

John R. Ashcroft

Secretary of State
Administrative Rules Division

RULE TRANSMITTAL

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SEP 12 2018

SECRETARY OF STATE
ADMINISTRATIVE RULES

COPY

Rule Number 4 CSR 240-3.105

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

Name of person to call with questions about this rule:

Content Morris Woodruff Phone 573-751-2849 FAX 573-526-6010

Email address morris.woodruff@psc.mo.gov

Data Entry Christine Koenigsfeld Phone 573-751-4256 FAX 573-526-6010

Email address Christine.Koenigsfeld@psc.mo.gov

Interagency mailing address Public Service Commission, 9th Floor Gov. Office Bldg, JC, Mo
TYPE OF RULEMAKING ACTION TO BE TAKEN

☐ Emergency Rulemaking ☐ Rule ☐ Amendment ☐ Rescission ☐ Termination

Effective Date for the Emergency _____

☐ Proposed Rulemaking ☐ Rule ☐ Amendment ☐ Rescission

☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration

☐ Request for Non-Substantive Change

☐ Statement of Actual Cost

☒ Order of Rulemaking ☐ Withdrawal ☐ Adopt ☐ Amendment ☒ Rescission

Effective Date for the Order _____

☐ Statutory 30 days OR Specific date _____

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

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

Small Business Regulatory
Fairness Board (DED) Stamp

JCAR Stamp

JOINT COMMITTEE ON

AUG 08 2018

ADMINISTRATIVE RULES

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



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

Michael L. Parson

GOVERNOR
STATE OF MISSOURI

July 30, 2018

Mr. Daniel Hall
Public Service Commission
200 Madison Street
PO Box 360
Jefferson City, MO 65102

RE: *Final Orders of Rulemaking*

Dear Daniel:

This office has received your Final Order of Rulemaking to rescind 4 CSR 240-3.105 Filing Requirements for Electric Utility Applications for Certificates of Convenience and Necessity. We understand this has been proposed to cut red tape in Missouri.

Executive Order 17-03 requires this office's approval before state agencies release proposed regulations for notice and comment, amend existing regulations, rescind regulations, or adopt new regulations. After our review of this rulemaking, we approve the rule's submission to the Joint Committee on Administrative Rules and the Secretary of State.

Sincerely,

A handwritten signature in black ink, appearing to read "Jessie Eiler". The signature is fluid and cursive, with a large loop at the end.

Jessie Eiler
Deputy Counsel



Commissioners
DANIEL Y. HALL
Chairman
WILLIAM P. KENNEY
SCOTT T. RUPP
MAIDA J. COLEMAN
RYAN A. SILVEY

Missouri Public Service Commission

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

SHELLEY BRUEGGEMANN
General Counsel
MORRIS WOODRUFF
Secretary
LOYD WILSON
Director of Administration
NATELLE DIETRICH
Staff Director

John Ashcroft
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, Missouri 65101

Re: 4 CSR 240-3.105 Filing Requirements for Electric Utility Applications for Certificates of Convenience and Necessity

Dear Secretary Ashcroft,

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.

Statutory Authority: section 386.250, RSMo 2016.

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

Morris L. Woodruff, Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, MO 65102
(573) 751-2849
Morris.woodruff@psc.mo.gov

Morris L. Woodruff
Chief Regulatory Law Judge

Enclosures

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**Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240 – Public Service Commission
Chapter 3 – Filing and Reporting Requirements**

SECRETARY OF STATE
ADMINISTRATIVE RULES

ORDER OF RULEMAKING

COPY

By the authority vested in the Public Service Commission under section 386.250, RSMo 2016, the commission rescinds a rule as follows:

**4 CSR 240-3.105 Filing Requirements for Electric Utility Applications for
Certificates of Convenience and Necessity is rescinded.**

A notice of proposed rulemaking containing the proposed rule rescission was published in the *Missouri Register* on May 15, 2018 (43 MoReg 979). No changes have been made in the proposed rescission so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the Code of State Regulations.

SUMMARY OF COMMENTS: The public comment period ended June 14, 2018, and the commission held a public hearing on the proposed rule on June 19, 2018. The commission received timely written comments from the staff of the commission; the Office of the Public Counsel; Dogwood Energy, LLC; Union Electric Company, d/b/a Ameren Missouri; Ameren Transmission Company of Illinois (ATXI); Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company (KCP&L/GMO); The Empire District Electric Company; the Missouri Division of Energy; and Wind on the Wires. Kevin Thompson, representing the commission's staff, and Natelle Dietrich, on behalf of staff; Hampton Williams, Public Counsel; James Fischer, representing KCP&L/GMO; Paul Boudreau, representing Empire; Marc Poston, representing the Division of Energy; Sean Brady, representing Wind on the Wires; James Lowery, representing Ameren Missouri and ATXI, and Thomas Byrne on behalf of Ameren Missouri, appeared at the hearing and offered comments.

The commission has proposed to rescind this Chapter 3 rule, revise its contents, and promulgate a new rule in Chapter 20. Most of the comments address the provisions of the new Chapter 20 rule and will be addressed in the final order of rulemaking for that rule. Only those comments regarding the rescission of the Chapter 3 rule will be addressed in this order of rulemaking.

COMMENT #1: Staff explained that the rescission of this Chapter 3 rule and the promulgation of a new Chapter 20 rule is designed to simplify the commission's rules by combining most, if not all, electric-only rules into a single electric utility chapter.

JOINT COMMITTEE ON

AUG 08 2018

ADMINISTRATIVE RULES

RESPONSE: The commission thanks staff for its explanation.

COMMENT #2: Public Counsel's written comment points out that the rescission of the Chapter 3 rule and its re-promulgation as a Chapter 20 rule is contrary to the commission's stated intent when it created Chapter 3 in 2002 to gather all procedural requirements for all utilities into a single chapter of its rules.

RESPONSE: The commission has changed its view on the collection of all procedural requirements for all utilities into a single chapter of its rules. The commission's experience since 2002 has shown that collecting all procedural requirements into a single chapter has created more confusion than it relieved as stakeholders must consult two, or more, distinct chapters of the rules to be sure they have found all relevant rule requirements. The Commission will continue to move those Chapter 3 procedural rules that affect a single utility classification into the rules that apply to that utility classification as it is appropriate to do so.