

Johnson, Chief Staff Counsel of the commission, commented at the hearing in support of the rescission. Mr. Stacey and Mr. Johnson commented that this regulation has been utilized only one time and the application was unsuccessful. Staff counsel explained that this type of fund is difficult and costly to administer for the target utilities. For these reasons, staff counsel supports the rescission of the rule.

RESPONSE: The commission agrees with staff counsel's comments that the rule should be rescinded as it is not utilized and would be costly to administer if it were to be utilized in the future. No change was made as a result of this comment.

an environmental cost recovery mechanism approved. No changes were made as a result of this comment.

**TITLE 20 – DEPARTMENT OF COMMERCE AND
INSURANCE
Division 4240 – Public Service Commission
Chapter 50 – Water Utilities**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 393.140, RSMo 2016, and section 386.266, RSMo Supp. 2024, the commission rescinds a rule as follows:

**20 CSR 4240-50.050 Environmental Cost Adjustment
Mechanism is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 3, 2024 (49 MoReg 1364). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended Oct. 3, 2024, and the commission held a public hearing on the proposed rescission on Oct. 8, 2024. The commission received two (2) written comments and two (2) comments at the hearing.

COMMENT #1: Scott Stacey, Deputy Counsel, Staff Counsel's Office of the commission, commented in writing and Mark Johnson, Chief Staff Counsel of the commission, commented at the hearing in support of the rescission. Mr. Stacey and Mr. Johnson commented that this regulation arose from the passage of section 386.266, RSMo, but the rule has never been utilized in the eleven years it has been in effect.

RESPONSE: The commission agrees with staff counsel's comments that the rule should be rescinded as it is unnecessary. No change was made as a result of this comment.

COMMENT #2: Lindsay VanGerpen commented in writing and at the hearing on behalf of the Office of the Public Counsel (OPC). Ms. VanGerpen commented that the rule should remain because the statute requires the commission to promulgate a rule prior to it being able to promulgate an environmental cost adjustment mechanism. At the hearing, Mr. Johnson responded to this comment that the commission's application rule 20 CSR 4240-2.060 was sufficient to meet this requirement and provided the necessary requirements for filing an application at the commission.

RESPONSE: The commission disagrees with Ms. VanGerpen and finds that as Mr. Johnson stated, the application rule will provide sufficient process if a water utility should need to get