BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

Betty L. Beyers, Complainant, v. Evergy Missouri West, Inc. d/b/a Evergy Missouri West, Respondent	))))))))	**Case No. EC-2027-0068**

ORDER GIVING NOTICE OF COMPLAINT, DIRECTING AN ANSWER AND A STAFF INVESTIGATION

Issue Date: September 4, 2026 Effective Date: September 4, 2026

On August 31, 2026, Complainant, Betty L Beyers, filed a complaint with the Missouri Public Service Commission against Evergy Missouri West, Inc. d/b/a Evergy Missouri West (Evergy West). Complainant alleges that Evergy West has violated a Commission order and Commission Rule 20 CSR 4240-18. A copy of the complaint accompanies this notice. The complaint sets forth in writing a cause of action sufficient to meet the requirements of Section 386.390, RSMo. Commission Rule 20 CSR 4240-2.070(15) provides that any dispute involving less than $3,000, is to proceed under the small formal complaint procedure. No amount at issue was specified, so this complaint shall not proceed under the Commission's Small Complaint procedure.

As required by Section 536.067(2)(f), RSMo, the Commission informs the parties that the Commission's provisions governing procedures before the Commission are found at Commission Rule 20 CSR 4240-2. Specific provisions relating to discovery are found at Commission Rule 20 CSR 4240-2.090. Commission Rule 20 CSR 4240-2.070(8) provides

Evergy West 30 days to file a response to this complaint. Because that 30th day falls on a weekend, the Commission will extend the due date for an answer to October 5, 2026.

Pursuant to Commission Rule 20 CSR 4240-2.070(11), the Commission will direct the Staff of the Commission to investigate this complaint and file a report or a request for additional time by October 19, 2026.

In the alternative, Evergy West may file a written request that the complaint be referred to a neutral third-party mediator for voluntary mediation of the complaint. Upon receipt of a request for mediation, the 30-day time period for Evergy West to file an answer will be tolled while the Commission ascertains whether Complainant is also willing to submit to voluntary mediation. If Complainant agrees to mediation, the time period within which an answer is due shall be suspended pending the resolution of the mediation process. Additional information regarding the mediation process is enclosed. If Complainant declines mediation, Evergy West will be notified in writing that the tolling has ceased and will also be notified of the date by which an answer or notice of satisfaction must be filed. That period will usually be the remainder of the original 30-day period.

THE COMMISSION ORDERS THAT:

1. The Commission's Data Center shall send, by certified mail, a copy of this notice and order and a copy of the complaint to Evergy West at:

Evergy Missouri West
Legal Department
P.O. Box 418679
One Kansas City Place, 1200 Main Street
Kansas City, Missouri 64105

2. Evergy West shall file an answer to this complaint or request for mediation no later than October 5, 2026, and serve a copy upon the Complainant. All pleadings (the answer, the notice of satisfaction of complaint or request for mediation) shall be mailed to:

Secretary of the Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102-0360

or filed using the Commission's electronic filing and information service (EFIS).

3. The Staff of the Missouri Public Service Commission shall investigate this complaint and file a report with the Commission or a request for additional time no later than October 19, 2026.

4. The Commission's Data Center shall send a copy of this notice, the Commission's procedural rules, 20 CSR 4240-2, a copy of the handbook titled "How to Present Your Formal Complaint Before the Missouri Public Service Commission", and a copy of the Commission's information sheet regarding mediation to Complainant.

5. This order is effective when issued.

BY THE COMMISSION

Nancy Dippell

Nancy Dippell
Secretary

John T. Clark, Senior Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 4th day of September, 2026.

FORMAL COMPLAINT FORM

Attach extra pages as necessary.

FILED
August 31, 2026
Missouri Public
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

Betty L. Beyers
(Your name here)
Complainant,

v.

Evergy Missouri West, Inc
(Utility's name here)
Respondent,

File No.

(PSC fills this in)

FORMAL COMPLAINT

1. Complainant resides at:

[redacted]
(Address of complainant)

[redacted] [redacted] [redacted]
(City) (State) (Zip Code)

2. The utility service complained of was received at:

   a. Complainant's address listed in paragraph 1.

   b. A different address:

[redacted]
(Address where service is provided, if different from Complainant's address)

[redacted] [redacted] [redacted]

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3. Respondent's address is:

One Kansas City Place, 1200 Main Street, P.O. Box 418679
(Address of respondent)

Kansas City	Missouri	64105
(City)	(State)	(Zip Code)

4. Respondent is a public utility under the jurisdiction of the Missouri Public Service Commission.

5. The amount at issue is: $ Unspecified
(If your complaint is about money state how much is in dispute here.)

6. Complainant now requests the following relief:

(Explain what you want the Commission to do: the specific results you are seeking in this complaint.)

This complaint is in regard to Evergy Missouri West's Fayetteville Transmission Line Relocation project. Despite Evergy's statements otherwise, its project has been active and remains active since its 2023 public presentation. https://web.archive.org/web/20260000000000*/https://www.evergy.com/partner-with-us/transmission-projects/fayetteville

I am requesting the PSC to:

1.Order Evergy Missouri West to comply with, adhere to and not exceed NESC standards and CCN 9470 Orders. MoDOT is not forcing or otherwise requiring Evergy to depart from the MoDOT right-of-way/utility corridor with regard to Evergy's project.

2. Order Evergy to provide a complete engineering plan for this project, including for the full length of the project the vertical line clearances at the largest vertical sag. Vertical clearances should be measured at the lowest point of sag within the span to the surface directly below.

3. Please provide (or order Evergy to provide) any PSC-granted variances or exceptions for this project.

7. The relief requested is appropriate because Respondent has violated a statute, tariff, or Commission regulation or order, as follows:

(Explain why the Commission should grant the relief you seek: the facts that constitute a violation of a statute, tariff, or Commission regulation or order.)

Evergy Missouri West's ongoing Fayetteville project, initiated in 2023, is violating CCN 9470 as they are placing lines and poles in violation of CCN 9470. Specifically, the ordered paragraph 2 in CCN 9470 relates to the National Electric Safety Code. Since 1978, the MPSC has adopted parts of the National Electric Safety Code (NESC) in its rules. The current rule is contained in 20 CSR 4240-18 Safety Standards. The MPSC staff stated they are not aware of Evergy Missouri West receiving a Commission-ordered variance from any part of the NESC. Nor are they aware of any exception granted to CCN Order 9470. In certain areas of the Fayetteville Project, along MO-13, the Missouri Department of Transportation, through planning with all impacted utilities, secured an additional two feet of easement to accommodate Evergy line and pole placements. MoDOT has accommodated Evergy line and pole placements to remain within the MoDOT right-of-way.

The Evergy Fayetteville project has remained active since its 2023 public presentation per https://web.archive.org/web/20260000000000*/https://www.evergy.com/partner-with-us/transmission-projects/fayetteville

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8. The Complainant has taken the following steps to present this matter to the Respondent:

(Please describe in detail what steps you have already taken to resolve this complaint.)

To date, despite repeated requests, Evergy has failed to provide the requested finalized engineering plan. Without this information, Evergy cannot establish an NESC-based requirement in proving a need for exceeding NESC clearances and leaving the MoDOT right-of-way/utility corridor.

8/28/2026
Date

Betty L. Beyers
E-Signature of Complainant

[redacted]
Complainant's Phone Number

Betty L. Beyers
Complainant's Printed Full Name

Alternate Contact Number

[redacted]
Complainant's E-mail Address

*Attach additional pages, as necessary. Attach **copies** of any supporting documentation. Do **not** send **originals** of any supporting documentation.*

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Addendum to complaint:

On August 29, 2026, at my [redacted]' residence, I met with Evergy attorney, Zachary Roeschlein and two of his land agents, Lisa White and Joe Culp. The purpose of the meeting was to negotiate acquisition of my land but they are not willing to provide details such as the clearance distance of the new power lines to the roadway below.

The only authority who governs over Evergy is the Missouri Public Service Commission. The circuit courts assume the MPSC oversees and approves the projects Evergy deems are needed and the courts assume the MPSC oversees Evergy and upholds the limits and requirements of the National Electrical Safety Code, Commission Orders specific to Evergy and CCN 9470.

I desperately need the Missouri Public Service Commission to investigate and clarify if Evergy is seeking excessive line clearances per the NESC. As stated previously, the courts presume, as they should, that the MPSC governs and oversees all aspects of Commission Policy, adherence to Commission orders and ensures the utility is acting properly.

The checks and balances for Evergy rest solely upon the MPSC and if needed, my attorney. Should Evergy maintain its refusal to provide the measurement clearances of their lines to the nearest roadways I'm unable to form a value of the land they may need based upon the NESC and CCN 9470.

For example if the NESC states that power lines must be no closer than 18 feet from the ground, and that is achieved through lines and or poles upon the MoDOT utility corridor, why would it be necessary for Evergy to place lines up to 20 feet away horizontally? The NESC standard is achieved without moving the lines outside the MoDOT right of way.

I know the National Electrical Safety Code establishes power line swing clearances at roughly 18 feet. My concern is that Evergy is seeking clearances beyond what the NESC requires.

The benefit to Evergy in placing poles outside the MoDOT right of way is that in placing poles upon their own acquired private easement, should MoDOT widen the road and require Evergy to move their lines the full cost of the pole movement is the responsibility of MoDOT.

Per MoDOT, in this case, Evergy lines outside of the MoDOT right of way will likely cost Missouri needless millions in the future.

Thank you for your time and consideration,

Betty L Beyers
[redacted]

PUBLIC

HOW TO PRESENT YOUR FORMAL COMPLAINT BEFORE THE

MISSOURI PUBLIC SERVICE COMMISSION

200 Madison Street
P.O. Box 360
Jefferson City, MO 65101
(573) 751-3234
www.psc.mo.gov

Revised – May 11, 2023

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INTRODUCTION

This guide describes the Missouri Public Service Commission ("PSC") complaint process and how you can present your case to the PSC without a lawyer. In every case, the PSC wants to make the best decision possible. Therefore, the PSC wants to hear the best presentation from all sides.

The PSC has a Consumer Hotline to assist you. If you have talked over your problem with the utility, and have not reached a satisfactory resolution, you can call the PSC's Consumer Hotline. The number is 800-392-4211. The PSC also has a website. The PSC website has information, and links to other sites, addressing a wide range of utility issues. The address is http://psc.mo.gov/. The PSC does not discriminate on the basis of disability in the provision of programs, services, or employment. Anyone with an impairment of speech, hearing or vision, or

needing other such assistance, may call 800-392-4211 or TDD hotline 1-800-829-7541. The Commission will make every effort to get this information to you in a usable form.

All complaints are unique so you will probably have an issue not addressed in this guide. This guide therefore references other resources including sources of law. This guide is not law. If the law ever conflicts with this guide, the law controls. Neither this guide nor any other document can substitute for hiring your own lawyer.

THE COMPLAINT PROCESS

WHAT IS A COMPLAINT?

A complaint is a statement that a utility has violated a statute, tariff, or Commission order or regulation. The statutes and PSC regulations provide for an informal complaint and a formal complaint. PSC regulations provide a small formal complaint process designed to be more accessible and easier to use.

INFORMAL COMPLAINT

An informal complaint addresses your dispute with the utility without legalistic procedures. Staff can explain the statute, tariff, or Commission order or regulation governing your complaint. Staff can also serve as an intermediary with the utility. Staff does not speak on the Commission's behalf so, when Staff discusses your informal complaint, that discussion is not the Commission's decision. You have the right to make a formal complaint to the Commission.

FORMAL COMPLAINT

A formal complaint starts a proceeding that resembles a trial in circuit court and leads to a legally binding decision on whether the utility violated a statute, tariff, or Commission order or regulation. That decision is so important that the statutes provide all parties with the right to a

hearing. In addition, the PSC's regulations provide pre-hearing procedures including discovery and dispositive motions. A formal complaint is much like a trial in circuit court without a jury.

SMALL FORMAL COMPLAINT

A small formal complaint is a formal complaint in which the amount at issue is less than $3,000. A small formal complaint differs from other formal complaints in that the hearing must be near where you live: in St. Louis City if that is where you live, your county seat, or within 30 miles of where the utility service was provided. Also, the order deciding your complaint on the merits can issue within 100 days after you file it, though most complainants need more time than that to prepare their case.

HOW TO START A FORMAL COMPLAINT PROCEEDING

First you must write down your formal complaint. You may use the sample complaint form in the back of this guide and fill in the blanks. Or you may draft your own document. Either way, a formal complaint must allege conduct that violates a statute, tariff, or Commission order or regulation. If a formal complaint does not allege conduct that violates a statute, tariff, or Commission order or regulation, the Commission can do nothing with the formal complaint except dismiss it.

Next, you must file that written formal complaint. Filing means that the Commission receives the formal complaint. Send the complaint to:

Secretary
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102-0360

Or use the Commission's Electronic Filing and Information System ("EFIS") at psc.mo.gov.

Once you have filed your formal complaint, the Commission will assign it a file number. Use the file number when discussing your formal complaint in writing or in person. It helps avoid confusion.

FORMAL COMPLAINT PROCEDURE

Your formal complaint is a type of action called a "contested case," meaning a formally "contested" proceeding before the Commission. It is similar to a trial in circuit court. Formality is reduced but the decision must stand on the law and evidence entered into the record. Generally, see the following authorities:

- Chapter 536, RSMo is the chapter of the Missouri Revised Statutes that sets forth administrative procedure in general. It sets forth the basics of contested case procedure.
- Chapter 386, RSMo is the chapter of the Missouri Revised Statutes that sets forth PSC procedure specifically. It contains several provisions regarding PSC hearings and formal complaints.
- 20 CSR 4240-2.070. This is the regulation that applies to PSC formal complaint procedure specifically.

Other laws cited above also apply.

Your formal complaint may proceed through several phases before the Commission's resolution.

- Pleadings include your formal complaint and responsive documents in which the parties set forth what they want, the law that allows that relief, and facts relevant under that law.

- Discovery is the process by which the parties learn about what the other parties know and how they know it. It includes devices like data requests, depositions, interrogatories, document production requests, and subpoenas.
- Pre-Hearing Motions ask the Commission to do something in preparation for hearing, like set a schedule or enforce discovery.
- Dispositive Motions ask the Commission to dispose of the formal complaint without a hearing. Dismissal means the Commission has no authority to address the formal complaint. Summary determination means that no hearing is necessary to decide who wins. Both must have support in the record, like admissions in an opponent's pleadings, or an affidavit to support an allegation outside the pleadings.
- Hearing is where the parties offer the Commission evidence on which the Commission decides the formal complaint. Though statutes and regulations relax the law of evidence, certain fundamentals still apply. Consult the authorities cited above.
- Briefs are written arguments in which parties tell the Commission why they should win by citing the statute, tariff, or Commission regulation or order violated; and citing something in the record, like testimony in the transcript, showing that the violation occurred.
- Report and Order is the Commission's name for a decision made after a hearing on a formal complaint. If no hearing occurs, the Commission calls the decision an order. The Regulatory Law Judge drafts a recommended decision but the Commission is the final decision-maker.

The Commission votes on the decision at an open meeting under an agenda posted in advance. The Commission webcasts its agenda meetings so you can listen on your computer.

The Commission's decision is subject to rehearing until the effective date set forth in the decision. This means that you may ask the Commission to look at the formal complaint some more, including facts that arose after the Commission voted on the decision. But you **must** file your application for rehearing **before the decision's effective date**. An application for rehearing filed **on the effective date is too late**. If the Commission denies an application for rehearing the party who filed it may appeal to a court of law as the statutes provide. If you appeal the Commission's decision, the reviewing court will only look at the issues you set out in an application for rehearing.

HOW THE PSC WORKS

WHAT IS THE PSC?

The PSC is an executive-branch agency of Missouri government that regulates investor-owned utilities and some manufactured houses. The legislative branch of Missouri government created the PSC in 1913 and continues to set legal standards for the PSC to follow. The judicial branch of Missouri government reviews decisions of the PSC for compliance with the law. Subject to those branches of government, the PSC operates its own internal legislative, judicial, and executive functions.

STATUTES, TARIFFS, REGULATIONS AND ORDERS

The subject of the complaint must be a violation of at least one of the following.

- Statutes: The Missouri Revised Statutes. The statutes are laws made by elected officials—your State representatives and State senators—in the Missouri General Assembly. Chapters 386, 392, 393, and 536 contain most of the statutes that

govern your complaint. You can view the statutes online at https://revisor.mo.gov/main/Home.aspx .

- Tariffs. Tariffs are schedules of rates, charges, and terms of service that every utility must have on file with the PSC. You can view tariffs online through the Commission's Electronic Filing and Information System ("EFIS") at https://efis.psc.mo.gov/mpsc/TariffSearch.html .
- Regulations. The Code of State Regulations. Regulations (or "rules") are laws made by officials like the Commissioners of the PSC. The PSC's regulations are at 20 CSR 4240. You can view the regulations online at http://www.sos.mo.gov/adrules/csr/csr.asp .
- Orders. the PSC might also impose other requirements on a utility by order directed to that utility alone. You can view orders online through the Commission's Electronic Filing and Information System ("EFIS") at https://efis.psc.mo.gov .

OTHER LAW

Other sources of law that determine your complaint are published in hard copy, which might be available at a public library or law library, and online. The most important laws include:

- Case Law. Case law is made by Missouri appellate courts—the Missouri Court of Appeals and the Missouri Supreme Court—when they decide an appeal from another governmental body. Missouri appellate court opinions are posted at http://www.courts.mo.gov/page.jsp?id=1944 .

- Commission Decisions. Decisions in other cases can give you an idea of how the Commission analyses formal complaints like yours.
- Federal Authorities. These may include federal statutes, regulations, and case law.

You can also consult secondary sources—books and journal articles that generally outline legal processes and explore specific legal issues. They include the Missouri Bar's deskbook series, Thomson Reuter's Missouri Practice Series, and the Journal of the Missouri Bar. Each of those bodies of law is available from other hard copy and online sources, but some online sources are expensive, and some are not as easy to use as the hard copies of authorities listed here. You may find secondary sources at a public library or a law library.

WHO IS WHO AT THE PSC?

The PSC consists of five commissioners, each appointed by the governor subject to confirmation by the Missouri Senate. The commissioners serve staggered six-year terms. Biographies of the commissioners are available online at https://psc.mo.gov/Commissioners/ . The Commissioners employ the following persons to help them process complaints.

- Data Center. The PSC's Data Center operates EFIS, receives filings, transmits order and notices, and keeps the Commission's records.
- Staff. The PSC hires neutral experts in engineering, accountancy, economics, and others, to help it make the best decisions possible. So that everyone knows what Staff is telling the Commission, the Commission's regulations provide that Staff is a party—like you and the utility—to your complaint. Staff will investigate your complaint and file a report of its findings in your complaint file.
- Staff Counsel. Staff Counsel is a group of lawyers that the PSC hires to represent Staff in actions including your complaint.

As in an informal complaint, Staff does not speak on the Commission's behalf, nor does Staff Counsel. Staff reports to the Commission, and sometimes the Commission agrees with Staff, but sometimes the Commission does not. So when Staff issues a report or a recommendation, it does not determine your complaint. In a formal complaint, you have the right to make your case to the Commission.

You may contact any of those persons about your complaint but none of them is your advocate in a formal complaint. Unlike a criminal prosecution, there is no right to appointed counsel before the PSC.

In addition, the Commission assigns to your formal complaint a:

- Regulatory Law Judge ("RLJ"). An RLJ is a lawyer employed by the PSC to conduct proceedings in a variety of actions including your formal complaint. The RLJ will manage your case, issue orders on motions or on the RLJ's own initiative, convene conferences and an evidentiary hearing, and issues orders addressing your formal complaint. The RLJ's order may constitute a recommendation to the Commission for the commissioners to vote on, or an order may be effective right away.

Do not contact the RLJ about your case except in writing copied to all parties.

To represent all ratepayers, the statutes also create:

- The Office of Public Counsel ("OPC"). OPC is an office of Missouri government independent of the PSC. But OPC represents the public in general and no one person in particular. PSC regulations make OPC a party to every case.

FORMAL COMPLAINT FORM

Attach extra pages as necessary.

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

_____, (Your name here)	)	
Complainant,	)	
v.	)	File No.
_____	)	(PSC fills this in)
_____, (Utility's name here)	)	
Respondent,	)	

FORMAL COMPLAINT

1. Complainant resides at:

_____
(Address of complainant)

_____
(City) (State) (Zip Code)

2. The utility service complained of was received at:

   a. Complainant's address listed in paragraph 1.

   b. A different address:

_____
(Address where service is provided, if different from Complainant's address)

_____
(City) (State) (Zip Code)

3. Respondent's address is:

_____
(Address of complainant)

_____
(City) (State) (Zip Code)

4. Respondent is a public utility under the jurisdiction of the Missouri Public Service Commission.

5. The amount at issue is: $ _____
(If your complaint is about money state how much is in dispute here.)

6. Complainant now requests the following relief:

(Explain what you want the Commission to do: the specific results you are seeking in this complaint.)

7. The relief requested is appropriate because Respondent has violated a statute, tariff, or Commission regulation or order, as follows:

(Explain why the Commission should grant the relief you seek: the facts that constitute a violation of a statute, tariff, or Commission regulation or order.)

8. The Complainant has taken the following steps to present this matter to the Respondent:

(Please describe in detail what steps you have already taken to resolve this complaint.)

Date

Signature of Complainant

Complainant's Phone Number

Complainant's Printed Full Name

Alternate Contact Number

Complainant's E-mail Address

Attach additional pages, as necessary. Attach ***copies*** *of any supporting documentation. Do* ***not*** *send* ***originals*** *of any supporting documentation.*

Rules of
Department of Commerce and Insurance
Division 4240—Public Service Commission
Chapter 2—Practice and Procedure

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Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 4240—Public Service Commission
Chapter 2—Practice and Procedure

20 CSR 4240-2.010 Definitions

PURPOSE: This rule defines terms used in the rules comprising Chapter 2, Practice and Procedure, and supplements those definitions found in Chapter 386 of the ***Missouri Revised Statutes****.*

(1) Applicant means any person, as defined herein, or public utility on whose behalf an application is made.

(2) Certificate of service means a document or page of a document showing the caption of the case, attorney of record served or the name of the party served, the date and manner of service, and the signature of the serving party or attorney.

(3) Commission means the Missouri Public Service Commission as created by Chapter 386 of the *Missouri Revised Statutes*.

(4) Commissioner means one (1) of the members of the commission.

(5) Commission staff means all personnel employed by the commission whether on a permanent or contractual basis except commissioners; commissioner support staff, including technical advisory staff; personnel in the secretary's office; and personnel in the general counsel's office, including personnel in the adjudication department. Employees in the staff counsel's office are members of the commission staff.

(6) Complainant means the commission, any person, corporation, municipality, political subdivision, the Office of the Public Counsel, the commission staff through the staff counsel's office, or public utility who files a complaint with the commission.

(7) Corporation includes a corporation, company, association, or joint stock company or association, or any other entity created by statute which is allowed to conduct business in the state of Missouri.

(8) General counsel means the attorney who serves as counsel to the commission and includes the general counsel and all other attorneys who serve in the office of the general counsel, but does not include attorneys employed in the staff counsel's office. The general counsel appears for the commission and performs all duties and services as attorney and counsel to the commission which the commission may reasonably require.

(9) Oath means attestation by a person signifying that he or she is bound in conscience and by the laws regarding perjury, either by swearing or affirmation to tell the truth.

(10) Party includes any applicant, complainant, petitioner, respondent, intervenor, or public utility in proceedings before the commission. Commission staff and the public counsel are also parties unless they file a notice of their intention not to participate within the period of time established for interventions by commission rule or order.

(11) Person includes a natural person, corporation, municipality, political subdivision, state or federal agency, and a partnership.

(12) Pleading means any written document, including any exhibits or other attachments, filed with the commission that seeks a specific action or remedy, except that briefs and tariffs are not pleadings under this definition.

(13) Political subdivision means any township, city, town, village, and any school, road, drainage, sewer, and levee district, or any other public subdivision, public corporation, or public quasi-corporation having the power to tax.

(14) Presiding officer means a commissioner, or a law judge licensed to practice law in the state of Missouri and appointed by the commission to preside over a case or any portion of a case.

(15) Public counsel means the Office of the Public Counsel as created by the Omnibus State Reorganization Act of 1974 and includes the assistants who represent the public before the commission.

(16) Public utility includes every pipeline corporation, gas corporation, electrical corporation, telecommunications corporation, water corporation, heat or refrigeration corporation, sewer corporation, any joint municipal utility commission pursuant to section 386.020, RSMo, which is regulated by the commission, or any other entity described by statute as a public utility which is to be regulated by the commission.

(17) Respondent means any person as defined herein or public utility subject to regulation by the commission against whom any complaint is filed.

(18) Rule means all of these rules as a whole or the individual rule in which the word appears, whichever interpretation is consistent with the rational application of this chapter.

(19) Settlement officer means a presiding officer who has been delegated to facilitate the settlement of a case.

(20) Schedule means any attachment, table, supplement, list, output, or any other document affixed to an exhibit.

(21) Staff counsel means any attorney employed to represent the commission staff in proceedings before the commission.

AUTHORITY: section 386.410, RSMo 2016. This rule originally filed as 4 CSR 240-2.010. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed Nov. 7, 1984, effective June 15, 1985. Amended: Filed June 9, 1987, effective Nov. 12, 1987. Rescinded and readopted: Filed March 10, 1995, effective Nov. 30, 1995. Amended: Filed Aug. 17, 1998, effective March 30, 1999. Rescinded and readopted: Filed Aug. 24, 1999, effective April 30, 2000. Amended: Filed March 2, 2011, effective Oct. 30, 2011. Amended: Filed Nov. 7, 2018, effective July 30, 2019. Moved to 20 CSR 4240-2.010, effective Aug. 28, 2019.*

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

20 CSR 4240-2.015 Waiver of Rules

PURPOSE: This rule defines when the rules in this chapter may be waived.

(1) A rule in this chapter may be waived by the commission for good cause.

AUTHORITY: section 386.410, RSMo Supp. 1998. This rule originally filed as 4 CR 240-2.015. Original rule filed Aug. 24, 1999, effective April 30, 2000. Moved to 20 CSR 4240-2.015, effective Aug. 28, 2019.*

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

20 CSR 4240-2.025 Commission Address and Business Hours

PURPOSE: This rule provides the physical and mailing address, as well as the hours of business for the Public Service Commission.

(1) The Public Service Commission's principal office is located in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri 65102.

(2) The public may obtain information, make requests, or make submissions by mail addressed to the Secretary of the Commission, Missouri Public Service Commission, PO Box 360, Jefferson City, MO 65102, electronically at the commission's Internet website, or in person at the commission's principal office during regular business hours.

(3) The regular business hours of the Missouri Public Service Commission are Monday through Friday, 8:00 a.m. to 5:00 p.m., except on state holidays when the offices are closed.

AUTHORITY: section 386.410, RSMo 2000. This rule originally filed as 4 CSR 240-2.025. Original rule filed March 2, 2011, effective Oct. 30, 2011. Moved to 20 CSR 4240-2.025, effective Aug. 28, 2019.*

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

20 CSR 4240-2.030 Records of the Commission

PURPOSE: This rule sets forth the record-keeping requirements of the commission and the availability of these records to the public. Charges for copies are subject to statutory limitations.

(1) The secretary of the commission shall keep a full and true record of all the proceedings of the commission, of all books, maps, documents, and papers ordered filed by the commission, of all orders made by each of the commissioners, and of all orders made by the commission or approved and confirmed by it and ordered filed. In addition, the secretary of the commission shall maintain a docket of all cases filed and cases set for hearing and shall assign each matter an appropriate case number. These records shall be available for public inspection in the office of the secretary of the commission, during regular business hours, Monday through Friday, except for legal holidays. The specific hours the records are available shall be posted at the principal office of the commission.

(2) Copies of public records (for example, official documents, pleadings, transcripts, briefs, and orders) may be requested from the secretary of the commission. Any such request shall be made in writing.

(3) The fees for copying public records shall not exceed ten cents ($.10) per page for a paper copy not larger than nine inches by fourteen inches (9" × 14"), with the hourly fee for duplicating time not to exceed the average hourly rate of pay for the clerical staff of the commission fulfilling the request and the actual cost of research time. The commission shall utilize employees to make copies and conduct the research so that the lowest amount of charges are incurred based on the scope of the request.

(4) Fees for providing access to public records maintained on computer facilities, recording tapes or disks, videotapes or films, pictures, maps, slides, graphics, illustrations, or similar audio or visual items or devices, and for paper copies larger than nine inches by fourteen inches (9" × 14") shall include only the cost of copies, staff time, which shall not exceed the average hourly rate of pay for staff of the public governmental body required for making copies and programming, if necessary, and the cost of the disk, tape, or other medium used for the duplication. Fees for maps, blueprints, or plats that require special expertise to duplicate may include the actual rate of compensation for the trained personnel required to duplicate such maps, blueprints, or plats. If programming is required beyond the customary and usual level to comply with a request from records or information, the fees for compliance may include the actual costs of such programming.

(5) Copies may be provided without charge or at a reduced charge to public officers for use in their official capacity, or in any other situation where the Public Service Commission determines that waiver or reduction of the fee is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Public Service Commission and is not primarily in the commercial interest of the requester.

AUTHORITY: sections 386.300 and 386.410, RSMo 2000. This rule originally filed as 4 CSR 240-2.030. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed Nov. 7, 1984, effective June 15, 1985. Rescinded and readopted: Filed March 10, 1995, effective Nov. 30, 1995. Amended: Filed July 26, 1999, effective Jan. 30, 2000. Amended: Filed March 2, 2011, effective Oct. 30, 2011. Moved to 20 CSR 4240-2.030, effective Aug. 28, 2019.*

**Original authority: 386.300, RSMo 1939, amended 1947, 1984, 1995 and 386.410, RSMo 1939, amended 1947, 1977, 1996.*

20 CSR 4240-2.040 Practice Before the Commission

PURPOSE: This rule sets forth who may practice as an attorney before the commission.

(1) The staff counsel represents the commission staff in investigations, contested cases, and other proceedings before the commission.

(2) The public counsel represents the interests of the public before the commission.

(3) Attorneys who wish to practice before the commission shall fully comply with its rules and also comply with one (1) of the following criteria:

(A) An attorney who is licensed to practice law in the state of Missouri, and in good standing, may practice before the commission;

(B) A nonresident attorney who is a member of the Missouri Bar in good standing, but who does not maintain an office for the practice of law within the state of Missouri, may appear as in the case of a resident attorney;

(C) Any attorney who is not a member of the Missouri Bar, but who is a member in good standing of the bar of any court of record, may petition the commission for leave to be permitted to appear and participate in a particular case under all of the following conditions:

1. The visiting attorney shall file in a separate pleading a statement identifying each court of which that attorney is a member and certifying that neither the visiting attorney nor any member of the attorney's firm is disqualified to appear in any of these courts;

2. The statement shall designate some member in good standing of the Missouri Bar having an office within Missouri as associate counsel;

3. The designated Missouri attorney shall simultaneously enter an appearance as an attorney of record; and

4. The visiting attorney shall provide a receipt or a statement showing that he or she has complied with the requirement of Missouri Supreme Court Rule 6.01(m).

(4) An eligible law student certified under Missouri Supreme Court Rule 13 may appear before the commission as an attorney. The student must comply with any applicable rules or statutes.

(5) Practice by Nonattorneys. A natural person may represent himself or herself. Such practice is strictly limited to the appearance of a natural person on his or her own behalf and shall not be made for any other person or entity.

(6) After an attorney has entered an appearance for any party, the attorney may withdraw only by leave of the commission.

AUTHORITY: section 386.410, RSMo 2000. This rule originally filed as 4 CSR 240-2.040. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed Nov. 7, 1984, effective June 15, 1985. Rescinded and readopted: Filed March 10, 1995, effective Nov. 30, 1995. Rescinded and readopted: Filed Aug. 24, 1999, effective April 30, 2000. Amended: Filed March 2, 2011, effective Oct. 30, 2011. Moved to 20 CSR 4240-2.040, effective Aug. 28, 2019.*

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

***Smith v. Public Service Commission**, 336 S.W.2d 491 (Mo. 1960). Commission Rule 12.07 allowing individual party before commission held not to authorize non-lawyer individual to act as attorney for twenty-five other individuals. See also **Reed v. Labor and Industrial Relations,** 789 S.W.2d 19 (Mo. banc 1990) and **Clark v. Austin**, 340 Mo. 647, 101 S.W.2d 977 (Mo. 1937).*

20 CSR 4240-2.050 Computation of Time

PURPOSE: This rule sets standards for computation of effective dates of any order or time prescribed by the commission when no specific date is set by commission order.

(1) In computing any period of time prescribed or allowed by the commission, the day of the act, event, or default shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or legal holiday, in which case the period runs until the end of the next day which is not a Saturday, Sunday, or legal holiday. This rule does not apply when the commission establishes a specific date by which an action must occur, nor does it operate to extend effective dates which are established by statute.

(2) Except when the issuance and effective date are the same, in computing the effective date of any order of the commission, the day the order was issued shall not be included, and the order is considered effective at 12:00 a.m. on the effective date designated in the order, whether or not the date is a Saturday, Sunday, or legal holiday. If the effective date and the issuance date are the same, the order shall be effective at the date and time the order is issued by the commission.

(3) When an act is required or allowed to be done by order or rule of the commission at or within a specified time, the commission may—

(A) Order the period enlarged before the expiration of the period originally prescribed or as extended by a previous order; or

(B) After the expiration of the specified period, permit the act to be done where the failure to act was the result of excusable neglect or for other good cause shown.

AUTHORITY: section 386.410, RSMo 2000. This rule originally filed as 4 CSR 240-2.050. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed Nov. 7, 1984, effective June 15, 1985. Rescinded and readopted: Filed March 10, 1995, effective Nov. 30, 1995. Rescinded and readopted: Filed Aug. 24, 1999, effective April 30, 2000. Amended: Filed March 2, 2011, effective Oct. 30, 2011. Moved to 20 CSR 4240-2.050, effective Aug. 28, 2019.*

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

***State ex rel. Alton R. Co. v. Public Service Commission**, 536 S.W.2d 766 (Mo. 1941). The effective date of an order is at the beginning of that date, rather than at its close.*

20 CSR 4240-2.060 Applications

PURPOSE: Applications to the commission requesting relief under statutory or other authority must meet the requirements set forth in this rule.

(1) All applications shall comply with the requirements of these rules and shall include the following information:

(A) The legal name of each applicant, a brief description of the legal organization of each applicant, whether a Missouri corporation, foreign corporation, partnership, proprietorship, or other business organization, the street and mailing address of the principal office or place of business of each applicant and each applicant's electronic mail address, fax number and telephone number, if any;

(B) If any applicant is a Missouri corporation, a Certificate of Good Standing from the secretary of state;

(C) If any applicant is a foreign corporation, a certificate from the secretary of state that it is authorized to do business in Missouri;

(D) If any applicant is a partnership, a copy of the partnership agreement;

(E) If any applicant does business under a fictitious name, a copy of the registration of the fictitious name with the secretary of state;

(F) If any applicant is a political subdivision, a specific reference to the statutory provision and a specific reference to any other authority, if any, under which it operates;

(G) If any applicant has submitted the applicable information as set forth in subsections (1)(B)–(F) of this rule in a previous application, the same may be incorporated by reference to the case number in which the information was furnished, so long as such applicable information is current and correct;

(H) A brief statement of the character of business performed by each applicant;

(I) Name, title, address, and telephone number of the person to whom correspondence, communications, and orders and decision of the commission are to be sent, if other than to the applicant's legal counsel;

(J) If any applicant is an association, other than an incorporated association or other entity created by statute, a list of all of its members;

(K) A statement indicating whether the applicant has any pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates, which action, judgment, or decision has occurred within three (3) years of the date of the application;

(L) A statement that no annual report or assessment fees are overdue; and

(M) All applications shall be subscribed and verified by affidavit under oath by one (1) of the following methods: if an individual, by that individual; if a partnership, by an authorized member of the partnership; if a corporation, by an authorized officer of the corporation; if a municipality or political subdivision, by an authorized officer of the municipality or political subdivision; or by the attorney for the applicant if the application includes or is accompanied by a verified statement that the attorney is so authorized.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

(3) If the purchaser or any other necessary party to a transaction for which approval is sought under the provisions of 4 CSR 240-3.110, 4 CSR 240-3.115, 4 CSR 240-3.210, 4 CSR 240-3.215, 4 CSR 240-3.310, 4 CSR

240-3.315, 4 CSR 240-3.405, 4 CSR 240-3.410, 4 CSR 240-3.520, 4 CSR 240-3.525, 4 CSR 240-3.605, or 4 CSR 240-3.610 is not subject to the jurisdiction of the commission, but will be subject to the commission's jurisdiction after the transaction, the purchaser or other necessary party must comply with these rules.

(4) In addition to the requirements of section (1), applications for variances or waivers from commission rules and tariff provisions, as well as those statutory provisions which may be waived, shall contain information as follows:

(A) Specific indication of the statute, rule, or tariff from which the variance or waiver is sought;

(B) The reasons for the proposed variance or waiver and a complete justification setting out the good cause for granting the variance or waiver; and

(C) The name of any public utility affected by the variance or waiver.

(5) Except for telecommunications companies and providers of video services or interconnected voice over Internet protocol (IVoIP) services, a name change may be accomplished by filing the items below with a cover letter requesting a change of name. Notwithstanding any other provision of these rules, the items required herein may be filed by a nonattorney. Applications for approval of a change of name shall include:

(A) A statement, clearly setting out both the old name and the new name;

(B) Evidence of registration of the name change with the Missouri secretary of state; and

(C) Either an adoption notice and revised tariff title sheet with an effective date which is not fewer than thirty (30) days after the filing date of the application, or revised tariff sheets with an effective date which is not fewer than thirty (30) days after the filing date of the application.

(6) In addition to the general requirements set forth above, the requirements found in Chapter 3 of the commission's rules pertaining to the filing of various types of applications must also be met.

AUTHORITY: sections 386.250 and 386.410, RSMo 2000. This rule originally filed as 4 CSR 240-2.060. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed Nov. 7, 1984, effective June 15, 1985. Amended: Filed Sept. 6, 1985, effective Dec. 15, 1985. Amended: Filed Feb. 3, 1987, effective May 1, 1987. Amended: Filed May 11, 1988, effective Aug. 11, 1988. Amended: Filed Feb. 5, 1993, effective Oct. 10, 1993. Rescinded and readopted: Filed March 10, 1995, effective Nov. 30, 1995. Rescinded and readopted: Filed Aug. 24, 1999, effective April 30, 2000. Amended: Filed Aug. 16, 2002, effective April 30, 2003. Amended: Filed March 2, 2011, effective Oct. 30, 2011. Moved to 20 CSR 4240-2.060, effective Aug. 28, 2019.*

**Original authority: 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996 and 386.410, RSMo 1939, amended 1947, 1977, 1996.*

***State ex rel. Kansas City Transit, Inc. v. Public Service Commission**, 406 S.W.2d 5 (Mo. banc 1966). Commission is an administrative body of powers limited to those expressly granted by statute or necessary or proper to effectuate statutory purpose. Commission's authority to regulate does not include right to dictate manner in which company conducts its business.*

20 CSR 4240-2.065 Tariff Filings Which Create Cases

PURPOSE: This rule establishes when a case shall be opened for a tariff.

(1) A general rate increase request is one where the company or utility files for an overall increase in revenues through a company-wide increase in rates for the utility service it provides, but shall not include requests for changes in rates made pursuant to an adjustment clause or other similar provisions contained in a utility's tariffs. When a public utility submits a tariff which constitutes a general rate increase request, the commission shall establish a case file for the tariff. The tariff and all pleadings, orders, briefs, and correspondence regarding the tariff shall be filed in the case file established for the tariff. The tariff submitted shall be in compliance with the provisions of the rules relating to the separate utilities. A tariff filed which proposes a general rate increase request shall also comply with the minimum filing requirements of these rules for general rate increase requests. Any public utility which submits a general rate increase request shall simultaneously submit its direct testimony with the tariff.

(2) Except when the Commission orders the filing of a tariff, when a public utility submits a tariff for commission approval but requests the tariff become effective in fewer than thirty (30) days, the commission shall establish a case file for the tariff. In addition, the public utility shall file a Motion for Expedited Treatment and comply with the expedited treatment portion of these rules. The tariff and all pleadings, orders, briefs, and correspondence shall be filed in the case file established for the tariff.

(3) When a pleading, which objects to a tariff or requests the suspension of a tariff, is filed, the commission shall establish a case file for the tariff and shall file the tariff and pleading in that case file. All subsequent pleadings, orders, briefs, and correspondence concerning the tariff shall be filed in the case file established for the tariff. Any pleading to suspend a tariff shall attach a copy of the tariff and include a certificate of service to confirm that the party who submitted the tariff has been served with the pleading.

(4) A case file shall be established for a tariff filing in which the commission is required by law or requested by the party filing the tariff to specifically approve the tariff.

(5) A case file will not be established to consider tariff sheets submitted by a regulated utility which do not meet the circumstances of sections (1)–(4) of this rule, except that a case file shall be established when tariff sheets are suspended by the commission on its own motion or when suspended upon the recommendation of staff.

(6) When a public utility extends the effective date of a tariff, it shall file a letter extending the tariff effective date in the official case file. Notwithstanding any other provision of these rules, this letter may be filed by a nonattorney.

AUTHORITY: section 386.410, RSMo 2000. This rule originally filed as 4 CSR 240-2.065. Original rule filed March 10, 1995, effective Nov. 30, 1995. Rescinded and readopted: Filed Aug. 24, 1999, effective April 30, 2000. Amended: Filed March 2, 2011, effective Oct. 30, 2011. Moved to 20 CSR 4240-2.065, effective Aug. 28, 2019.*

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

20 CSR 4240-2.070 Complaints

PURPOSE: This rule establishes the procedures for filing formal and informal complaints with the commission.

(1) Any person or public utility who feels aggrieved by an alleged violation of any tariff, statute, rule, order, or decision within the

commission's jurisdiction may file a complaint. A complaint may also be filed by the commission on its own motion, the commission staff through the staff counsel, or the Office of the Public Counsel.

(2) A person who feels aggrieved by an alleged violation of any tariff, statute, rule, order, or decision within the commission's jurisdiction may file an informal complaint with the commission's consumer services department or file either a formal complaint or small formal complaint with the commission. Filing an informal complaint is not a prerequisite to filing a formal or small formal complaint; however, the presiding officer may direct that a *pro se* complainant be required to go through the informal complaint procedure before the formal complaint will be heard by the commission. If an allegedly aggrieved person initially files an informal complaint and is not satisfied with the outcome, such person may also file a formal or small formal complaint.

(3) Informal Complaints. The protections and processes of an informal complaint regarding service or billing practices are set out in 4 CSR 240-13. To file an informal complaint, the complainant shall state, either in writing, by telephone (consumer services hotline 1-800-392-4211 or Relay Missouri at 711), or in person at the commission's offices—

(A) The name, street address, and telephone number of each complainant and, if one (1) person asserts authority to act on behalf of the others, the source of that authority;

(B) The address where the utility service was rendered;

(C) The name and address of the party against whom the complaint is filed;

(D) The nature of the complaint and the complainant's interest therein;

(E) The relief requested; and

(F) The measures taken by the complainant to resolve the complaint.

(4) Formal Complaints. A formal complaint may be made by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any person, corporation, or public utility, including any rule or charge established or fixed by or for any person, corporation, or public utility, in violation or claimed to be in violation of any provision of law or of any rule or order or decision of the commission. The formal complaint shall contain the following information:

(A) The name and street address of each complainant and, if different, the address where the subject utility service was rendered;

(B) The signature, telephone number, facsimile number, and email address of each complainant or their legal representative, where applicable;

(C) The name and address of the person, corporation, or public utility against whom the complaint is being filed;

(D) The nature of the complaint and the complainant's interest in the complaint, in a clear and concise manner;

(E) The relief requested;

(F) A statement as to whether the complainant has directly contacted the person, corporation, or public utility about which complaint is being made;

(G) The jurisdiction of the commission over the subject matter of the complaint; and

(H) If the complainant is an association, other than an incorporated association or other entity created by statute, a list of all its members.

(5) No complaint shall be entertained by the commission, except upon its own motion, as to the reasonableness of any rates or charges of any public utility unless the complaint is signed by the public counsel, the mayor or the president or chairman of the board of aldermen or a majority of the council or other legislative body of any town, village, county, or other political subdivision, within which the alleged violation occurred, or not fewer than twenty-five (25) consumers or purchasers or prospective consumers or purchasers of public utility gas, electricity, water, sewer, or telephone service as provided by law. Any public utility has the right to file a formal complaint on any of the grounds upon which complaints are allowed to be filed by other persons and the same procedure shall be followed as in other cases.

(6) The commission shall not be required to dismiss any complaint because of the absence of direct damage to the complainant.

(7) The commission, on its own motion or on the motion of a party, may after notice dismiss a complaint for failure to state a claim on which relief may be granted or failure to comply with any provision of these rules or an order of the commission, or may strike irrelevant allegations.

(8) Upon the filing of a complaint in compliance with these rules, the secretary of the commission shall serve by certified mail, postage prepaid, a copy of the complaint upon the person, corporation, or public utility against whom the complaint has been filed, which shall be accompanied by a notice that the matter complained of be satisfied or that the complaint be answered by the respondent, unless otherwise ordered, within thirty (30) days of the date of the notice. Additionally, the complainant may accomplish service of the complaint upon the respondent(s) by any method authorized by Supreme Court Rule 54, having first obtained authorization from the commission for use of a special process server. Any person eligible to serve process under Supreme Court Rule 54 may be nominated as a special process server. A return of service shall be promptly filed with the commission as in the circuit courts of this state.

(9) The respondent shall file an answer to the complaint within the time provided. All grounds of defense, both of law and of fact, shall be raised in the answer. If the respondent has no information or belief upon the subject sufficient to enable the respondent to answer an allegation of the complaint, the respondent may so state in the answer and assert a denial upon that ground.

(10) If the respondent in a complaint case fails to file a timely answer, the complainant's averments may be deemed admitted and an order granting default entered. The respondent has seven (7) days from the issue date of the order granting default to file a motion to set aside the order of default and extend the filing date of the answer. The commission may grant the motion to set aside the order of default and grant the respondent additional time to answer if it finds good cause.

(11) The commission may order, at any time after the filing of a complaint, an investigation by its staff as to the cause of the complaint. The staff shall file a report of its findings with the commission and all parties to the complaint case. The investigative report shall not be made public unless released in accordance with section 386.480, 392.210(2), or 393.140(3), RSMo, or during the course of the hearing involving the complaint.

(12) When the commission determines that a hearing should be held, the commission shall fix the time and place of the hearing. The commission shall serve notice upon the affected person, corporation, or public utility not fewer than ten (10) days before the time set for the hearing, unless the commission finds the public necessity requires that the hearing be held at an earlier date.

(13) All matters upon which a complaint may be founded may be joined in one (1) hearing and no motion for dismissal shall be entertained against a complainant for misjoinder of causes of action or grievances or misjoinder or nonjoinder of parties.

(14) When an order is rendered disposing of a case, the regulatory law judge shall cause the parties to be notified that the order will be final unless an application for rehearing is filed within the allotted number of days and provide information regarding the rehearing and appeal process.

(15) Small Formal Complaint Case. If a customer of a utility files a formal complaint regarding any dispute involving less than three thousand dollars ($3,000), the process set forth in this section shall be followed for such complaints. The provisions of sections (1)–(14) of this rule shall also apply to small formal complaints.

(A) When a complaint is filed that qualifies for handling as a small formal complaint, the assigned regulatory law judge shall direct the secretary of the commission to serve, by certified mail, postage prepaid, a copy of the complaint upon the person, corporation, or public utility against whom the complaint has been filed. At the same time, the regulatory law judge shall notify all parties that the complaint will proceed under the small formal complaint process. The person, corporation, or public utility against whom the complaint has been filed is allowed thirty (30) days after the date of notice to satisfy the complaint or file an answer. If the person, corporation, or public utility does not satisfy the complaint or file an answer within thirty (30) days, the regulatory law judge may issue an order granting default and deeming the allegations of the complaint to have been admitted by the respondent. A party in default has seven (7) days from the issue date of the order granting default to file a motion to set aside the order of default. The regulatory law judge may grant the motion to set aside the order of default and allow the respondent additional time to answer upon a showing of good cause.

(B) If any party believes that a complaint should or should not be handled as a small formal complaint, that party may file a motion with the commission requesting that the status of the complaint be changed. In response to such motion, or acting on its own motion, the commission shall, at its discretion, decide how the complaint shall be handled.

(C) Upon the filing of a complaint that qualifies under this section, the chief regulatory law judge shall assign the case to a regulatory law judge. To process small complaint cases in the timeliest manner and in the most convenient location for the customers, the commission hereby delegates the commission's authority to hear the case, make rulings, and issue a recommended report and order or other appropriate order disposing of the case to such regulatory law judge.

(D) The commission's staff shall, within forty-five (45) days after the complaint is filed, investigate the complaint and file a report detailing staff's findings and recommendations. The regulatory law judge may allow staff additional time to complete its investigation for good cause shown. The member or members of the commission's staff who investigate the complaint shall be available as a witness at the hearing if the regulatory law judge or any party wishes to call them to testify.

(E) Any hearing, unless otherwise agreed to by the parties, shall be held in the county, or a city not within a county, where the subject utility service was rendered or within thirty (30) miles of where the service was rendered. The regulatory law judge may allow any party, witness, or attorney to participate in the hearing by telephone.

(F) Small formal complaint case hearings shall be conducted in an informal summary manner whenever possible, without affecting the rights of the parties—

1. The technical rules of evidence shall not apply;

2. The regulatory law judge shall have the authority to dispense with pre-filed written testimony; and

3. The regulatory law judge shall assume an affirmative duty to determine the merits of the claims and defenses of the parties and may question parties and witnesses.

(G) The regulatory law judge, after affording the parties reasonable opportunity for discovery and a fair hearing, shall issue a recommended report and order within one hundred (100) days following the filing of the complaint, unless the regulatory law judge finds good cause to extend that time or the extension is otherwise agreed to by the parties.

(H) Any party subject to a recommended order disposing of the case or a recommended report and order issued by a regulatory law judge under this section may file with the commission, within ten (10) days of the issuance of the recommended order, comments supporting or opposing the recommended order. Any comments opposing the recommended order shall contain specific detailed grounds upon which it claims the order is unlawful, unjust, or unreasonable. The commission may approve or reject the recommended order based on the existing record without further hearing. If the commission rejects the recommended order, the commission shall issue its own order based on the evidence previously submitted, or upon such additional evidence, as the commission shall choose to receive.

AUTHORITY: section 386.410, RSMo 2016. This rule originally filed as 4 CSR 240-2.070. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed Nov. 7, 1984, effective June 15, 1985. Amended: Filed June 9, 1987, effective Nov. 12, 1987. Rescinded and readopted: Filed March 10, 1995, effective Nov. 30, 1995. Rescinded and readopted: Filed Aug. 24, 1999, effective April 30, 2000. Amended: Filed March 24, 2010, effective Oct. 30, 2010. Amended: Filed March 2, 2011, effective Oct. 30, 2011. Amended: Filed Nov. 7, 2018, effective July 30, 2019. Moved to 20 CSR 4240-2.070, effective Aug. 28, 2019.*

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

20 CSR 4240-2.075 Intervention

PURPOSE: This rule prescribes the procedures by which an individual or entity may intervene in a case and allows for the filing of briefs by ***amicus curiae****.*

(1) A motion to intervene or add new member(s) shall be filed within thirty (30) days after the commission issues its order giving notice of the case, unless otherwise ordered by the commission.

(2) A motion to intervene or add new member(s) shall include:

(A) The legal name of each association, person, or entity seeking intervention or to be added;

(B) The street and mailing address of the principal office or place of business of each association, person, or entity seeking intervention or to be added, or of their attorney;

(C) The email address, fax number, and telephone number, if any, of each association, person, or entity seeking intervention or to be added, or their attorney;

(D) If any applicant is an association, other than an incorporated association or other entity created by statute, a list of all of its members;

(E) A statement of the proposed intervenor's or new member's interest in the case and reasons for seeking intervention or to be added; and

(F) A statement as to whether the proposed intervenor or new member supports or opposes the relief sought or that the proposed intervenor or new member is unsure of the position it will take.

(3) The commission may grant a motion to intervene or add new member(s) if—

(A) The proposed intervenor or new member(s) has an interest which is different from that of the general public and which may be adversely affected by a final order arising from the case; or

(B) Granting the proposed intervention would serve the public interest.

(4) If the commission grants intervention to an association, other than an incorporated association or other entity created by statute, the commission is not granting intervention to the "association," but is granting intervention to the individual members of the association.

(5) For purposes of 4 CSR 240-2.080(16), service upon counsel for an association satisfies the requirement for service upon the individual members of the association.

(6) If any member(s) of an association, other than an incorporated association or other entity created by statute, that is a party to any case before the commission withdraws from the association during the pendency of a case, the association must file a notice of the member's(s') withdrawal in the official case file within five (5) days of the member's(s') withdrawal.

(7) If an association, other than an incorporated association or other entity created by statute, that is a party to any case before the commission wants to add an additional member(s) during the pendency of that case, the association must file a motion to add new member(s).

(8) If the commission finds that the name of any association, other than an incorporated association or other entity created by statute, seeking intervention in a case before the commission could lead to confusion or misidentification of that association or its members, the commission may order that the association be identified by an alternate name in that case.

(9) The commission may limit an intervention to particular issues or interests in a case.

(10) Motions to intervene or add new member(s) filed after the intervention date may be granted upon a showing of good cause. Any motion so filed must include a definitive statement whether or not the entity seeking intervention or to be added as a new member accepts the record established in that case, including the requirements of any orders of the commission, as of the date the motion is filed.

(11) Any person not a party to a case may petition the commission for leave to file a brief as an *amicus curiae*. The petition for leave must state the petitioner's interest in the matter and explain why an *amicus* brief is desirable and how the matters asserted are relevant to the determination of the case. The brief may be submitted simultaneously with the petition. Unless otherwise ordered by the commission, the brief must be filed no later than the initial briefs of the parties and comply with all applicable briefing requirements. If leave to file a brief as an *amicus curiae* is granted, the brief shall be deemed filed on the date submitted. An *amicus curiae* may not file a reply brief.

AUTHORITY: section 386.410, RSMo 2000. This rule originally filed as 4 CSR 240-2.075. Original rule filed March 10, 1995, effective Nov. 30, 1995. Rescinded and readopted: Filed Aug. 24, 1999, effective April 30, 2000. Amended: Filed March 26, 2002, effective Nov. 30, 2002. Amended: Filed March 2, 2011, effective Oct. 30, 2011. Moved to 20 CSR 4240-2.075, effective Aug. 28, 2019.*

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

20 CSR 4240-2.080 Pleadings, Filing, and Service

PURPOSE: This rule prescribes the content and procedure for filing pleadings before the commission and for service thereof.

(1) Every pleading or brief shall be signed by an attorney of record with the attorney's individual name or, if a natural person is not represented by an attorney, shall be signed by the natural person.

(2) By signing a pleading, the signer represents that he or she is authorized to so act.

(3) Pleadings or briefs shall include the signer's address, state bar number(s), email address, fax number, and telephone number, if any.

(4) Each pleading shall include a clear and concise statement of the relief requested, a specific reference to the statutory provision or other authority under which relief is requested, and a concise statement of the facts entitling the party to relief.

(5) An unsigned pleading or brief may be rejected.

(6) By presenting or maintaining a claim, defense, request, demand, objection, contention, or argument in a pleading, motion, brief, or other document filed with or submitted to the commission, an attorney or party is certifying to the best of the signer's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, that—

(A) The claim, defense, request, demand, objection, contention, or argument is not presented or maintained for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(B) The claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(C) The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(D) The denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief.

(7) Any person filing a pleading or a brief shall file with the secretary of the commission either—

(A) The original; or

(B) An electronic copy.

(8) Each pleading may be accompanied by a cover letter which states the subject matter. This cover letter shall contain no matter for commission decision.

(9) Any document's filing date shall be the date and time the document is physically or electronically stamped as filed by the secretary of the commission. Documents physically received in the commission's data center during regular business hours shall be stamped on the date received. Documents physically received in the commission's data center after regular business hours shall be stamped the next day that the commission has

regular business hours. Documents submitted electronically to the commission's electronic filing and information system (EFIS) will be stamped filed on the date and time the document is received in EFIS and will be deemed filed on that date and time.

(10) Pleadings and briefs in every instance shall display on the cover or first page the case number and the title of the case. In the event the title of a case contains more than one (1) name as applicants, complainants, or respondents, it shall be sufficient to show only the first of these names as it appears in the first document commencing the case, followed by an appropriate abbreviation (et al.) indicating the existence of other parties.

(11) Pleadings and briefs that are not electronically filed shall be bound at the top or at an edge, shall be typewritten or printed upon white, eight and one-half by eleven-inch (8 1/2" × 11") paper. Attachments to pleadings or briefs shall be annexed and folded to eight and one-half by eleven-inch (8 1/2" × 11") size whenever practicable. Printing on both sides of the page is encouraged. Lines shall be double-spaced, except that footnotes and quotations in excess of three (3) lines may be single-spaced. Reproduction of any of these documents may be by any process provided all copies are clear and permanently legible. Electronically filed pleadings or briefs shall be formatted in the same manner as paper filings.

(12) Pleadings and briefs which are not in substantial compliance with this rule, applicable statutes, or commission orders may not be accepted for filing. In addition, filings will be scanned for computer viruses before being uploaded into the commission's electronic system and may not be accepted if the filing is infected. The secretary of the commission may return these pleadings or briefs with a concise explanation of the deficiencies and the reasons for not accepting them for filing. Tendered filings which have been rejected may not be entered on the commission's docket. The mere fact of filing shall not constitute a waiver of any noncompliance with these rules, and the commission may require amendment of a pleading or entertain appropriate motions in connection with the pleading.

(13) Parties shall be allowed ten (10) days from the date of filing in which to respond to any pleading unless otherwise ordered by the commission.

(14) Any request for expedited treatment shall include the words "Motion for Expedited Treatment" in the title of the pleading. The pleading shall also set out with particularity the following:

(A) The date by which the party desires the commission to act;

(B) The harm that will be avoided, or the benefit that will accrue, including a statement of the negative effect, or that there will be no negative effect, on the party's customers or the general public, if the commission acts by the date desired by the party; and

(C) That the pleading was filed as soon as it could have been or an explanation why it was not.

(15) Unless otherwise provided by these rules or by other law, the party filing a pleading or brief shall serve every other party, including the staff counsel and the public counsel, a copy of the pleading or brief and cover letter. Any party may contact the secretary of the commission for the names and addresses of the parties in a case.

(16) Methods of Service.

(A) Any person entitled by law may serve a document on a represented party by—

1. Delivering it to the party's attorney;

2. Leaving it at the office of the party's attorney with a secretary, clerk, or attorney associated with or employed by the attorney served;

3. Mailing it to the last known address of the party's attorney;

4. Transmitting it by facsimile machine to the party's attorney; or

5. Transmitting it to the email address of the party's attorney.

(B) Any person entitled by law may serve a document on an unrepresented party by—

1. Delivering it to the party; or

2. Mailing it to the party's last known address.

(C) Completion of Service.

1. Service by mail is complete upon mailing.

2. Service by facsimile transmission is complete upon actual receipt.

3. Service by email is complete upon actual receipt.

(17) Every pleading or brief shall include a certificate of service. Such certificate of service shall be adequate proof of service.

(18) Any pleading may be amended within ten (10) days of filing, unless a responsive pleading has already been filed, or at any time by leave of the commission. Parties shall be allowed ten (10) days from the date of filing in which to respond to an amended pleading unless otherwise ordered by the commission.

(19) Any list of issues ordered by the commission must set out each question presented for decision. Each question presented should be clear and concise.

AUTHORITY: section 386.410, RSMo 2000. This rule originally filed as 4 CSR 240-2.080. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed May 15, 1980, effective Sept. 12, 1980. Amended: Filed Nov. 7, 1984, effective June 15, 1985. Amended: Filed Sept. 6, 1985, effective Dec. 15, 1985. Amended: Filed Feb. 23, 1990, effective May 24, 1990. Rescinded and readopted: Filed March 10, 1995, effective Nov. 30, 1995. Rescinded and readopted: Filed Aug. 24, 1999, effective April 30, 2000. Amended: Filed Sept. 11, 2001, effective April 30, 2002. Amended: Filed May 21, 2002, effective Dec. 30, 2002. Amended: Filed March 2, 2011, effective Oct. 30, 2011. Moved to 20 CSR 4240-2.080, effective Aug. 28, 2019.*

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

20 CSR 4240-2.090 Discovery and Prehearings

PURPOSE: This rule prescribes the procedures for depositions, written interrogatories, data requests, and prehearing conferences.

(1) Discovery may be obtained by the same means and under the same conditions as in civil actions in the circuit court. Sanctions for abuse of the discovery process or failure to comply with commission orders regarding discovery shall be the same as those provided for in the rules of civil procedure.

(2) Parties may use data requests as a means for discovery.

(A) Data request means an informal written request for documents or information that may be transmitted directly between attorneys, agents, or employees of the commission, public counsel, or other parties.

(B) Answers to data requests need not be under oath or be in any particular format, but shall be signed by a person who is able to attest to the truthfulness and correctness of

the answers.

(C) The party to whom data requests are presented shall answer the requests within twenty (20) days after receipt unless otherwise agreed to by the parties to the data requests, or otherwise ordered by the commission.

(D) If the recipient objects to data requests or is unable to answer within twenty (20) days, the recipient shall serve all of the objections or reasons for its inability to answer in writing upon the requesting party within ten (10) days after receipt of the data requests, unless otherwise ordered by the commission.

(E) If the recipient asserts an inability to answer the data requests within the twenty (20)-day time limit, the recipient shall include the date it will be able to answer the data requests simultaneously with its reasons for its inability to answer.

(F) The responding party shall promptly notify the requesting party of any changes to the answers previously given to a data request.

(G) Upon agreement by the parties or as ordered by the commission for good cause shown, the time limits for serving or answering data requests may be modified.

(H) Any data request issued to or by the staff of the commission shall be submitted and responded to in the commission's Electronic Filing and Information System (EFIS). However, if the technical limitations of EFIS make such submission or response difficult, the parties to the data requests may agree upon an alternative method of submission and response, or an alternative method of submission and response may be ordered by the commission.

(I) Sanctions for failure to answer data requests may include any of those provided for abuse of the discovery process in section (1) of this rule.

(3) All prehearing conferences shall be held as directed by the commission or presiding officer, and reasonable notice of the prehearing conference time shall be given to the parties involved.

(4) Any party may petition the commission to hold a prehearing conference at any time prior to the hearing.

(5) Failure to appear at a prehearing conference without previously having secured a continuance shall constitute grounds for dismissal of the party or the party's complaint, application or other action unless good cause for the failure to appear is shown.

(6) Parties may consider procedural and substantive matters at the prehearing conference which may aid in the disposition of the issues. Matters which require a decision may be presented to the presiding officer during the conference.

(7) Facts disclosed in the course of a prehearing conference and settlement offers are privileged and, except by agreement, shall not be used against participating parties unless fully substantiated by other evidence.

(8) Except when authorized by an order of the commission, the commission will not entertain any discovery motions, until the following requirements have been satisfied:

(A) Counsel for the moving party has in good faith conferred or attempted to confer by telephone or in person with opposing counsel concerning the matter prior to the filing of the motion. Merely writing a demand letter is not sufficient. Counsel for the moving party shall certify compliance with this rule in any discovery motion; and

(B) If the issues remain unresolved after the attorneys have conferred in person or by telephone, counsel shall arrange with the commission for an immediate telephone conference with the presiding officer and opposing counsel. No written discovery motion shall be filed until this telephone conference has been held.

AUTHORITY: section 386.410, RSMo 2000. This rule originally filed as 4 CSR 240-2.090. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed Nov. 7, 1984, effective June 15, 1985. Amended: Filed June 9, 1987, effective Nov. 12, 1987. Rescinded and readopted: Filed March 10, 1995, effective Nov. 30, 1995. Rescinded and readopted: Filed Aug. 24, 1999, effective April 30, 2000. Amended: Filed Jan. 22, 2014, effective Aug. 30, 2014. Moved to 20 CSR 4240-2.090, effective Aug. 28, 2019.*

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

20 CSR 4240-2.100 Subpoenas

PURPOSE: The commission may issue subpoenas for the production of witnesses and records. This rule prescribes the procedures for requesting and issuing subpoenas.

(1) A request for a subpoena or a subpoena *duces tecum* requiring a person to appear and testify at the taking of a deposition or at a hearing, or for production of documents or records shall be filed on the form provided by the commission and shall be directed to the secretary of the commission. A request for a subpoena *duces tecum* shall specify the particular document or record to be produced, and shall state the reasons why the production is believed to be material and relevant.

(2) Except for a showing of good cause, a subpoena or subpoena *duces tecum* shall not be issued fewer than twenty (20) days before a hearing.

(3) Objections to a subpoena or subpoena *duces tecum* or motions to quash a subpoena or subpoena *duces tecum* shall be made within ten (10) days from the date the subpoena or subpoena *duces tecum* is served.

(4) Subpoenas or subpoenas *duces tecum* shall be signed and issued by the secretary of the commission, a commissioner or by a law judge pursuant to statutory delegation authority. The name and address of the witness shall be inserted in the original subpoena or subpoena *duces tecum* and a copy of the return shall be filed with the secretary of the commission. Subpoenas or subpoenas *duces tecum* shall show at whose instance the subpoena or subpoena *duces tecum* is issued. Blank subpoenas shall not be issued.

(5) If there is a failure to comply with a subpoena or a subpoena *duces tecum* after objections or a motion to quash have been determined by the commission, the commission by its counsel or the party seeking enforcement may apply to a judge of the circuit court of the county in which—the hearing has been held, is being held, or is scheduled to be held, or where the witness resides or may be found—for an order enforcing the subpoena or subpoena *duces tecum*.

AUTHORITY: section 386.410, RSMo Supp. 1998. This rule originally filed as 4 CSR 240-2.100. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed Nov. 7, 1984, effective June 15, 1985. Rescinded and readopted: Filed March 10, 1995, effective Nov. 30, 1995. Rescinded and readopted: Filed Aug. 24, 1999, effective April 30, 2000. Moved to 20 CSR 4240-2.100, effective Aug. 28, 2019.*

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

20 CSR 4240-2.110 Hearings

PURPOSE: This rule prescribes the procedures for the setting, notices, and conduct of hearings.

(1) The commission shall set the time and place for all hearings and serve notice as

required by law. Additional notice may be served when the commission deems it to be appropriate.

(2) The presiding officer may order continuance of a hearing date for good cause.

(A) When a continuance has been granted at the request of the applicant or complainant, the commission may dismiss the case for failure to prosecute if it has not received a request from the applicant or complainant that the matter be again continued or set for hearing within ninety (90) days from the date of the order granting the continuance.

(B) Failure to appear at a hearing without previously having secured a continuance shall constitute grounds for dismissal of the party or the party's complaint, application or other action unless good cause for the failure to appear is shown.

(3) When pending actions involve related questions of law or fact, the commission may order a joint hearing of any or all the matters at issue, and may make other orders concerning cases before it to avoid unnecessary costs or delay.

(4) The presiding officer shall establish a procedural schedule through one (1) or more procedural orders in which the hearing and conference dates are set, date for filing testimony and pleadings are set, and any other applicable procedural parameters are established as determined necessary by the presiding officer or agreed to by the parties.

(5) The order of procedure in hearings shall be as follows, unless otherwise agreed to by the parties or ordered by the presiding officer:

(A) In all cases except investigation cases, the applicant or complainant shall open and close, with intervenors following the staff counsel, or his designee, and the public counsel in introducing evidence; and

(B) In investigation cases, the staff counsel, or his designee, shall open and close.

(6) A reporter appointed by the commission shall make a full and complete record of the entire proceeding in any formal hearing, or of any other hearing or proceeding at which the commission determines reporting is appropriate.

(7) Suggested corrections to the transcript of record shall be offered within ten (10) days after the transcript is filed, except for good cause shown. The suggestions shall be in writing and shall be filed in the official commission file. Objections to proposed corrections shall be made in writing within ten (10) days after the filing of the suggestions. The commission shall determine what changes, if any, shall be made in the record after a review of the suggested corrections and any objections.

(8) A party may request that the commission reopen the record for the taking of additional evidence if the request is made after the hearing has been concluded, but before briefs have been filed or oral argument presented, or before a decision has been issued in the absence of briefs or argument. Such a request shall be made by filing a motion to reopen the record for the taking of additional evidence. The motion shall assert the justification for taking additional evidence including material changes of fact or of law alleged to have occurred since the conclusion of the hearing. The petition shall also contain a brief statement of the proposed additional evidence, and an explanation as to why this evidence was not offered during the hearing.

AUTHORITY: section 386.410, RSMo 2000. This rule originally filed as 4 CSR 240-2.110. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed Nov. 7, 1984, effective June 15, 1985. Amended: Filed Sept. 6, 1985, effective Dec. 15, 1985. Rescinded and readopted: Filed March 10, 1995, effective Nov. 30, 1995. Rescinded and readopted: Filed Aug. 24, 1999, effective April 30, 2000. Amended: Filed March 2, 2011, effective Oct. 30, 2011. Moved to 20 CSR 4240-2.110, effective Aug. 28, 2019.*

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

20 CSR 4240-2.115 Stipulations and Agreements

PURPOSE: This rule prescribes the procedure when a nonunanimous stipulation and agreement is presented to the commission.

(1) Stipulations and Agreements.

(A) The parties may at any time file a stipulation and agreement as a proposed resolution of all or any part of a contested case. A stipulation and agreement shall be filed as a pleading.

(B) The commission may resolve all or any part of a contested case on the basis of a stipulation and agreement.

(2) Nonunanimous Stipulations and Agreements.

(A) A nonunanimous stipulation and agreement is any stipulation and agreement which is entered into by fewer than all of the parties.

(B) Each party shall have seven (7) days from the filing of a nonunanimous stipulation and agreement to file an objection to the nonunanimous stipulation and agreement. Failure to file a timely objection shall constitute a full waiver of that party's right to a hearing.

(C) If no party timely objects to a nonunanimous stipulation and agreement, the commission may treat the nonunanimous stipulation and agreement as a unanimous stipulation and agreement.

(D) A nonunanimous stipulation and agreement to which a timely objection has been filed shall be considered to be merely a position of the signatory parties to the stipulated position, except that no party shall be bound by it. All issues shall remain for determination after hearing.

(E) A party may indicate that it does not oppose all or part of a nonunanimous stipulation and agreement.

AUTHORITY: section 386.410, RSMo 2000. This rule originally filed as 4 CSR 240-2.115. Original rule filed June 9, 1987, effective Sept. 15, 1987. Rescinded and readopted: Filed Aug. 24, 1999, effective April 30, 2000. Amended: Filed March 26, 2002, effective Nov. 30, 2002. Moved to 20 CSR 4240-2.115, effective Aug. 28, 2019.*

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

20 CSR 4240-2.116 Dismissal

PURPOSE: This rule prescribes the conditions under which the commission or an initiating party may dismiss a case or by which any party may be dismissed.

(1) An applicant or complainant may voluntarily dismiss an application or complaint without an order of the commission at any time before prepared testimony has been filed or oral evidence has been offered by filing a notice of dismissal with the commission. Once evidence has been offered or prepared testimony filed, an applicant or complainant may dismiss an action only by leave of the commission, or by written consent of all the parties.

(2) Cases may be dismissed for lack of prosecution if no action has occurred in the case for ninety (90) days and no party has filed a pleading requesting a continuance beyond that time.

(3) A party may be dismissed from a case for failure to comply with any order issued by the commission, including failure to appear at any scheduled proceeding such as a public hearing, prehearing conference, hearing, or mediation session.

(4) A case may be dismissed for good cause found by the commission after a minimum of ten (10) days notice to all parties involved.

AUTHORITY: section 386.410, RSMo 2000. This rule originally filed as 4 CSR 240-2.116. Original rule filed March 10, 1995, effective Nov. 30, 1995. Rescinded and readopted: Filed Aug. 24, 1999, effective April 30, 2000. Amended: Filed March 2, 2011, effective Oct. 30, 2011. Moved to 20 CSR 4240-2.116, effective Aug. 28, 2019.*

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

20 CSR 4240-2.117 Summary Disposition

PURPOSE: This rule provides for disposition of a contested case by disposition in the nature of summary judgment or judgment on the pleadings.

(1) Summary Determination.

(A) Except in a case seeking a rate increase or which is subject to an operation of law date, any party may by motion, with or without supporting affidavits, seek disposition of all or any part of a case by summary determination at any time after the filing of a responsive pleading, if there is a respondent, or at any time after the close of the intervention period. However, a motion for summary determination shall not be filed less than sixty (60) days prior to the hearing except by leave of the commission.

(B) Motions for summary determination shall state with particularity in separately numbered paragraphs each material fact as to which the movant claims there is no genuine issue, with specific references to the pleadings, testimony, discovery, or affidavits that demonstrate the lack of a genuine issue as to such facts. Each motion for summary determination shall have attached thereto a separate legal memorandum explaining why summary determination should be granted and testimony, discovery or affidavits not previously filed that are relied on in the motion. The movant shall serve the motion for summary determination upon all other parties not later than the date upon which the motion is filed with the commission.

(C) Not more than thirty (30) days after a motion for summary determination is served, any party may file and serve on all parties a response in opposition to the motion for summary determination. Attached thereto shall be any testimony, discovery or affidavits not previously filed that are relied on in the response. The response shall admit or deny each of movant's factual statements in numbered paragraphs corresponding to the numbered paragraphs in the motion for summary determination, shall state the reason for each denial, shall set out each additional material fact that remains in dispute, and shall support each factual assertion with specific references to the pleadings, testimony, discovery, or affidavits. The response may also have attached thereto a legal memorandum explaining why summary determination should not be granted.

(D) For good cause shown, the commission may continue the motion for summary determination for a reasonable time to allow an opposing party to conduct such discovery as is necessary to permit a response to the motion for summary determination.

(E) The commission may grant the motion for summary determination if the pleadings, testimony, discovery, affidavits, and memoranda on file show that there is no genuine issue as to any material fact, that any party is entitled to relief as a matter of law as to all or any part of the case, and the commission determines that it is in the public interest. An order granting summary determination shall include findings of fact and conclusions of law.

(F) If the commission grants a motion for summary determination, but does not dispose thereby of the entire case, it shall hold an evidentiary hearing to resolve the remaining issues. Those facts found in the order granting partial summary determination shall be established for purposes of the hearing.

(G) The commission may hear oral argument on a motion for summary determination.

(2) Determination on the Pleadings—Except in a case seeking a rate increase or which is subject to an operation of law date, the commission may, on its own motion or on the motion of any party, dispose of all or any part of a case on the pleadings whenever such disposition is not otherwise contrary to law or contrary to the public interest.

AUTHORITY: section 386.410, RSMo 2000. This rule originally filed as 4 CSR 240-2.117. Original rule filed March 26, 2002, effective Nov. 30, 2002. Moved to 20 CSR 4240-2.117, effective Aug. 28, 2019.*

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

20 CSR 4240-2.120 Presiding Officers

PURPOSE: This rule states the duties of presiding officers and the procedure for disqualifying them.

(1) A presiding officer shall have the duty to conduct full, fair, and impartial hearings, to take appropriate action to avoid unnecessary delay in the disposition of cases, and to maintain order, and shall possess all powers necessary to that end, including, but not limited to, convening discovery conferences as needed and resolving discovery disputes. The presiding officer may take action as may be necessary and appropriate to the discharge of duties, consistent with the statutory authority or other authorities under which the commission functions, and with the rules and policies of the commission.

(2) Whenever any party shall deem the presiding officer for any reason to be disqualified to preside, or to continue to preside, in a particular case, the party may file with the secretary of the commission a motion to disqualify with affidavits setting forth the grounds alleged for disqualification. A copy of the motion shall be served by the commission on the presiding officer whose removal is sought and the presiding officer shall have seven (7) days from the date of service within which to reply.

AUTHORITY: section 386.410, RSMo 2016. This rule originally filed as 4 CSR 240-2.120. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed June 9, 1987, effective Nov. 12, 1987. Rescinded and readopted: Filed March 10, 1995, effective Nov. 30, 1995. Rescinded and readopted: Filed Aug. 24, 1999, effective April 30, 2000. Amended: Filed Nov. 7, 2018, effective July 30, 2019. Moved to 20 CSR 4240-2.120, effective Aug. 28, 2019.*

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

***Union Electric Co. v. PSC**, 591 SW2d 134 (Mo. App. 1979). Prohibition will be under common law rule to disqualify a PSC commissioner who was a party in a case now pending before her.*

20 CSR 4240-2.125 Procedures for Alternative Dispute Resolution

PURPOSE: This rule establishes procedures which will allow parties to utilize alternative dispute resolution methods in order to resolve issues or the entire matter in dispute.

(1) Settlement Negotiations.

(A) When the parties agree that the participation of a presiding officer in the settlement process would be beneficial, those parties shall file a motion for appointment of a settlement officer for that case. The motion shall contain—

1. A statement that all parties agree to the procedure;

2. A list of the issues to be addressed or matters the parties wish the presiding officer to aid them in resolving; and

3. A date by which a settlement will be reached or settlement negotiations under this procedure will end.

(B) If the commission grants the motion for a settlement officer, it shall issue an order scheduling a settlement conference and shall appoint a presiding officer to participate in settlement negotiations.

(C) The negotiations and statements of the parties or attorneys made at the settlement conference shall be off the record and shall not be made a part of the official case.

(D) If a settlement is not reached before the date specified by the parties in their motion, the procedure shall end unless the parties all agree to an extension and the procedure is extended by order of the commission.

(2) Mediation.

(A) The commission may order mediation before any further proceeding in a case.

(B) As the commission deems appropriate, or upon a request for mediation, the commission may appoint a presiding officer or other neutral third party other than the presiding officer assigned to the case to mediate the dispute.

(C) All other actions on the case shall cease and all time limitations shall be tolled pending the completion of mediation process, except as otherwise provided by law.

(D) The mediator shall be disqualified from conducting an evidentiary hearing relating to that particular case and shall not make any communication regarding the settlement or mediation discussions in the case to any commissioner or the presiding officer appointed to preside over the case.

(E) Failure to appear and participate in good faith in commission ordered mediation shall be grounds for sanctions including dismissal or default of the noncompliant party.

AUTHORITY: section 386.410, RSMo 2000. This rule originally filed as 4 CSR 240-2.125. Original rule filed March 10, 1995, effective Nov. 30, 1995. Rescinded and readopted: Filed Aug. 24, 1999, effective April 30, 2000. Amended: Filed March 2, 2011, effective Oct. 30, 2011. Moved to 20 CSR 4240-2.125, effective Aug. 28, 2019.*

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

20 CSR 4240-2.130 Evidence

PURPOSE: This rule prescribes the rules of evidence in any hearing before the commission.

(1) In any hearing, these rules supplement section 536.070, RSMo.

(2) If any information contained in a document on file as a public record with the commission is offered in evidence, the document need not be produced as an exhibit unless directed otherwise by the presiding officer, but may be received in evidence by reference, provided that the particular portions of the document shall be specifically identified and are relevant and material. The information may be assigned an exhibit number for identification.

(3) The presiding officer shall rule on the admissibility of all evidence. Evidence to which an objection is sustained, at the request of the party seeking to introduce the same or at the instance of the commission, nevertheless may be heard and preserved in the record, together with any cross-examination with respect to the evidence and any rebuttal of the evidence, unless it is wholly irrelevant, repetitious, privileged or unduly long. When objections are made to the admission or exclusion of evidence, the grounds relied upon shall be stated briefly. Formal exceptions to rulings shall be unnecessary and need not be taken.

(4) In extraordinary circumstances where prompt decision by the commission is necessary to promote substantial justice, the presiding officer may refer a matter to the commission for determination during the progress of the hearing.

(5) The rules of privilege are effective to the same extent that they are in civil actions.

(6) Format for Prepared Testimony.

(A) It shall be typed or printed, in black type on a white page that is eight and one-half inches by eleven inches (8 1/2" × 11").

(B) It shall be double-spaced and have pages numbered consecutively at the bottom right-hand corner or bottom center beginning with the first page as page 1.

(C) If not filed electronically, it shall be filed unfolded and stapled together at the top left-hand margin or bound at an edge in booklet form.

(D) It shall have at least a one-inch (1") margin on the top, bottom, and both sides.

(E) Schedules shall bear the word "schedule," and the number of the schedule shall be typed in the lower right-hand margin of the first page of the schedule.

(F) All prepared testimony and other exhibits and schedules shall contain the following information in the following format on the upper right-hand corner of a cover sheet:

Exhibit No.:	(To be marked by the hearing reporter)
Issue:	(If known at the time of filing)
Witness:	(Full name of witness)
Type of Exhibit:	(Specify whether direct, rebuttal, or other type of exhibit)
Sponsoring Party:	
Case No.:	
Date Testimony Prepared:	

(G) It shall be filed on line-numbered pages.

(H) Testimony that addresses more than one (1) issue shall contain a table of contents.

(I) Electronically filed prepared testimony shall be formatted and labeled in the same manner as paper filings.

(J) Printing on both sides of the page is encouraged.

(7) For the purpose of filing prepared testimony, direct, rebuttal, and surrebuttal testimony are defined as follows:

(A) Direct testimony shall include all testimony and exhibits asserting and explaining that party's entire case-in-chief;

(B) Where all parties file direct testimony, rebuttal testimony shall include all testimony which is responsive to the testimony and exhibits contained in any other party's direct case. A party need not file direct testimony to be able to file rebuttal testimony;

(C) Where only the moving party files direct testimony, rebuttal testimony shall include all testimony which explains why a party rejects, disagrees or proposes an alternative to the moving party's direct case; and

(D) Surrebuttal testimony shall be limited to material which is responsive to matters raised in another party's rebuttal testimony.

(8) Except as set out in this section, the prepared testimony of each witness shall be filed separately and shall be accompanied by an affidavit providing the witness's oath. In lieu of prepared direct testimony, any party may file a report that presents in narrative form, and with complete and comprehensive detail, the analysis and conclusions of one (1) or more expert witness(es) and the facts and information on which they relied. In any report, the contributing expert witnesses shall be listed together with an indication of the portion or portions of the report to which each contributed. The qualifications of each contributing expert witness shall be attached to the report as a schedule. Any such report shall comply with the commission's requirements in sections (6) and (7).

(9) In any case, the commission or presiding officer may direct that testimony be taken live rather than prepared in advance.

(10) No party shall be permitted to supplement prefiled prepared direct, rebuttal, or surrebuttal testimony unless ordered by the presiding officer or the commission. A party shall not be precluded from having a reasonable opportunity to address matters not previously disclosed which arise at the hearing. This provision does not forbid the filing of supplemental direct testimony for the purpose of replacing projected financial information with actual results.

(11) Any or all parties may file a stipulation as to the facts. This stipulation shall not preclude the offering of additional evidence by any party except as specified in the stipulation.

(12) Exhibits shall be legible and, unless otherwise authorized by the commission, shall be prepared on a standard eight and one-half by eleven inch (8 1/2" × 11")-size page. The pages of each exhibit shall be numbered and rate comparisons and other figures shall be set forth in tabular form.

(13) Exhibits shall be tendered to the reporter at the time of hearing without being prenumbered by the offering party, unless otherwise ordered by the presiding officer.

(14) All exhibits shall be marked at the time of hearing, using a single series of numbers, unless otherwise ordered by the presiding officer.

(15) Unless the presiding officer directs otherwise, when exhibits that have not previously been filed are offered in evidence, the original shall be furnished to the reporter, and the party offering exhibits also shall be prepared to furnish a copy to each commissioner, the presiding officer, and each party.

(16) The presiding officer may require the production of further evidence upon any issue. The presiding officer may authorize the filing of specific evidence as a part of the record within a fixed time after submission, reserving exhibit numbers, and setting other conditions for such production.

(17) Unless otherwise ordered, any objection to the admission of a post-hearing exhibit must be filed within ten (10) days of the date the exhibit was filed.

(18) Evidence for which a claim of confidentiality is made shall be provided in conformance with 4 CSR 240-2.135 or with any protective order specific to that information.

(19) All testimony shall be taken under oath.

AUTHORITY: section 386.410, RSMo 2000. This rule originally filed as 4 CSR 240-2.130. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed Nov. 6, 1981, effective Feb. 15, 1982. Amended: Filed Nov. 7, 1984, effective June 15, 1985. Amended: Filed June 9, 1987, effective Nov. 12, 1987. Amended: Filed Feb. 23, 1990, effective May 24, 1990. Rescinded and readopted: Filed March 10, 1995, effective Nov. 30, 1995. Rescinded and readopted: Filed Aug. 24, 1999, effective April 30, 2000. Amended: Filed Sept. 11, 2001, effective April 30, 2002. Amended: Filed March 2, 2011, effective Oct. 30, 2011. Moved to 20 CSR 4240-2.130, effective Aug. 28, 2019.*

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

***State ex rel. Utility Consumers Council v. Public Service Commission**, 562 S.W.2d 688 (Mo. App. 1978). At a hearing on the issuance of a certificate of convenience and necessity, the commission denied appellant consumers council opportunity to cross-examine electric utility's witnesses on certain testimony regarding costs. The proprietary nature of the cost information involved does not protect it from cross-examination by consumers council, and denial of right to such cross-examination was improper.*

20 CSR 4240-2.135 Confidential Information

PURPOSE: This rule prescribes the procedures for handling confidential information in cases before the commission.

(1) All items filed in case proceedings before the commission shall be open to the public unless protected pursuant to this rule or otherwise protected by law.

(2) Confidential Designation.

(A) Any person may submit to the commission, without first obtaining a protective order, information designated as confidential if that information is—

1. Customer-specific information;
2. Employee-sensitive personnel information;
3. Marketing analysis or other market-specific information relating to services offered in competition with others;
4. Marketing analysis or other market-specific information relating to goods or services purchased or acquired for use by a company in providing services to customers;
5. Reports, work papers, or other documentation related to work produced by internal or external auditors, consultants, or attorneys, except that total amounts billed by each external auditor, consultant, or attorney for services related to general rate proceedings shall always be public;
6. Strategies employed, to be employed, or under consideration in contract negotiations;
7. Relating to the security of a company's facilities; or
8. Concerning trade secrets, as defined in section 417.453, RSMo.

(B) Any information designated as confidential shall be submitted with a cover sheet or pleading describing how such information qualifies as confidential under subsection (2)(A) of this rule, including the specific subsection relied upon and an explanation of its applicability. Only the specific information that qualifies as confidential shall be designated as such. In addition, each document that contains confidential information shall bear the designation "Confidential" and the paragraph(s) of 4 CSR 240-2.135(2)(A) through which that information is protected.

(3) Protective Order.

(A) In addition to information that may be designated as confidential as set out in this rule, any person may seek a protective order from the commission designating specific information as confidential. If a protective order is granted, the protected information shall be considered confidential information. A request for a protective order shall be made as follows:

1. By filing a separate pleading denominated "Motion for Protective Order," which may initiate a new case if a related case is not already pending;
2. The pleading shall state with particularity why the moving party seeks protection and what harm may occur if the information is made public;
3. The pleading shall also state whether any of the information for which a claim of confidentiality is made can be found in any other public document;

(B) The information for which a claim of confidentiality is made may be designated as confidential while the motion is pending if only the specific information at issue is designated as such.

(4) The commission may order greater protection than that provided by a confidential designation upon a motion explaining what information must be protected, the harm to the disclosing entity or the public that might result from disclosure of the information, and an explanation of how the information may be disclosed while protecting the interests of the

disclosing entity and the public.

(A) While such a motion is pending, the disclosing party requesting greater protection will be afforded the protection sought. However, in all circumstances, the disclosing party must, at a minimum, provide a detailed summary of the information at issue.

(B) Any document that contains such information shall bear the designation "Highly Confidential," rather than "Confidential," but shall otherwise follow the formatting delineated in section (10) of this rule.

(5) When a party seeks discovery of information that the party from whom discovery is sought believes to be confidential, the party from whom discovery is sought may designate the information confidential.

(A) No order from the commission is necessary before a party in any case pending before the commission may designate discovery responses confidential, and such information shall be protected as provided in this rule.

(B) The party that designates discovery information confidential shall inform, in writing, the party seeking discovery how that information qualifies as confidential under subsection (2)(A) of this rule at the same time it responds to the discovery request. If the party seeking discovery disagrees with the designation placed on the information, that party shall follow the informal discovery dispute resolution procedures set forth in 4 CSR 240-2.090(8). If the party seeking discovery exhausts these dispute resolution procedures, that party may file a motion challenging the designation.

(6) Confidential information may be disclosed only to the attorneys of record for a party and to employees of a party who are working as subject-matter experts for those attorneys or who intend to file testimony in that case, or to persons designated by a party as an outside expert in that case.

(A) The party disclosing information designated as confidential shall serve the information on the attorney for the requesting party.

(B) If a party wants any employee or outside expert to review confidential information, the party shall identify that person to the disclosing party by name, title, and job classification before disclosure. The person to whom the information is to be disclosed shall comply with the certification requirements of section (7) of this rule.

(C) A customer of a utility may view his or her own customer-specific information, even if that information is otherwise designated as confidential.

(7) Any employee of a party or outside expert retained by a party that wishes to review confidential information shall first certify in writing that such expert or employee of a party will comply with the requirements of this rule.

(A) The certification shall include the signatory's full name, permanent address, title or position, date signed, the case number of the case for which the signatory will view the information, and the identity of the party for whom the signatory is acting.

(B) The signed certificate shall be filed in the case.

(C) The party seeking disclosure of the confidential information shall provide a copy of the certificate to the disclosing party before disclosure is made.

(8) If information to be disclosed in response to a discovery request is information concerning another entity—whether or not a party to the case—that the other entity has indicated is confidential, the disclosing party shall notify the other entity of its intent to disclose the information. If the other entity informs the disclosing party that it wishes to protect the information, the disclosing party shall designate the information as confidential under the provisions of this rule.

(9) Any party may use confidential information in prefiled testimony, in a pleading, at hearing, or in a brief if the same level of confidentiality assigned by the disclosing party, or the commission, is maintained. Before including nonpublic information that it has obtained outside this proceeding in its pleading or testimony, a party shall ascertain from the source of the information whether that information is claimed to be confidential.

(10) Any prefiled testimony that contains information designated as confidential shall be filed with both a public and a nonpublic version as follows:

(A) For the public version, the confidential portions shall be removed. The removal of confidential information shall be indicated by underlining and two (2) asterisks before and after the confidential information, e.g., **confidential information removed**. The designated information shall be removed in such a way that the lineation and pagination of the public version remains the same as the confidential version;

(B) For the nonpublic version of the prefiled testimony, the confidential information shall be indicated by underlining and by two (2) asterisks before and after the confidential information, e.g., **confidential information**;

(C) At the hearing, the party offering the prefiled testimony shall present a public version of the testimony in which the confidential portions are removed. The public version of the testimony will be marked as Exhibit ___. The offering party shall also present a separate copy of the prefiled testimony containing confidential information, sealed in an envelope. The version of the testimony containing confidential information will be marked as Exhibit ___C.

(D) These delineation requirements shall also be used when designating confidential portions of pleadings and briefs.

(11) At any time after the filing of discovery, testimony, brief, or pleading that contains information designated as confidential, the commission may challenge the designation of the discovery, testimony, brief, or pleading. A party may also challenge such a designation at any time by filing an appropriate motion with the commission.

(12) All live testimony, including cross-examination and oral argument, which reveals information that is designated as confidential may be offered only after the hearing room is cleared of all persons except those persons to whom the confidential information is available under this rule. The transcript of such live testimony or oral argument shall be kept under seal and copies shall be provided only to the commission and attorneys of record. The contents of such transcripts shall not be disclosed to anyone other than those permitted access to the designated information under this rule.

(13) All persons who have access to information under this rule shall keep the information secure and may neither use nor disclose such information for any purpose other than preparation for and conduct of the proceeding for which the information was provided. This rule shall not prevent the commission's staff or the Office of the Public Counsel from using confidential information obtained under this rule as the basis for additional investigations or complaints against any public utility.

(14) After receiving a notice of appeal, the commission will deliver confidential testimony constituting part of the record before the commission to the reviewing court under seal, unless otherwise directed by the court.

(15) Within ninety (90) days after the completion of a proceeding, including judicial review, all copies of all confidential information, testimony, exhibits, transcripts, or briefs in the possession of any party shall be

returned to the party claiming a confidential interest in such information if that party requests that the information be returned. Otherwise, the information shall be destroyed by the party possessing such information. Any notes pertaining to such information shall be destroyed.

(16) The provisions of sections (6), (7), and (15) of this rule do not apply to officers or employees of the commission or to the public counsel or employees of the Office of the Public Counsel. The officers or employees of the commission and the public counsel and employees of the Office of the Public Counsel are subject to the nondisclosure provisions of section 386.480, RSMo. Neither the officers or employees of the commission, nor the public counsel and the employees of the Office of the Public Counsel shall use or disclose any information obtained in discovery for any purpose other than in the performance of their duties.

(17) Outside experts of the staff of the commission or the Office of the Public Counsel who have been contracted to be witnesses in the proceeding shall have access to designated information and testimony on the same basis as the staff of the commission and the Office of the Public Counsel except that the outside expert shall comply with the provisions of sections (7) and (15). Outside experts of the staff of the commission and the Office of the Public Counsel who have not been contracted to be witnesses in the proceeding shall be subject to all provisions of this rule.

(18) A claim that information is confidential constitutes a representation to the commission that the claiming party has a reasonable and good faith belief that the subject document or information is confidential pursuant to the section of this rule cited as justification for the designation.

(19) The commission may waive or grant a variance from any provision of this rule for good cause shown.

(20) Any reference in any statute or other regulation of this commission that refers to proprietary or highly confidential information shall be interpreted to mean confidential information under this rule.

AUTHORITY: sections 386.040 and 386.410, RSMo 2016. This rule originally filed as 4 CSR 240-2.135. Original rule filed May 25, 2006, effective Jan. 30, 2007. Amended: Filed March 2, 2011, effective Oct. 30, 2011. Amended: Filed Nov. 21, 2016, effective July 30, 2017. Moved to 20 CSR 4240-2.135, effective Aug. 28, 2019.*

**Original authority: 386.040, RSMo 1939, amended 1943, 1965 and 386.410, RSMo 1939, amended 1947, 1977, 1996.*

20 CSR 4240-2.140 Briefs and Oral Arguments

PURPOSE: This rule sets forth the procedures for filing briefs and presenting oral arguments in any hearing.

(1) In any case, the commission or presiding officer shall determine whether the parties may file briefs or present oral argument, or both, and may establish time and page limits.

(2) Unless otherwise ordered by the commission or presiding officer, initial post-hearing briefs shall be filed no later than twenty (20) days after the date on which the complete transcript of the hearing is filed.

(3) Unless otherwise ordered by the commission or presiding officer, the parties shall have ten (10) days after the filing of the initial briefs to file their reply briefs.

(4) Unless otherwise ordered by the commission or presiding officer, the time allowed for oral argument shall be—

(A) For an applicant or complainant, thirty (30) minutes, which may be divided between the initial argument and reply argument, but no more than one-third (1/3) of the time shall be consumed by the reply argument; and

(B) For all other parties, a total of fifteen (15) minutes each.

(5) Unless otherwise ordered by the commission or presiding officer, the parties may file pre-hearing briefs, statements of position, and proposed findings of fact and conclusions of law.

AUTHORITY: section 386.410, RSMo 2000. This rule originally filed as 4 CSR 240-2.140. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed June 9, 1987, effective Nov. 12, 1987. Rescinded and readopted: Filed March 10, 1995, effective Nov. 30, 1995. Rescinded and readopted: Filed Aug. 24, 1999, effective April 30, 2000. Amended: Filed March 2, 2011, effective Oct. 30, 2011. Moved to 20 CSR 4240-2.140, effective Aug. 28, 2019.*

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

20 CSR 4240-2.150 Decisions of the Commission

PURPOSE: This rule prescribes the method of issuing commission orders and the effective date of such orders.

(1) The record of a case shall stand submitted for consideration by the commission after the recording of all evidence or, if applicable, after the filing of briefs or the presentation of oral argument.

(2) The commission's orders shall be in writing and shall be issued as soon as practicable after the record has been submitted for consideration.

(3) Every order of the commission shall be served by mailing a certified copy, with postage prepaid, to all parties of record.

(4) The commission may, at its discretion, issue a preliminary order and allow parties to provide responses to the preliminary order. The commission may then issue its order after reviewing the responses of the parties.

(5) As technology permits, and where the parties have provided their electronic mail address, the commission will attempt to issue an electronic copy of each order.

AUTHORITY: section 386.410, RSMo Supp. 1998. This rule originally filed as 4 CSR 240-2.150. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed June 9, 1987, effective Nov. 12, 1987. Rescinded and readopted: Filed March 10, 1995, effective Nov. 30, 1995. Rescinded and readopted: Filed Aug. 24, 1999, effective April 30, 2000. Moved to 20 CSR 4240-2.150, effective Aug. 28, 2019.*

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

***Am. Petrol. Exchange v. Public Service Commission**, 172 SW2d 952, transferred 238 Mo. App. 92, 176 SW2d 533 (Mo. 1943). Commission has no power to declare or enforce any principle of law or equity. Commission cannot determine damages, award pecuniary relief or abate a nuisance.*

20 CSR 4240-2.160 Rehearings and Reconsideration

PURPOSE: This rule prescribes the procedure for requesting a rehearing of a final

order or a reconsideration of a procedural or interlocutory order of the commission and the disposition of that request.

(1) Applications for rehearing may be filed pursuant to statute.

(2) Motions for reconsideration of procedural and interlocutory orders may be filed within ten (10) days of the date the order is issued, unless otherwise ordered by the commission. Motions for reconsideration shall set forth specifically the ground(s) on which the applicant considers the order to be unlawful, unjust, or unreasonable. At any time before a final order is issued, the commission may, on its own motion, reconsider, correct, or otherwise amend any order or notice issued in the case.

(3) The filing of a motion for reconsideration shall not excuse any party from complying with any order of the commission, nor operate in any manner to stay or postpone the enforcement of any order, unless otherwise ordered by the commission.

(4) The commission may correct its own orders *nunc pro tunc*.

AUTHORITY: section 386.410, RSMo 2000. This rule originally filed as 4 CSR 240-2.160. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed Nov. 7, 1984, effective June 15, 1985. Rescinded and readopted: Filed March 10, 1995, effective Nov. 30, 1995. Rescinded and readopted: Filed Aug. 24, 1999, effective April 30, 2000. Amended: Filed March 2, 2011, effective Oct. 30, 2011. Moved to 20 CSR 4240-2.160, effective Aug. 28, 2019.*

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

20 CSR 4240-2.180 Rulemaking

PURPOSE: This rule provides a procedure for rulemaking, and petitioning for rulemaking, pursuant to Chapter 536, RSMo.

(1) Promulgation, amendment, or rescission of rules may be initiated by the commission through an internally-generated rulemaking case, or pursuant to a rulemaking petition filed with the commission.

(2) Petitions for promulgation, amendment, or rescission of rules shall be filed with the secretary of the commission in writing and shall include:

(A) The name, street address, and mailing address of the petitioner;

(B) One (1) of the following:

1. The full text of the rule sought to be promulgated;

2. The full text of any rule sought to be amended, including the suggested amendments clearly marked; or

3. The full number of any rule sought to be rescinded;

(C) A statement of petitioner's reasons in support of the promulgation, amendment, or rescission of the rule, including a statement of all facts pertinent to petitioner's interest in the matter;

(D) Citations of legal authority which authorize, support, or require the rulemaking action requested by the petition;

(E) An estimation of the effect of the rulemaking on private persons or entities with respect to required expenditures of money or reductions in income, sufficient to form the basis of a fiscal note as required under Chapter 536, RSMo; and

(F) A verification of the petition by the petitioner by oath.

(3) The commission shall either deny the petition in writing, stating the reasons for its decision, or shall initiate rulemaking in accordance with Chapter 536, RSMo.

(4) The commission shall comply with the notice provisions of section 536.041, RSMo, upon the disposal of any rulemaking petition.

(5) When the commission decides to promulgate, amend, or rescind a rule, it shall comply with the requirements for rulemaking in Chapter 536, RSMo.

(6) Persons filing written comments or testifying or commenting at the hearing need not be represented by counsel, but may be represented if they choose.

(7) Hearings on rulemakings may be for commissioner questions or for the taking of initial or reply comments.

(8) Hearings for the taking of initial or reply comments on rulemakings shall proceed as follows:

(A) A commissioner or presiding officer shall conduct the hearing, which shall be transcribed by a reporter;

(B) Neither written nor oral comments need to be sworn, but testimony shall be taken under oath or affirmation;

(C) Persons testifying or commenting at a hearing may give a statement in support of or in opposition to a proposed rulemaking. The commissioners or the presiding officer may question those persons testifying or commenting;

(D) Statements shall first be taken from those supporting a proposed rule, followed by statements from those opposing the rule, unless otherwise directed by the presiding officer;

(E) Persons testifying or commenting may offer exhibits in support of their positions; and

(F) The commission may, at the hearing, hold the hearing open for a specified period if it determines extension is reasonably necessary to elicit material information.

(9) In compliance with the requirements of Chapter 536, RSMo, the commission shall either—

(A) Adopt the proposed rule or proposed amendment as set forth in the notice of proposed rulemaking without further change;

(B) Adopt the proposed rule or proposed amendment with further changes;

(C) Adopt the proposed rescission of the existing rule; or

(D) Withdraw the proposed rule.

AUTHORITY: sections 386.040, 386.250, 386.310, 386.410, 392.210, 392.240, 392.280, 392.290, 392.330, 393.140(3), (4), (6), (9), (11), and (12), 393.160, 393.220, 393.240, 393.290, and 394.160, RSMo 2000 and sections 392.200, 392.220, and 393.110, RSMo Supp. 2010. This rule originally filed as 4 CSR 240-2.180. Original rule filed April 26, 1976, effective Sept. 11, 1976. Amended: Filed Nov. 7, 1984, effective June 15, 1985. Rescinded and readopted: Filed March 10, 1995, effective Nov. 30, 1995. Rescinded and readopted: Filed Aug. 24, 1999, effective April 30, 2000. Amended: Filed March 2, 2011, effective Oct. 30, 2011. Moved to 20 CSR 4240-2.180, effective Aug. 28, 2019.*

**Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 386.310, RSMo 1939, amended 1979, 1989, 1996; 386.410, RSMo 1939, amended 1947, 1977, 1996; 392.200, RSMo 1939, amended 1987, 1988, 1996; 392.210, RSMo 1939, amended 1984, 1987, 2008; 392.220, RSMo 1939, amended 1987, 1988, 1991, 1993, 1996, 2008; 392.240, RSMo 1939, amended 1987; 392.280, RSMo 1939, amended 1987, 1993; 392.290, RSMo 1939, amended 1986, 1987; 392.330, RSMo 1939, amended 1980, 1987, 1995; 393.110, RSMo 1939, amended 1967, 2003; 393.140, RSMo 1939, amended 1949, 1967; 393.160, RSMo 1939, amended 1949, 1984; 393.220, RSMo 1939, amended 1967, 1980; 393.240, RSMo 1939, amended 1967; 393.290, RSMo 1939, amended 1967; 394.160, RSMo 1939, amended 1979.*

***State ex rel. Southwestern Bell Telephone Co. v. PSC**, 592 SW2d 184 (Mo. App. 1979). A declaratory judgment action under section 536.050, RSMo is not available to challenge*

the validity of a rule of the Public Service Commission, since a specific, exclusive statutory scheme for review of commission actions is contained in section 386.510, RSMo.

***Jefferson Lines, Inc. v. Missouri Public Service Commission**, 581 SW2d 124 (Mo. App. 1979). In 4 CSR 240-2.180 the commission provided by rule a method for attack on any of its own rules. A record could be made and if the commission ruled adversely to the petition, an appeal would lie under section 386.510, RSMo. Also, under section 536.031.5, RSMo this court takes judicial notice of the rules printed in the **Code of State Regulations**.*

20 CSR 4240-2.205 Variance or Waiver

PURPOSE: This rule consolidates variance and waiver into one (1) rule.

The commission may grant variance from or waive any rule or provision of a rule promulgated by the commission upon a finding of good cause.

AUTHORITY: section 386.410, RSMo 2016. This rule originally filed as 4 CSR 240-2.205. Original rule filed Nov. 7, 2018, effective July 30, 2019. Moved to 20 CSR 4240-2.205, effective Aug. 28, 2019.*

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

Missouri Public Service Commission

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JOHN P. MITCHELL
Commissioner

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Commissioner

Information Sheet Regarding Mediation of Commission Formal Complaint Cases

Mediation is a process where the parties work together to try to resolve their dispute with the aid of a neutral party, the mediator. The mediator's role is help the parties talk to each other. The mediator may offer suggested solutions, but the mediator has no authority to tell the parties what they must do or to determine who "wins." Instead, the mediator simply works with both parties to help them reach an agreement.

Typically, at a mediation session the parties meet for an off-the-record discussion. The mediation session is not a formal proceeding like a hearing and no attorney is required to participate. The Regulatory Law Judges at the Public Service Commission are trained mediators and this service is offered to parties who have formal complaints pending before the Public Service Commission at no charge. If mediation is agreed to by the parties, the Commission will send notice of who the mediator will be and that person will set up the first meeting.

There cannot be a mediation unless both parties to the complaint agree to try in good faith to resolve the dispute. If both parties agree to mediate the complaint, the only information about the mediation that will be disclosed to the Commission is (a) whether the case has been settled and (b) whether the mediation effort was considered to be helpful. The Commission will not ask what was discussed during the mediation.

If the dispute is settled at the mediation, the Commission will require a signed release from the party filing the complaint before the formal complaint case can be dismissed. If the dispute is not resolved through the mediation process, neither party will be penalized for having taken part in the mediation and the formal complaint case will simply pick up where it left off.

Nancy Dippell
Nancy Dippell
Secretary

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

Pursuant to 386.290, RSMo., I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 4th day of September, 2026.

Nancy Dippell
Secretary

MOPSC Digitally signed by MOPSC Date: 2026.09.04 10:08:52 -05'00'

MISSOURI PUBLIC SERVICE COMMISSION

September 4, 2026

Case No: EC-2027-0068

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s). [1]

Sincerely,

Nancy Dippell
Secretary

[1] Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.