

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

In the Matter of the Revision of the )  
Commission's Rules Regarding Electric )  
Utilities )

**File No. EX-2018-0389**

**STAFF'S MEMORANDUM**

**COMES NOW** the Staff of the Missouri Public Service Commission ("Staff"), by and through the undersigned counsel, and respectfully files the attached *Memorandum* pursuant to General Procedure 1, stating Staff's finding that the actual cost of implementing the rules within this docket to public and private entities has not exceeded the estimates by more than 10 percent or, where appropriate, has not exceeded five hundred dollars.

**WHEREFORE**, Staff files this *Memorandum* for the Commission's information and consideration.

Respectfully Submitted,

**/s/ Travis J. Pringle**

Travis J. Pringle  
Associate Counsel  
Missouri Bar No. 71128  
Attorney for the Staff of the  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102  
573-751-4140 (Voice)  
573-751-9285 (Fax)  
[travis.pringle@psc.mo.gov](mailto:travis.pringle@psc.mo.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand delivered, transmitted by facsimile or electronically mailed to all parties and/or counsel of record on this 30<sup>th</sup> day of August, 2021.

**/s/ Travis J. Pringle**

## **MEMORANDUM**

**TO:** Missouri Public Service Commission Official Case File No. EX-2018-0389

**FROM:** Claire M. Eubanks, P.E. and Robin Kliethermes, on Behalf of Commission Staff

**SUBJECT:** Staff's Review of Commission Rules 20 CSR 4240-20.070 and 20 CSR 4240-10.105, Case No. EX-2018-0389, as required by Section 536.200, RSMo and the Commission's General Procedure GP-1

**DATE:** August 30, 2021

On November 7, 2018, the Missouri Public Service Commission (Commission) issued its Finding of Necessity and Directing that Proposed Rule, Rescissions, and Amendment Be Filed for Publication. The Commission proposed to amend Rule 4 CSR 240- 20.070 and rescind rule 4 CSR 240-3.185 to correct a reference and consolidate reporting requirements. Additionally, the Commission proposed to rescind 4 CSR 240-3.145 and proposed a new rule 4 CSR 240-20.105 to update language and streamline provisions previously in the rescinded rule.

Amended Rule 4 CSR 240- 20.070 and Original Rule 4 CSR 240-20.105 were filed on November 7, 2018 and a notice of proposed rulemaking was published in the Missouri Register on December 17, 2018 (43 MoReg 3766--3767). The public comment period ended on January 18, 2019 and the Commission held a public hearing on January 29, 2019. The rule became effective July 30, 2019.<sup>1</sup>

The Commission Staff has investigated the cost of implementing the rule through this case, and reports that it has not discovered any information that would show that the cost estimates for this rule as published in the *Missouri Register* were inaccurate.

Additionally, on May 26, 2021, Staff filed a Motion to Invite Comments Regarding Costs of Compliance, and reports that it has not received any information from any party potentially or actually affected by the implementation of the subject rules.

The Commission's General Procedure GP-1 ("GP-1") requires that, within 30 days before the end of the first full fiscal year after the implementation of a rule, amendment or rescission, the Staff is to investigate whether the cost to all affected entities, including the Commission, has exceeded by ten percent or more the estimated cost in the fiscal note, or, where appropriate, has exceeded five hundred dollars.

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<sup>1</sup> Effective August 28, 2019, all of the Commission's regulations were transferred from the Department of Economic Development's (DED) Title 4 to the Department of Commerce and Insurance's (DCI) (formerly Department of Insurance, Financial Institutions and Professional Registration) Title 20. The amended rules can now be found at 20 CSR 4240-20.070 and 20.105.

GP-1 also requires Staff to prepare a memorandum showing the results of its investigation within thirty (30) days after the end of the first full fiscal year of the implementation of the subject rule, amendment or rescission. If the Staff investigation shows that the costs have not exceeded ten percent for all entities or, where appropriate, the estimated five hundred dollars, Staff's Memorandum shall be entered into EFIS under the rulemaking's docket number.

Staff's response regarding the accuracy of the published cost estimates is within the time frame specified by Section 536.200, RSMo 2019. This statute requires publication in the *Missouri Register* of a report of costs exceeding ten percent for all entities or cost over five hundred dollars, where appropriate, within 90 days after the close of the "first full fiscal year" after the implementation of the subject rule, amendment or rescission. The rule that was the subject of this case became effective on July 30, 2019. The first full fiscal year after implementation of the rule thus ended on June 30, 2021. Accordingly, September 28, 2021, would represent the 90-day expiration period for the publication of a report regarding excess cost information in the *Missouri Register*. Since the Staff's investigation indicates that the published cost estimates related to the changes in the rule have not been exceeded, no *Missouri Register* publication is required under Section 536.200, RSMo 2019.

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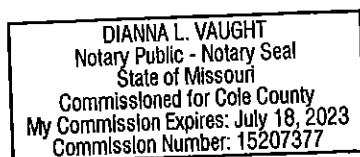
[illegible]

Further the Affiant sayeth not.

Claire M Eubanks  
Claire M. Eubanks, PE

Subscribed and sworn before me, a duly constituted and authorized Notary Public, in and for the County of Cole, State of Missouri, at my office in Jefferson City, on this 27th day of August, 2021.

Dianne L. Vaughn  
NOTARY PUBLIC



**DIANNA L. VAUGHT**  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for Cole County  
My Commission Expires: July 18, 2023  
Commission Number: 15207377