

Robin Carnahan
Secretary of State
Administrative Rules Division

RULE TRANSMITTAL

Administrative Rules Stamp
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January 2, 2009
Data Center
Missouri Public
Service Commission
DEC 31 2008
SECRETARY OF STATE
ADMINISTRATIVE RULES

Rule Number 4 CSR 240-3.162

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:

Content Cully Dale Phone 573-751-4255 FAX
Email address cully.dale@psc.mo.gov

Data Entry same Phone FAX
Email address

Interagency mailing address MoPSC, Governor Ofc Bldg, 9th Fl, Jefferson City, MO

TYPE OF RULEMAKING ACTION TO BE TAKEN

- ☐ Emergency rulemaking, include effective date
☐ Proposed Rulemaking
☐ Withdrawal ☒ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration
☐ Order of Rulemaking
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 WITH CHANGES, including any deleted rule text:

Small Business Regulatory
Fairness Board (DED) Stamp

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DEC 31 2008
REGULATORY FAIRNESS
BOARD

JCAR Stamp

JOINT COMMITTEE ON
DEC 31 2008
ADMINISTRATIVE RULES



Commissioners

JEFF DAVIS
Chairman

CONNIE MURRAY

ROBERT M. CLAYTON III

TERRY JARRETT

KEVIN D. GUNN

Missouri Public Service Commission

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WESS A. HENDERSON
Executive Director

DANA K. JOYCE
Director, Administration

ROBERT SCHALLENBERG
Director, Utility Services

NATELLE DIETRICH
Director, Utility Operations

COLLEEN M. DALE
Secretary/Chief Regulatory Law Judge

KEVIN A. THOMPSON
General Counsel

December 31, 2008

Honorable Robin Carnahan
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, Missouri 65101

Re: 4 CSR 240-3.162

CERTIFICATION OF ADMINISTRATIVE RULE ACTION NOTICE

Dear Secretary Carnahan:


I do hereby certify that the attached is an accurate and complete copy of the rule action notice lawfully submitted by the Missouri Public Service Commission for filing on this 31st day of December, 2008.

Statutory Authority: Sections 209.251, 209.253, 209.255, 209.577, 209.258, 209.259, 386.040, 386.250 and 393.140 RSMo 2000 and 386.266 RSMo 2007.

As this matter has been in litigation since before the rule became effective, it has never been used. Therefore, this action will not have any fiscal impact on any person or entity, public or private.

If there are any questions, please contact: Colleen M. Dale, Secretary
Missouri Public Service Commission
P.O. Box 360, Jefferson City, MO 65102
(573) 751-4255
cully.dale@psc.mo.gov

BY THE COMMISSION


Colleen M. Dale
Secretary

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

RULE ACTION NOTICE

AFFECTED RULE: 4 CSR 240-3.162

FORM OF ACTION: Petitioners Office of Public Counsel and Missouri Industrial Energy Consumers filed writs of review of the Public Service Commission's Final Order of Rulemaking pursuant to Section 386.510, RSMo, seeking to have the rule invalidated by the circuit court. The Public Service Commission acknowledged the existence of procedural flaws in the underlying rulemaking proceeding and the parties jointly moved for a reversal of the Final Order of Rulemaking.

ACTION TAKEN: On December 4, 2008, the circuit court granted the moving parties' motion for reversal and entered a judgment reversing the Commission's Final Order of Rulemaking. The circuit court's judgment reversing the Commission's Final Order of Rulemaking will become final on January 4, 2008. After January 4, 2008, 4 CSR 240-3.162 shall be terminated and of no further force and effect.

INFORMATION: For further information regarding this action, please contact the Missouri Public Service Commission, PO Box 360, Jefferson City, MO 65102.

