

common or unforeseen occurrence;

4. Forced outages of wind and solar generating facilities when there is a loss of at least thirty percent (30%) of total installed capacity that reasonably could be anticipated to last longer than three (3) days, when the cause is due to a common or unforeseen occurrence;

5. Reductions of coal inventory below a thirty- (30-) day supply and reductions of oil inventory below fifty percent (50%) of the storage capacity of that oil facility; and

6. Loss of transmission capability that could limit the output of a generating facility or the transfer capability into or out of the electric utility's system.

(B) The electric utility shall submit, through EFIS within five (5) business days following the discovery, an update of the incident including any details not available at the time of the initial report.

(C) Incidents under paragraph (4)(A)1. require a detailed investigative report, which shall be submitted through EFIS within one hundred twenty (120) days.

(5) If a utility provides notice of a generating unit retirement to a regional transmission organization or an independent system operator, notice shall be provided to the commission in the applicable reporting month.

(6) Electrical Contact Reporting.

(A) Every electric utility and rural electric cooperative shall notify designated commission personnel by telephone or in writing by the end of the first business day following the discovery of any electrical contact, provided the utility or rural electric cooperative first has received proper notice or has actual knowledge of the electrical contact, as described below:

1. Electrical contact, arc, or flash with its energized electrical supply facilities or at locations it supplies power that results in admission to a hospital or the fatality of any person even when the source of the electric current is believed to have originated on the customer's side of the meter; or

2. Courtesy notifications may be provided regarding any other electrical contact, arc, or flash considered significant by the electric utility or rural electric cooperative.

(B) The electric utility or rural electric cooperative shall submit to designated commission personnel within ten (10) business days following the initial notification a written report consisting of any details not available at the time of the initial notification, including information relevant to the circumstances of the incident. Relevant information may include the number of persons injured, type and extent of injuries, cause (if known), extent of any resulting outages, identification of the physical equipment of such electric utility or cooperative, a description of work being performed at the location, weather conditions, and the land use surrounding the scene of the incident.

(C) Electrical contact reporting may be made through EFIS or using the Missouri Public Service Commission Electrical Contact Reporting Form, hereby incorporated by reference and made a part of this rule, as published by the commission, September 24, 2024, and provided on the commission website at psc.mo.gov. This rule does not incorporate any subsequent amendments or additions.

(D) Contact information for designated commission personnel is included on the Missouri Public Service Commission Electrical Contact Reporting Form, hereby incorporated by reference, as published by the commission, September 24, 2024, and provided on the commission website at psc.mo.gov. This rule does not incorporate any subsequent

amendments or additions.

(E) Neither the initial notification or written report nor the public availability of either shall be deemed to be an admission or waiver of any privilege of the notifying or reporting electric utility or rural electric cooperative.

(7) All reports and information submitted by electric utilities and rural electric cooperatives pursuant to this rule shall be subscribed by an authorized representative of the electric utility or rural electric cooperative 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.

(8) The reporting requirements prescribed by this rule shall be in addition to all other reporting requirements prescribed by law.

(9) 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 20 CSR 4240-2.135 and any protective order issued by the commission in the proceeding, if a protective order has been issued.

(10) 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.

(11) 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.

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

**ORDER OF RULEMAKING**

By the authority vested in the Public Service Commission under sections 386.040, 386.250, 393.140, and 393.270, RSMo 2016, the commission rescinds a rule as follows:

**20 CSR 4240-10.095 Environmental Improvement Contingency Fund 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 one (1) written comment and one (1) comment 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 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