

**John R. Ashcroft**

**Secretary of State  
Administrative Rules Division**

**RULE TRANSMITTAL**

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JUN 14 2018

SECRETARY OF STATE  
ADMINISTRATIVE RULES

Rule Number 4 CSR 240-3.225

**COPY**

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

Name of person to call with questions about this rule:

Content Ron Pridgin Phone 573-751-7497 FAX 573-526-6010

Email address ron.pridgin@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, 9<sup>th</sup> 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

JUN 14 2018

ADMINISTRATIVE RULES



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

June 14, 2018

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

Re: 4 CSR 240-3.225 Filing Requirements for Gas Utility Applications for Authority to Acquire the Stock of a Public Utility

Dear Secretary Ashcroft,

### CERTIFICATION OF ADMINISTRATIVE RULE

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

The Public Service Commission has determined and hereby certifies that this proposed rescission 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, that the proposed rescission does not constitute a taking of real property under relevant state and federal law, and that the proposed rescission conforms to the requirements of 1.310, RSMo, regarding user fees.

The Public Service Commission has determined and hereby also certifies that this proposed rescission 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.

Statutory Authority: section 386.250, RSMo 2000.

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

Morris 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

A handwritten signature in black ink, appearing to read "Morris L. Woodruff". The signature is written in a cursive style with a large, stylized initial "M".

Morris L. Woodruff  
Chief Regulatory Law Judge

Enclosures



GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

ERIC R. GREITENS  
GOVERNOR

P.O. Box 720  
(573) 751-3222

April 12, 2018

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

Dear Chairman Hall:

This office has received your Order of Rulemaking of the regulations listed below. We understand these rescissions have been proposed to cut red tape in Missouri.

- 4 CSR 240-3.640 - Annual Report Submission Requirements for Water Utilities
- 4 CSR 240-3.620 – Filing Requirements for Water Utility Applications for Authority to Acquire the Stock of a Public Utility
- 4 CSR 240-3.615 – Filing Requirements for Water Utility Applications for Authority to Issue Stock, Bonds, Notes and Other Evidences of Indebtedness
- 4 CSR 240-3.610 – Filing Requirements for Water Utility Applications for Authority to Merge or Consolidate
- 4 CSR 240-3.605 – Filing Requirements for Water Utility Applications for Authority to Sell, Assign, Lease or Transfer Assets
- 4 CSR 240-3.435 – Annual Report Submission Requirements for Steam Heating Utilities
- 4 CSR 240-3.420 – Filing Requirements for Steam Heating Utility Applications for Authority to Acquire the Stock of a Public Utility
- 4 CSR 240-3.415 – Filing Requirements for Steam Heating Utility Applications for Authority to Issue Stock, Bonds, Notes and Other Evidences of Indebtedness
- 4 CSR 240-3.410 – Filing Requirements for Steam Heating Utility Applications for Authority to Merge or Consolidate
- 4 CSR 240-3.405 – Filing Requirements for Steam Heating Utility Applications for Authority to Sell, Assign, Lease or Transfer Assets
- 4 CSR 240-3.335 – Annual Report Submission Requirements for Sewer Utilities
- 4 CSR 240-3.325 – Filing Requirements for Sewer Utility Applications for Authority to Acquire the Stock of a Public Utility
- 4 CSR 240-3.320 – Filing Requirements for Sewer Utility Applications for Authority to Issue Stock, Bonds, Notes or Other Evidences of Indebtedness

- 4 CSR 240-3.315 – Filing Requirements for Sewer Utility Applications for Authority to Merge or Consolidate
- 4 CSR 240-3.310 – Filing Requirements for Sewer Utility Applications for Authority to Sell, Assign, Lease or Transfer Assets
- 4 CSR 240-3.245 – Annual Report Submission Requirements for Gas Utilities
- 4 CSR 240-3.225 – Filing Requirements for Gas Utility Applications for Authority to Acquire the Stock of a Public Utility
- 4 CSR 240-3.220 – Filing Requirements for Gas Utility Applications for Authority to Issue Stock, Bonds, Notes or Other Evidences of Indebtedness
- 4 CSR 240-3.215 – Filing Requirements for Gas Utility Applications for Authority to Merge or Consolidate
- 4 CSR 240-3.210 – Filing Requirements for Gas Utility Applications for Authority to Sell, Assign, Lease or Transfer Assets
- 4 CSR 240-3.165 – Annual Report Submission Requirements for Electric Utilities
- 4 CSR 240-3.125 – Filing Requirements for Electric Utility Applications for Authority to Acquire the Stock of a Public Utility
- 4 CSR 240-3.120 – Filing Requirements for Electric Utility Applications for Authority to Issue Stock, Bonds, Notes or Other Evidences of Indebtedness
- 4 CSR 240-3.115 – Filing Requirements for Electric Utility Applications for Authority to Merger or Consolidate
- 4 CSR 240-3.110 – Filing Requirements for Electric Utility Applications for Authority to Sell, Assign, Lease or Transfer Assets

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, we approve the submission of these rule rescission to JCAR and the Secretary of State.

Sincerely,

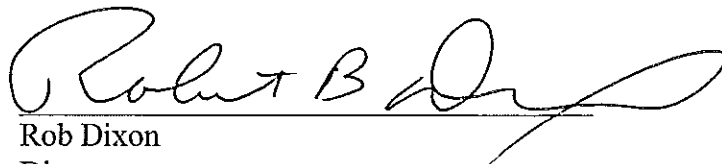


Justin D. Smith  
Deputy Counsel

**AFFIDAVIT  
PUBLIC COST**

**STATE OF MISSOURI )  
  )  
COUNTY OF COLE     )**

I, Rob Dixon, 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 rescission of rule, 4 CSR 240-3.225, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

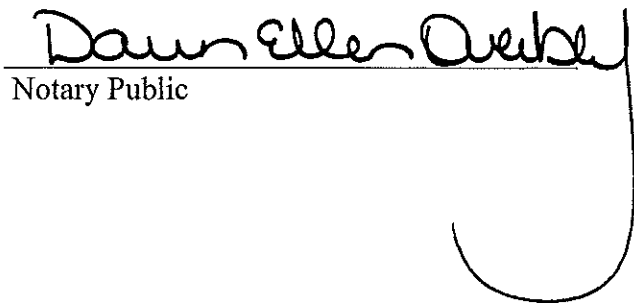


Rob Dixon  
Director  
Department of Economic Development

Subscribed and sworn to before me this 4<sup>th</sup> day of May, 2018 I am commissioned as a notary public within the County of Moniteau, State of Missouri, and my commission expires on Dec. 13, 2019



DAWN ELLEN OVERBEY  
My Commission Expires  
December 13, 2019  
Moniteau County  
Commission #15468805



Notary Public

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

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**PROPOSED RESCISSION**

**COPY**

**4 CSR 240-3.225 Filing Requirements for Gas Utility Applications for Authority to Acquire the Stock of a Public Utility**

*PURPOSE: This rule is being rescinded in its entirety and a new rule will be promulgated with streamlined requirements previously contained in 4 CSR 240-3.225.*

*AUTHORITY: section 386.250, RSMo 2000. \* Original rule filed Aug. 16, 2002, effective April 30, 2003.*

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

*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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, P.O. Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before August 15, 2018, and should include a reference to Commission Case No. AX-2018-0257. 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 is scheduled for Wednesday, August 22, 2018 at 2:00 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.*

JOINT COMMITTEE ON  
JUN 14 2018  
ADMINISTRATIVE RULES

# Small Business Regulator Fairness Board Small Business Impact Statement

Date: March 13, 2018

Rule Number: 4 CSR 240-3.225

Name of Agency Preparing Statement: Missouri Public Service Commission

Name of Person Preparing Statement: Jamie Myers

Phone Number: 573-526-6036 Email: jamie.myers@psc.mo.gov

Name of Person Approving Statement: Natelle Dietrich

**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*).

Propose to rescind this rule for consolidation in 4 CSR 240-10

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

Rescinding this rule should not negatively impact any small business.

**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.**

N/A

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

N/A



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

N/A – Proposed rescission of 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\_X\_\_

**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.*