

Denny Hoskins

Secretary of State / Administrative Rules

RULE TRANSMITTAL

700

Administrative Rules Stamp

RECEIVED

By Administrative Rules at 4:00 pm, Jun 11, 2026

RECEIVED

By JCAR at 3:41 pm, Jun 11, 2026

Rule number **20 CSR 4240-36.040**

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

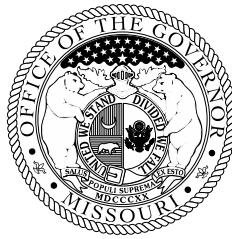
Effective date for the order _____

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:

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



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

Mike Kehoe

GOVERNOR
STATE OF MISSOURI

June 3, 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 rulemakings for the following regulations:

- **20 CSR 4240-36.020** Filing Procedures
- **20 CSR 4240-36.030** Mediation
- **20 CSR 4240-36.040** Arbitration
- **20 CSR 4240-36.050** Commission Approval of Agreements Reached by Arbitration

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

June 11, 2026

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

Re: 20 CSR 4240-36.040 Arbitration

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: *section 386.410, RSMo 2016.*

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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<http://psc.mo.gov>

VACANT
Commissioner

June 11, 2026

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

Re: 20 CSR 4240-36.040 Arbitration

Dear Director Schappe,

CERTIFICATION OF ADMINISTRATIVE RULE

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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.

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Statutory Authority: *section 386.410, RSMo 2016.*

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Nancy Dippell

Nancy Dippell
Secretary

Enclosures

**Title 20—DEPARTMENT OF
COMMERCE AND INSURANCE
Division 4240—Public Service Commission
Chapter 36—Alternative Dispute Resolution Procedural Rules Governing Filings Made
Pursuant to the Telecommunications Act of 1996**

PROPOSED AMENDMENT

20 CSR 4240-36.040 Arbitration. The Public Service Commission is amending subsection (3)(F) and sections (4), (6), and (15).

PURPOSE: This proposed amendment updates the rule citations in the rule from 4 CSR 240 to the current rule locations in 20 CSR 4240.

(3) Content—A petition for arbitration must contain:

(F) Documentation that the petition complies with the time requirements of *[4 CSR 240-36.040(2)]* **20 CSR 4240-36.040(2)**.

(4) Appointment of Arbitrator—Upon receipt of a petition for arbitration, the commission, or its designee, shall appoint an arbitrator to facilitate resolution of the disputed issues raised by the petition and shall immediately notify the parties of the identity of the arbitrator. The commission, or its designee, may appoint an arbitrator from outside the commission's employ only with the consent of all parties. The costs of an outside arbitrator shall be borne equally by the parties. The arbitrator shall attend all meetings, conferences and hearings as described in *[4 CSR 240-36.040(9) and (10)]* **20 CSR 4240-36.040(9) and (10)**. The arbitrator shall not have participated as a mediator in a negotiation of any of the issues contained in the petition for arbitration.

(6) Discovery—Discovery may begin after the filing of a petition for arbitration and may continue up until hearings begin, unless the arbitrator sets a later date. The parties may enter into nondisclosure agreements or request the commission issue a protective order. Unless otherwise provided, the commission's rules for discovery, *[4 CSR 240- 2.090]* **20 CSR 4240-2.090**, apply to discovery in the arbitration and the arbitrator may permit further discovery procedures at the initial arbitration meeting, section *[4 CSR 240-36.040(9)]* **20 CSR 4240-36.040(9)**. For good cause, the arbitrator may compel responses to data requests; in such cases, the response normally will be required in five (5) working days or less. Advisory staff, as provided in section (12) of this rule, may assist the arbitrator in resolving discovery disputes.

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(15) Authority of the Arbitrator—In addition to authority granted elsewhere in this rule, the arbitrator shall have the same authority in conducting the arbitration as a presiding officer, as defined in [4 CSR 240-2.120] **20 CSR 4240-2.120**, has in conducting hearings under the commission’s rules of practice and procedure. Because of the short time frame mandated by the Act, the arbitrator shall have flexibility to set out procedures that may vary from those set out in this rule; however, the arbitrator’s procedures must substantially comply with the procedures listed herein. The arbitrator may vary from the schedule in this rule as long as the arbitrator complies with the deadlines contained in the Act.

AUTHORITY: section 386.410, RSMo [2000] 2016. This rule originally filed as 4 CSR 240-36.040. Original rule filed Dec. 30, 2003, effective Aug. 30, 2004. Moved to 20 CSR 4240-36.040, effective Aug. 28, 2019. Amended: Filed, effective.*

**Original authority: 386.410, RSMo 1939, amended 1947, 1977, 1996.*

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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: 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 August 14, 2026, and should include a reference to Commission Case No. TX-2026-0353. 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 20, 2026, at 10 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.