

Denny Hoskins

Secretary of State / Administrative Rules
RULE TRANSMITTAL

608

Administrative Rules Stamp

RECEIVED

By Administrative Rules SOS at 4:35 pm, May 28, 2026

JCAR Stamp

RECEIVED

By JCAR at 3:48 pm, May 28, 2026

Rule number 20 CSR 4240-3.162

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

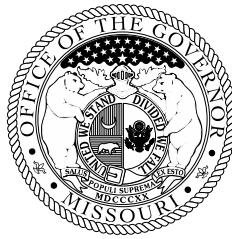
Statement of Actual Cost

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:



Mike Kehoe

GOVERNOR
STATE OF MISSOURI

May 22, 2026

Kayla Hahn, Chair
Missouri Public Service Commission
P O Box 360
Jefferson City MO 65102

Dear Ms. Hahn:

Our office has received the Proposed Amendment and Rescission rulemakings for the following regulations:

Amendments

- **20 CSR 4240-3.140** Filing Requirements for Applications for Authority for a Change of Electrical Suppliers
- **20 CSR 4240-3.150** Filing Requirements for Electric Utility Promotional Practices
- **20 CSR 4240-3.155** Requirements for Electric Utility Cogeneration Tariff Filings
- **20 CSR 4240-3.162** Electric Utility Environmental Cost Recovery Mechanisms Filing and Submission Requirements
- **20 CSR 4240-3.200** Definitions Pertaining Specifically to Gas Utility Rules

Rescission

- **20 CSR 4240-3.156** Electric Utility Renewable Energy Standard Filing Requirements

Executive Order 25-13 requires this office's approval before state agencies release proposed regulations for notice and comment, amend existing regulations, or adopt new regulations. After our review, we approve submission of the rule and the regulatory impact report (if required) to JCAR and the Secretary of State.

Sincerely,

A handwritten signature in blue ink that reads "Lowell Pearson".

Lowell Pearson
General Counsel



Missouri Public Service Commission

MAIDA J. COLEMAN
Commissioner

KAYLA HAHN
Chair

JOHN P. MITCHELL
Commissioner

GLEN KOLKMEYER
Commissioner

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

VACANT
Commissioner

May 28, 2026

Denny Hoskins
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, Missouri 65101

Re: 20 CSR 4240-3.162 Electric Utility Environmental Cost Recovery Mechanisms Filing and Submission Requirements

Dear Secretary Hoskins,

CERTIFICATION OF ADMINISTRATIVE RULE

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

The Public Service Commission further certifies it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo, that the proposed amendment does not constitute a taking of real property under relevant state and federal law.

The Public Service Commission has determined and hereby also certifies that if the proposed amendment does affect small business pursuant to sections 536.300 to 536.310, RSMo, a small business impact statement has been filed as required by those sections. If no small business impact statement has been filed the proposed amendment either does not affect small business or the small business requirements do not apply pursuant to section 536.300.4, RSMo.

Statutory Authority: *sections 386.250 and 393.140, RSMo 2016 and section 386.266, RSMo Supp. 2025.*

If there are any questions regarding the content of this proposed amendment, please contact:



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

Nancy Dippell

Nancy Dippell
Secretary

Enclosures



Missouri Public Service Commission

MAIDA J. COLEMAN
Commissioner

KAYLA HAHN
Chair

JOHN P. MITCHELL
Commissioner

GLEN KOLKMEYER
Commissioner

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JEFFERSON CITY, MISSOURI 65102
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<http://psc.mo.gov>

VACANT
Commissioner

May 28, 2026

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

Re: 20 CSR 4240-3.162 Electric Utility Environmental Cost Recovery Mechanisms Filing and Submission Requirements

Dear Director Schappe,

CERTIFICATION OF ADMINISTRATIVE RULE

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

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Statutory Authority: *sections 386.250 and 393.140, RSMo 2016 and section 386.266, RSMo Supp. 2025.*

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Nancy Dippell

Nancy Dippell
Secretary

Enclosures

Title 20—DEPARTMENT OF
COMMERCE AND INSURANCE
Division 4240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED AMENDMENT

20 CSR 4240-3.162 Electric Utility Environmental Cost Recovery Mechanisms Filing and Submission Requirements. The Public Service Commission is amending sections (2), (3), (4), (6), (7), (8), (9), and (13); amending subsections (1)(E), (2)(A), (2)(B), (3)(A), (3)(B), (4)(A), (6)(C), (6)(D), (10)(A), and (10)(B); and deleting section (17).

PURPOSE: This proposed amendment updates the rule citations in the rule from 4 CSR 240 to the current rule locations in 20 CSR 4240, corrects references to a rule that has been rescinded, and deletes an unnecessary definition.

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

(E) Environmental costs means prudently incurred costs, both capital and expense, directly related to compliance with any federal, state, or local environmental law, regulation, or rule.

1. Environmental costs do not include fuel and purchased power costs as defined in *[4 CSR 240-3.161(1)(A)]* **20 CSR 4240-20.090(1)(L)**.

2. Prudently incurred costs do not include any increased costs resulting from negligent or wrongful acts or omissions by the utility;

(2) When an electric utility files to establish an ECRM as described in *[4 CSR 240-20.091(2)]* **20 CSR 4240-20.091(2)**, the electric utility shall file the following supporting information as part of, or in addition to, its direct testimony:

(A) An example of the notice to be provided to customers as required by *[4 CSR 240-20.091(2)(E)]* **20 CSR 4240-20.091(2)(E)**;

(B) An example customer bill showing how the proposed ECRM shall be separately identified on affected customers' bills in accordance with *[4 CSR 240-20.091(8)]* **20 CSR 4240-20.091(8)**;

(3) When an electric utility files a general rate proceeding following the general rate proceeding that established its ECRM as described by *[4 CSR 240-20.091(2)]* **20 CSR 4240-20.091(2)** in which it requests that its ECRM be continued or modified, the electric utility shall file with the commission and serve parties, as provided in sections (9) through (11) in this rule, the following supporting information as part of, or in addition to, its direct testimony:

(A) An example of the notice to be provided to customers as required by *[4 CSR 240-20.091(2)(E)]* **20 CSR 4240-20.091(2)(E)**;

(B) If the electric utility proposes to change the identification of the ECRM on the customer's bill, an example customer bill showing how the proposed ECRM shall be separately identified on affected customers' bills, including the proposed language, in accordance with *[4 CSR 240-20.091(8)]* **20 CSR 4240-20.091(8)**;

(4) When an electric utility files a general rate proceeding following the general rate proceeding that established its ECRM as described in *[4 CSR 240-20.091(3)]* **20 CSR 4240-20.091(3)** in which it requests that its ECRM be discontinued, the electric utility shall file with the commission and serve parties, as provided in sections (9) through (11) in this rule, the following supporting information as part of, or in addition to, its direct testimony:

(A) An example of the notice to be provided to customers as required by *[4 CSR 240-20.091(3)(B)]* **20 CSR 4240-20.091(3)(B)**;

(6) Each electric utility with an ECRM shall submit, with an affidavit attesting to the veracity of the information, a Surveillance Monitoring Report, which shall be treated as highly

confidential, as required in *[4 CSR 240-20.091(9)]* **20 CSR 4240-20.091(9)**, to the manager of the auditing department of the commission, OPC, and others, as provided in sections (9) through (11) in this rule. The information may be submitted to the manager of the auditing department through EFIS.

(C) The electric utility shall annually submit its approved budget, in electronic form, based upon its budget year in a format similar to the Surveillance Monitoring Report. The budget submission shall provide a quarterly and annual quantification of the electric utility's income statement. The budget shall be submitted within thirty (30) days of its approval by the electric utility's management or within sixty (60) days of the beginning of the electric utility's fiscal year, whichever is earliest. The budget submission shall be treated as highly confidential pursuant to *[4 CSR 240-2.135]* **20 CSR 4240-2.135**.

(D) If the electric utility has a rate adjustment mechanism as defined in *[4 CSR 240-20.090(1)(G)]* **20 CSR 4240-20.090**, the surveillance report submitted by the electric utility *[as required by 4 CSR 240-3.161(6)]* along with information submitted in response to subparagraph (6)(A)5.G. shall meet the surveillance reporting required by this section.

(7) When an electric utility files tariff schedules to adjust an ECRM rate as described in *[4 CSR 240-20.091(4)]* **20 CSR 4240-20.091(4)** with the commission, and serves upon parties as provided in sections (9) through (11) in this rule, the tariff schedules must be accompanied by supporting testimony, and at least the following supporting information:

(8) When an electric utility that has an ECRM files its application containing its annual true-up with the commission, as described in *[4 CSR 240-20.091(5)]* **20 CSR 4240-20.091(5)**, any rate schedule filing must be accompanied by supporting testimony, and the electric utility shall—

(9) Providing to other parties items required to be filed or submitted in preceding sections (3) through (8). Information required to be filed with the commission or submitted to the manager of the auditing department of the commission and to OPC in sections (3) through

(8) shall also be, in the same format, served on or submitted to any party to the related general rate proceeding in which the ECRM was approved by the commission, periodic adjustment proceeding, annual true-up, prudence review, or general rate case to modify, extend, or discontinue the same ECRM, pursuant to the procedures in *[4 CSR 240-2.135]* **20 CSR 4240-2.135** for handling confidential information, including any commission order issued thereunder.

(10) Party status and providing to other parties affidavits, testimony, information, reports, and workpapers in related proceedings subsequent to general rate proceeding establishing ECRM.

(A) A person or entity granted intervention in a general rate proceeding in which an ECRM is approved by the commission shall be a party to any subsequent related periodic adjustment proceeding, annual true-up, or prudence review, without the necessity of applying to the commission for intervention. In any subsequent general rate proceeding, such person or entity must seek and be granted status as an intervenor to be a party to that case. Affidavits, testimony, information, reports, and workpapers to be filed or submitted in connection with a subsequent related periodic adjustment proceeding, annual true-up, prudence review, or general rate case to modify, extend, or discontinue the same ECRM shall be served on or submitted to all parties from the prior related general rate proceeding and on all parties from any subsequent related periodic adjustment proceeding, annual true-up, prudence review, or general rate case to modify, extend, or discontinue the same ECRM, concurrently with filing the same with the commission or submitting the same to the manager of the auditing department of the commission and OPC, pursuant to the procedures in *[4 CSR 240-2.135]* **20 CSR 4240-2.135** for handling confidential information, including any commission order issued thereunder.

(B) A person or entity not a party to the general rate proceeding in which an ECRM is approved by the commission may timely apply to the commission for intervention, pursuant to *[4 CSR 240-2.075(2) through (4)]* **20 CSR 4240-2.075(2) through (4)** of the commission's rule on intervention, respecting any related subsequent periodic adjustment

proceeding, annual true-up, or prudence review, or, pursuant to [4 CSR 240-2.075(1) through (5)] **20 CSR 4240-2.075(1) through (5)**, respecting any subsequent general rate case to modify, extend, or discontinue the same ECRM. If no party to a subsequent periodic adjustment proceeding, annual true-up, or prudence review objects within ten (10) days of the filing of an application for intervention, the applicant shall be deemed as having been granted intervention without a specific commission order granting intervention, unless within the above-referenced ten (10)-day period the commission denies the application for intervention on its own motion. If an objection to the application for intervention is filed on or before the end of the above-referenced ten (10)- day period, the commission shall rule on the application and the objection within ten (10) days of the filing of the objection.

(13) Separate cases for each general rate proceeding involving an ECRM and for each mutually exclusive twelve (12)-month annual true-up period of an ECRM. Each general rate proceeding where the commission may approve, modify, or reject an ECRM; each general rate case where the commission may authorize the modification, extension, or discontinuance of an ECRM; and each mutually exclusive twelve (12)-month period of an ECRM that encompasses an annual true-up, prudence review, and possible periodic adjustments shall comprise a separate case. The same procedures for handling confidential information shall apply, pursuant to [4 CSR 240-2.135] **20 CSR 4240-2.135**, as in the immediately preceding ECRM case for the particular electric utility, unless otherwise directed by the commission on its own motion or as requested by a party and directed by the commission.

[(17) Rule Review. The commission shall review the effectiveness of this rule by no later than December 31, 2011, and may, if it deems necessary, initiate rulemaking proceedings to revise this rule.]

*AUTHORITY: sections 386.250 and 393.140, RSMo [2000] **2016** and section 386.266, RSMo Supp. [2008] **2025**.* This rule originally filed as 4 CSR 240-3.162. Original rule filed Oct. 31,*

2007, effective June 30, 2008, terminated Jan. 4, 2009. Refiled: Dec. 31, 2008, effective Aug. 30, 2009. Moved to 20 CSR 4240-3.162, effective Aug. 28, 2019. **Amended: Filed , effective .**

**Original authority: 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 386.266, RSMo 2005; and 393.140, RSMo 1939, amended 1949, 1967.*

Rule Action Notice: *On December 4, 2008, the circuit court granted the moving parties' (Office of Public Counsel and Missouri Industrial Energy Consumers) motion for reversal and entered a judgment reversing the Public Service Commission's Final Order of Rulemaking. The circuit court's judgment reversing the commission's Final Order of Rulemaking became final on January 4, 2009. After January 4, 2009, 4 CSR 240-3.162 shall be terminated and of no further force and effect.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500.00) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500.00) in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: *Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Nancy Dippell, Secretary of the Commission, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before July 31, 2026, and should include a reference to Commission Case No. OX-2026-0334. Comments may also be submitted via a filing using the commission's electronic filing and information system at https://psc.mo.gov/General/Submit_Comments. A public hearing regarding this proposed*

amendment is scheduled for August 5, 2026, at 11:30 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, MO. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment and may be asked to respond to commission questions. 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.