

**Jason Kander**

Secretary of State  
Administrative Rules Division

**RULE TRANSMITTAL**

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NOV 28 2016

SECRETARY OF STATE  
ADMINISTRATIVE RULES

**COPY**

Rule Number 4 CSR 240-4.015

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 Chris Koenigsfeld Phone 573-751-4256 FAX 573-526-6010

Email address christine.koenigsfeld@psc.mo.gov

Interagency mailing address Public Service Commission, 9th Fl., Gov. Ofc. Bldg., JC, MO

**TYPE OF RULEMAKING ACTION TO BE TAKEN**

- ☐ Emergency rulemaking, include effective date  
☒ Proposed Rulemaking  
☐ Withdrawal ☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration  
☐ Request for Non-Substantive Change  
☐ Statement of Actual Cost  
☐ 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:

Small Business Regulatory  
Fairness Board (DED) Stamp

SMALL BUSINESS  
REGULATORY FAIRNESS BOARD

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JOINT COMMITTEE ON

NOV 28 2016

ADMINISTRATIVE RULES



Commissioners  
DANIEL Y. HALL  
Chairman  
STEPHEN M. STOLL  
WILLIAM P. KENNEY  
SCOTT T. RUPP  
MAIDA J. COLEMAN

## *Missouri Public Service Commission*

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

SHELLEY BRUEGGEMANN  
General Counsel  
MORRIS WOODRUFF  
Secretary  
WESS A. HENDERSON  
Director of Administration  
NATELLE DIETRICH  
Staff Director

November 28, 2016

Jason Kander  
Secretary of State  
Administrative Rules Division  
600 West Main Street  
Jefferson City, Missouri 65101

Re: 4 CSR 240-4.015 General Definitions

Dear Secretary Kander,

### CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rule lawfully submitted by the Missouri Public Service Commission.

The Public Service Commission has determined and hereby certifies that this proposed rule will not have an economic impact on small businesses. The Public Service Commission further certifies that it has conducted an analysis of whether there has been a taking of real property pursuant to section 536.017, RSMo 2000, that the proposed rule does not constitute a taking of real property under relevant state and federal law, and that the proposed rule conforms to the requirements of 1.310, RSMo, regarding user fees.


The Public Service Commission has determined and hereby also certifies that this proposed rule complies with the small business requirements of 1.310, RSMo, in that it does not have an adverse impact on small businesses consisting of fewer than fifty full or part-time employees or it is necessary to protect the life, health, or safety of the public, or that this rulemaking complies with 1.310, RSMo, by exempting any small business consisting of fewer than fifty full or part-time employees from its coverage, by implementing a federal mandate, or by implementing a federal program administered by the state or an act of the general assembly.

Mr. Jason Kander  
November 28, 2016  
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Statutory Authority: section 386.410, RSMo 2000.

If there are any questions regarding the content of this proposed rule, please contact:

Michael Bushmann, Senior Regulatory Law Judge  
Missouri Public Service Commission  
200 Madison Street  
P.O. Box 360  
Jefferson City, MO 65102  
(573) 751-4393  
[Michael.Bushmann@psc.mo.gov](mailto:Michael.Bushmann@psc.mo.gov)

A handwritten signature in cursive script, reading "Morris L. Woodruff".

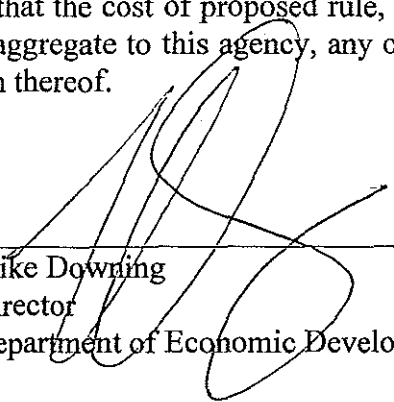
Morris L. Woodruff  
Chief Regulatory Law Judge

Enclosures

**AFFIDAVIT  
PUBLIC COST**

STATE OF MISSOURI )  
                                  )  
COUNTY OF COLE     )

I, Mike Downing, Director of the Department of Economic Development, first being duly sworn, on my oath, state that it is my opinion that the cost of proposed rule, 4 CSR 240-4.015, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

  
\_\_\_\_\_  
Mike Downing  
Director  
Department of Economic Development

Subscribed and sworn to before me this 8<sup>th</sup> day of Nov, 2016, I am commissioned as a notary public within the County of cole, State of Missouri, and my commission expires on Dec. 13, 2019.



DAWN ELLEN OVERBEY  
My Commission Expires  
December 13, 2019  
Moniteau County  
Commission #15456865

  
\_\_\_\_\_  
Notary Public

Title 4—DEPARTMENT OF  
ECONOMIC DEVELOPMENT  
Division 240—Public Service  
Commission  
Chapter 4—Standards of Conduct

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**PROPOSED RULE**

**4 CSR 240-4.015 General Definitions**

**COPY**

*PURPOSE: This rule sets forth the definitions of certain terms used in rules 4 CSR 240-4.017 through 4 CSR 240-4.050.*

- (1) Contested case – Shall have the same meaning as in section 536.010(4).
- (2) Commission – Means the Missouri Public Service Commission as created by Chapter 386.
- (3) Commissioner – Means one (1) of the members of the Missouri Public Service Commission.
- (4) Discussed case – A contested or noticed contested case that includes or will likely include, substantive issues that are the subject of an ex parte or extra-record communication regulated under this rule.
- (5) Ex parte communication – Any communication outside of the case process between a member of the office of the commission and any party, or the agent or representative of a party, regarding any substantive issue in, or likely to be in, a contested or noticed contested case. Ex parte communications shall not include a communication regarding general regulatory policy allowed under section 386.210.4, communications listed in 4 CSR 240-4.040, communications made thirty (30) days after the commission issues a final determination in a case, or communications that are de minimis or immaterial.
- (6) Extra-record communication – Any communication outside of the case process between a member of the office of the commission and any person not a party to a contested or noticed contested case regarding any substantive issue in or likely to be in that contested or noticed contested case. Extra-record communications shall not include communications regarding general regulatory policy allowed under section 386.210.4, communications with members of the general assembly or other government official allowed under section 386.210.5, communications listed in 4 CSR 240-4.040, communications made thirty (30) days after the commission issues a final determination in a case, communications between the office of the commission and the commission's non-party employees, or communications that are de minimis or immaterial.
- (7) Final determination – A decision of the commission that resolves a contested case, including all applications for rehearing and reconsideration.
- (8) Noticed contested case – Any case for which a notice of contested case has been filed in compliance with 4 CSR 240-4.017.

**JOINT COMMITTEE ON**  
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(9) Office of the commission – Commissioners, a commissioner, a member of the commission’s advisory staff, or the commission’s regulatory law judges.

(10) Party – Any applicant, complainant, petitioner, respondent, intervenor, or person with an application to intervene pending in a contested or noticed contested case before the commission. Commission staff and the public counsel are also parties unless they file a notice of their intention not to participate in the relevant proceeding within the period of time established for interventions by commission rule or order.

(11) Person – Any individual, partnership, company, corporation, cooperative, association, political subdivision, or any other entity or body.

(12) Public counsel – Shall have the same meaning as in section 386.700.

(13) Substantive issue – Facts, evidence, claims, or positions specific to a contested or noticed contested case that have been or are likely to be presented or taken in that case. The term substantive issue does not include procedural issues, unless those procedural issues are contested or likely to materially impact the outcome of a contested case.

*AUTHORITY: section 386.410, RSMo 2000. Original rule filed November 28, 2016.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before February 2, 2017, and should include reference to Commission Case No. AX-2017-0128. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rule is scheduled for February 16, 2017, at 1:00 p.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

## Small Business Regulator Fairness Board Small Business Impact Statement

Date: 10/27/2016

Rule Number: 4 CSR 240-4.015

Name of Agency Preparing Statement: Public Service Commission

Name of Person Preparing Statement: Michael Bushmann, Reg. Law Judge

Phone Number: 751-4393 Email: Michael.Bushmann@psc.mo.gov

Name of Person Approving Statement: Morris Woodruff, Secretary

**Please describe the methods your agency considered or used to reduce the impact on small businesses** *(examples: consolidation, simplification, differing compliance, differing reporting requirements, less stringent deadlines, performance rather than design standards, exemption, or any other mitigating technique).*

None. There is little impact on small businesses other than a requirement to comply with this ethics rule.

**Please explain how your agency has involved small businesses in the development of the proposed rule.**

Involvement of small businesses or entities regulated by the Commission was not necessary for the development of this proposed rule.

**Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the moneys will be used.**

None.

**Please describe small businesses that will be required to comply with the proposed rule and how they may be adversely affected.**

Small businesses such as water and sewer companies, manufactured housing dealers and installers, and law firms will have to comply with this ethics rule. No adverse effect is anticipated.

**Please list direct and indirect costs (in dollars amounts) associated with compliance.**

None.

**Please list types of business that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.**

Small businesses such as water and sewer companies, manufactured housing dealers and installers, and law firms will have to comply with this ethics rule. No monetary cost or benefit is anticipated by the rule.

**Does the proposed rule include provisions that are more stringent than those mandated by comparable or related federal, state, or county standards?**

Yes \_\_\_ No XX

**If yes, please explain the reason for imposing a more stringent standard.**

*For further guidance in the completion of this statement, please see §536.300, RSMo.*