

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of a Proposed Rulemaking to)
Amend Commission Rule 4 CSR)
240-18.010.)

Case No. EX-2008-_____

MOTION FOR FINAL ORDER OF RULEMAKING

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through its Office of General Counsel, pursuant to Section 536.016 RSMo 2000, and for its Motion for Final Order of Rulemaking states:

1. By reference, the Public Service Commission of Missouri (“Commission”) incorporates in rule 4 CSR 240-18.010 portions of the *National Electrical Safety Code*, as approved by the American National Standards Institute, for minimum operation safety standards that must be met by electrical corporations, telecommunications companies and rural electric cooperatives.

2. In the current rule the Commission references the 2002 edition of the *National Electrical Safety Code*, as approved by the American National Standards Institute on June 14, 2001. The *National Electrical Safety Code* is updated periodically and was updated in 2006 effective February 2007, with corrections issued October 5, 2006 and May 14, 2007. This is the code to which utilities build their facilities, and the Staff believes the Commission’s rule 4 CSR 240-18.010 should be updated to incorporate references to this most recent version of *National Electrical Safety Code* rather than continuing to reference the 2002 edition.

3. The Legislature has given the Commission, through Section 386.310 RSMo 2000, rulemaking authority “to require every person, corporation, municipal gas system and public

utility to maintain and operate its line, plant, system, equipment, apparatus, and premises in such manner as to promote and safeguard the health and safety of its employees, customers, and the public,” As to rural electric cooperatives, the Legislature has given the Commission, through Section 394.160 RSMo 2000, similar rulemaking authority.

4. Section 536.016 RSMo 2000 requires a state agency to find, based upon substantial evidence on the record, that a rule is necessary to carry out the purposes of the statute that granted the rulemaking authority.

5. Appended hereto as Attachment A is a position paper outlining the Staff’s rationale for amending rule 4 CSR 240-18.010.

6. Appended hereto as Attachment B is a marked up version of current 4 CSR 240-18.010 showing the amendments the Staff proposes the Commission should make to that rule.

WHEREFORE, the Staff respectfully requests that the Commission find that an amendment to rule 4 CSR 240-18.010 is necessary to update the minimum safety standards relating to the operation of electrical corporations, telecommunications companies and rural electric cooperatives; and clarify that the new standards apply only new installations and extensions as described in the version of the *National Electrical Safety Code* adopted by the Commission for minimum safety standards.

Respectfully submitted,

/s/ Nathan Williams

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 9th day of January 2008.

/s/ Nathan Williams