

Title 2—DEPARTMENT OF AGRICULTURE
Division 110—Office of the Director
Chapter 1—Missouri Qualified Fuel Ethanol Producer
Incentive Program

PROPOSED RESCISSION

2 CSR 110-1.010 Description of General Organization; Definitions; Requirements of Eligibility, Licensing, Bonding, and Application for Grants; Procedures for Grant Disbursements; Record Keeping Requirements, and Verification Procedures for the Missouri Qualified Fuel Ethanol Producer Incentive Program. This rule described the operation of the program; defined terms; established requirements for eligibility, licensing, bonding, and application for grants; described procedures for grant disbursements; and established record keeping requirements and verification procedures.

PURPOSE: The rule is being rescinded as section 142.028, RSMo (and its grant of rulemaking authority) expired on December 31, 2015 per section 142.029, RSMo. All owed payments have been made to qualified ethanol producers.

AUTHORITY: section 142.028, RSMo Supp. 2002. Original rule filed June 14, 1995, effective Dec. 30, 1995. Amended: Filed June 13, 2000, effective Dec. 30, 2000. Emergency amendment filed Aug. 14, 2002, effective Aug. 28, 2002, expired Feb. 23, 2003. Amended: Filed Aug. 14, 2002, effective Feb. 28, 2003. Rescinded: Filed May 21, 2018.

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 TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, ATTN: Alan Freeman, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at Agriculture.Mo.Gov/proposed-rules/. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 110—Office of the Director
Chapter 2—Missouri Qualified Biodiesel Producer
Incentive Program

PROPOSED RESCISSION

2 CSR 110-2.010 Description of General Organization; Definitions; Requirements of Eligibility, Licensing, Application for Grants; Procedures for Grant Disbursements; Record Keeping Requirements, and Verification Procedures for the Missouri Qualified Biodiesel Producer Incentive Program. This rule described the operation of the program; defined terms; established requirements for eligibility, licensing, and application for grants; described procedures for grant disbursements; and established record keeping requirements and verification procedures.

PURPOSE: The rule is being rescinded as section 142.031, RSMo expired December 31, 2009. The rule is no longer necessary because the eligible producers have already submitted applications and met the requirements necessary to receive payments.

AUTHORITY: section 142.031, RSMo Supp. 2007. Emergency rule filed July 20, 2006, effective Aug. 28, 2006, expired Feb. 23, 2007. Original rule filed July 20, 2006, effective Feb. 28, 2007. Amended: Filed June 4, 2008, effective Dec. 30, 2008. Rescinded: Filed May 21, 2018.

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 TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, ATTN: Alan Freeman, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at Agriculture.Mo.Gov/proposed-rules/. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RESCISSION

4 CSR 240-3.161 Electric Utility Fuel and Purchased Power Cost Recovery Mechanisms Filing and Submission Requirements. This rule set forth the information that an electric utility was to provide when it sought to establish, continue, modify, or discontinue and/or true-up its rate adjustment mechanism (i.e., fuel and purchased power adjustment clause or interim energy charge). It also set forth the requirements for the submission of Surveillance Monitoring Reports as required for electric utilities that had a rate adjustment mechanism.

PURPOSE: This rule is being rescinded in its entirety because the requirements have been consolidated into 4 CSR 240-20.090.

AUTHORITY: sections 386.250 and 393.140, RSMo 2000 and 386.266, RSMo Supp. 2005. Original rule filed June 16, 2006, effective Jan. 30, 2007. Rescinded: Filed May 24, 2018.

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 a statement in support of or in opposition to the proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City, MO 65102-0360. To be considered, comments must be received at the commission's offices on or before August 6, 2018, and should include a reference to Commission Case No. EX-2016-0294. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for August 13, 2018 at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., 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.

SPECIAL NEEDS: 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 RULE

4 CSR 240-10.085 Incentives for Acquisition of Nonviable Utilities

PURPOSE: The purpose of this proposed rule is to create a process for a water or sewer utility to propose an acquisition incentive to encourage acquisition of nonviable water or sewer utilities by a water or sewer utility with the resources to rehabilitate the acquired utility within a reasonable time frame.

(1) As used in this rule, the following terms mean:

(A) Nonviable utility—

1. A utility that is in violation of statutory or regulatory standards that affect the safety and adequacy of the service provided, including, but not limited to, the public service commission law, the federal clean water law, the federal Safe Drinking Water Act, as amended, and the regulations adopted under these laws;

2. A utility that has failed to comply, within a reasonable period of time, with any order of the department of natural resources or the commission concerning the safety and adequacy of service;

3. A utility that is not reasonably expected to furnish and maintain safe and adequate service and facilities in the future; or

4. A utility that is insolvent;

(B) Rate of return premiums. Additional rate of return basis points, up to one hundred (100) basis points, awarded at the commission's discretion in recognition of risks involved in acquisition of nonviable utilities and the associated system improvement costs;

(C) Debit acquisition adjustment. Adjustments to an acquiring utility's rate base to reflect a portion or all of the excess acquisition cost over depreciated original cost of the acquired system; and

(D) Plant-in-service study. A report detailing a determination of the value of the original costs of the property of a public utility that requires the acquiring utility to accumulate the records and accounting details in order to support reasonable plant, reserve, and contributions in aid of construction balances.

(2) An application for an acquisition incentive in the form of a rate of return premium and/or debit acquisition adjustment must be filed at the beginning of a case seeking authority under sections 393.190 or 393.170, RSMo. If the commission determines the request for an acquisition incentive is in the public interest, it shall grant the request. The commission may apply a rate of return premium and/or debit acquisition adjustment in the applicant's next rate case proceeding following acquisition of a nonviable utility if the commission determines it will not result in unjust or unreasonable rates.

(3) Filing Requirements—

(A) An application for an acquisition incentive to acquire a nonviable utility shall include the following:

1. A statement as to whether the nonviable utility is related to the operation of another utility (for example, a water or sewer system providing service to the same or similar service area) and whether the related utility operation is part of the transaction;

2. Records related to the original cost of the nonviable utility. The acquiring utility must exercise due diligence and make reasonable attempts to obtain, from the seller, documents related to original

cost. In particular, as part of its exercise of due diligence, the acquiring utility shall request, from the seller, for purposes of conducting the plant-in-service study, records relating to the original cost of the assets being acquired and records relating to contributions in aid of construction (CIAC) amounts, including:

A. Accounting records and other relevant documentation, and agreements of donations of contributions, services, or property from states, municipalities, or other government agencies, individuals, and others for construction purposes;

B. Records of un-refunded balances in customer advances for construction (CAC);

C. Records of customer tap-in fees and hook-up fees;

D. Prior original cost studies;

E. Records of local, state, and federal grants used for construction of utility plant;

F. Relevant commission records;

G. A summary of the depreciation schedules from all filed federal tax returns; and

H. Other accounting records supporting plant-in-service; and

3. If the system to be acquired is part of a larger transaction involving multiple systems of which some do not qualify as nonviable, a detailed revenue and rate base plan describing how the acquiring utility will only apply the sought acquisition adjustment to the nonviable system(s) within the larger transaction;

(B) If any of the items required under paragraph (3)(A)2. are unavailable at the time the application is filed, they shall be furnished by the acquiring utility prior to the next rate case; and

(C) The failure of a seller to provide cost-related documents, after reasonable attempts to obtain the data, will not be a basis for the acquiring utility to provide incomplete information about the value of the acquired system's assets in its proposed rate base. Any information not available from the seller shall be estimated by the acquiring utility, along with documentation supporting the reasonableness of the estimates developed.

(4) When submitting an application for an acquisition incentive to acquire a nonviable utility, the acquiring utility has the burden of proof and shall demonstrate the following:

(A) The acquiring utility is not a nonviable utility and will not be materially impaired by the acquisition;

(B) The acquiring utility maintains the managerial, technical, and financial capabilities to safely and adequately operate the system to be acquired;

(C) The system to be acquired is a nonviable utility;

(D) The purchase price and financial terms of the acquisition are fair and reasonable and have been reached through arm's-length negotiations;

(E) Any plant improvements necessary to make the utility viable will be completed within a period of time no longer than three (3) years after the effective date of acquisition;

(F) How managerial or operational deficiencies that can be corrected without capital improvements will be corrected within six (6) months of the acquisition;

(G) How capital improvements and operational changes planned within the next three (3) years will correct deficiencies;

(H) The acquisition is in the public interest; and

(I) The acquisition would be unlikely to occur without the probability of obtaining an acquisition incentive.

(5) If the acquisition incentive is approved by the commission, the utility shall file a rate case no later than twelve (12) months after commission approval of the acquisition or within the period of time as ordered by the commission in section 393.190 or 393.170, RSMo case, unless the utility requests and the commission otherwise approves. Rate impacts of the approved incentive mechanism will go into effect upon order of the commission at the conclusion of that first rate case proceeding. If the acquisition incentive is approved in section 393.190 or 393.170, RSMo case, prior to its next rate case,