

John R. Ashcroft

Secretary of State / Administrative Rules

RULE TRANSMITTAL

Administrative Rules Stamp

RECEIVED

By Administrative Rules SOS at 11:03 am, Feb 20, 2025

RECEIVED JCAR Stamp

By JCAR at 4:34 pm, Jan 15, 2025

Rule Number 20 CSR 4240-10.165

Use a SEPARATE rule transmittal sheet for EACH individual rulemaking.

Name of person(s) Administrative Rules can contact with questions about this rule:

Content Nancy Dippell Phone 573-751-8518 Fax 573-526-6010

Email address Nancy.Dippell@psc.mo.gov

Data Entry Kayla Kliethermes Phone 573-751-4256 Fax 573-526-6010

Email address Kayla.Kliethermes@psc.mo.gov

Interagency mailing address Public Service Commission, 9th Floor Gov. Office Bldg, JC, MO

TYPE OF RULEMAKING ACTION TO BE TAKEN

☐ Emergency Rulemaking > ☐ Rule ☐ Amendment ☐ Rescission ☐ Termination

Effective date for the emergency _____

☐ Proposed Rulemaking > ☐ Rule ☐ Amendment ☐ Rescission

☐ Rule Action Notice

☐ In Addition

☐ Rule Under Consideration

☐ Request for Non-Substantive Change

☐ Statement of Actual Cost

☒ Order of Rulemaking > ☐ Withdrawal ☒ Adoption ☐ Amendment ☐ Rescission

Effective date for the order _____

☒ Statutory 30 days OR Specific date _____

Does the Order of Rulemaking contain changes to the rule text? ☐ NO

☒ YES—LIST THE SECTIONS/SUBSECTIONS WITH CHANGES:

(1)(A) _____



Missouri Public Service Commission

MAIDA J. COLEMAN
Commissioner

KAYLA HAHN
Chair

JASON R. HOLSMAN
Commissioner

GLEN KOLKMEYER
Commissioner

POST OFFICE BOX 360
JEFFERSON CITY, MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://psc.mo.gov>

JOHN P. MITCHELL
Commissioner

Sarah Schappe
Director
Joint Committee on Administration Rules
State Capitol, Room B8A
Jefferson City, Missouri 65101

Re: 20 CSR 4240-10.165 HVAC Services Affiliate Transactions

Dear Director Schappe,

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the order of rulemaking lawfully submitted by the Missouri Public Service Commission.

Statutory Authority: *sections 386.760.1 and 393.140, RSMo 2016.*

If there are any questions regarding the content of this order of rulemaking, please contact:

Nancy Dippell, Secretary
Missouri Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, MO 65102
(573) 751-8518
Nancy.Dippell@psc.mo.gov

A handwritten signature in black ink that reads "Nancy Dippell".

Nancy Dippell
Secretary to the Commission



Enclosures



Michael L. Parson

GOVERNOR
STATE OF MISSOURI

January 6, 2025

Ms. Kayla Hahn
Public Service Commission
PO Box 360
Jefferson City, MO 65102

Dear Ms. Hahn:

This Office has received your Final Orders and rescissions for the following regulations:

- 20 CSR 4240-50.060 Filing Requirements for Water Utility Applications for Certificates of Convenience and Necessity
- 20 CSR 4240-3.600 Filing Requirements for Water Utility Applications for Certificates of Convenience and Necessity
- 20 CSR 4240-60.050 Filing Requirements for Sewer Utility Applications for Certificates of Convenience and Necessity
- 20 CSR 4240-3.305 Filing Requirements for Sewer Utility Applications for Certificates of Convenience and Necessity
- 20 CSR 4240-10.175 Customer Information of Electrical Corporations, Gas Corporations, Heating Companies, Water Corporations, and Sewer Corporations
- 20 CSR 4240-20.017 HVAC Services Affiliate Transactions
- 20 CSR 4240-80.017 HVAC Services Affiliate Transactions
- 20 CSR 4240-10.165 HVAC Services Affiliate Transactions
- 20 CSR 4240-40.017 HVAC Services Affiliate Transactions
- 20 CSR 4240-10.155 Affiliate Transactions
- 20 CSR 4240-80.015 Affiliate Transactions
- 20 CSR 4240-20.015 Affiliate Transactions
- 20 CSR 4240-40.015 Affiliate Transactions
- 20 CSR 4240-40.016 Marketing Affiliate Transactions

STATE CAPITOL
201 W. CAPITOL AVENUE, ROOM 216
JEFFERSON CITY, MISSOURI 65101



(573) 751-3222
WWW.GOVERNOR.MO.GOV

Michael L. Parson

GOVERNOR
STATE OF MISSOURI

Executive Order 17-03 requires this Office's approval before state agencies release proposed regulations for notice and comment, amend existing regulations, rescind regulations, or adopt new regulations. After our review, we approve the submission to the Joint Committee on Administrative Rules and the Secretary of State.

Sincerely,

A handwritten signature in blue ink that reads "Jonathan Yelton". The signature is written in a cursive style with a large, stylized "J" and "Y".

Jonathan Yelton
General Counsel

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 386.760.1 and 393.140, RSMo 2016, the commission adopts a rule as follows:

20 CSR 4240-10.165 is adopted.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2024 (49 MoReg 1613-1614). The section with changes is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended December 6, 2024, and the commission held a public hearing on the proposed amendment on December 6, 2024. The commission received one (1) written comment from parties during the comment period and one (1) party commented at the hearing. The comments were generally in support of the proposed rule with a suggested change.

COMMENT # 1: Lindsay VanGerpen, Senior Counsel, on behalf of the Office of the Public Counsel (OPC), submitted written comments. OPC suggested paragraph (1)(A) should be amended to include the word “covered” before the word “utility” in the definition of “affiliated entity” so that the definition refers to a “covered utility.” This will ensure consistency with the definitions contained in the rule and throughout the rule itself.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with the comments of OPC and the Commission will add the word “covered” to subsection (1)(A).

COMMENT # 2: Scott Stacey with Staff Counsel’s Office of the commission commented in support of the amendment. Mr. Stacey further commented that staff of the commission were in agreement with OPC’s suggested change.

RESPONSE: The commission agrees with Mr. Stacey’s comments and will accept the change suggested by OPC as listed above. No other changes were made as a result of these comments.

20 CSR 4240.10.165 HVAC Services Affiliate Transactions

(1)Definitions.

(A) Affiliated entity means any entity not regulated by the Public Service Commission (commission) which is owned, controlled by or under common control with a covered utility and is engaged in HVAC services.