory; and

(E) Loss of transmission capability that could limit the output of a generating plant.

(4) All reports and information submitted by electrical corporations pursuant to this rule shall be—

(A) Subscribed by the president, treasurer, general manager, receiver or other authorized representative of the electrical corporation having knowledge of the subject matter and shall be stated to be accurate and complete, and contain no material misrepresentations or omissions, based upon facts of which the person subscribing the report or information has knowledge, information or belief; and

(B) Sent to the Energy Department Manager, Public Service Commission, PO Box 360, 200 Madison St., Suite 700, Jefferson City, MO 65102 or submitted electronically through the commission's electronic filing system.

(5) The reporting requirements prescribed by this rule shall be in addition to all other reporting requirements prescribed by law.

(6) The information contained in the reports filed pursuant to this rule shall be subject to the provisions of section 386.480, RSMo and the use of that information in any proceeding before the commission shall be governed by the terms of any protective order issued by the commission in the proceeding, if a protective order has been issued.

(7) The receipt by the commission or commission staff of reports prescribed by this rule shall not bind the commission or commission staff to the approval or acceptance of, or agreement with any matter contained in the reports for the purpose of fixing rates or in determining any other issue that may come before the commission.

(8) Upon proper application and after notice and an opportunity for hearing, the commission, in its discretion, may waive any provision of this rule for good cause shown.

**AUTHORITY:** section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

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

**PRIVATE COST:** This proposed rule 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 rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.200 Definitions Pertaining Specifically to Gas Utility Rules**

**PURPOSE:** This rule sets forth the definitions of certain terms used in rules 4 CSR 240-3.205 through 4 CSR 240-3.295, which are in addition to the definitions set forth in rule 4 CSR 240-3.010 of this chapter.

(1) Affiliate means any person who, directly or indirectly, controls or is controlled by or is under common control with a gas utility.

(2) Affiliated entity means any person, including an individual, corporation, service company, corporate subsidiary, firm, partnership, incorporated or unincorporated association, political subdivision including a public utility district, city, town, county, or a combination of political subdivisions, which directly or indirectly, through one (1) or more intermediaries, controls, is controlled by, or is under common control with the regulated gas corporation.

(3) Affiliate transaction means any transaction for the provision, purchase or sale of any information, asset, product or service, or portion of any product or service, between a regulated gas corporation and an affiliated entity, and shall include all transactions carried out between any unregulated business operation of a regulated gas corporation and the regulated business operations of a gas corporation. An affiliate transaction for the purposes of this rule excludes heating, ventilating and air conditioning (HVAC) services as defined in section 386.754 by the General Assembly of Missouri.

(4) Appliance or equipment means any device which consumes gas energy and any ancillary device required for its operation.

(5) Consideration shall be interpreted in its broadest sense and shall include any cash, donation, gift, allowance, rebate, discount, bonus, merchandise (new or used), property (real or personal), labor, service, conveyance, commitment, right or other thing of value.

(6) Control (including the terms “controlling,” “controlled by,” and “common control”) means the possession, directly or indirectly, of the power to direct, or to cause the direction of the management or policies of an entity, whether such power is exercised through one (1) or more intermediary entities, or alone, or in conjunction with, or pursuant to an agreement with, one (1) or more other entities, whether such power is exercised through a majority or minority ownership or voting of securities, common directors, officers or stockholders, voting trusts, holding trusts, affiliated entities, contract or any other direct or indirect means. The commission shall presume that the beneficial ownership of ten percent (10%) or more of voting securities or partnership interest of an entity constitutes control for purposes of this rule. This provision, however, shall not be construed to prohibit a regulated gas corporation from rebutting the presumption that its ownership interest in an entity confers control.

(7) Cost-effective means that the present value of life-cycle benefits is greater than the present value of life-cycle costs to the provider of an energy service.

(8) Demand-side resource means any inefficient energy-related choice that can be influenced cost-effectively by a utility. The meaning of this term shall not be construed to include load-building program.

(9) Designated commission personnel means the commission’s Pipeline Safety Program Manager at the address contained in 4 CSR 240-40.020(5) for written reports and the list of staff personnel supplied to the operators for telephonic notices, both as are required by 4 CSR 240-40.020.

(10) Gas means natural gas, flammable gas, manufactured gas or gas which is toxic or corrosive.

(11) Gas seller means any person who uses, leases, or controls the distribution system of a distributor or a political subdivision or any part thereof to sell energy services at retail within a political subdivision, other than a distributor or a political subdivision.

(12) Inefficient energy-related choice means any decision that causes the life-cycle cost of providing an energy service to be higher than it would be for an available alternative choice.

(13) Load-building program means an organized promotional effort by a utility to persuade energy-related decision makers to choose the form of energy supplied by that utility instead of other forms of energy for the provision of energy service or to persuade customers to increase their use of that utility’s form of energy, either by substituting it for other forms of energy or by increasing the level or variety of energy services used. This term is not intended to include the provision of technical or engineering assistance, information about filed rates and tariffs or other forms of routine customer service.

(14) Operator means a person who engages in the transportation of gas.

(15) Pipeline or pipeline system means all parts of those physical facilities through which gas moves in transportation including, but not limited to, pipe, valves and other appurtenances attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders and fabricated assemblies.

(16) Pipeline facility means new and existing pipeline, rights-of-way and any equipment, facility or building used in the transportation of gas or in the treatment of gas during the course of transportation.

(17) Promotional practices means any consideration offered or granted by a gas utility or its affiliate to any person for the purpose, express or implied, of inducing the person to select and use the ser-

vice or use additional service of the utility or to select or install any appliance or equipment designed to use the utility service, or for the purpose of influencing the person’s choice or specification of the efficiency characteristics of appliances, equipment, buildings, utilization patterns or operating procedures. The term promotional practices shall not include the following activities:

(A) Making any emergency repairs to appliances or equipment of customers;

(B) Providing appliances or equipment incidental to demonstrations of sixty (60) days or less in duration;

(C) Providing light bulbs, street or outdoor lighting service, wiring, service pipe or other service equipment or appliances, in accordance with tariffs filed with and approved by the commission;

(D) Providing appliances or equipment to an educational institution for the purpose of instructing students in the use of the appliances or equipment;

(E) Merchandising appliances or equipment at retail and, in connection therewith, the holding of inventories, making and fulfillment of reasonable warranties against defects in material and workmanship existing at the time of delivery and financing; provided that the merchandising shall not violate any prohibition contained in 4 CSR 240-14.020;

(F) Inspecting and adjusting of appliances or equipment by a gas utility;

(G) Repairing and other maintenance to appliances or equipment by a gas utility if charges are at cost or above;

(H) Providing free or below-cost energy audits or other information or analysis regarding the feasibility and cost-effectiveness of improvements in the efficiency characteristics of appliances, equipment, buildings, utilization patterns or operating procedures;

(I) Offering to present or prospective customers by a gas utility technical or engineering assistance; and

(J) Advertising or publicity by a gas utility which is under its name and on its behalf and which does not in any manner, directly or indirectly, identify, describe, refer to, mention or relate to any architect, builder, engineer, subdivider, developer or other similar person, or which mentions no less than three (3) existing projects, developments or subdivisions.

(18) Service line means a distribution line that transports gas from a common source of supply to a) a customer meter or the connection to a customer’s piping, whichever is farther downstream, or b) the connection to a customer’s piping if there is no customer meter. A customer meter is the meter that measures the transfer of gas from an operator to a consumer.

(19) Transmission line means a pipeline, other than a gathering line, that:

(A) Transports gas from a gathering line or storage facility to a distribution center, storage facility, or large volume customer that is not downstream from a distribution center (A large volume customer may receive similar volumes of gas as a distribution center, and includes factories, power plants, and institutional users of gas);

(B) Operates at a hoop stress of twenty percent (20%) or more of specified minimum yield strength (SMYS); or

(C) Transports gas within a storage field.

(20) Transportation of gas means the receipt of gas at one point on a regulated gas corporation’s system and the redelivery of an equivalent volume of gas to the retail customer of the gas at another point on the regulated gas corporation’s system including, without limitation, scheduling, balancing, peaking, storage, and exchange to the extent such services are provided pursuant to the regulated gas corporation’s tariff, and includes opportunity sales.

(21) Yard line means an underground fuel line that transports gas from the service line to the customer’s building. If multiple buildings are being served, building shall mean the building nearest to the

connection to the service line. For purposes of this definition, if aboveground fuel line piping at the meter location is located within five feet (5') of a building being served by that meter, it shall be considered to the customer's building and no yard line exists. At meter locations where aboveground fuel line piping is located greater than five feet (5') from the building(s) being served, the underground fuel line from the meter to the entrance into the nearest building served by that meter shall be considered the yard line and any other lines are not considered yard lines.

**AUTHORITY:** section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.205 Filing Requirements for Gas Utility Applications for Certificates of Convenience and Necessity**

**PURPOSE:** Applications to the commission requesting that the commission grant a certificate of convenience and necessity must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for a certificate of convenience and necessity by a gas company shall include the following information:

(A) If the application is for a service area—

1. A statement as to the same or similar utility service, regulated and nonregulated, available in the area requested;

2. If there are ten (10) or more residents or landowners, the name and address of no fewer than ten (10) persons residing in the proposed service area or of no fewer than ten (10) landowners in the event there are no residences in the area, or, if there are fewer than

ten (10) residents or landowners, the name and address of all residents and landowners;

3. The legal description of the area to be certificated;

4. A plat drawn to a scale of one-half inch (1/2") to the mile on maps comparable to county highway maps issued by the Missouri Department of Transportation or a plat drawn to a scale of two thousand feet (2,000') to the inch; and

5. A feasibility study containing plans and specifications for the utility system and estimated cost of the construction of the utility system during the first three (3) years of construction; plans for financing; proposed rates and charges and an estimate of the number of customers, revenues and expenses during the first three (3) years of operations;

(B) If the application is for gas transmission lines—

1. A description of the route of construction and a list of all electric and telephone lines of regulated and nonregulated utilities, railroad tracks or any underground facility, as defined in section 319.015, RSMo, which the proposed construction will cross;

2. The plans and specifications for the complete construction project and estimated cost of the construction project or a statement of the reasons the information is currently unavailable and a date when it will be furnished; and

3. Plans for financing;

(C) When no evidence of approval of the affected governmental bodies is necessary, a statement to that effect;

(D) When approval of the affected governmental bodies is required, evidence must be provided as follows:

1. When consent or franchise by a city or county is required, approval shall be shown by a certified copy of the document granting the consent or franchise, or an affidavit of the applicant that consent has been acquired; and

2. A certified copy of the required approval of other governmental agencies; and

(E) The facts showing that the granting of the application is required by the public convenience and necessity.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

**AUTHORITY:** section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.210 Filing Requirements for Gas Utility Applications for Authority to Sell, Assign, Lease or Transfer Assets**

*PURPOSE:* Applications to the commission for the authority to sell, assign, lease or transfer assets must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to sell, assign, lease or transfer assets shall include:

(A) A brief description of the property involved in the transaction, including any franchises, permits, operating rights or certificates of convenience and necessity;

(B) A copy of the contract or agreement of sale;

(C) The verification of proper authority by the person signing the application or a certified copy of resolution of the board of directors of each applicant authorizing the proposed action;

(D) The reasons the proposed sale of the assets is not detrimental to the public interest;

(E) If the purchaser is subject to the jurisdiction of the commission, a balance sheet and income statement with adjustments showing the results of the acquisitions of the property; and

(F) A statement of the impact, if any, the sale, assignment, lease or transfer of assets will have on the tax revenues of the political subdivisions in which any structures, facilities or equipment of the companies involved in that sale are located.

(2) If the purchaser is not subject to the jurisdiction of the commission, but will be subject to the commission's jurisdiction after the sale, the purchaser must comply with these rules.

(3) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

*AUTHORITY:* section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and

information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.215 Filing Requirements for Gas Utility Applications for Authority to Merge or Consolidate**

*PURPOSE:* Applications to the commission for the authority to merge or consolidate must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to merge or consolidate shall include:

(A) A copy of the proposed plan and agreement of corporate merger and consolidation, including organizational charts depicting the relationship of the merging entities before and after the transaction;

(B) A certified copy of the resolution of the board of directors of each applicant authorizing the proposed merger and consolidation;

(C) The balance sheets and income statements of each applicant and a balance sheet and income statement of the surviving corporation;

(D) The reasons the proposed merger is not detrimental to the public interest;

(E) An estimate of the impact of the merger on the company's Missouri jurisdictional operations relative to the merger and acquisition in question; and

(F) A statement of the impact, if any, the merger or consolidation will have on the tax revenues of the political subdivision in which any structures, facilities or equipment of the companies involved are located.

(2) If the purchaser is not subject to the jurisdiction of the commission, but will be subject to the commission's jurisdiction after the sale, the purchaser must comply with these rules.

(3) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

*AUTHORITY:* section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission,

Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.220 Filing Requirements for Gas Utility Applications for Authority to Issue Stock, Bonds, Notes and Other Evidences of Indebtedness**

*PURPOSE:* Applications to the commission for the authority to issue stock, bonds, notes or other evidences of indebtedness must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to issue stock, bonds, notes and other evidences of indebtedness shall contain the following:

(A) A brief description of the securities which applicant desires to issue;

(B) A statement of the purpose for which the securities are to be issued and the use of the proceeds;

(C) Copies of executed instruments defining the terms of the proposed securities—

1. If these instruments have been previously filed with the commission, a reference to the case number in which the instruments were furnished;

2. If these instruments have not been executed at the time of filing, a statement of the general terms and conditions to be contained in the instruments which are proposed to be executed; and

3. If none of these instruments is either executed or to be executed, a statement of how the securities are to be sold;

(D) A certified copy of resolutions of the directors of applicant authorizing the issuance of the securities;

(E) A balance sheet and income statement with adjustments showing the effects of the issuance of the proposed securities upon—

1. Bonded and other indebtedness; and

2. Stock authorized and outstanding;

(F) A statement of what portion of the issue is subject to the fee schedule in section 386.300, RSMo; and

(G) A five (5)-year capitalization expenditure schedule as required by section 393.200, RSMo.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

*AUTHORITY:* section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.225 Filing Requirements for Gas Utility Applications for Authority to Acquire the Stock of a Public Utility**

*PURPOSE:* Applications to the commission for the authority to acquire the stock of a public utility must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to acquire the stock of a public utility shall include:

(A) A statement of the offer to purchase stock of the public utility or a copy of any agreement entered with shareholders to purchase stock;

(B) A certified copy of the resolution of the directors of applicant authorizing the acquisition of the stock; and

(C) Reasons why the proposed acquisition of the stock of the public utility is not detrimental to the public interest.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

*AUTHORITY:* section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

##### **Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements**

#### **PROPOSED RULE**

##### **4 CSR 240-3.230 Filing Requirements for Gas Storage Companies Requesting the Authority to Acquire Property Through Eminent Domain Proceedings**

**PURPOSE:** Applications to the commission for the authority to acquire property through eminent domain proceedings must meet the requirements of this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for gas storage companies for authority to acquire property through eminent domain proceedings shall include:

- (A) The legal description of the areas to be acquired;
- (B) A map showing the areas to be acquired;
- (C) Names and addresses of all persons who may have any legal or equitable title of record in the property to be acquired; and
- (D) The reasons it is necessary to acquire the property and why it is in the public interest.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

**AUTHORITY:** section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements**

#### **PROPOSED RULE**

##### **4 CSR 240-3.235 Filing Requirements for Gas Utility General Rate Increase Requests**

**PURPOSE:** This rule prescribes information which must be filed by all gas utilities when filing for a general company-wide increase in rates. As noted in the rule, additional provisions pertaining to the filing requirements for general rate increase requests are found at 4 CSR 240-3.030.

(1) In addition to the requirements of 4 CSR 240-3.030, any gas utility which submits a general rate increase request shall submit the following:

(A) Its depreciation study, database and property unit catalog. However, a gas utility need not submit a depreciation study, data base or property unit catalog to the extent that the commission's staff received these items from the utility during the three (3) years prior to the utility filing for a general rate increase or before five (5) years have elapsed since the last time the commission's staff received a depreciation study, database and property unit catalog from the utility. The depreciation study, database and property unit catalog shall be compiled as follows:

1. The study shall reflect the average life and remaining life of each primary plant account or subaccount;
2. The database shall consist of dollar amounts, by plant account or subaccount, representing—

A. Annual dollar additions and dollar retirements by vintage year and year retired, beginning with the earliest year of available data;

B. Reserve for depreciation;

C. Surviving plant balance as of the study date; and

D. Estimated date of final retirement and surviving dollar investment for each warehouse, propane/air production facility, liquefied natural gas facility, underground natural gas storage facility, general office building or other large structure; and



3. The property unit catalog shall contain a description of each retirement unit used by the utility.

*AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.*

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.240 Gas Utility Small Company Rate Increase Procedure**

*PURPOSE: This rule provides procedures for small gas utilities to obtain rate increases.*

(1) Notwithstanding any other rule to the contrary, small companies, as defined in this rule, may seek a general increase in revenues through a small company rate case by filing a letter requesting the change. The request shall not be accompanied by any tariff sheets. For the purpose of this rule, small companies qualifying to use the small company rate case described in this rule shall include gas utilities having three thousand (3,000) or fewer customers. The small company rate case shall be conducted as follows:

(A) The original letter requesting the change shall be filed with the secretary of the commission and one (1) copy shall be furnished to the public counsel. The letter shall state the amount of the additional revenue requested, the reason(s) for the proposed change and a statement that all commission annual assessments have been paid in full or are being paid under an installment plan. The letter should also include a statement that the company's current annual report is on file with the commission. The company, in writing, shall notify customers of the request for additional revenue and the effect on the typical residential customer's bill. The notice shall indicate that customers' responses may be sent to the appropriate commission department or the public counsel within thirty (30) days of the date shown

on the notice. A draft copy of the notice shall be sent to the appropriate commission department for verification of the accuracy of the notice before being sent to the company's customers. A copy of the final notice shall then be sent to the appropriate commission department and the public counsel. The commission staff and the public counsel shall exchange copies of customer responses upon their receipt. Upon receipt of the company's request, the commission staff shall schedule an investigation of the company's operations and an audit of its financial records. When the investigation and audit are complete, the commission staff shall notify the company and public counsel whether the requested additional revenue is recommended in whole or in part, of the rate design proposal for the increase, and of any recommended operational changes. If public counsel wishes to conduct an investigation and audit of the company, it must do so within the same time period as staff's investigation and audit;

(B) The commission staff, within twenty-one (21) days from the completion of its investigation, shall arrange a conference with the company and shall notify the public counsel of the conference prior to the conference, in order to provide the public counsel an opportunity to participate;

(C) If the conference between the commission staff, the company and the public counsel results in an agreement concerning additional revenue requirements and any other matters pertaining to the company's operations, including responses to customer concerns, the agreement between the commission staff, the company and the public counsel shall be reduced to writing. The company may then file tariff sheet(s) with an effective date which is not fewer than thirty (30) days after the tariff's issue date and no additional customer notice or local public hearing shall be required, unless otherwise ordered by the commission. The company shall file a copy of the agreement with its tariff;

(D) If the conference results in an agreement between the commission staff and the company only, the company at this time shall file the necessary tariff sheet(s) with the commission in accordance with the agreement. The tariff sheet(s) shall contain an effective date of not fewer than forty-five (45) days from the issue date. The company shall notify customers in writing of the proposed rates resulting from the agreement. The notice shall indicate that customers' responses may be sent to the appropriate commission department or the public counsel within twenty (20) days of the date shown on the notice. A copy of the notice shall be sent to the secretary of the commission and the public counsel. The commission staff and the public counsel shall exchange copies of the customer responses upon their receipt. The public counsel shall file a pleading indicating its agreement or disagreement with the tariff sheet(s) within twenty-five (25) days of the date the tariff sheet(s) is filed, unless a public hearing is requested;

(E) A request for a local public hearing may be filed after the tariff sheet(s) is filed by the company. The request shall be filed within twenty (20) days of the filing of the tariff sheet(s) by the company. Public counsel shall file a pleading indicating agreement or disagreement with the tariff sheet(s) within seven (7) days after the local public hearing;

(F) An agreement must be reached and tariff sheet(s) filed based upon the agreement within one hundred fifty (150) days from the date the letter initiating the case is filed. This time period may be extended with the consent of the company. Written consent for an extension shall be filed with the company's tariff; and

(G) If no agreement can be reached between the commission staff and the company, the company may initiate a standard rate case.

*AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.*

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

##### **Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements**

#### **PROPOSED RULE**

##### **4 CSR 240-3.245 Annual Report Filing Requirements for Gas Utilities**

**PURPOSE:** This rule establishes standards for filing annual reports by gas utilities subject to the jurisdiction of the Missouri Public Service Commission, including procedures for filing annual report information under seal.

(1) All gas utilities subject to the jurisdiction of the Missouri Public Service Commission shall file an annual report with the commission on or before April 15 of each year.

(2) Gas utilities shall file their annual reports on either a form provided by the commission or on a computer-generated replica which is acceptable to the commission. All requested information shall be included in the annual report where applicable.

(3) Where a utility subject to this rule considers the information requested on the annual report form to be confidential, it must make a written request to the secretary of the commission to file that information under seal and state good cause for maintaining the information under seal. The secretary of the commission shall then, through the general counsel, present that request to the commission for approval. The secretary of the commission shall inform the utility within three (3) days of the commission decision whether the request has been granted.

(4) A utility which is unable to meet the filing date established in section (1) of this rule shall make a written request to extend the filing date for its annual report to the secretary of the commission and state the reason for the extension request. The secretary of the commission, through the chief administrative law judge, shall present the report to the commission for approval. The secretary of the commission shall inform the utility in writing within three (3) days of the decision of the commission.

**AUTHORITY:** sections 386.250 and 393.140, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

##### **Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements**

#### **PROPOSED RULE**

##### **4 CSR 240-3.250 Submission of Gas Utility Residential Heat-Related Service Cold Weather Report**

**PURPOSE:** This rule sets forth the requirements for gas utilities providing residential heat-related utility service to submit reports regarding services provided during the commission's designated cold weather period.

(1) Each gas utility providing heat-related utility service shall submit a report to the consumer services department of the commission for each calendar month no later than the twentieth day of the following month. The utility shall provide a copy of each report to the office of the public counsel. The report shall include the information listed below for each operational district into which the utility has divided its Missouri service territory. Utilities providing both electric and gas service shall report the information separately for their gas-only territory:

(A) The number of days on which discontinuance of service was not prohibited by the cold weather rule's daily temperature moratorium (4 CSR 240-13.055(4));

(B) The utility shall report the following information for all residential customers and state separately the information for those on whose behalf the utility has received notice of qualification for publicly funded energy assistance:

1. The number of residential customers who agreed to pay for their heat-related utility service under a payment agreement in accordance with 4 CSR 240-13.055(8);



2. The number of residential customers whose heat-related utility service was discontinued due to failure to make timely payments under an agreement made pursuant to 4 CSR 240-13.055(8);

3. The total amount due and owing from residential customers whose utility service was discontinued due to failure to make timely payments under an agreement made pursuant to 4 CSR 240-13.055(8);

4. The number of residential customers whose heat-related utility service was involuntarily discontinued and who were not participants under an agreement made pursuant to 4 CSR 240-13.055(8); and

5. The total amount due and owing from residential customers whose heat-related utility service was involuntarily discontinued and who were not participants under an agreement made pursuant to 4 CSR 240-13.055(8).

*AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.*

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

*PRIVATE COST: This proposed rule 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 rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.255 Filing Requirements for Gas Utility  
Promotional Practices**

*PURPOSE: This rule prescribes the filing requirement for present, proposed or revised promotional practices.*

(1) Any promotional practices offered by a gas utility must meet the requirements set out in the commission's rules regarding utility promotional practices (4 CSR 240-14).

(2) No gas utility or its affiliate shall offer or grant any additional promotional practice or vary or terminate any existing promotional practice, directly or indirectly, or in concert with others, or by any

means whatsoever, until a tariff filing showing the addition or variation or termination in the form prescribed by this rule has been made with the commission and a copy furnished to each other gas utility providing the same or competing utility service in any portion of the service area of the filing utility.

(A) The utility shall provide the following information on the tariff sheets:

1. The name, number or letter designation of the promotional practice;

2. The class of persons to which the promotional practice is being offered or granted;

3. Whether the promotional practice is being uniformly offered to all persons within that class;

4. A description of the promotional practice and a statement of its purpose or objective;

5. A statement of the terms and conditions governing the promotional practice;

6. If the promotional practice is offered or granted, in whole or in part, by an affiliate or other person, the identity of the affiliate or person and the nature of their participation; and

7. Other information relevant to a complete understanding of the promotional practice.

(B) The utility shall provide the following supporting information for each promotional practice:

1. A description of the advertising or publicity to be employed with respect to the promotional practice;

2. For promotional practices that are designed to evaluate the cost-effectiveness of potential demand-side resources, a description of the evaluation criteria, the evaluation plan and the schedule for completing the evaluation; and

3. For promotional practices that are designed to acquire demand-side resources, documentation of the criteria used and the analysis performed to determine that the demand-side resources are cost-effective.

*AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.*

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.260 Filing Requirements for Gas Utility Rate Schedules**

*PURPOSE: This rule prescribes the forms and procedures for filing and publishing schedules of rates of all gas utilities under the jurisdiction of the Public Service Commission.*

(1) Every gas corporation engaged in the manufacture, furnishing or distribution of gas of any nature whatsoever for light, heat or power, within the state of Missouri, is directed not later than October 15, 1913, to have on file with this commission and keep open for public inspection, schedules showing all rates and charges in connection with such service of whatever nature made by the gas corporations for each and every kind of service which it renders as were in force on April 15, 1913, together with proper supplements covering all changes in the rate schedules authorized by this commission, if any, since April 15, 1913.

(2) All such rate schedules now on file with the commission not in accordance with this rule shall be issued in the form and manner prescribed by this rule and all rate schedules issued after April 15, 1913, must conform to this rule.

(3) Rate schedules shall be drawn up substantially in accordance with Form No. 14 and shall be plainly printed or typewritten on good quality of paper of size eight and one-half inches by eleven inches (8 1/2" x 11") in book, sheet or pamphlet form. A loose-leaf plan may be used so changes can be made by reprinting and inserting a single leaf. When the loose-leaf plan is used, all sheets, except the title page sheet, must show in the marginal space at the top of the page the name of the gas corporation issuing, the PSC number of schedule and the number of the page. In the marginal space at the bottom of sheet should be shown—the date of issue, the effective date and the name, title and address of the officer by whom the schedule is issued. All schedules shall bear a number with the prefix PSC Mo. Schedules shall be numbered in consecutive serial order beginning with number 1 for each gas corporation. If a schedule or part of a schedule is cancelled, a new schedule or part thereof (sheet(s) if loose-leaf) will refer to the schedule canceled by its PSC number; thus: PSC Mo. No. \_\_\_\_\_ cancelling PSC Mo. No. \_\_\_\_\_.

(4) Each schedule shall be accompanied by a letter of transmittal, in duplicate if receipt is desired, which shall be prepared consistent with the format designated by the commission.

(5) All proposed changes in rates, charges or rentals or in rules that affect rates, charges or rentals filed with the commission shall be accompanied by a brief summary, approximately one hundred (100) words or less of the effect of the change on the company's customers. A copy of any proposed change and summary shall also be served on the public counsel and be available for public inspection and reproduction during regular office hours at the general business office of the utility.

(6) Thirty (30) days' notice to the commission is required as to every publication relating to gas rates or service except where publications are made effective on less than statutory notice by permission, rule or requirement of the commission.

(7) Except as is otherwise provided, no schedule or supplement will be accepted for filing unless it is delivered to the commission free from all charges or claims for postage, the full thirty (30) days

required by law before the date upon which the schedule or supplement is stated to be effective. No consideration will be given to or for the time during which a schedule or supplement may be held by the post office authorities because of insufficient postage. When a schedule or a supplement is issued and as to which the commission is not given the statutory notice, it is as if it had not been issued and a full statutory notice must be given of any reissuance. No consideration will be given to telegraphic notices in computing the thirty (30) days' notice required. In those cases the schedule will be returned to the sender and correction of the neglect or omission cannot be made which takes into account any time elapsing between the date upon which the schedule or supplement was received and the date of the attempted correction. For rate schedules and supplements issued on short notice under special permission of the commission, literal compliance with the requirements for notice named in any order, rule or permission granted by the commission will be exacted.

*AUTHORITY: sections 386.250 and 393.140, RSMo 2000. Original rule filed Aug. 16, 2002.*

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.270 Filing Requirements Regarding Plans, Procedures and Programs for Transportation of Natural Gas by Pipeline**

*PURPOSE: This rule prescribes the plans, procedures, and programs for transportation of natural gas by pipelines which are further described in 4 CSR 240-40.030.*

(1) General. All gas systems under pipeline safety jurisdiction of the Missouri Public Service Commission must establish and submit welding procedures, joining procedures, and construction specifications and standards to designated commission personnel before construction

activities begin. All other plans, procedures, and programs required by rules 4 CSR 240-40.020, 4 CSR 240-40.030, and 4 CSR 240-40.080 must be established and submitted to designated commission personnel before the system is put into operation. Plans, procedures, and programs must be submitted to designated commission personnel in accordance with 4 CSR 240-40.030(1)(J) and maintained and modified in accordance with 4 CSR 240-40.030(1)(G).

(2) Welding Procedures. Written welding procedures in accordance with 4 CSR 240-40.030(5) must be submitted to designated commission personnel.

(3) Joining Procedures. Written procedures for joining pipelines other than by welding in accordance with 4 CSR 240-40.030(6)(B) and (6)(G) must be submitted to designated commission personnel.

(4) Compliance with Specifications or Standards. Each transmission line, main, and service line must be constructed in accordance with written specifications or standards contained in 4 CSR 240-40.030(7)(B) and (8)(A).

(5) Corrosion Control. Written procedures for controlling corrosion in accordance with the operation and maintenance requirements contained in 4 CSR 240-40.030(9) in accordance with 4 CSR 240-40.030(9)(C) must be submitted to designated commission personnel.

(6) Procedural Manual for Operations, Maintenance, and Emergencies. A manual of written procedures for conducting operations and maintenance activities and for emergency response in accordance with 4 CSR 240-40.030(12)(C) must be submitted to designated commission personnel for each pipeline. Transmission lines that are not exempt under 4 CSR 240-40.030(12)(C)3.E. must also submit a manual that includes procedures for handling abnormal operations in accordance with 4 CSR 240-40.030(12)(C)3.

(7) Qualification of Pipeline Personnel. A written operator qualification program for individuals performing covered tasks on a pipeline facility in accordance with 4 CSR 240-40.030(12)(D) must be submitted to designated commission personnel.

(8) Damage Prevention Program. A written program to prevent damage to pipelines by excavation activities in accordance with 4 CSR 240-40.030(12)(I)1. must be submitted to designated commission personnel.

(9) Emergency Plans. Written procedures to minimize the hazard resulting from a gas pipeline emergency in accordance with 4 CSR 240-40.030(12)(J)1. must be submitted to designated commission personnel.

(10) Replacement Programs. Written programs for the replacement of unprotected steel service lines and yard line and cast iron mains and the cathodic protection or replacement of unprotected steel mains in accordance with 240-40.030(15)(B) must be submitted to designated commission personnel.

**AUTHORITY:** section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to

this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.275 Submission Requirements for Gas Utility  
Depreciation Studies**

**PURPOSE:** This rule sets forth the requirements regarding the submission of depreciation studies by gas utilities.

(1) Each gas utility subject to the commission's jurisdiction shall submit a depreciation study, database and property unit catalog to the manager of the commission's energy department and to the Office of the Public Counsel, as required by the terms of subsection (1)(B).

(A) The depreciation study, database and property unit catalog shall be compiled as follows:

1. The study shall reflect the average life and remaining life of each primary plant account or subaccount;

2. The database shall consist of dollar amounts, by plant account or subaccount, representing—

A. Annual dollar additions and dollar retirements by vintage year and year retired, beginning with the earliest year of available data;

B. Reserve for depreciation;

C. Surviving plant balance as of the study date; and

D. Estimated date of final retirement and surviving dollar investment for each warehouse, propane/air production facility, liquefied natural gas facility, underground natural gas storage facility, general office building or other large structure; and

3. The property unit catalog shall contain a description of each retirement unit used by the utility.

(B) A gas utility shall submit its depreciation study, database and property unit catalog on the following occasions:

1. On or before the date adjoining the first letter of the name under which the corporation does business, excluding the word the, as indicated by the tariffs on file with the commission.

A. The alphabetical categories and submission due dates are as follows:

(I) A, B, C, D: January 1, 1994;

(II) E, F, G, H: July 1, 1994;

(III) I, J, K, L: January 1, 1995;

(IV) M, N, O, P: July 1, 1995;

(V) Q, R, S, T: January 1, 1996; and

(VI) U, V, W, X, Y, Z: July 1, 1996.



**B. However—**

(I) A gas utility need not submit a depreciation study, database or property unit catalog to the extent that the commission's staff received these items from the utility during the three (3) years prior to the due dates listed in subparagraph (1)(B)1.A.; and

(II) A utility with simultaneous due dates under subparagraph (1)(B)1.A. above and 4 CSR 240-3.175(1)(B)1. may postpone its due date with respect to one (1) of these rules by six (6) months. To exercise this option, the utility must give written notice of its intent to postpone compliance to the manager of the commission's energy department, and to the Office of the Public Counsel, before the utility's first due date;

2. Before five (5) years have elapsed since the last time the commission's staff received a depreciation study, database and property unit catalog from the utility.

(2) The commission may waive or grant a variance from the provisions of this rule, in whole or in part, for good cause shown, upon a utility's written application.

**AUTHORITY:** section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

##### **Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements**

#### **PROPOSED RULE**

##### **4 CSR 240-3.280 Submission Requirements Regarding Gas Utility Written Drug and Alcohol Testing Plans**

**PURPOSE:** This rule prescribes the requirements for submitting drug and alcohol testing plans for natural gas corporations, which are further described in 4 CSR 240-40.080.

(1) Written Drug and Alcohol Testing Plans. A written plan for drug and alcohol testing in accordance with 4 CSR 240-40.080 must be submitted to designated commission personnel.

**AUTHORITY:** section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

##### **Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements**

#### **PROPOSED RULE**

##### **4 CSR 240-3.285 Filing Requirements Regarding Certification of Gas Sellers**

**PURPOSE:** This rule establishes the procedure for certification of gas sellers pursuant to sections 393.297 through 393.301, RSMo.

(1) Each natural gas seller seeking certification shall submit an agreement containing only the following, pursuant to section 393.299, RSMo:

(A) Its agreement to pay all applicable business license taxes, or its proportionate share of the franchise fee or payment in lieu of taxes (PILOT) in each political subdivision in which it sells gas;

(B) A statement that it waives its right to challenge the validity of the agreement;

(C) A statement that it waives its right to the refund of any amounts paid pursuant to the agreement; and

(D) Its agreement to make its records available to the commission and the political subdivision with the right to audit the records.

(2) Each gas seller seeking certification shall also provide the following information to the commission:

(A) Its name, address, telephone number, and the name of a person(s) to contact regarding certification, location of records and business operations in Missouri; and

(B) A list of each political subdivision in which it sells gas.

(3) The application for certification shall be in the form prescribed by the commission.

*AUTHORITY: sections 386.250 and 393.299, RSMo 2000. Original rule filed Aug. 16, 2002.*

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.290 Submission Requirements Regarding Gas Utility Incident, Annual and Safety-Related Condition Reports**

*PURPOSE: This rule prescribes the requirements for submitting incident, annual, and safety-related condition reports, which are further described in 4 CSR 240-40.020.*

(1) Incident Reports. Incident reports must be submitted to designated commission personnel in accordance with 4 CSR 240-40.020(4)(C), 4 CSR 240-40.020(4)(D)1., 4 CSR 240-40.020(6) and 4 CSR 240-40.020(9).

(2) Safety-Related Condition Reports. Safety-related condition reports required by 4 CSR 240-40.020(12) must be submitted to designated commission personnel in accordance with 4 CSR 240-40.020(4)(E) and 4 CSR 240-40.020(13).

(3) Annual Reports. Annual reports must be submitted to designated commission personnel in accordance with 4 CSR 240-40.020(4)(D)2., 4 CSR 240-40.020(7) and 4 CSR 240-40.020(10).

*AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.*

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.295 Submission Requirements Regarding Gas Utility Written Procedures for Conversion of Service and Upgrading**

*PURPOSE: This rule prescribes the requirements for submitting written procedures for conversion of service and upgrading of pipelines, which are further described in 4 CSR 240-40.030.*

(1) Conversion to Service. Conversion of steel pipelines, previously used in service not subject to this rule, for use under this rule must follow written procedures in accordance with 4 CSR 240-40.030(1)(H).

(2) Upgrading. Written procedures to upgrade a segment of pipeline must be established that will ensure compliance with 4 CSR 240-40.030(11) in accordance with 4 CSR 240-40.030(11)(B)3.

(3) Waivers of Compliance. Waivers of Compliance from any rules and requirements that are more stringent than the minimum federal requirements must be submitted in accordance with 4 CSR 240-40.030(16).

*AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.*

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.300 Definitions Pertaining Specifically to Sewer Utility Rules**

**PURPOSE:** This rule sets forth the definitions of certain terms used in rules 4 CSR 240-3.305 through 4 CSR 240-3.340, which are in addition to the definitions set forth in rule 4 CSR 240-3.010 of this chapter.

(1) Outlet means a service sewer connection to the collecting sewer.

(2) Sewer service means the removal and treatment of sewage.

(3) Sewer system includes all pipes, pumps, canals, lagoons, plants, structures and appliances and all other real estate, fixtures and personal property, owned, operated, controlled or managed in connection with or to facilitate the collection, carriage, treatment and disposal of sewage for municipal, domestic or other beneficial or necessary purpose.

**AUTHORITY:** section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and

information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.305 Filing Requirements for Sewer Utility Applications for Certificates of Convenience and Necessity**

**PURPOSE:** Applications to the commission requesting that the commission grant a certificate of convenience and necessity must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for a certificate of convenience and necessity by a sewer company shall include the following information:

(A) If the application is for a service area—

1. A statement as to the same or similar utility service, regulated and nonregulated, available in the area requested;

2. If there are ten (10) or more residents or landowners, the name and address of no fewer than ten (10) persons residing in the proposed service area or of no fewer than ten (10) landowners in the event there are no residences in the area, or, if there are fewer than ten (10) residents or landowners, the name and address of all residents and landowners;

3. The legal description of the area to be certificated;

4. A plat drawn to a scale of one-half inch (1/2") to the mile on maps comparable to county highway maps issued by the Missouri Department of Transportation or a plat drawn to a scale of two thousand feet (2,000') to the inch; and

5. A feasibility study containing plans and specifications for the utility system and estimated cost of the construction of the utility system during the first three (3) years of construction; plans for financing; proposed rates and charges and an estimate of the number of customers, revenues and expenses during the first three (3) years of operations;

(B) When no evidence of approval of the affected governmental bodies is necessary, a statement to that effect;

(C) When approval of the affected governmental bodies is required, evidence must be provided as follows:

1. When consent or franchise by a city or county is required, approval shall be shown by a certified copy of the document granting the consent or franchise, or an affidavit of the applicant that consent has been acquired; and

2. A certified copy of the required approval of other governmental agencies; and

(D) The facts showing that the granting of the application is required by the public convenience and necessity.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.



*AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.*

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.310 Filing Requirements for Sewer Utility Applications for Authority to Sell, Assign, Lease or Transfer Assets**

*PURPOSE: Applications to the commission for the authority to sell, assign, lease or transfer assets must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).*

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to sell, assign, lease or transfer assets shall include:

(A) A brief description of the property involved in the transaction, including any franchises, permits, operating rights or certificates of convenience and necessity;

(B) A copy of the contract or agreement of sale;

(C) The verification of proper authority by the person signing the application or a certified copy of resolution of the board of directors of each applicant authorizing the proposed action;

(D) The reasons the proposed sale of the assets is not detrimental to the public interest;

(E) If the purchaser is subject to the jurisdiction of the commission, a balance sheet and income statement with adjustments showing the results of the acquisitions of the property; and

(F) A statement of the impact, if any, the sale, assignment, lease or transfer of assets will have on the tax revenues of the political subdivisions in which any structures, facilities or equipment of the companies involved in that sale are located.

(2) If the purchaser is not subject to the jurisdiction of the commission, but will be subject to the commission's jurisdiction after the sale, the purchaser must comply with these rules.

(3) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

*AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.*

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.315 Filing Requirements for Sewer Utility Applications for Authority to Merge or Consolidate**

*PURPOSE: Applications to the commission for the authority to merge or consolidate must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).*

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to merge or consolidate shall include:

(A) A copy of the proposed plan and agreement of corporate merger and consolidation, including organizational charts depicting the relationship of the merging entities before and after the transaction;

(B) A certified copy of the resolution of the board of directors of each applicant authorizing the proposed merger and consolidation;

(C) The balance sheets and income statements of each applicant and a balance sheet and income statement of the surviving corporation;

(D) The reasons the proposed merger is not detrimental to the public interest;



(E) An estimate of the impact of the merger on the company's Missouri jurisdictional operations relative to the merger and acquisition in question; and

(F) A statement of the impact, if any, the merger or consolidation will have on the tax revenues of the political subdivision in which any structures, facilities or equipment of the companies involved are located.

(2) If the purchaser is not subject to the jurisdiction of the commission, but will be subject to the commission's jurisdiction after the sale, the purchaser must comply with these rules.

(3) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

*AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.*

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.320 Filing Requirements for Sewer Utility Applications for Authority to Issue Stock, Bonds, Notes and Other Evidences of Indebtedness**

*PURPOSE: Applications to the commission for the authority to issue stock, bonds, notes or other evidences of indebtedness must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).*

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to issue stock, bonds, notes and other evidences of indebtedness shall contain the following:

(A) A brief description of the securities which applicant desires to issue;

(B) A statement of the purpose for which the securities are to be issued and the use of the proceeds;

(C) Copies of executed instruments defining the terms of the proposed securities—

1. If these instruments have been previously filed with the commission, a reference to the case number in which the instruments were furnished;

2. If these instruments have not been executed at the time of filing, a statement of the general terms and conditions to be contained in the instruments which are proposed to be executed; and

3. If none of these instruments is either executed or to be executed, a statement of how the securities are to be sold;

(D) A certified copy of resolutions of the directors of applicant authorizing the issuance of the securities;

(E) A balance sheet and income statement with adjustments showing the effects of the issuance of the proposed securities upon—

1. Bonded and other indebtedness; and

2. Stock authorized and outstanding;

(F) A statement of what portion of the issue is subject to the fee schedule in section 386.300, RSMo; and

(G) A five (5)-year capitalization expenditure schedule as required by section 393.200, RSMo.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

*AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.*

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.325 Filing Requirements for Sewer Utility Applications for Authority to Acquire the Stock of a Public Utility**

*PURPOSE: Applications to the commission for the authority to acquire the stock of a public utility must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).*

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to acquire the stock of a public utility shall include:

(A) A statement of the offer to purchase stock of the public utility or a copy of any agreement entered with shareholders to purchase stock;

(B) A certified copy of the resolution of the directors of applicant authorizing the acquisition of the stock; and

(C) Reasons why the proposed acquisition of the stock of the public utility is not detrimental to the public interest.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

*AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.*

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.330 Sewer Utility Small Company Rate Increase Procedure**

*PURPOSE: This rule provides procedures for small sewer utilities to obtain rate increases.*

(1) Notwithstanding any other rule to the contrary, small companies, as defined in this rule, may seek a general increase in revenues through a small company rate case by filing a letter requesting the change. The request shall not be accompanied by any tariff sheets.

For the purpose of this rule, small companies qualifying to use the small company rate case described in this rule shall include sewer utilities having eight thousand (8,000) or fewer customers. The small company rate case shall be conducted as follows:

(A) The original letter requesting the change shall be filed with the secretary of the commission and one (1) copy shall be furnished to the public counsel. The letter shall state the amount of the additional revenue requested, the reason(s) for the proposed change and a statement that all commission annual assessments have been paid in full or are being paid under an installment plan. The letter should also include a statement that the company's current annual report is on file with the commission. The company, in writing, shall notify customers of the request for additional revenue and the effect on the typical residential customer's bill. The notice shall indicate that customers' responses may be sent to the appropriate commission department or the public counsel within thirty (30) days of the date shown on the notice. A draft copy of the notice shall be sent to the appropriate commission department for verification of the accuracy of the notice before being sent to the company's customers. A copy of the final notice shall then be sent to the appropriate commission department and the public counsel. The commission staff and the public counsel shall exchange copies of customer responses upon their receipt. Upon receipt of the company's request, the commission staff shall schedule an investigation of the company's operations and an audit of its financial records. When the investigation and audit are complete, the commission staff shall notify the company and public counsel whether the requested additional revenue is recommended in whole or in part, of the rate design proposal for the increase, and of any recommended operational changes. If public counsel wishes to conduct an investigation and audit of the company, it must do so within the same time period as staff's investigation and audit;

(B) The commission staff, within twenty-one (21) days from the completion of its investigation, shall arrange a conference with the company and shall notify the public counsel of the conference prior to the conference, in order to provide the public counsel an opportunity to participate;

(C) If the conference between the commission staff, the company and the public counsel results in an agreement concerning additional revenue requirements and any other matters pertaining to the company's operations, including responses to customer concerns, the agreement between the commission staff, the company and the public counsel shall be reduced to writing. The company may then file tariff sheet(s) with an effective date which is not fewer than thirty (30) days after the tariff's issue date and no additional customer notice or local public hearing shall be required, unless otherwise ordered by the commission. The company shall file a copy of the agreement with its tariff;

(D) If the conference results in an agreement between the commission staff and the company only, the company at this time shall file the necessary tariff sheet(s) with the commission in accordance with the agreement. The tariff sheet(s) shall contain an effective date of not fewer than forty-five (45) days from the issue date. The company shall notify customers in writing of the proposed rates resulting from the agreement. The notice shall indicate that customers' responses may be sent to the appropriate commission department or the public counsel within twenty (20) days of the date shown on the notice. A copy of the notice shall be sent to the secretary of the commission and the public counsel. The commission staff and the public counsel shall exchange copies of the customer responses upon their receipt. The public counsel shall file a pleading indicating its agreement or disagreement with the tariff sheet(s) within twenty-five (25) days of the date the tariff sheet(s) is filed, unless a public hearing is requested;

(E) A request for a local public hearing may be filed after the tariff sheet(s) is filed by the company. The request shall be filed within twenty (20) days of the filing of the tariff sheet(s) by the company. Public counsel shall file a pleading indicating agreement or disagreement with the tariff sheet(s) within seven (7) days after the local public hearing;

(F) An agreement must be reached and tariff sheet(s) filed based upon the agreement within one hundred fifty (150) days from the date the letter initiating the case is filed. This time period may be extended with the consent of the company. Written consent for an extension shall be filed with the company's tariff; and

(G) If no agreement can be reached between the commission staff and the company, the company may initiate a standard rate case.

**AUTHORITY:** section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.335 Annual Report Filing Requirements for Sewer Utilities**

**PURPOSE:** This rule establishes standards for filing annual reports by sewer utilities subject to the jurisdiction of the Missouri Public Service Commission, including procedures for filing annual report information under seal.

(1) All sewer utilities subject to the jurisdiction of the Missouri Public Service Commission shall file an annual report with the commission on or before April 15 of each year.

(2) Sewer utilities shall file their annual reports on either a form provided by the commission or on a computer-generated replica which is acceptable to the commission. All requested information shall be included in the annual report where applicable.

(3) Where a utility subject to this rule considers the information requested on the annual report form to be confidential, it must make a written request to the secretary of the commission to file that information under seal and state good cause for maintaining the informa-

tion under seal. The secretary of the commission shall then, through the general counsel, present that request to the commission for approval. The secretary of the commission shall inform the utility within three (3) days of the commission decision whether the request has been granted.

(4) A utility which is unable to meet the filing date established in section (1) of this rule shall make a written request to extend the filing date for its annual report to the secretary of the commission and state the reason for the extension request. The secretary of the commission, through the chief administrative law judge, shall present the report to the commission for approval. The secretary of the commission shall inform the utility in writing within three (3) days of the decision of the commission.

**AUTHORITY:** sections 386.250 and 393.140, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

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**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.340 Filing Requirements for Sewer Utility Tariff Schedules**

**PURPOSE:** This rule prescribes the form, contents and procedures for filing tariff schedules by all sewer corporations under the jurisdiction of the Public Service Commission.

(1) Each sewer utility shall have on file with this commission a tariff schedule and all forms of contracts and agreements of whatever nature made by such sewer utility for each and every kind of service which it renders. For purposes of this rule the term tariff schedule shall include: schedules showing all rates and charges; all rules relating to rates, charges of service; all general privileges granted or



allowed; and all maps of the area served or professed to be served and the legal description thereof.

(2) All tariff schedules now on file with the commission, not in accordance with this rule, shall be reissued in the form and manner prescribed and all tariff schedules issued after March 2, 1973 must conform to this rule.

(3) Tariff schedules shall be drawn up substantially in accordance with this commission's Form No. 13 and shall be plainly printed or typewritten on good quality paper of eight and one-half inches by eleven inches (8 1/2" x 11") in book, sheet or pamphlet form. A loose-leaf plan may be used so changes can be made by reprinting and inserting a single leaf. When the loose-leaf plan is used, all sheets, except the title page sheet, must show in the marginal space at top of page the name of the sewer utility issuing, the PSC number of schedule and the number of the page. In the marginal space at bottom of sheet shall be shown the date of issue, the effective date and the name, title and address of the officer by whom the schedule is issued. All tariff schedules shall bear a number with the prefix PSC Mo. No. \_\_\_\_\_. Tariff schedules for each sewer utility shall be numbered in consecutive serial order beginning with 1. If a tariff schedule or part thereof is canceled, a new schedule or part thereof (sheet(s) if loose-leaf) will refer to the schedule canceled, by its PSC number; thus, the PSC Mo. No. \_\_\_\_\_ canceling PSC Mo. No. \_\_\_\_\_.

(4) Each schedule shall be accompanied by a letter of transmittal, in duplicate if receipt is desired, which shall be prepared consistent with the format designated by the commission.

(5) Each sewer utility shall keep a copy of its tariff schedule open for public inspection and readily accessible to any member of the public upon demand during business hours at its principal operating office and in each division office which is now or may be established. Any proposed changes in the tariff schedule shall be readily accessible to any member of the public upon demand in the offices of the sewer utility for a period of thirty (30) days prior to the effective date of such change. If, for good cause shown, the commission allows a change without thirty (30) days' notice, the sewer utility shall display such proposed change at its office for the period prescribed by the commission prior to the effective date of the change.

(6) The following shall apply to all sewer utilities operating in the state of Missouri and each utility shall have on file as a part of its tariff schedule, rules which substantially conform thereto:

(A) Each sewer utility shall have on file with the commission rules relating to advance payments and deposits. If a utility requires advance payments for sewer service, it will not be permitted to require the customer to make a deposit to insure payment of bills. If the utility does not require advance payments for sewer service, it may require from any customer at any time a cash deposit, provided that the amount of any such deposit so required shall not exceed the amount due for service for one (1) billing period plus thirty (30) days;

(B) Interest at the rate of six percent (6%) per annum covering the period of the deposit shall be paid by the utility to the customer or applied to the customer's account, upon return of any deposit to the customer or the application of such deposit to the customer's account; provided the cash deposit remains with the utility for a period of at least twelve (12) months;

(C) These provisions shall not apply to any deposits or guarantees made by the customer for the purpose of securing an extension of or additions to a utility's collecting system in accordance with the utility's rules covering the extensions as filed with this commission;

(D) Interest shall not accrue on any cash deposit after the date the utility has made a bona fide effort to return such deposit to the depositor. The utility shall keep in its records evidence of its effort to return such deposit;

(E) Each utility shall issue to every customer from whom a deposit is received, a nonassignable receipt;

(F) Each utility shall maintain accurate records of customer deposits which include the original amount, the date of the deposit and any transaction relating to the deposit or interest on the deposit; and

(G) If a customer requests discontinuance of sewer service to the premises, the utility will refund the unearned portion of any advance payment on a pro rata basis, provided the customer has given proper notice to the utility as required by its rules on file with the Public Service Commission.

(7) Each sewer utility shall file with the commission a sample of each type of customer bill form used by the utility, which shall provide for inclusion of the gross and/or net amount of the bill and the date by which the customer must pay the bill in order to benefit from any discount or to avoid any penalty. The utility shall specify its billing period, which shall in no case exceed a period of six (6) months.

(8) Each utility shall specify the conditions under which it may discontinue service to a customer, which conditions may include, but not necessarily be limited to, nonpayment for services rendered in accordance with the tariff schedule on file for the utility with this commission and noncompliance with the utility's rules filed with the commission.

(9) Each utility shall include in its rules that prior to physical discontinuance of service, the utility will mail at least thirty (30) days' written notice to the customers by certified mail return receipt requested and a copy of the written notice will be forwarded to this commission. The written notice shall state the violation and service may be discontinued at any time after the expiration of the specified period, provided satisfactory arrangements for continuance of the service have not been made. The requirement of a thirty (30)-day written notice prior to discontinuance of service may be waived where discharge of materials which might be detrimental to the public health and safety or cause damage to the sewer system of the utility are discovered. In the event of discontinuance of service for this reason, the customer and the commission shall be notified of such discontinuance immediately with a statement concerning the reasons for discontinuance.

(10) Each sewer utility shall include in its tariff schedule a statement of the practices and policies of the utility governing extension of its collecting system to provide service to prospective customers.

(11) Each utility shall specify the conditions under which it may refuse to provide service to an applicant, which conditions may include, but shall not be necessarily limited to, noncompliance with the utility's rules as filed with this commission, rules of this commission or local governmental regulations. If the utility refuses to serve an applicant under the provisions of this rule or any other rule, the utility shall inform the applicant in writing of the basis for its refusal and the applicant may appeal to the commission for a ruling.

(12) The utility shall physically inspect all service sewer connections to its system. The applicant for service shall provide adequate advance notice to the utility to facilitate the inspection.

(13) Each sewer utility shall also have on file as a part of its tariff schedule, rules applicable to, but not limited to, the following items: applications for service; availability of service; interruption of service; and right of access to customer's premises.

(14) All proposed changes in rates, charges or rentals or in rules that affect rates, charges or rentals filed with the commission shall be accompanied by a brief summary, approximately one hundred (100) words or less, of the effect of the change on the company's customers. A copy of any proposed change and summary shall also be served on the public counsel and be available for public inspection

and reproduction during regular office hours at the general business office of the utility.

(15) Thirty (30) days' notice to the commission is required as to every publication relating to sewer rates or service except where publications are made effective on less than statutory notice by permission, regulation or requirement of the commission.

(16) Except as is otherwise provided, no schedule or supplement will be accepted for filing unless it is delivered to the commission free from all charges or claims for postage, the full thirty (30) days required by law before the date upon which such schedule or supplement is stated to be effective. No consideration will be given to or for the time during which a schedule or supplement may be held by the post office authorities because of insufficient postage. When a schedule or a supplement is issued and as to which the commission is not given the statutory notice, it is as if it had not been issued and a full statutory notice must be given of any reissuance. No consideration will be given to telegraphic notices in computing the thirty (30) days' notice required. In such cases the schedule will be returned to the sender and correction of the neglect or omission cannot be made which takes into account any time elapsing between the date upon which the schedule or supplement was received and the date of the attempted correction. For rate schedules and supplements issued on short notice under special permission of the commission, literal compliance with the requirements for notice named in any order, regulation or permission granted by the commission will be exacted.

**AUTHORITY:** sections 386.250 and 393.140, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

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**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.400 Filing Requirements for Steam Heating Utility Applications for Certificates of Convenience and Necessity**

**PURPOSE:** Applications to the commission requesting that the commission grant a certificate of convenience and necessity must meet the requirements of this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for a certificate of convenience and necessity shall include the following information:

(A) If the application is for a service area—

1. A statement as to the same or similar utility service, regulated and nonregulated, available in the area requested;

2. If there are ten (10) or more residents or landowners, the name and address of no fewer than ten (10) persons residing in the proposed service area or of no fewer than ten (10) landowners in the event there are no residences in the area, or, if there are fewer than ten (10) residents or landowners, the name and address of all residents and landowners;

3. The legal description of the area to be certificated;

4. A plat drawn to a scale of one-half inch (1/2") to the mile on maps comparable to county highway maps issued by the Missouri Department of Transportation or a plat drawn to a scale of two thousand feet (2,000') to the inch; and

5. A feasibility study containing plans and specifications for the utility system and estimated cost of the construction of the utility system during the first three (3) years of construction; plans for financing; proposed rates and charges and an estimate of the number of customers, revenues and expenses during the first three (3) years of operations;

(B) If the application is for electrical transmission lines or electrical production facilities—

1. A description of the route of construction and a list of all electric and telephone lines of regulated and nonregulated utilities, railroad tracks or any underground facility, as defined in section 319.015, RSMo, which the proposed construction will cross;

2. The plans and specifications for the complete construction project and estimated cost of the construction project or a statement of the reasons the information is currently unavailable and a date when it will be furnished; and

3. Plans for financing;

(C) When no evidence of approval of the affected governmental bodies is necessary, a statement to that effect;

(D) When approval of the affected governmental bodies is required, evidence must be provided as follows:

1. When consent or franchise by a city or county is required, approval shall be shown by a certified copy of the document granting the consent or franchise, or an affidavit of the applicant that consent has been acquired; and

2. A certified copy of the required approval of other governmental agencies; and

(E) The facts showing that the granting of the application is required by the public convenience and necessity.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

**AUTHORITY:** section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to

this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.405 Filing Requirements for Steam Heating Utility Applications for Authority to Sell, Assign, Lease or Transfer Assets**

*PURPOSE:* Applications to the commission for the authority to sell, assign, lease or transfer assets must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to sell, assign, lease or transfer assets shall include:

(A) A brief description of the property involved in the transaction, including any franchises, permits, operating rights or certificates of convenience and necessity;

(B) A copy of the contract or agreement of sale;

(C) The verification of proper authority by the person signing the application or a certified copy of resolution of the board of directors of each applicant authorizing the proposed action;

(D) The reasons the proposed sale of the assets is not detrimental to the public interest; and

(E) If the purchaser is subject to the jurisdiction of the commission, a balance sheet and income statement with adjustments showing the results of the acquisitions of the property.

(2) If the purchaser is not subject to the jurisdiction of the commission, but will be subject to the commission's jurisdiction after the sale, the purchaser must comply with these rules.

(3) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

*AUTHORITY:* section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.410 Filing Requirements for Steam Heating Utility Applications for Authority to Merge or Consolidate**

*PURPOSE:* Applications to the commission for the authority to merge or consolidate must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to merge or consolidate shall include:

(A) A copy of the proposed plan and agreement of corporate merger and consolidation, including organizational charts depicting the relationship of the merging entities before and after the transaction;

(B) A certified copy of the resolution of the board of directors of each applicant authorizing the proposed merger and consolidation;

(C) The balance sheets and income statements of each applicant and a balance sheet and income statement of the surviving corporation;

(D) The reasons the proposed merger is not detrimental to the public interest; and

(E) An estimate of the impact of the merger on the company's Missouri jurisdictional operations relative to the merger and acquisition in question.

(2) If the purchaser is not subject to the jurisdiction of the commission, but will be subject to the commission's jurisdiction after the sale, the purchaser must comply with these rules.

(3) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

*AUTHORITY:* section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.



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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.415 Filing Requirements for Steam Heating Utility Applications for Authority to Issue Stock, Bonds, Notes and Other Evidences of Indebtedness**

**PURPOSE:** Applications to the commission for the authority to issue stock, bonds, notes or other evidences of indebtedness must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to issue stock, bonds, notes and other evidences of indebtedness shall contain the following:

(A) A brief description of the securities which applicant desires to issue;

(B) A statement of the purpose for which the securities are to be issued and the use of the proceeds;

(C) Copies of executed instruments defining the terms of the proposed securities—

1. If these instruments have been previously filed with the commission, a reference to the case number in which the instruments were furnished;

2. If these instruments have not been executed at the time of filing, a statement of the general terms and conditions to be contained in the instruments which are proposed to be executed; and

3. If none of these instruments is either executed or to be executed, a statement of how the securities are to be sold;

(D) A certified copy of resolutions of the directors of applicant authorizing the issuance of the securities;

(E) A balance sheet and income statement with adjustments showing the effects of the issuance of the proposed securities upon—

1. Bonded and other indebtedness; and

2. Stock authorized and outstanding;

(F) A statement of what portion of the issue is subject to the fee schedule in section 386.300, RSMo; and

(G) A five (5)-year capitalization expenditure schedule as required by section 393.200, RSMo.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

**AUTHORITY:** section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.420 Filing Requirements for Steam Heating Utility Applications for Authority to Acquire the Stock of a Public Utility**

**PURPOSE:** Applications to the commission for the authority to acquire the stock of a public utility must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to acquire the stock of a public utility shall include:

(A) A statement of the offer to purchase stock of the public utility or a copy of any agreement entered with shareholders to purchase stock;

(B) A certified copy of the resolution of the directors of applicant authorizing the acquisition of the stock; and

(C) Reasons why the proposed acquisition of the stock of the public utility is not detrimental to the public interest.



(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

**AUTHORITY:** section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements  
PROPOSED RULE**

**4 CSR 240-3.425 Filing Requirements for Steam Heating Utility Rate Schedules**

**PURPOSE:** This rule prescribes the form and governs the filing and publication of rate schedules of steam heating utilities regulated by the Public Service Commission.

(1) Every steam heating company engaged in manufacturing and distributing and selling, or distribution or distributing steam for motive power, heating, cooking or for any public use or service, is directed not later than October 15, 1913, to have on file with this commission, and keep open for public inspection, schedules showing all rates and charges in connection with such service of whatever nature made by such steam heating companies for each and every kind of service which it renders as were in force on April 15, 1913, together with proper supplements covering all changes in the rate schedules authorized by this commission, if any, since April 15, 1913.

(2) All rate schedules on file on October 15, 1913, with the commission, not in accordance with these rules, shall be issued in the form and manner prescribed by this rule and all rate schedules issued after October 15, 1913, must conform to this rule.

(3) Rate schedules shall be drawn up substantially in accordance with PSC Form No. 16 and shall be plainly printed or typewritten on good quality of paper of size eight and one-half inches by eleven inches (8

1/2" × 11") in book, sheet or pamphlet form. A loose-leaf plan may be used so changes can be made by reprinting and inserting a single leaf. When the loose-leaf plan is used, all sheets, except the title page sheet, must show, in the marginal space at top of page, the name of the heating company, the PSC number of the schedule and the number of the page. In the marginal space at the bottom of the sheet shall be shown the date of issue, effective date and the name, title and address of the officer by whom the schedule is issued. All schedules shall bear a number with the prefix PSC Mo. Schedules shall be numbered in consecutive serial order beginning with number 1 for each steam heating company. If a schedule or a part is canceled, a new schedule or part (sheet(s) if loose-leaf) will refer to the schedule canceled by its PSC number; thus, PSC Mo. No. canceling PSC Mo. No.

(4) Each schedule shall be accompanied by a letter of transmittal, in duplicate if receipt is desired, which shall be prepared consistent with the format designated by the commission.

(5) Thirty (30) days' notice to the commission is required as to every publication relating to steam heating rates or service except where publications are made effective on less than statutory notice by permission, regulation or requirement of the commission.

(6) Except as is otherwise provided, no schedule or supplement will be accepted for filing unless it is delivered to the commission free from all charges or claims for postage, the full thirty (30) days required by law before the date upon which such schedule or supplement is stated to be effective. No consideration will be given to or for the time during which a schedule or supplement may be held by the post office authorities because of insufficient postage. When a schedule or a supplement is issued and as to which the commission is not given the statutory notice, it is as if it had not been issued and a full statutory notice must be given of any reissuance. No consideration will be given to telegraphic notices in computing the thirty (30) days' notice required. In such cases the schedule will be returned to the sender and correction of the neglect or omission cannot be made which takes into account any time elapsing between the date upon which such schedule or supplement was received and the date of the attempted correction. For rate schedules and supplements issued on short notice under special permission of the commission, literal compliance with the requirements for notice named in any order, regulation or permission granted by the commission will be exacted.

**AUTHORITY:** sections 386.250, 393.140 and 393.290, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

##### **Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements**

#### **PROPOSED RULE**

##### **4 CSR 240-3.435 Annual Report Filing Requirements for Steam Heating Utilities**

*PURPOSE:* This rule establishes standards for filing annual reports by steam heating utilities subject to the jurisdiction of the Missouri Public Service Commission, including procedures for filing annual report information under seal.

(1) For the purposes of improving the efficiency of administration and operation, any heating company, unless otherwise ordered, may keep upon its books any temporary or experimental accounts and any accounts covering particular divisions of its operations, provided that in respect of each such temporary, experimental or divisional account the heating company shall file with the Public Service Commission, at least ten (10) days in advance of the time when the account is to be instituted, a statement showing the name of the account, the date when it is to be instituted, the purpose for which it is to be kept, the period of time during which it is to be kept and a clear and accurate definition of the classes of items and facts to be contained on the account and in case of a divisional account, the definition of the division covered. Upon compliance with the provisions of this section, any account herein prescribed or defined may be subdivided.

(2) All notices required to be filed with the commission concerning accounts shall be upon sheets eight and one-half inches by eleven inches (8 1/2" × 11") in size and shall be entitled with the name of the heating company filing notices, followed by a brief statement of the character of the accounts covered by the notice.

(3) Annual reports for all heating companies subject to regulations by this commission shall be filed with the commission on or before April 15 following the year for which the report is made.

*AUTHORITY:* sections 386.250, 393.140 and 393.290, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may

appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

##### **Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements**

#### **PROPOSED RULE**

##### **4 CSR 240-3.500 Definitions Pertaining Specifically to Telecommunication Company Rules**

*PURPOSE:* This rule sets forth the definitions of certain terms used in rules 4 CSR 240-3.505 through 4 CSR 240-3.555, which are in addition to the definitions set forth in rule 4 CSR 240-3.010 of this chapter.

(1) Access line means the line associated with each service location to which a unique telephone number is assigned.

(2) Base rate area means an area within an exchange as specified in the telecommunications company's tariffs and maps, within which each grade or class of basic local telecommunications service is furnished at a uniform rate without the application of mileage or zone charges.

(3) Basic local telecommunications service means basic local telecommunications service as defined in section 386.020(4), RSMo.

(4) Calls means a customer's attempted telecommunications transmissions whether completed or not.

(5) Central office means the facility housing one (1) or more switching units in a telecommunications system which provides service to the general public and has the necessary equipment and operating arrangements for terminating and interconnecting customer lines and trunks or trunks only.

(6) Channel means a path for telecommunications between two (2) or more stations or central offices, furnished in any manner the carrier may elect.

(7) Exchange means exchange as defined in section 386.020(16), RSMo.

(8) Grade of service means the number of customers or parties that a telephone line is designed to serve, such as one (1)-party, two (2)-party or four (4)-party.

(9) Line is a general term used in the telecommunications industry in several different senses, the most common of which are access line, trunk, channel and route.

(10) New customer means any customer who has no prior service history with the telecommunications company with whom service is being requested.

(11) Pay telephone means a coin or non-coin telephone installed for use by the general public from which calls can be paid for at the time they are made by means of coins, tokens, credit cards, debit cards or a billing to an alternate number.

(12) Pay telephone service provider means a telecommunications company that offers access to telephone service with a coin or non-

coin telephone installed for use by the general public from which calls can be paid for at the time they are made by means of coins, tokens, credit cards, debit cards or billed to an alternate number.

(13) Regrade means a change to a different grade of basic local telecommunications service.

(14) Service bureau means the designated office, or location where trouble reports and/or service orders are worked and dispatched.

(15) Surveillance level means a level at or below which telephone service is inferior and will require the telecommunications company providing that service to take immediate action to investigate and correct.

(16) Switching is a generic term for machines that switch telephone calls from/to other telephones or trunks.

(17) Tandem means a central office where trunks are interconnected to transmit telecommunications traffic between other central offices.

(18) Telecommunications service means telecommunications service as defined in section 386.020(53), RSMo.

*AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.*

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.505 Filing Requirements for Telecommunications Company Applications for Certificates of Interexchange Service Authority to Provide Customer-Owned Coin Telephone Service**

*PURPOSE: Applications to the commission requesting that the commission grant a certificate for providing interexchange service*

*authority for customer-owned coin telephone service must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).*

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for a certificate of interexchange service authority to provide customer-owned coin telephone (COCT) service shall be filed on the form provided by the commission.

(A) Applications for COCT service shall include a description of the general area in which service is to be offered.

(B) Providers of COCT service shall be exempt from the provisions of sections 392.390(1) and (3), RSMo, but shall remain subject to the provisions of section 386.370, RSMo.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

*AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.*

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.510 Filing Requirements for Telecommunications Company Applications for Certificates of Service Authority to Provide Telecommunications Services, Whether Interexchange, Local Exchange or Basic Local Exchange**

*PURPOSE: Applications to the commission requesting that the commission grant a certificate for providing telecommunications services, whether interexchange, local exchange or basic local exchange services, must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).*



(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for a certificate of service authority to provide telecommunications services, whether interexchange, local exchange or basic local exchange, shall include:

(A) A request to be classified as a competitive telecommunications company, if applicable, and a description of the types of service the applicant intends to provide;

(B) If the application is for basic local exchange service authority, the applicant shall indicate the exchange(s) in which service is to be offered; and

(C) A proposed tariff with an effective date which is not fewer than forty-five (45) days after the tariff's issue date.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

*AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.*

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.515 Filing Requirements for Telecommunications Company Applications for Certificates of Service Authority to Provide Shared Tenant Services**

*PURPOSE: Applications to the commission requesting that the commission grant a certificate of service authority to provide shared tenant services must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).*

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for a certificate of service authority to provide shared tenant services (STS) shall be filed on the form provided by the commission.

(A) STS applications shall include:

1. A description of all telecommunications services to be offered at the certificated location;

2. A description of any non-telecommunications services to be offered at the certificated location;

3. A copy of the contract or contracts to be used with tenants at the certificated location;

4. A copy of the contract or contracts to be signed with the local exchange company (LEC);

5. A description of the type of STS technology to be used at the certificated location;

6. A description of the form of interconnection to be used to provide toll services to tenants at the certificated location;

7. A copy of the notice used to inform tenants that local exchange access line service may not be immediately available if STS is terminated at the certificated location;

8. A statement of the rates to be charged tenants at the certificated location; and

9. A statement of the total number of tenants and corresponding stations to be served at the certificated location.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

*AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.*

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
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Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.520 Filing Requirements for Telecommunications Company Applications for Authority to Sell, Assign, Lease or Transfer Assets**

*PURPOSE: Applications to the commission for the authority to sell, assign, lease or transfer assets must meet the requirements set forth*

*in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).*

(1) Competitive telecommunications companies are exempt from subsections (2)(A)–(E) of this rule; however, they must file a pleading indicating which company will be holding the certificate of service authority and providing service to Missouri customers, and the tariff under which service will be provided.

(2) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to sell, assign, lease or transfer assets shall include:

(A) A brief description of the property involved in the transaction, including any franchises, permits, operating rights or certificates of convenience and necessity;

(B) A copy of the contract or agreement of sale;

(C) The verification of proper authority by the person signing the application or a certified copy of the resolution of the board of directors of each applicant authorizing the proposed action;

(D) The reasons the proposed sale of the assets is not detrimental to the public interest;

(E) If the purchaser is subject to the jurisdiction of the commission, a balance sheet and income statement with adjustments showing the results of the acquisitions of the property; and

(F) A statement of the impact, if any, the sale, assignment, lease or transfer of assets will have on the tax revenues of the political subdivisions in which any structures, facilities or equipment of the companies involved in that sale are located.

(3) If the purchaser is not subject to the jurisdiction of the commission, but will be subject to the commission's jurisdiction after the sale, the purchaser must comply with these rules.

(4) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

**AUTHORITY:** section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
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Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.525 Filing Requirements for Telecommunications  
Company Applications for Authority to Merge or Consolidate**

**PURPOSE:** Applications to the commission for the authority to merge or consolidate must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) Competitive telecommunications companies are exempt from subsections (2)(A)–(E) of this rule; however, they must file a pleading indicating which company will be holding the certificate of service authority and providing service to Missouri customers, and the tariff under which service will be provided.

(2) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to merge or consolidate shall include:

(A) A copy of the proposed plan and agreement of corporate merger and consolidation, including organizational charts depicting the relationship of the merging entities before and after the transaction;

(B) A certified copy of the resolution of the board of directors of each applicant authorizing the proposed merger and consolidation;

(C) The balance sheets and income statements of each applicant and a balance sheet and income statement of the surviving corporation;

(D) The reasons the proposed merger is not detrimental to the public interest;

(E) An estimate of the impact of the merger on the company's Missouri jurisdictional operations relative to the merger and acquisition in question; and

(F) A statement of the impact, if any, the merger or consolidation will have on the tax revenues of the political subdivision in which any structures, facilities or equipment of the companies involved are located.

(3) If the purchaser is not subject to the jurisdiction of the commission, but will be subject to the commission's jurisdiction after the sale, the purchaser must comply with these rules.

(4) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

**AUTHORITY:** section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and

information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
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Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.530 Filing Requirements for Telecommunications Company Applications for Authority to Issue Stock, Bonds, Notes and Other Evidences of Indebtedness**

*PURPOSE:* Applications to the commission for the authority to issue stock, bonds, notes or other evidences of indebtedness must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) Competitive telecommunications companies are exempt from subsections (2)(C)–(G) of this rule.

(2) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to issue stock, bonds, notes and other evidences of indebtedness shall contain the following:

(A) A brief description of the securities which applicant desires to issue;

(B) A statement of the purpose for which the securities are to be issued and the use of the proceeds;

(C) Copies of executed instruments defining the terms of the proposed securities—

1. If these instruments have been previously filed with the commission, a reference to the case number in which the instruments were furnished;

2. If these instruments have not been executed at the time of filing, a statement of the general terms and conditions to be contained in the instruments which are proposed to be executed; and

3. If none of these instruments is either executed or to be executed, a statement of how the securities are to be sold;

(D) A certified copy of resolutions of the directors of applicant authorizing the issuance of the securities;

(E) A balance sheet and income statement with adjustments showing the effects of the issuance of the proposed securities upon—

1. Bonded and other indebtedness; and
2. Stock authorized and outstanding;

(F) A statement of what portion of the issue is subject to the fee schedule in section 386.300, RSMo; and

(G) A five (5)-year capitalization expenditure schedule as required by section 392.310, RSMo.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

*AUTHORITY:* section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
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Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.535 Filing Requirements for Telecommunications Company Applications for Authority to Acquire the Stock of a Public Utility**

*PURPOSE:* Applications to the commission for the authority to acquire the stock of a public utility must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) Competitive telecommunications companies are exempt from the provisions of this rule; however, they must file a pleading indicating which company will be holding the certificate of service authority and providing service to Missouri customers, and the tariff under which service will be provided.

(2) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to acquire the stock of a public utility shall include:

(A) A statement of the offer to purchase stock of the public utility or a copy of any agreement entered with shareholders to purchase stock;

(B) A certified copy of the resolution of the directors of applicant authorizing the acquisition of the stock; and

(C) Reasons why the proposed acquisition of the stock of the public utility is not detrimental to the public interest.

(3) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

*AUTHORITY:* section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.



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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
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Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.540 Annual Report Filing Requirements for Telecommunications Companies**

*PURPOSE: This rule establishes standards for filing annual reports by telecommunications companies subject to the jurisdiction of the Missouri Public Service Commission, including procedures for filing annual report information under seal.*

(1) All telecommunications utilities subject to the jurisdiction of the Missouri Public Service Commission shall file an annual report with the commission on or before April 15 of each year, except for private pay telephone providers which are exempted under the provisions of 4 CSR 240-3.505(1)(B).

(2) Telecommunications utilities shall file their annual reports on either a form provided by the commission or on a computer-generated replica which is acceptable to the commission. All requested information shall be included in the annual report where applicable.

(A) Annual reports submitted by providers of shared tenant services (STS) shall include a list of all premises at which STS services are provided, and a list of all STS-related complaints received from tenants, including a summary of the nature of each such complaint, and a list of case numbers for any formal complaints filed with the commission.

(3) Where a utility subject to this rule considers the information requested on the annual report form to be confidential, it must make a written request to the secretary of the commission to file that information under seal and state good cause for maintaining the information under seal. The secretary of the commission shall then, through the general counsel, present that request to the commission for approval. The secretary of the commission shall inform the utility

within three (3) days of the commission decision whether the request has been granted.

(4) A utility which is unable to meet the filing date established in section (1) of this rule shall make a written request to extend the filing date for its annual report to the secretary of the commission and state the reason for the extension request. The secretary of the commission, through the chief administrative law judge, shall present the report to the commission for approval. The secretary of the commission shall inform the utility in writing within three (3) days of the decision of the commission.

*AUTHORITY: sections 386.250 and 392.210, RSMo 2000. Original rule filed Aug. 16, 2002.*

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
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Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.545 Filing Requirements for Telecommunications Company Rate Schedules**

*PURPOSE: This rule prescribes the form and procedures for filing and publishing schedules of rates of all telephone corporations under the jurisdiction of the Public Service Commission.*

(1) Every telephone corporation as defined in section 386.020, RSMo engaged in business in this state, is directed and required not later than September 15, 1913, to have on file with the Public Service Commission (PSC) schedules of all rates, rentals and charges of whatever nature made by the telephone corporation for each kind of service which it renders which were in force on April 15, 1913, together with proper supplements covering all changes in rate schedules authorized by this commission, if any, since April 15, 1913.

(2) Every telephone corporation is directed on and after September 15, 1913, to publish all of its schedules of rates for local service and all of its schedules of rates for long distance service as these schedules have been established and filed with this commission as follows:

(A) To keep all of its schedules established and filed with this commission in its main or principal operating office and in each division office which is now or may be established;

(B) To keep at each of its branch business offices where contracts for service are made or payment for subscribers' service is received, copies of all its established schedules of rates which apply within the area served by any such office and which apply from any point within the area to any point without the area;

(C) In every exchange area where no such business branch office is maintained, to keep at its central operating office or in a suitable place fixed by the company, and notify the public by sign or placard conspicuously posted, copies of all of its established schedules of rates which apply within the area served by any such telephone exchange and which apply from any point within the area to any point in each exchange adjacent area; and

(D) That these schedules shall be at all times during office hours readily accessible to the public and upon the demand of any person shall be immediately produced for inspection. The production for inspection shall be accompanied by such assistance on the part of the proper representative of the telephone company having the schedules as to enable the person examining the schedules to determine accurately the rate, rental or charge applicable to any particular kind of telephone service. That in case any person shall apply at a central operating office, personally or by telephone, for information as to any specified toll or long distance rate, a correct statement of the rate shall be procured by the chief operator and furnished without telephone charge.

(3) All schedules of rates, rentals and charges or rules relating and applying to communication by telephone, or for service rendered in connection with communication by telephone, and subject to the jurisdiction of this commission and which are lawfully on file with the commission and in force April 15, 1913, will be considered as continuing in force and may be amended in the manner provided in this rule.

(4) All rate schedules for local service and all individual and joint schedules for long distance service on file with this commission and in effect April 15, 1913, not in accord with this rule shall be reprinted in the manner prescribed by this rule and filed on or before September 15, 1913. Any new rate schedules issued after April 15, 1913, must conform to this rule or they will be subject to rejection by the commission when tendered for filing. The commission reserves the right to direct the reprinting of any schedule at any time.

(5) All schedules shall bear a number with the following prefix: PSC Mo. \_\_\_\_\_. Rate schedules shall be numbered in consecutive serial order, commencing with a No. 1 for each telephone corporation (for example, the first schedule PSC Mo. No. 1). The prefix and number shall be printed on schedules as provided in section (11) of this rule. For convenience, the prefix is referred to as PSC.

(6) Joint schedules are schedules designed to contain joint rates and the term joint rate as used in this rule is construed to mean a rate made by contract, agreement or arrangement between two (2) or more telephone corporations and applying in both directions over the toll lines owned or controlled by these telephone corporations. Joint schedules apply to communication by telephone between localities on the toll lines of more than one (1) telephone corporation or between localities upon the toll lines owned, operated or leased by the same telephone corporation, when communication between these localities involves the use of the toll line(s) of one (1) or more other telephone corporations which participate in the charges for this communication.

(7) Individual schedules of the telephone corporation are schedules designed to contain rates, rentals and other charges for any kind of long distance or toll service (other than for service covered by joint rates) when the service is rendered entirely by the particular telephone corporation which issues the schedule. Individual schedules must include all such long distance rates as may be made by the issuing corporation over its owned or controlled toll lines. As distinguished from joint schedules, individual schedules apply to all communication by telephone over the lines of the issuing telephone corporation and to instrumentalities and facilities furnished in connection with the communication by telephone.

(8) It is the general practice of telephone corporations to classify the service rendered by them under two (2) general headings, "local service" and "long distance service." "Local service" covers service classifications, rates, rentals or charges applying to communication or for instrumentalities and facilities furnished. It also covers rules governing and relating to conditions of contract for any form of telephone service within a local service area established with reference to a particular central station or group of central stations. "Long distance service" covers service classifications, rates, charges, rules applying to communication by telephone between subscribers' stations or public or semi-public pay stations located in one (1) local service area and subscribers' stations or public or semi-public pay stations located in another local service area of the same or another telephone corporation.

(9) All schedules should be on good serviceable quality of paper and if, in the discretion of the commission, the volume of a schedule justifies, the schedule shall not be accepted for filing until printed.

(10) All rate schedules filed with the commission must be in book, sheet or pamphlet form and of size eight and one-half inches by eleven inches (8 1/2" x 11"). A loose-leaf plan may be used so that changes can be made by reprinting and inserting a single leaf. When a loose-leaf plan is used, all sheets except title page must show in the marginal space at top of the page or sheet, the name of the corporation issuing, the PSC number of the schedule, the number of the page or sheet, the date of issue and effective date, and name, title and address of officer by whom the schedule is issued.

(11) The title page or sheet, if loose-leaf, of every rate schedule shall show—

(A) The full corporate name of the issuing telephone corporation;

(B) The PSC number of the schedule in bold type in the center of marginal space at top of the page and immediately under in small type, the PSC number(s) of the schedule canceled thereby. Separate serial PSC numbers may, if desired, be used for local and long distance schedules;

(C) The title page or sheet also should show whether it is for local or long distance and whether it is joint or individual;

(D) A brief description of the service areas from and to or within which the schedule applies;

(E) When a schedule of rates is governed by a general publication, reference to the governing schedule by its PSC number must be given. The following phraseology, as the case may be, will be used: "Governed except as otherwise provided herein by schedule PSC Mo. No. \_\_\_\_\_, which schedule, supplements thereto or superseding issues thereof, is hereby made a part of this schedule"; or "Governed except as otherwise provided herein by schedule PSC Mo. No. \_\_\_\_\_, which schedule revised and added pages or sheets, or superseding issues thereof, is hereby made a part of this schedule." A rate publication so referred to must be on file with the commission and be kept at every place where the schedule making the reference is to be kept for public inspection;

(F) The Date of Issue and the Effective Date. If the schedule or any portion is made to expire on a specified date, the following

clause must be used: "expires \_\_\_\_\_, unless sooner canceled, changed or extended";

(G) On every schedule supplement or a revised or added sheet, issued on less than thirty (30) days' notice by permission of the commission, the following notation must be shown: "Issued on \_\_\_\_\_ days' notice to the public and the commission under special permission of the Public Service Commission of Missouri, No. \_\_\_\_\_, of date \_\_\_\_\_." If issued in compliance with an order of the commission, the following notation must be shown: "Issued on \_\_\_\_\_ days' notice to the public and the commission under order of the Public Service Commission of Missouri, of date \_\_\_\_\_, in Case No. \_\_\_\_\_." When issued by authority of this rule, the notation must be that required by the rule granting the permission;

(H) On the upper left-hand corner of schedules of less than three (3) pages and on schedules issued in loose-leaf form, the words: "No supplement to this schedule will be issued except for the purpose of canceling this schedule" shall be shown. On schedules, not in loose-leaf form, of three (3) or more pages: "Only one supplement to this schedule will be in effect at any time," shall be shown; and

(I) The name, title and address of officer by whom schedule is issued.

(12) Schedules shall contain, in the order named:

(A) Table of Contents. A full and complete statement, in alphabetic order, of the exact location where information under general headings, by subjects, will be found, specifying page or item numbers. If a schedule contains so small a volume of matter that its title page or its interior arrangement plainly discloses its contents, the table of contents may be omitted;

(B) The name of the issuing telephone corporation, including those for which the corporation acts under power of attorney or concurrence and the names of all telephone corporations participating under such authorities, both alphabetically arranged. If there are not more than ten (10) participating corporations, their names may be shown on the title page of the schedule. The record of the power of attorney or concurrence by which each telephone corporation is made party to the schedule must be shown;

(C) In local rate schedules, there shall be an alphabetical index of the central stations in the service area to which the schedule applies; and alphabetically arranged following the name of each central station or under the names of all the localities served;

(D) In individual or joint long distance schedules, there shall be an alphabetical list of localities from which rates and charges apply and of the localities to which rates and charges apply;

(E) Whenever a schedule has an application which includes localities situated outside of Missouri, the abbreviation for the name of the state in which they are situated must be shown in connection with the name of each locality;

(F) If the number of localities covered by a local rate schedule or the number of points in a long distance schedule is small and, if practicable, they may be listed on the title page of the schedule sheet;

(G) If a long distance schedule is arranged by groups (this term includes block basis or other service area description) of from or to localities, the indices must show for each locality a proper group designation;

(H) When in a long distance schedule the from and to localities are shown throughout the rate table in continuous alphabetical order or are shown by groups alphabetically arranged, no index of from or to localities will be required; but when that alphabetical arrangement in a rate table is used, the table of contents shall indicate the pages upon which the localities are shown;

(I) If a long distance schedule is so constructed as to state rates by groups and also states specific rates to or from specified localities, it shall contain an alphabetical listing of the localities in the groups or give reference to the PSC number, if issued, which contains the listing of the group localities;

(J) A group description may be used to designate localities to or from which rates named in long distance schedules apply, provided a

complete list of those localities, arranged by groups, is printed in the schedule or specific reference is given to the PSC number or issue which contains such a list. In this list all of the localities in groups named in the schedule shall be arranged alphabetically showing opposite each locality, by an index reference, its group location, the name(s) of the telephone lines upon which located and the name of the central station(s) through which the locality is served; and, a complete list of those localities arranged by group description and alphabetically for each group;

(K) An explanation of reference marks, technical abbreviations and definitions of terms commonly used in the schedule, except that a special rule applying to a particular rate, rental or charge shall be shown in connection with and on the same page with the rate, rental or charge. The explanatory statement must be made in clear and explicit terms regarding the rates, rentals, charges and rules contained in the schedule as may be necessary to remove all doubt as to their proper application;

(L) The rules which govern the schedule, the title of each rule to be shown in bold type. Under this heading the rules or conditions which in any way affect the rentals, rates or charges named in the schedule, shall be entered, except that a special rule applying to a particular rate, rental or charge shall be shown in connection with and on the same page or sheet with the rate, rental or charge. No rule shall be included which in any way or in any terms authorizes substituting for any rate, rental or charge named in the schedule a rate, rental or charge found in any other schedule or made by any combination or plan other than that clearly stated in specific terms in the schedule of which the rule is a part. These rules shall include the general rules governing conditions for any form of contract for telephone service, all privileges or facilities granted or allowed or for which charge is made, which may in anywise change, affect or determine any or the aggregate of the rates, rentals or charges for the service rendered;

(M) A telephone corporation may publish under a PSC number and file a schedule publication designed for use as a governing schedule in connection with a schedule of rates, and the governing schedule may be made a part of the schedules of rates by specific reference as provided in subsection (11)(E). When the publication is to be used in connection with long distance schedules, it may contain a list of localities, excess time charge tables and rules generally governing the schedules. When it is to be used in connection with a local rate schedule, it may contain an alphabetically arranged list showing localities served by the issuing telephone corporation, and opposite each locality its central station designation, and an alphabetical order list showing the names of all central stations separately and under the locality for each such central station the names of all localities to which the designation applies, arranged in alphabetical order. It also may contain schedules of rentals, rates and charges applying to the furnishing of instrumentalities, facilities and service, as the case may be, for attachments, auxiliary lines and stations, commuted messages, equipment for stations, private and leased lines and wires, extension stations, interior systems, listings, mileage of all kinds, pole line construction, fixed period talking circuits, etc., together with rules generally governing and relating to conditions of contract for any form of telephone service; and

(N) The rates, rentals and charges shall be explicitly stated in cents, or in dollars and cents, per stated period of time or per service, specifying the kind and character of service. In local schedules, the limits of the area to which each rate, rental or charge applies must be shown. When in a local schedule the limits of any such service area include localities outside the service area to which the schedule applies, the names of such other localities must be given or if all such localities are shown in a separate locality list, be referring thereto, giving the PSC number of schedule containing any such list.

(13) Schedules containing essential joint toll rates or charges participated in by telephone corporations not subject to the supervision of this commission must be issued by telephone corporations subject to



such supervision and the telephone corporations which are not so subject shown in the schedule under proper authorities issued and on file with the commission as required by this rule.

(14) If a schedule or supplement to a schedule is issued which conflicts with a part of another schedule or supplement to a schedule which is in force at the time, and which is not canceled in full, it shall specifically state the portion of that schedule which is canceled and the schedule, at the same time, shall be correspondingly amended, effective on the same date, in the regular way; and the supplement to the amended schedule shall be filed at the same time and in connection with the schedule which contains the new rates, rentals or charges.

(15) If a schedule is canceled with the purpose of canceling entirely the rates, rentals or charges named, or when through error or omission a later issue failed to cancel the previous issue and a schedule is canceled for the purpose of perfecting the record, the cancellation notice must not be given a new PSC number, but must be issued as a supplement to the schedule which it cancels, even though that schedule may at the time have a supplement in effect.

(16) If a schedule or part of a schedule is canceled, the cancellation notice shall make specific reference to the PSC number of the schedule in which the rates, rentals or charges will be found; or if no rates, rentals or charges are in effect, it shall so state. Cancellation of a schedule also cancels a supplement to that schedule, if any is in effect. If a schedule is canceled by a similar schedule to take its place, the cancellation notice must not be given by supplement, but by notice printed in a new schedule, as provided in section (12) of this rule.

(17) A change in a schedule shall be known as an amendment and, excepting amendments to schedules issued in loose-leaf form, shall be printed in a supplement to the schedule which it amends, specifying the schedule by its PSC number. The supplement shall be reissued each time an amendment is made and shall always contain all the amendments to the schedule that are in force. Supplements to schedules shall be numbered consecutively as supplements to the schedule and shall not be given new or separate PSC numbers. An amended item must always be printed in a supplement in its entirety as amended.

(18) A supplement to a joint schedule shall contain either a list of the telephone corporations participating or shall state that the list of participating telephone corporations is "as shown in schedules" or "as shown in schedule except (here show alphabetically all additions to and eliminations from the original list that are effected by the supplement or that have been effected by previous supplements)."

(19) A schedule which contains reissued items brought forward from a previous issue which has not been in effect thirty (30) days, or a supplement which brings forward reissued items without change from a former supplement or schedule, must bear the notation "Effective \_\_\_\_\_, except as noted in individual items." Example: "Issued, \_\_\_\_\_ 20 \_\_\_\_; effective, \_\_\_\_\_ 20 \_\_\_\_," except as noted in individual items." Reissued items brought forward without change must show in a conspicuous form and a convenient manner the following: "Reissue (in black face type): effective (date upon which it became effective) in PSC \_\_\_\_\_ Mo. \_\_\_\_\_ No. \_\_\_\_"; or "in supplement No. \_\_\_\_\_ to PSC Mo. \_\_\_\_\_ No. \_\_\_\_." When the reissued item became effective in a former supplement to the same schedule, the PSC number may be omitted, but the supplement number must be given.

(20) Except as otherwise provided in this rule, there shall at no time be more than one (1) supplement in effect to any schedule, and the effective supplement to a schedule of twenty (20) or more pages may not contain more than twenty percent (20%) of the number of pages

or sheets in the schedule, including the title page. A supplement to a schedule of less than twenty (20) pages or ten (10) sheets may not contain more than four (4) pages or two (2) sheets, including the title page. All changes in and additions to schedules issued in loose-leaf form must be made by reprinting both pages of the leaf or sheet upon which the change is made. When no change or addition is made on one (1) of the pages reprinted it must bear notation "No change in this page." These pages or sheets must not be given supplement numbers, but must be designated "First revised page or sheet \_\_\_\_\_," "Second revised page or sheet \_\_\_\_\_," etc., must show the name of the issuing corporation and the PSC number of the schedule, the issued and effective dates and name, title and address of officer by whom issued.

(21) If a schedule is filed on statutory notice canceling another schedule, and after the filing and prior to the effective date of the new schedule a supplement to the schedule to be canceled should be lawfully issued, the rates, rentals or charges in that supplement could not continue in effect for the thirty (30) days required by law because the cancellation of the schedule also cancels the supplement to it. In such a case the supplement containing changes not included in the schedule that is to become effective may be issued as a supplement both to the schedule in effect and to the schedule on file that will effect such a cancellation and be given both PSC numbers. In other words, such an issue must be a supplement to each of the schedules and copies must be filed accordingly. A supplement issued under this section containing reissued items shall note in connection with each such item, in addition to the effective date as required by the rule, that the reissued items expire on the date at which the new schedule becomes effective and that the new schedule will apply in lieu of the reissued items; and the reissued items must not be brought forward in a subsequent supplement to the new schedule. Such a supplement may not contain any changes except those lawfully made by a supplement to the schedule which is to be canceled by the schedule that has been filed and that is also supplemented; and no other kind of supplement to a schedule that is on file and not yet effective may be made effective within thirty (30) days from the effective date of the schedule without special permission. The provisions of section (12) as to the number of supplements to a schedule that may be in effect at any time and the volume of supplemental matter they may contain, need not be observed in connection with a supplement issued under this section.

(22) In case of a change of ownership and operation of any telephone corporation's property or of the telephone corporation in possession and operating the property, the telephone corporation taking over the operation of the telephone line, if the existing rates would otherwise remain legally effective, shall issue immediately and file with the commission, with PSC number, an adoption notice, substantially as follows: "The (name of telephone corporation) hereby adopts, ratifies and makes its own, in every respect as if the same had been originally filed by it, all schedules, rules, notices, concurrences, schedule agreements, divisions, authorities or other instruments whatsoever, filed with the Public Service Commission, State of Missouri, by the (name of telephone corporation) prior to (date) the beginning of its possession. By this notice it also adopts and ratifies all supplements or amendments to any of the above schedules, etc., which (name of telephone corporation) has heretofore filed with said commission. This notice may be made effective as of the date it is filed with the commission." In the event that the successor corporation does not intend to adopt some of these schedules, rates, rules, notices, concurrences, traffic agreements, divisions, authorities or other instruments, the notice shall specify those which are not adopted and the successor corporation as to these exceptions shall give the cancellation or withdrawal notice provided in these rules. The adoption notice shall stand and be effective as to all of the local issues of the predecessor telephone corporation. This paragraph applies to the taking over of part of a telephone corporation's property as well as

to the entire property. In case of a receivership, the receiver shall be deemed as continuing in force the individual schedules and rules of the charge, but as to joint schedules, joint rules and joint business with other telephone corporations, the receiver must file with the required adoption notice, any exceptions specified.

(23) Schedules and supplements shall be filed with the commission by a proper officer of the telephone corporation designated to perform that duty and concurrences of every other telephone corporation participating in joint schedules and supplements must be on file with the commission or accompany the schedule or supplement.

(24) Schedules issued by a telephone corporation under its PSC numbers may include, under proper concurrences shown in the schedules, rates or charges applying over a long distance line to or from localities on other telephone corporations' lines and concurring telephone corporations may use these schedules for public inspection. These schedules must be filed by the issuing telephone corporation and the filing will constitute filing for all lawfully concurring telephone corporations, having record of the concurrence on file with this commission. A telephone corporation issuing a joint publication shall at once send copies to each and every telephone corporation party.

(25) All changes in rates, charges or rentals or in rules that affect rates, charges or rentals, shall be filed with the commission at least thirty (30) days before the date upon which they are to become effective. The title page of every rate schedule or supplement and the reissue of any page or sheet must show thirty (30) days' notice except as otherwise provided in this rule. The proposed changes shall be accompanied by a brief summary, approximately one hundred (100) words or less, of the effect of the change on the company's customers. A copy of any proposed change and summary also shall be served on the public counsel and be available for public inspection and reproduction during regular office hours at a public business office of the utility in each exchange or group of exchanges affected by the proposed change.

(26) Each telephone corporation subject to the supervision of this commission has the duty of filing with the commission all of its rate schedules and supplements to the rate schedules, under penalty for failure to do so. The commission will give all consistent assistance as it can in this respect, but the fact that receipt of a rate schedule or supplement to a rate schedule is acknowledged by the commission or the fact that a rate schedule or supplement to a rate schedule is in the files of the commission, will not serve or operate to excuse the telephone corporation for responsibility or liability for any violation of the law or of any ruling lawfully made which may have occurred in connection with the construction or filing of the rate schedule or supplement.

(27) Thirty (30) days' notice to the commission required as to every publication relating to telephone rates or service, except where publications are made effective on less than statutory notice by permission, regulation or requirement of the commission.

(28) Except as is otherwise provided in this rule, no schedule or supplement will be accepted for filing unless it is delivered to the commission free from all charges or claims for postage, the full thirty (30) days required by law before the date upon which the schedule or supplement is stated to be effective. No consideration will be given to or for the time during which a schedule or supplement may be held by the post office authorities because of insufficient postage. When a schedule or a supplement is issued and for which the commission is not given the statutory notice, it is as if it had not been issued, and full statutory notice must be given of any reissue. No consideration will be given to telegraphic notices in computing the thirty (30) days' notice required. In those cases the schedule will be returned to the sender and correction of the neglect or omission cannot be made

which takes into account any time elapsing between the date upon which the schedule or supplement was received and the date of attempted correction. For rate schedules and supplements issued on short notice under special permission of the commission, literal compliance with the requirements for notice named in any order, regulation or permission granted by the commission will be exacted.

(29) When a schedule is rejected by the commission as unlawful, the records will show and the schedule should not be referred to as canceled, amended or otherwise, except to note on publication issued in lieu of the rejected schedule "In lieu of \_\_\_\_\_, rejected by commission"; nor shall the number which it bears be used again.

(30) Rates, charges or rentals or rules relating to, prescribed by the commission in its decisions and orders, after hearings upon formal complaints, shall in every instance be promulgated by the telephone corporation against which these orders are entered, in duly published and filed rate schedules, supplements to these or revised pages or sheets of schedules, and notice shall be sent to the commission that its order in Case No. \_\_\_\_\_, has been complied with in item \_\_\_\_\_ page \_\_\_\_\_ of schedule PSC \_\_\_\_\_ Mo. \_\_\_\_\_ No. \_\_\_\_\_; or supplement \_\_\_\_\_ to schedule PSC Mo. \_\_\_\_\_ No. \_\_\_\_\_; or reissued page or sheet No. \_\_\_\_\_ to schedule PSC \_\_\_\_\_ Mo. \_\_\_\_\_ No. \_\_\_\_\_.

(31) Schedules and supplements shall be filed in numerical order of PSC numbers so far as practicable. If in any instance the foregoing is not observed as required by these rules, a memorandum must accompany the schedule to file with the commission explaining omission of missing number(s).

(32) Telephone corporations are directed to transmit one (1) copy of each rate schedule, supplement or other charges, rentals or regulations for the use of the commission. Schedules sent for filing must be addressed to Public Service Commission, PO Box 360, Jefferson City, MO 65102.

(33) Concurrence may be given by a telephone corporation to embrace all forms of joint schedules issued by another telephone corporation in which the concurring telephone corporation is shown as a participating, originating, intermediate or terminal corporation, after the following form:

BEFORE THE PUBLIC  
SERVICE COMMISSION  
OF THE STATE OF MISSOURI

\_\_\_\_\_  
(Name of telephone corporation in full)

\_\_\_\_\_  
(Date)

This is to certify that the (name of telephone corporation) assents to and concurs in the publication and filing of any joint schedule or supplement thereto which the (name of telephone corporation) may make and file in which it is shown as a participating corporation, and hereby makes itself a party to and bound thereby insofar as such schedule contains joint rates or charges or governing regulations applying to communication by telephone in any way involving use of its toll line or lines (see note 2), until this authority is revoked by formal and official notice of revocation placed in the hands of the Public Service Commission of Missouri, and of the telephone corporation to which this concurrence is given.

\_\_\_\_\_  
(Name of telephone corporation)

By \_\_\_\_\_  
(Name of officer)

\_\_\_\_\_  
(Title of officer)

The telephone corporation issuing this form shall file the original with the commission and shall furnish a duplicate to the telephone corporation to which the concurrence is given.

(34) Each telephone corporation shall give authorizations and concurrences serial numbers, beginning with No. 1 in each series, as indicated by forms and continuing in consecutive numbers as to each series, and keeping these numbers separate and apart from PSC numbers of rate schedules. A concurrence may be revoked by filing notice of such revocation with the commission and serving the same upon the telephone corporation to which the concurrence was given. The notice must specify the date upon which revocation is to be made effective and must give at least sixty (60) days' notice to the commission and to the telephone corporation to which concurrence was given. Corresponding correction of a schedule(s) shall be made by amending or reissuing the schedule(s), making the change lawfully effective on statutory notice upon the effective date stated in the notice of revocation. The granting of authority to issue tariffs under power of attorney or concurrence does not relieve the telephone corporation conferring the authority from the necessity of complying with the requirement for keeping the schedules open to public inspection. It must use the schedules issued under its authority for that purpose.

(35) All schedules filed with the commission shall be accompanied by a letter of transmittal, in duplicate if receipt is desired, which shall be prepared consistent with the format designated by the commission.

**AUTHORITY:** sections 386.250 and 392.220, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.550 Telecommunications Company Records and Reports**

**PURPOSE:** This rule prescribes the type, location and retention of records, and reports on telecommunications service.

(1) This rule does not apply to private shared tenant service providers or private pay telephone service providers.

(2) Each telecommunications company shall make and maintain records of its operations in sufficient detail to permit review of those operations. These records shall be retained in an easily accessible place for a period of at least three (3) years. These records shall be made available upon request to the commission or its authorized representatives. These records shall include all reports filed with the commission, together with the information necessary to verify each report.

(3) All records required by this rule shall be made available for review within the state at any time upon request. Reasonable time, not to exceed thirty (30) days, will be permitted to assemble and deliver records to the location where they are to be reviewed.

(4) For companies providing basic local telecommunications service, the records specified in section (2) above shall include the following:

(A) Each company shall record each application for basic local telecommunications service or regrade of service; and

(B) Each company shall keep a record, by exchange, of each held application for basic local telecommunications service and for each application for regrade that is not satisfied within thirty (30) days. The record will list the name and address of each applicant for service or regrade, whether the applicant's location is inside or outside the base rate area, the date of application, the date service is requested to begin, the date service was promised to begin, the class and grade of service applied for and the reason for the delay in providing the requested service.

(5) Companies shall file the following information with the commission:

(A) Each company providing basic local telecommunications service shall file with the commission no later than forty-five (45) days following the end of each quarter a report, referred to as the quarterly report, of the quality of the telephone service provided to its customers. The quarterly report shall include:

1. The aggregated service level for each aspect of service quality for which there has been established a service objective in 4 CSR 240-32.080, together with such other information concerning service quality that the company deems applicable or the commission specifically requests. Those levels shall represent an average of the measurements taken throughout the reporting period. If the reported service level in any separately measured exchange, business office or service bureau does not meet the surveillance level, the company shall list each such exchange, business office or service bureau and its service level;

2. The number of applications held for both basic local telecommunications service and for regrade of service. Those numbers will be kept distinct from one another. The listing shall categorize the number held for thirty (30), sixty (60), ninety (90) and one hundred twenty (120) days; and

3. The number of applications listed pursuant to subsection (4)(B) above, by exchange, and the number of such applications that were satisfied during that quarter;



(B) Each company shall have its tariff on file with the commission in accordance with 4 CSR 240-30.010;

(C) Each company providing basic local telecommunications service shall have on file with the commission an exchange boundary map for each of its exchanges within the state. Each map shall clearly show the boundary lines of the area in which the company accepts responsibility for providing such service. Exchange boundary lines shall be located by appropriate measurement to an identifiable location where that portion of the boundary line is not otherwise located on section lines, waterways, railroads, roads, etc. Maps shall contain both detail and reasonable and readable scale. Competitive local exchange companies may submit a tariff sheet adopting the tariff map on file with the commission for a specific exchange served by the incumbent local exchange provider. The exchange maps shall be available for public inspection at each public business office for the area served by the office. Each company filing an original or revised map shall submit proof of notice of the proposed boundary to any other company adjoining the area in which a boundary line is to be established or changed;

(D) Each company shall advise the commission's customer services department of abnormal service conditions by telephone or facsimile. Abnormal conditions include any tandem outage, central office or exchange isolation, cable cut, or central office problem that involves three hundred (300) or more customers and lasts thirty (30) minutes or more or any other service condition the company wishes to bring to the attention of the customer services department; and

(E) Each company shall make and file with the commission a disaster recovery plan, which shall be reviewed by the company at least annually and modified as necessary. Any modifications shall be submitted as amendments.

**AUTHORITY:** section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.555 Telecommunications Company Residential  
Customer Inquiries**

**PURPOSE:** This rule establishes procedures to be followed when residential customers make inquiries of telecommunications companies so that such inquiries are handled in a reasonable manner.

(1) A telecommunications company shall adopt procedures which will ensure the prompt and thorough receipt, investigation and, where possible, resolution of inquiries. The telecommunications company, upon request, shall submit the procedures to the commission and the telecommunications company shall notify the commission of any substantive changes in these procedures prior to their implementation.

(2) A telecommunications company shall prepare a statement which in layman's terms describes the rights and responsibilities of both the telecommunications company and its customers under this chapter. This statement shall appear in the front part of the telephone directory or the telecommunications company will mail or otherwise deliver such statement to its existing and new customers. If multiple telecommunications companies are represented in a directory, and each has identical statements of rights and responsibilities, the information need only appear once. Upon request the statement shall be submitted to the commission, its staff, or Office of the Public Counsel. The statement shall include descriptions of:

- (A) Billing procedures;
- (B) Customer payment requirements and procedures;
- (C) Deposit and guarantee requirements;
- (D) Conditions of termination, discontinuance and reconnection of service;
- (E) Procedures for handling inquiries;
- (F) A procedure whereby a customer may avoid discontinuance of service during a period of absence;
- (G) Complaint procedures under 4 CSR 240-2.070;
- (H) The telephone number and address of all offices of the Missouri Public Service Commission and the statement that this company is regulated by the Missouri Public Service Commission; and
- (I) The address and telephone number of the Office of the Public Counsel and a statement of the function of that office.

**AUTHORITY:** section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A

public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.600 Filing Requirements for Water Utility Applications for Certificates of Convenience and Necessity**

*PURPOSE:* Applications to the commission requesting that the commission grant a certificate of convenience and necessity must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for a certificate of convenience and necessity by a water company shall include the following information:

(A) If the application is for a service area—

1. A statement as to the same or similar utility service, regulated and nonregulated, available in the area requested;

2. If there are ten (10) or more residents or landowners, the name and address of no fewer than ten (10) persons residing in the proposed service area or of no fewer than ten (10) landowners in the event there are no residences in the area, or, if there are fewer than ten (10) residents or landowners, the name and address of all residents and landowners;

3. The legal description of the area to be certificated;

4. A plat drawn to a scale of one-half inch (1/2") to the mile on maps comparable to county highway maps issued by the Missouri Department of Transportation or a plat drawn to a scale of two thousand feet (2,000') to the inch; and

5. A feasibility study containing plans and specifications for the utility system and estimated cost of the construction of the utility system during the first three (3) years of construction; plans for financing; proposed rates and charges and an estimate of the number of customers, revenues and expenses during the first three (3) years of operations;

(B) When no evidence of approval of the affected governmental bodies is necessary, a statement to that effect;

(C) When approval of the affected governmental bodies is required, evidence must be provided as follows:

1. When consent or franchise by a city or county is required, approval shall be shown by a certified copy of the document granting the consent or franchise, or an affidavit of the applicant that consent has been acquired; and

2. A certified copy of the required approval of other governmental agencies; and

(D) The facts showing that the granting of the application is required by the public convenience and necessity.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

*AUTHORITY:* section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.605 Filing Requirements for Water Utility Applications for Authority to Sell, Assign, Lease or Transfer Assets**

*PURPOSE:* Applications to the commission for the authority to sell, assign, lease or transfer assets must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to sell, assign, lease or transfer assets shall include:

(A) A brief description of the property involved in the transaction, including any franchises, permits, operating rights or certificates of convenience and necessity;

(B) A copy of the contract or agreement of sale;

(C) The verification of proper authority by the person signing the application or a certified copy of resolution of the board of directors of each applicant authorizing the proposed action;

(D) The reasons the proposed sale of the assets is not detrimental to the public interest;

(E) If the purchaser is subject to the jurisdiction of the commission, a balance sheet and income statement with adjustments showing the results of the acquisitions of the property; and

(F) A statement of the impact, if any, the sale, assignment, lease or transfer of assets will have on the tax revenues of the political subdivisions in which any structures, facilities or equipment of the companies involved in that sale are located.

(2) If the purchaser is not subject to the jurisdiction of the commission, but will be subject to the commission's jurisdiction after the sale, the purchaser must comply with these rules.

(3) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

*AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.*

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.610 Filing Requirements for Water Utility Applications for Authority to Merge or Consolidate**

*PURPOSE: Applications to the commission for the authority to merge or consolidate must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).*

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to merge or consolidate shall include:

(A) A copy of the proposed plan and agreement of corporate merger and consolidation, including organizational charts depicting the relationship of the merging entities before and after the transaction;

(B) A certified copy of the resolution of the board of directors of each applicant authorizing the proposed merger and consolidation;

(C) The balance sheets and income statements of each applicant and a balance sheet and income statement of the surviving corporation;

(D) The reasons the proposed merger is not detrimental to the public interest;

(E) An estimate of the impact of the merger on the company's Missouri jurisdictional operations relative to the merger and acquisition in question; and

(F) A statement of the impact, if any, the merger or consolidation will have on the tax revenues of the political subdivision in which any

structures, facilities or equipment of the companies involved are located.

(2) If the purchaser is not subject to the jurisdiction of the commission, but will be subject to the commission's jurisdiction after the sale, the purchaser must comply with these rules.

(3) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

*AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.*

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.615 Filing Requirements for Water Utility Applications for Authority to Issue Stock, Bonds, Notes and Other Evidences of Indebtedness**

*PURPOSE: Applications to the commission for the authority to issue stock, bonds, notes or other evidences of indebtedness must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).*

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to issue stock, bonds, notes and other evidences of indebtedness shall contain the following:

(A) A brief description of the securities which applicant desires to issue;

(B) A statement of the purpose for which the securities are to be issued and the use of the proceeds;

(C) Copies of executed instruments defining the terms of the proposed securities—



1. If these instruments have been previously filed with the commission, a reference to the case number in which the instruments were furnished;

2. If these instruments have not been executed at the time of filing, a statement of the general terms and conditions to be contained in the instruments which are proposed to be executed; and

3. If none of these instruments is either executed or to be executed, a statement of how the securities are to be sold;

(D) A certified copy of resolutions of the directors of applicant authorizing the issuance of the securities;

(E) A balance sheet and income statement with adjustments showing the effects of the issuance of the proposed securities upon—

1. Bonded and other indebtedness; and

2. Stock authorized and outstanding;

(F) A statement of what portion of the issue is subject to the fee schedule in section 386.300, RSMo; and

(G) A five (5)-year capitalization expenditure schedule as required by section 393.200, RSMo.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

**AUTHORITY:** section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

#### Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

##### Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements

#### PROPOSED RULE

#### 4 CSR 240-3.620 Filing Requirements for Water Utility Applications for Authority to Acquire the Stock of a Public Utility

**PURPOSE:** Applications to the commission for the authority to acquire the stock of a public utility must meet the requirements set

forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to acquire the stock of a public utility shall include:

(A) A statement of the offer to purchase stock of the public utility or a copy of any agreement entered with shareholders to purchase stock;

(B) A certified copy of the resolution of the directors of applicant authorizing the acquisition of the stock; and

(C) Reasons why the proposed acquisition of the stock of the public utility is not detrimental to the public interest.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

**AUTHORITY:** section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

#### Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements

#### PROPOSED RULE

#### 4 CSR 240-3.625 Filing Requirements for Applications for Approval of Water Service Territorial Agreements

**PURPOSE:** This rule establishes requirements that applications to the commission for approval of territorial agreements between water service providers must meet. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1) and 4 CSR 240-3.630.

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for commission approval of territorial agreements between water service providers shall include:

(A) A copy of the territorial agreement and a specific designation of the boundary, including legal description;

(B) An illustrative tariff which reflects any changes in a regulated utility's operations or certification;

(C) An explanation as to why the territorial agreement is in the public interest;

(D) A list of all persons whose utility service would be changed by the agreement; and

(E) A check for the initial filing fee set forth in 4 CSR 240-3.630.

(2) If any of the items required by subsections (1)(A)-(D) of this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

*AUTHORITY: sections 247.172 and 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.*

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.630 Schedule of Fees Applicable to Applications for Approval of Water Service Territorial Agreements and Petitions for Designation of Water Service Areas**

*PURPOSE: This rule establishes a schedule of fees for commission review of proposed territorial agreements and petitions for commission designation of water service areas between water service providers.*

(1) Commission review of an application for a proposed territorial agreement or a petition for commission designation of water service

areas between water service providers shall be accompanied by an initial filing fee in the amount of five hundred dollars (\$500).

(2) In addition to the filing fee, the fee for commission review of an application for approval of a proposed territorial agreement between water service providers or a petition for commission designation of water service areas is set at six hundred eighty-five dollars (\$685) per hour of hearing time, subject to a minimum charge for hearing time of six hundred eighty-five dollars (\$685). There is an additional charge of three dollars and fifty cents (\$3.50) per page of transcript. These fees are in addition to the fees authorized by section 386.300, RSMo.

(3) The parties shall be responsible for payment of any unpaid fees on and after the effective date of the commission's report and order relating to the water service territorial agreement or designation of water service area. The executive director shall send an itemized billing statement to the applicants on or after the effective date of the commission's report and order. Responsibility for the payment of the fees shall be that of the parties to the proceeding as ordered by the commission in each case.

(4) An application for commission review of proposed amendment(s) to an existing territorial agreement between water service providers shall not be subject to the fee of five hundred dollars (\$500) specified in section (1) of this rule. However, the applicants shall be responsible for the payment of a fee which reflects necessary hearing time (including the minimum hearing time charge) and the transcript costs as specified in section (2) of this rule.

(5) On July 1 of each year, the filing fee and the fee per hour of evidentiary hearing time will be modified to match any percentage change in the Consumer Price Index for the twelve (12)-month period ending December 31 of the preceding year.

*AUTHORITY: sections 247.172 and 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.*

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.635 Water Utility Small Company Rate Increase Procedure**

*PURPOSE: This rule provides procedures for small water utilities to obtain rate increases.*

(1) Notwithstanding any other rule to the contrary, small companies, as defined in this rule, may seek a general increase in revenues through a small company rate case by filing a letter requesting the change. The request shall not be accompanied by any tariff sheets. For the purpose of this rule, small companies qualifying to use the small company rate case described in this rule shall include water utilities having eight thousand (8,000) or fewer customers. The small company rate case shall be conducted as follows:

(A) The original letter requesting the change shall be filed with the secretary of the commission and one (1) copy shall be furnished to the public counsel. The letter shall state the amount of the additional revenue requested, the reason(s) for the proposed change and a statement that all commission annual assessments have been paid in full or are being paid under an installment plan. The letter should also include a statement that the company's current annual report is on file with the commission. The company, in writing, shall notify customers of the request for additional revenue and the effect on the typical residential customer's bill. The notice shall indicate that customers' responses may be sent to the appropriate commission department or the public counsel within thirty (30) days of the date shown on the notice. A draft copy of the notice shall be sent to the appropriate commission department for verification of the accuracy of the notice before being sent to the company's customers. A copy of the final notice shall then be sent to the appropriate commission department and the public counsel. The commission staff and the public counsel shall exchange copies of customer responses upon their receipt. Upon receipt of the company's request, the commission staff shall schedule an investigation of the company's operations and an audit of its financial records. When the investigation and audit are complete, the commission staff shall notify the company and public counsel whether the requested additional revenue is recommended in whole or in part, of the rate design proposal for the increase, and of any recommended operational changes. If public counsel wishes to conduct an investigation and audit of the company, it must do so within the same time period as staff's investigation and audit;

(B) The commission staff, within twenty-one (21) days from the completion of its investigation, shall arrange a conference with the company and shall notify the public counsel of the conference prior to the conference, in order to provide the public counsel an opportunity to participate;

(C) If the conference between the commission staff, the company and the public counsel results in an agreement concerning additional revenue requirements and any other matters pertaining to the company's operations, including responses to customer concerns, the agreement between the commission staff, the company and the public counsel shall be reduced to writing. The company may then file tariff sheet(s) with an effective date which is not fewer than thirty (30) days after the tariff's issue date and no additional customer notice or local public hearing shall be required, unless otherwise ordered by the commission. The company shall file a copy of the agreement with its tariff;

(D) If the conference results in an agreement between the commission staff and the company only, the company at this time shall file the necessary tariff sheet(s) with the commission in accordance with the agreement. The tariff sheet(s) shall contain an effective date of not fewer than forty-five (45) days from the issue date. The company shall notify customers in writing of the proposed rates resulting

from the agreement. The notice shall indicate that customers' responses may be sent to the appropriate commission department or the public counsel within twenty (20) days of the date shown on the notice. A copy of the notice shall be sent to the secretary of the commission and the public counsel. The commission staff and the public counsel shall exchange copies of the customer responses upon their receipt. The public counsel shall file a pleading indicating its agreement or disagreement with the tariff sheet(s) within twenty-five (25) days of the date the tariff sheet(s) is filed, unless a public hearing is requested;

(E) A request for a local public hearing may be filed after the tariff sheet(s) is filed by the company. The request shall be filed within twenty (20) days of the filing of the tariff sheet(s) by the company. Public counsel shall file a pleading indicating agreement or disagreement with the tariff sheet(s) within seven (7) days after the local public hearing;

(F) An agreement must be reached and tariff sheet(s) filed based upon the agreement within one hundred fifty (150) days from the date the letter initiating the case is filed. This time period may be extended with the consent of the company. Written consent for an extension shall be filed with the company's tariff; and

(G) If no agreement can be reached between the commission staff and the company, the company may initiate a standard rate case.

*AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.*

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.640 Annual Report Filing Requirements for Water Utilities**

*PURPOSE: This rule establishes standards for filing annual reports by water utilities subject to the jurisdiction of the Missouri Public Service Commission, including procedures for filing annual report information under seal.*



(1) All water utilities subject to the jurisdiction of the Missouri Public Service Commission shall file an annual report with the commission on or before April 15 of each year.

(2) Water utilities shall file their annual reports on either a form provided by the commission or on a computer-generated replica which is acceptable to the commission. All requested information shall be included in the annual report where applicable.

(3) Where a utility subject to this rule considers the information requested on the annual report form to be confidential, it must make a written request to the secretary of the commission to file that information under seal and state good cause for maintaining the information under seal. The secretary of the commission shall then, through the general counsel, present that request to the commission for approval. The secretary of the commission shall inform the utility within three (3) days of the commission's decision whether the request has been granted.

(4) A utility which is unable to meet the filing date established in section (1) of this rule shall make a written request to extend the filing date for its annual report to the secretary of the commission and state the reason for the extension request. The secretary of the commission, through the chief administrative law judge, shall present the report to the commission for approval. The secretary of the commission shall inform the utility in writing within three (3) days of the decision of the commission.

*AUTHORITY: sections 386.250 and 393.140, RSMo 2000. Original rule filed Aug. 16, 2002.*

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RULE**

**4 CSR 240-3.645 Filing Requirements for Water Utility Rate Schedules**

*PURPOSE: This rule prescribes the form and procedures for filing and publishing schedules of rates of all water utilities under the jurisdiction of the Public Service Commission.*

(1) Every water corporation engaged in the furnishing or distribution of water for domestic or other beneficial use in the state of Missouri is directed not later than October 15, 1913, to have on file with this commission and keep open for public inspection, schedules showing all rates and charges in connection with the service or whatever nature made by these water corporations for each and every kind of service which it renders as were in force on April 15, 1913, together with proper supplements covering all changes in the rate schedules authorized by this commission, if any, since April 15, 1913.

(2) All the rate schedules now on file with the commission not in accordance with these rules shall be issued in the form and manner prescribed by this rule and all rate schedules issued after April 15, 1913, must conform to this rule.

(3) Rate schedules shall be drawn up substantially in accordance with Form No. 13 and shall be plainly printed or typewritten on good quality of paper of size eight and one-half inches by eleven inches (8 1/2" x 11") in book, sheet or pamphlet form. A loose-leaf plan may be used so changes can be made by reprinting and inserting a single leaf. When the loose-leaf plan is used, all sheets, except the title page sheet, must show in the marginal space at top of page the name of the water corporation issuing, the PSC number of the schedule and the number of the page. In the marginal space at bottom of the sheet, should be shown: the date of issue, the effective date and the name, title and address of the officer by whom the schedule is issued. All schedules shall bear a number with the prefix PSC Mo. \_\_\_\_\_. Schedules shall be numbered in consecutive serial order beginning with number 1 for each water corporation. If a schedule or part thereof is cancelled, a new schedule or part thereof (sheet or sheets if loose-leaf) will refer to the schedule cancelled by its PSC number; thus, PSC Mo. No. \_\_\_\_\_ cancelling PSC Mo. No. \_\_\_\_\_.

(4) Each schedule shall be accompanied by a letter of transmittal, in duplicate if receipt is desired, which shall be prepared consistent with the format designated by the commission.

(5) All proposed changes in rates, charges or rentals or in rules that affect rates, charges or rentals, filed with the commission shall be accompanied by a brief summary, approximately one hundred (100) words or less, of the effect of the change on the company's customers. A copy of any proposed change and summary shall also be served on the public counsel and be available for public inspection and reproduction during regular office hours at the general business office of the utility.

(6) Thirty (30) days' notice to the commission is required as to every publication relating to water rates or service except where publications are made effective on less than statutory notice by permission, regulation or requirement of the commission.

(7) Except as is otherwise provided, no schedule or supplement will be accepted for filing unless it is delivered to the commission free from all charges or claims for postage, the full thirty (30) days required by law before the date upon which such schedule or supplement is stated to be effective. No consideration will be given to or for the time during which a schedule or supplement may be held by the post office authorities because of insufficient postage. When a schedule or a supplement is issued and as to which the commission is not given the statutory notice, it is as if it had not been issued and a full statutory notice must be given of any reissuance. No consideration will be given to telegraphic notices in computing the required thirty (30) days' notice. In such cases the schedule will be returned to the sender and correction of the neglect or omission cannot be made which takes into account any time elapsing between the date

upon which such schedule or supplement was received and the date of the attempted correction. For rate schedules and supplements issued on short notice under special permission of the commission, literal compliance with the requirements or notice named in any order, regulation or permission granted by the commission will be exacted.

**AUTHORITY:** sections 386.250 and 393.140, RSMo 2000. Original rule filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 10—Utilities**

**PROPOSED RESCISSION**

**4 CSR 240-10.070 Minimum Filing Requirements for General Rate Increase Requests.** This rule prescribed the information that must be filed by all electric utilities, all large local exchange telecommunications companies, all large gas, water and sewer utilities and all steam heating utilities when filing for a general company-wide increase in rates.

**PURPOSE:** The commission is rescinding this rule from this chapter and adopting nearly identical requirements mirroring those found in the rule in a new rule in the commission's new Chapter 3, as a part of an overall reorganization of the commission's rules regarding general filing requirements.

**AUTHORITY:** sections 392.210, RSMo Supp. 1987, 392.220, RSMo Supp. 1991 and 393.140, RSMo 1986. Original rule filed Feb. 4, 1993, effective Oct. 10, 1993. Rescinded: Filed Aug. 16, 2002.

**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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rescission is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 10—Utilities**

**PROPOSED RESCISSION**

**4 CSR 240-10.080 Annual Report Filing Requirements.** This rule established standards for filing annual reports by utilities subject to the jurisdiction of the commission, including procedures for filing annual report information under seal.

**PURPOSE:** The commission is rescinding this rule from this chapter and adopting nearly identical requirements mirroring those found in the rule in a new rule in the commission's new Chapter 3, as a part of an overall reorganization of the commission's rules regarding general filing requirements.

**AUTHORITY:** sections 392.210 and 393.140, RSMo 1994. Original rule filed March 19, 1996, effective Oct. 30, 1996. Rescinded: Filed Aug. 16, 2002.

**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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rescission is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor

Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of 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.

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

##### **Division 240—Public Service Commission**

##### **Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas and Water Utilities**

#### **PROPOSED AMENDMENT**

**4 CSR 240-13.055 Cold Weather Maintenance of Service: Provision of Residential Heat-Related Utility Service During Cold Weather.** The commission is proposing to modify the Purpose section of the rule by adding a reference to other applicable commission rules and to delete section (12) from the rule, which is the last section of the rule and deleting the form following the rule from the Code of State Regulations.

**PURPOSE:** This amendment reflects a reorganization of the commission's rules regarding general filing requirements in that requirements mirroring those found in the section being deleted from this rule are being adopted in various rules of the commission's new Chapter 3.

**PURPOSE:** This rule protects the health and safety of residential customers receiving heat-related utility service by placing restrictions on discontinuing and refusing to provide heat-related utility service from November 1 through March 31 due to delinquent accounts of those customers. Reporting requirements regarding heat-related utility service are found at 4 CSR 240-3.175 for electric utilities and at 4 CSR 240-3.250 for gas utilities.

*[(12) Each utility providing heat-related utility service shall submit a report to the consumer services department of the commission for each calendar month no later than the twentieth day of the following month. The utility shall provide a copy of each report to the office of the public counsel. The report shall include the information listed below for each operational district into which the utility has divided its Missouri service territory. Utilities providing both electric and gas service shall report the information separately for their gas-only territory:*

*(A) The number of days on which discontinuance of service was not prohibited by the cold weather rule's daily temperature moratorium (4 CSR 240-13.055(4));*

*(B) The utility shall report the following information for all residential customers and state separately the information for those on whose behalf the utility has received notice of qualification for publicly funded energy assistance:*

*1. The number of residential customers who agreed to pay for their heat-related utility service under a payment agreement in accordance with 4 CSR 240-13.055(8);*

*2. The number of residential customers whose heat-related utility service was discontinued due to failure to make timely payments under a section (8) agreement;*

*3. The total amount due and owing from residential customers whose utility service was discontinued due to failure to make timely payments under a section (8) agreement;*

*4. The number of residential customers whose heat-related utility service was involuntarily discontinued and who were not participants in a section (8) payment agreement; and*

*5. The total amount due and owing from residential customers whose heat-related utility service was involuntarily discontinued and who were not participants in a section (8) payment agreement.]*

**AUTHORITY:** sections 386.250, 393.130 and 393.140, RSMo [1994] 2000. Original rule filed June 13, 1984, effective Nov. 15, 1984. Amended: Filed Dec. 30, 1992, effective Oct. 10, 1993. Amended: Filed March 10, 1995, effective Jan. 30, 1996. Emergency amendment filed Nov. 8, 2001, effective Nov. 18, 2001, expired March 31, 2002. Amended: Filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed amendment is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, 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.

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

##### **Division 240—Public Service Commission**

##### **Chapter 14—Utility Promotional Practices**

#### **PROPOSED RESCISSION**

**4 CSR 240-14.040 Filing of Promotional Practices.** This rule prescribed the filing requirements for present, proposed or revised promotional practices.

**PURPOSE:** The commission is rescinding this rule from this chapter and adopting nearly identical requirements mirroring those found in the rule in a new rule in the commission's new Chapter 3, as a part of an overall reorganization of the commission's rules regarding general filing requirements.

**AUTHORITY:** sections 386.040, 386.610 and 393.140, RSMo 1986 and 386.250, RSMo Supp. 1991. Original rule filed June 28, 1971, effective July 8, 1971. Amended: Filed Sept. 15, 1972, effective Sept. 25, 1972. Amended: Filed June 12, 1992, effective May 6, 1993. Rescinded: Filed Aug. 16, 2002.



**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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rescission is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 20—Electric Utilities**

**PROPOSED RESCISSION**

**4 CSR 240-20.010 Rate Schedules.** This rule prescribed the form and procedures for filing and publishing schedules of rates of all electrical corporations under the jurisdiction of the Public Service Commission.

**PURPOSE:** The commission is rescinding this rule from this chapter and adopting nearly identical requirements mirroring those found in the rule in a new rule in the commission's new Chapter 3, as a part of an overall reorganization of the commission's rules regarding general filing requirements.

**AUTHORITY:** section 393.140, RSMo 1986. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed May 16, 1977, effective Dec. 11, 1977. Rescinded: Filed Aug. 16, 2002.

**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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original

and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rescission is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 20—Electric Utilities**

**PROPOSED AMENDMENT**

**4 CSR 240-20.030 Uniform System of Accounts—Electrical Corporations.** The commission is proposing to amend the Purpose section of the rule by adding a reference to other applicable commission rules, to delete section (5) from the rule and to renumber the remaining sections accordingly.

**PURPOSE:** This amendment reflects a reorganization of the commission's rules regarding general filing requirements in that requirements mirroring those found in the section being deleted from this rule are being adopted in the various rules of the commission's new Chapter 3.

**PURPOSE:** This rule directs electrical corporations within the commission's jurisdiction to use the uniform system of accounts prescribed by the Federal Energy Regulatory Commission for major electric utilities and licensees, as modified [here, to file annual reports, and to submit a revised depreciation study, data base and property unit catalog at least every five years.] herein. Requirements regarding the submission of depreciation studies, databases and property unit catalogs are found at 4 CSR 240-3.160 and 4 CSR 240-3.175.

[(5) Each electrical corporation subject to the commission's jurisdiction shall submit a depreciation study, data base and property unit catalog to the manager of the commission's energy department and to the Office of the Public Counsel, as required by the terms of subsection (5)(B).

(A) The depreciation study, data base and property unit catalog shall be compiled as follows:

1. The study shall reflect the average life and remaining life of each primary plant account or subaccount;
2. The data base shall consist of dollar amounts, by plant account or subaccount, representing—
  - A. Annual dollar additions and dollar retirements by vintage year and year retired, beginning with the earliest year of available data;
  - B. Reserve for depreciation;
  - C. Surviving plant balance as of the study date; and
  - D. Estimated date of final retirement and surviving dollar investment for each warehouse, electric generating facility, combustion turbine, general office building or other large structure; and
3. The property unit catalog shall contain a description of each retirement unit used by the company.

(B) An electrical corporation shall submit its depreciation study, data base and property unit catalog on the following occasions:

1. On or before the date adjoining the first letter of the name under which the corporation does business, excluding the word *the*, as indicated by the tariffs on file with the commission.

A. The alphabetical categories and submission due dates are as follows:

(I) A, B, C, D: January 1, 1994;

(II) E, F, G, H: July 1, 1994;

(III) I, J, K, L: January 1, 1995;

(IV) M, N, O, P: July 1, 1995;

(V) Q, R, S, T: January 1, 1996; and

(VI) U, V, W, X, Y, Z: July 1, 1996.

B. However—

(I) An electrical corporation need not submit a depreciation study, data base or property unit catalog to the extent that the commission's staff received these items from the utility during the three (3) years prior to the due dates listed in subparagraph (5)(B)1.A.; and

(II) A utility with simultaneous due dates under 4 CSR 240-20.030(5)(B)1. and 4 CSR 240-40.040(5)(B)1. may postpone its due date with respect to one (1) of these rules by six (6) months. To exercise this option, the utility must give written notice of its intent to postpone compliance to the manager of the commission's energy department, and to the Office of the Public Counsel, before the utility's first due date;

2. When the utility files its tariff(s) with the commission proposing a general rate increase, as that term is used in the commission's rules pertaining to minimum filing requirements. However, an electrical corporation need not submit a depreciation study, data base or property unit catalog to the extent that the commission's staff received these items from the utility during the three (3) years prior to the utility filing for a general rate increase; or

3. Before five (5) years have elapsed since the last time the commission's staff received a depreciation study, data base and property unit catalog from the utility.]

[(6)] (5) The commission may waive or grant a variance from the provisions of this rule, in whole or in part, for good cause shown, upon a utility's written application.

**AUTHORITY:** sections 386.250 and 393.140, RSMo [1994] 2000. 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, effective Oct. 30, 1996. Amended: Filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commis-

sion's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed amendment is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, 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.

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

##### **Division 240—Public Service Commission Chapter 20—Electric Utilities**

#### **PROPOSED AMENDMENT**

**4 CSR 240-20.060 Cogeneration.** The commission is proposing to amend the Purpose section of the rule by adding a reference to other applicable commission rules, to delete sections (3) and (10) from the rule and to renumber the remaining sections and related references within the rule accordingly.

**PURPOSE:** This amendment reflects a reorganization of the commission's rules regarding general filing requirements in that requirements mirroring those found in the section being deleted from this rule are being adopted in the various rules of the commission's new Chapter 3.

**PURPOSE:** This rule implements sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978 with regard to small power production and cogeneration. The objective of sections 201 and 210 of Public Utility Regulatory Policies Act is to provide a mechanism to set up a cogeneration program for Missouri for regulated utilities. **Additional requirements regarding this subject matter are also found at 4 CSR 240-3.155.**

[(3)] Availability of Electric Utility System Cost Data.

(A) All regulated electric utilities shall—

1. File tariffs providing standardized rates for facilities at or under one hundred (100) kilowatts on design capacity. The tariffs are to take account of the stochastic effect achieved by the aggregate output of dispersed small systems, that is, statistically a dispersed array of facilities may produce a level of reliability not enjoyed by any one (1) of the units taken separately. When that aggregate capacity value which allows the utility to avoid a capacity cost occurs and can be reasonably estimated, a corresponding credit must be included in the standard rates. The tariffs should take into account patterns of availability of particular energy sources such as the benefits to a summer peaking utility from photovoltaic systems or to a winter peaking utility for wind facilities;

2. Submit a standard form contract for facilities over one hundred (100) kilowatts as the basis for tariffs for these facilities. Issues such as avoided costs, losses, reliability and ability to schedule are to be considered in the contract; and

3. Submitted to the commission all tariffs and other data required to be prepared and filed by electric utilities under the provisions of subsection (3)(A) no later than September 15, 1981, and updated and revised on or before January 15, 1983 and not less than every two (2) years after that, unless otherwise ordered by the commission.



*(B) General Rule. To make available data from which avoided costs may be derived, not later than September 15, 1981 and updated and revised on or before January 15, 1983, and not less than every two (2) years after that, unless otherwise ordered by the commission, each regulated electric utility shall provide to the PSC and shall maintain for public inspection the following data:*

*1. The estimated avoided cost on the electric utility's system, solely with respect to the energy component, for various levels of purchases from qualifying facilities. These levels of purchases shall be stated in blocks of not more than one hundred (100) megawatts for systems with peak demand of one thousand (1000) megawatts or more, and in blocks equivalent to not more than ten percent (10%) of the system peak demand for systems of less than one thousand (1000) megawatts. The avoided costs shall be stated on a cents per kilowatt-hour basis, during daily and seasonal peak and off-peak periods, by year, for the current calendar year and each of the next five (5) years;*

*2. The electric utility's plans for the addition of capacity by amount and type, for purchases of firm energy and capacity and for capacity retirements for each year during the succeeding ten (10) years; and*

*3. The estimated capacity costs at completion of the planned capacity additions and planned capacity firm purchases, on the basis of dollars per kilowatt and the associated energy costs of each unit, expressed in cents per kilowatt hour. These costs shall be expressed in terms of individual generating units and of individual planned firm purchases.*

*(C) Special Rule for Small Electric Utilities.*

*1. Each electric utility (other than any electric utility to which subparagraph (3)(C)1.B. applies) upon request shall—*

*A. Provide comparable data to that required under subsection (3)(B) to enable qualifying facilities to estimate the electric utility's avoided costs for periods described in subsection (3)(B); or*

*B. With regard to an electric utility which is legally obligated to obtain all its requirements for electric energy and capacity from another electric utility, provide the data of its supplying utility and the rates at which it currently purchases the energy and capacity.*

*2. If any such electric utility fails to provide this information on request, the qualifying facility may apply to the Public Service Commission for an order requiring that the information be provided.*

*(D) PSC Review.*

*1. Any data submitted by an electric utility under this section shall be subject to review by the PSC.*

*2. In any such review, the electric utility has the burden of coming forward with justification for its data.]*

*[(4)] (3) Electric Utility Obligations Under This Rule.*

*(A) Obligation to Purchase From Qualifying Facilities. Each electric utility shall purchase, in accordance with section [(5)] (4), any energy and capacity which is made available from a qualifying facility—*

*1. Directly to the electric utility; or*

*2. Indirectly to the electric utility in accordance with subsection [(4)](3)(D) of this rule.*

*(B) Obligation to Sell to Qualifying Facilities. Each electric utility shall sell to any qualifying facility, in accordance with section [(6)](5) of this rule, any energy and capacity requested by the qualifying facility.*

*(C) Obligation to Interconnect.*

*1. Subject to paragraph [(4)](3)(C)2. of this rule, any electric utility shall make interconnections with any qualifying facility as may be necessary to accomplish purchases or sales under this rule. The*

*obligation to pay for any interconnection costs shall be determined in accordance with section [(7)](6) of this rule.*

*2. No electric utility is required to interconnect with any qualifying facility if, solely by reason of purchases or sales over the interconnection, the electric utility would become subject to regulation as a public utility under Part II of the Federal Power Act.*

*(D) Transmission to Other Electric Utilities. If a qualifying facility agrees, an electric utility which would otherwise be obligated to purchase energy or capacity from a qualifying facility may transmit the energy or capacity to any other electric utility. Any electric utility to which energy or capacity is transmitted shall purchase energy or capacity under this subsection [(4)](3)(D) as if the qualifying facility were supplying energy or capacity directly to the electric utility. The rate for purchase by the electric utility to which such energy is transmitted shall be adjusted up or down to reflect line losses pursuant to paragraph [(5)](4)(E)4. of this rule and shall not include any charges for transmission.*

*(E) Parallel Operation. Each electric utility shall offer to operate in parallel with a qualifying facility, provided that the qualifying facility complies with any applicable standards established in accordance with section [(9)](8) of this rule.*

*[(5)](4) Rates for Purchases.*

*(A) Rates for purchases shall be just and reasonable to the electric consumer of the electric utility and in the public interest and shall not discriminate against qualifying cogeneration and small power production facilities. Nothing in this rule requires any electric utility to pay more than the avoided costs for purchases.*

*(B) Relationship to Avoided Costs.*

*1. For purposes of this section, new capacity means any purchase from capacity of a qualifying facility, construction of which was commenced on or after November 9, 1978.*

*2. Subject to paragraph [(5)](4)(B)3. of this rule, a rate for purchases satisfies the requirements of subsection [(5)](4)(A) of this rule if the rate equals the avoided costs determined after consideration of the factors set forth in subsection [(5)](4)(E) of this rule.*

*3. A rate for purchases (other than from new capacity) may be less than the avoided cost if the PSC determines that a lower rate is consistent with subsection [(5)](4)(A) of this rule and is sufficient to encourage cogeneration and small power production.*

*4. Rates for purchases from new capacity shall be in accordance with paragraph [(5)](4)(B)2. of this rule, regardless of whether the electric utility making the purchases is simultaneously making sales to the qualifying facility.*

*5. In the case in which the rates for purchases are based upon estimates of avoided costs over the specific term of the contract or other legally enforceable obligation, the rates for the purchases do not violate this paragraph if the rates for the purchases differ from avoided costs at the time of delivery.*

*(C) Standard Rates for Purchases.*

*1. There shall be put into effect (with respect to each electric utility) standard rates for purchases from qualifying facilities with a design capacity of one hundred (100) kilowatts or less.*

*2. There may be put into effect standard rates for purchases from qualifying facilities with a design capacity of more than one hundred (100) kilowatts.*

*3. The standard rates for purchases under this subsection shall be consistent with subsections [(5)](4)(A) and (E) of this rule, and may differentiate among qualifying facilities using various technologies on the basis of the supply characteristics of the different technologies.*

*(D) Purchases as Available or Pursuant to a Legally Enforceable Obligation. Each qualifying facility shall have the option either—*

*1. To provide energy as the qualifying facility determines this energy to be available for the purchases, in which case the rates for the purchases shall be based on the purchasing utility's avoided costs calculated at the time of delivery; or*



2. To provide energy or capacity pursuant to a legally enforceable obligation for the delivery of energy or capacity over a specified term, in which case the rates for the purchases, at the option of the qualifying facility exercised prior to the beginning of the specified term, shall be based on either the avoided costs calculated at the time of delivery or the avoided costs calculated at the time the obligation is incurred.

(E) Factors Affecting Rates for Purchases. In determining avoided costs, the following factors, to the extent practicable, shall be taken into account:

1. The data provided pursuant to *[section (3) of this rule]* **4 CSR 240-3.155**, including PSC review of any such data;

2. The availability of capacity or energy from a qualifying facility during the system daily and seasonal peak periods, including:

A. The ability of the utility to dispatch the qualifying facility;

B. The expected or demonstrated reliability of the qualifying facility;

C. The terms of any contract or other legally enforceable obligation, including the duration of the obligation, termination notice requirement and sanctions for noncompliance;

D. The extent to which scheduled outages of the qualifying facility can be usefully coordinated with scheduled outages of the utility's facilities;

E. The usefulness of energy and the capacity supplied from a qualifying facility during system emergencies, including its ability to separate its load from its generation;

F. The individual and aggregate value of energy and capacity from qualifying facilities on the electric utility's system; and

G. The smaller capacity increments and the shorter lead times available with additions of capacity from qualifying facilities;

3. The relationship of the availability of energy or capacity from the qualifying facility as derived in paragraph *[(5)](4)(E)2.* of this rule, to the ability of the electric utility to avoid costs, including the deferral of capacity additions and the reduction of oil use; and

4. The costs or savings resulting from variations in line losses from those that would have existed in the absence of purchases from a qualifying facility, if the purchasing electric utility generated an equivalent amount of energy itself or purchased an equivalent amount of electric energy or capacity.

(F) Periods During Which Purchases not Required.

1. Any electric utility which gives notice pursuant to paragraph *[(5)](4)(F)2.* of this rule will not be required to purchase electric energy or capacity during any period which, due to operational circumstances, purchases from qualifying facilities will result in costs greater than those which the utility would incur if it did not make the purchases, but instead generated an equivalent amount of energy itself.

2. Any electric utility seeking to invoke paragraph *[(5)](4)(F)1.* of this rule must notify, in accordance with applicable state law or rule, each affected qualifying facility in time for the qualifying facility to cease the delivery of energy or capacity to the electric utility.

3. Any electric utility which fails to comply with the provisions of paragraph *[(5)](4)(F)2.* of this rule will be required to pay the same rate for the purchase of energy or capacity as would be required had the period described in paragraph *[(5)](4)(F)1.* of this rule not occurred.

4. A claim by an electric utility that this period has occurred or will occur is subject to verification by the PSC as the PSC determines necessary or appropriate, either before or after the occurrence.

*[(6)](5)* Rates for Sales.

(A) Rates for sales shall be just and reasonable and in the public interest and shall not discriminate against any qualifying facility in comparison to rates for sales to other customers served by the electric utility. Rates for sales which are based on accurate data and consistent system-wide costing principles shall not be considered to discriminate against any qualifying facility to the extent that those rates

apply to the utility's other customers with similar load or other cost-related characteristics.

(B) Additional Services to be Provided to Qualifying Facilities.

1. Upon request of a qualifying facility, each electric utility shall provide supplementary power, back-up power, maintenance power and interruptible power.

2. The PSC may waive any requirement of paragraph *[(6)](5)(B)1.* of this rule if, after notice in the area served by the electric utility and after opportunity for public comment, the electric utility demonstrates and the PSC finds that compliance with that requirement will impair the electric utility's ability to render adequate service to its customers or place an undue burden on the electric utility.

(C) Rates for Sale of Back-Up and Maintenance Power. The rate for sales of back-up power or maintenance power—

1. Shall not be based upon an assumption (unless supported by factual data) that forced outages or other reductions in electric output by all qualifying facilities on an electric utility's system will occur simultaneously or during the system peak or both; and

2. Shall take into account the extent to which scheduled outages of the qualifying facilities can be usefully coordinated with scheduled outages of the utility's facilities.

*[(7)](6)* Interconnection Costs.

(A) If the utility and the qualifying facility cannot reach agreement as to the amount or the manner of payment of the interconnection costs to be paid by the qualifying facility, the PSC, after hearing, shall assess against the qualifying facility those interconnection costs to be paid to the utility, on a nondiscriminatory basis with respect to other customers with similar load characteristics or shall determine the manner of payments of the interconnection costs, which may include reimbursement over a reasonable period of time, or both. In determining the terms of any reimbursement over a period of time, the commission shall provide for adequate carrying charges associated with the utility's investment and security to insure total reimbursement of the utility's incurred costs, if it deems necessary.

*[(8)](7)* System Emergencies.

(A) Qualifying Facility Obligation to Provide Power During System Emergencies. A qualifying facility shall be required to provide energy or capacity to an electric utility during a system emergency only to the extent provided by agreement between the qualifying facility and electric utility or ordered under *[(S)]section 202(c)* of the Federal Power Act.

(B) Discontinuance of Purchases and Sales During System Emergencies. During any system emergency, an electric utility may discontinue purchases from a qualifying facility if those purchases would contribute to the emergency and sales to a qualifying facility, provided that discontinuance is on a nondiscriminatory basis.

*[(9)](8)* Standards for Operating Reliability. The PSC may establish reasonable standards to ensure system safety and reliability of interconnected operations. Those standards may be recommended by any electric utility, any qualifying facility or any other person. If the PSC establishes standards, it shall specify the need for the standards on the basis of system safety and reliability.

*[(10)] Implementation of Certain Reporting Requirements.* Any electric utility which fails to comply with the requirements of subsection (3)(B) shall be subject to the same penalties to which it may be subjected for failure to comply with the requirements of the FERC's regulations issued under Section 133 of PURPA.]

*[(11)] (9)* Exemption to Qualifying Facilities From the Public Utility Holding Company Act and Certain State Law and Rules.

(A) Applicability. This section applies to qualifying cogeneration facilities and qualifying small power production facilities which have

a power production capacity which does not exceed thirty (30) megawatts and to any qualifying small power production facility with a power production capacity over thirty (30) megawatts if that facility produces electric energy solely by the use of biomass as a primary energy source.

(B) A qualifying facility described in subsection (1)(A) shall not be considered to be an electric utility company as defined in /S/section 2(a)(3) of the Public Utility Holding Company Act of 1935, 15 U.S.C. 79b(a)(3).

(C) Any qualifying facility shall be exempted (except as otherwise provided) from Missouri PSC law or rule respecting the rates of electric utilities and the financial and organizational regulation of electric utilities. A qualifying facility may not be exempted from Missouri PSC law and rule implementing /S/subpart C of PURPA.

**AUTHORITY:** sections 386.250 and 393.140, RSMo [1986] 2000. Original rule filed Oct. 14, 1980, effective May 15, 1981. Amended: Filed Aug. 16, 2002.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed amendment is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 20—Electric Utilities**

**PROPOSED AMENDMENT**

**4 CSR 240-20.070 Decommissioning Trust Funds.** The commission is proposing to amend the Purpose section of the rule by adding a reference to other applicable commission rules, to delete sections (5), (6), (9) and (10) from the rule and to renumber the remaining sections accordingly.

**PURPOSE:** This amendment reflects a reorganization of the commission's rules regarding general filing requirements in that requirements mirroring those found in the section being deleted from this

rule are being adopted in the various rules of the commission's new Chapter 3.

**PURPOSE:** This rule is promulgated pursuant to section 393.292, RSMo to—1) govern the review and authorization of changes to the rates and charges contained in the tariff(s) of an electric corporation as a result of a change in the level or annual accrual of funding necessary for its nuclear power plant decommissioning trust fund, 2) govern the procedure for the submission, examination, hearing and approval for the tariff changes and 3) ensure that the amounts collected from ratepayers and paid into the trust funds will be neither greater nor lesser than the amounts necessary to carry out the purposes of the trust. **Additional requirements pertaining to this subject matter are also found at 4 CSR 240-3.185.**

[(5) The utility or the trustee shall file reports quarterly to the commission. The reports shall contain the following information:

(A) A total of all jurisdictional balances of the trust fund(s) based on a carrying cost (book) value;

(B) A total of all jurisdictional balances of the trust fund(s) based on a market value;

(C) A Missouri jurisdictional balance of the trust fund(s) based on a carrying cost (book) value;

(D) A Missouri jurisdictional balance of the trust fund(s) based on a market value;

(E) A summary of the trust account including the utility's contributions, incomes, expenses and a weighted average after-tax return for the quarter;

(F) A portfolio summary per asset class by amount and percentage;

(G) A detailed report of daily transactions; and

(H) Any other information the commission orders the utility or trustee to provide.

(6) In addition, the utility or the trustee shall file reports annually to the commission that contain the following information:

(A) An asset maturity schedule;

(B) A summary of the trust's portfolio of investments including a listing of each security detailing the carrying cost, current market value, maturity date, estimated annual income and the yield to maturity;

(C) A copy of all correspondence including income tax returns and tax exempt rulings concerning the trust with the IRS or any state revenue agency; and

(D) Any other information the commission orders the utility or trust to provide.]

[(7)] (5) The utility shall take every reasonable action to provide reasonable assurance that adequate funds are available at the nuclear generating unit's termination of operation, so that decommissioning can be carried out in a safe and timely manner and that lack of funds does not result in delays that may cause undue health and safety hazards.

[(8)] (6) The utility shall maintain its nuclear generating unit(s) in a manner calculated to minimize the utility's total cost of maintenance and decommissioning, consistent with the prudent operation of the unit.

[(9) On or before September 1, 1990 and every three (3) years after that, utilities with decommissioning trust funds shall perform and file with the commission cost studies detailing the utilities' latest cost estimates for decommissioning their nuclear generating unit(s) along with the funding levels necessary to defray these decommissioning costs.

*These studies shall be filed along with appropriate tariff(s) effectuating the change in rates necessary to accomplish the funding required. In addition, the commission, at any time for just cause, may require a utility to file an updated decommissioning cost study, funding requirement and associated tariff(s).*

*(10) At the time a tariff(s) is filed by a utility which proposes any change in rates due to changes in the estimate of decommissioning cost or the funding level of its nuclear decommissioning trust fund(s), the utility shall file the following minimum information in support of the need for changes in its tariff rates:*

*(A) An updated decommissioning cost study which estimates the cost of decommissioning and the funding levels necessary to defray these costs. This study shall contain the following information:*

*1. Detailed quantities and unit prices in current dollars for each system of the nuclear generating unit to be decommissioned;*

*2. A detailed breakdown between radioactive contaminated systems and those systems which are not contaminated by radioactivity;*

*3. Funding levels which are computed on a levelized basis and which accrue future decommissioning costs over the remaining licensed life of the nuclear generating unit. The utility shall include the earnings rate and inflation rate assumed in the cost study as compared to those assumed in any previous study;*

*4. A detailed description of any facilities that were added to or deleted from the cost study filed in the previous case;*

*5. The beginning date for the expenditure of funds for decommissioning assumed in the study shall be no later than the expiration date of the unit's current Nuclear Regulatory Commission (NRC) license; and*

*6. The study shall consider and evaluate all reasonable practices or procedures which would reduce the ultimate cost of decommissioning; and*

*(B) A summary description of the reasons (for example, changes in regulation, technology or economics) that brought on the need to change the decommissioning cost estimate.]*

*[(11)] (7) Upon the filing of the appropriate tariff(s) as set in [sections (9) and (10)] 4 CSR 240-3.180, the commission shall establish a schedule of proceedings which shall be limited in scope to the following issues:*

*(A) The extent of any change in the level or annual accrual of funding necessary for the utility's decommissioning trust fund; and*

*(B) The changes in rates which would reflect any change in the funding level or accrual rate.*

*[(12)] (8) For a fund intended to be tax qualified, after receipt of any commission order modifying the annual decommissioning funding requirements, the affected utility shall apply for an adjusted IRS ruling in a timely manner, seeking deductibility of the new annual decommissioning cost accruals consistent with the effective dates given in the order. Pending final IRS approval, the utility shall be authorized to continue funding at the level which existed prior to the commission order provided that the utility will take all appropriate action to preserve the tax deduction of the amounts subsequently approved in the IRS ruling.*

*[(13)] (9) Distributions may be made from a nuclear decommissioning trust fund only to satisfy the liabilities of the utility for nuclear decommissioning costs relating to the nuclear generating unit*

*for which the decommissioning fund was established and to pay administrative costs, income taxes and other incidental expenses of the trust fund. The utility shall not use proceeds of the trust for the purpose of filing for an updated tax ruling or to qualify the trust.*

*[(14)] (10) Each utility shall file with the commission the detailed plan required by the Nuclear Regulatory Commission (NRC) for the decommissioning of its nuclear generating unit when that plan is filed with the NRC. Before any distribution of decommissioning trust funds are made for the decommissioning of its nuclear generating unit, the utility must notify and obtain commission approval of its intent to make this distribution.*

*[(15)] (11) The utility shall conduct the decommissioning of its nuclear generating unit in accordance with NRC requirements and must not knowingly allow any procedure that would unreasonably endanger human life or the environment.*

*[(16)] (12) Upon termination of the trust, the utility shall file with the commission the appropriate tariff(s) to reflect the termination of payments into the decommissioning trust fund, as well as refund or credit any overcollection of these funds.*

*[(17)] (13) Upon proper application and after due notice and hearing, the commission may waive any provision of this rule for good cause shown.*

*[(18)] (14) The commission may adopt further amendments as it deems necessary for the sound management of the trust fund(s), consistent with the purpose of this rule.*

*AUTHORITY: sections 386.250 and 393.292, RSMo [Supp. 1989] 2000. Original rule filed Nov. 27, 1989, effective March 26, 1990. Amended: Filed May 4, 1993, effective Dec. 9, 1993. Amended: Filed Aug. 16, 2002.*

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed amendment is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, 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.*