

FILE

MEMORANDUM

FEB 20 2008

TO: Colleen M. Dale, Secretary

Missouri Pu  
Service Comm.

DATE: February 14, 2008

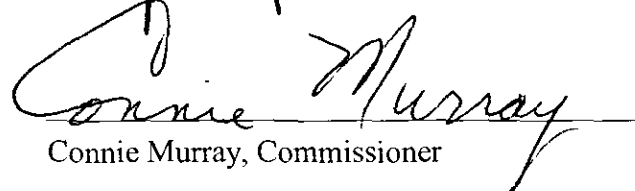
RE: Authorization to File Final Order of Rulemaking with the Office of Secretary of State

CASE NO: EX-2008-0231

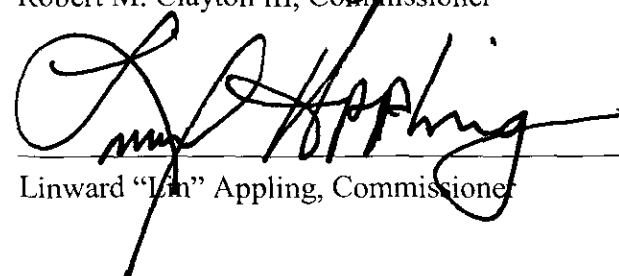
The undersigned Commissioners hereby authorize the Secretary of the Missouri Public Service Commission to file the following Final Order of Rulemaking with the Office of the Secretary of State, to wit:

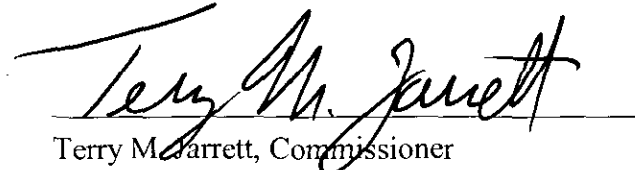
Adoption of 4 CSR 240-23.020 - Electrical Corporation Infrastructure Standards

  
Jeff Davis, Chairman

  
Connie Murray, Commissioner

  
Robert M. Clayton III, Commissioner

  
Linward "Lin" Appling, Commissioner

  
Terry M. Jarrett, Commissioner

NO - (Dissent)

# Robin Carnahan

Secretary of State  
Administrative Rules Division

## RULE TRANSMITTAL

Administrative Rules Stamp

Rule Number 4 CSR 240 - 23.020

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

Name of person to call with questions about this rule:

Content Cully Dale Phone 573-751-4255 FAX

Email address cully.dale@psc.mo.gov

Data Entry same Phone  FAX

Email address

Interagency mailing address

### TYPE OF RULEMAKING ACTION TO BE TAKEN

☐ Emergency rulemaking, include effective date

☐ Proposed Rulemaking

☐ Withdrawal ☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration

☒ Order of Rulemaking

Effective Date for the Order

☒ Statutory 30 days OR Specific date

Does the Order of Rulemaking contain changes to the rule text? ☐ NO

☒ YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

(3)(B)

Small Business Regulatory  
Fairness Board (DED) Stamp

JCAR Stamp

JOINT COMMITTEE ON

FEB 19 2008

ADMINISTRATIVE RULES



**Commissioners**

**JEFF DAVIS**  
Chairman

**CONNIE MURRAY**

**TERRY JARRETT**

**ROBERT M. CLAYTON III**

**LINWARD "LIN" APPLING**

***Missouri Public Service Commission***

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Executive Director

**DANA K. JOYCE**  
Director, Administration

**ROBERT SCHALLENBERG**  
Director, Utility Services

**NATELLE DIETRICH**  
Director, Utility Operations

**COLLEEN M. DALE**  
Secretary/Chief Regulatory Law Judge

**KEVIN A. THOMPSON**  
General Counsel

March 21, 2008

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

Dear Secretary Carnahan:

**Re: 4 CSR 240-23.020 Electrical Corporation Vegetation Management Standards**

**CERTIFICATION OF ADMINISTRATIVE RULE**

I do hereby certify that the attached is an accurate and complete copy of the order of rulemaking lawfully submitted by the Missouri Public Service Commission for filing on this 21<sup>st</sup> day of March, 2008.

Statutory Authority: Sections 386.040, 386.250, 386.310, and 393.140 RSMo 2000, and 393.130 RSMo Supp. 2007.

If there are any questions regarding the content of this order of rulemaking, please contact:

Colleen M. Dale, Secretary  
Missouri Public Service Commission  
200 Madison Street, P.O. Box 360  
Jefferson City, MO 65102  
(573) 751-4255  
[cully.dale@psc.mo.gov](mailto:cully.dale@psc.mo.gov)

BY THE COMMISSION

Colleen M. Dale  
Secretary  
Missouri Public Service Commission

**Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 240 – Public Service Commission**  
**Chapter 23 – Electric Utility Operational Standards**

**ORDER OF RULEMAKING**

By the authority vested in the Public Service Commission under sections 86.250, 386.040, 386.250, 386.310 and 393.140, RSMo 2000 and 393.130, RSMo Supp. 2006, the commission adopts a rule as follows:

**4 CSR 240-23.020 is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 2, 2008 (33 MoReg 8). Relevant portions of those sections with changes are reprinted here. This proposed rule will become effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on the proposed amendments was held February 4, 2008, and the public comment period ended February 4, 2008. Five written comments were received, from Union Electric Company d/b/a Ameren UE, Aquila, Inc., The Empire District Electric Company, Kansas City Power & Light and the Missouri Energy Development Association (of which all four companies commenting are members). Kansas City Power & Light and the Public Counsel made verbal comments. The only person testifying at the hearing was Dan Beck, on behalf of the staff of the Missouri Public Service Commission. The testimony and comments verified the need for the proposed rule and generally supported it. Therefore, no substantive changes will be made to the proposed rule.

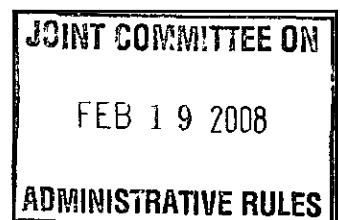
COMMENT: The Staff noted that the rule uses the phrase “electrical corporation” as does the statute governing this matter. In subsection (3)(C), “electric corporation” should be changed to “electrical corporation.”

RESPONSE AND EXPLANATION OF CHANGE: The requested change is appropriate and will be made.

**Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 240 – Public Service Commission**  
**Chapter 23 – Electric Utility Operational Standards**

**PROPOSED RULE**

**4 CSR 240-23.020 Electrical Corporation Infrastructure Standards.**



(3)(B) Each electrical corporation subject to this rule shall file at the commission by no later than July 1, 2008, compliance plans for the inspections and record keeping required by this rule, with verification by affidavit of an officer who has knowledge of the matters stated therein. These compliance plans shall include the proposed forms and formats for annual reports and source records, as well as the electrical corporation's plans for the types of inspections and equipment to be inspected during July 1 through December 31, 2008 and the coming calendar year. The electrical corporation's compliance plans shall include a projected schedule for completing a full cycle for each infrastructure classification shown in the attached table titled "Electrical Corporation System Inspection Cycles (Maximum Intervals in Years)." The commission may prescribe changes to an individual electrical corporation's obligations relating to reporting and record keeping formats and forms when and as necessary. None of these changes may conflict with the requirements of this rule unless specifically approved by the commission through a variance.