

(G) The reasons a change of electrical suppliers is in the public interest;

(H) If the current electrical supplier and the requested electrical supplier agree to the requested change, a verified statement for each supplier with the application, indicating agreement; and

(I) If the applicant is an electrical supplier, a list of the names and addresses of all customers whose electrical supplier is proposed to be changed.

RESPONSE AND EXPLANATION OF CHANGE: The Commission has considered all these comments. One change was made in response thereto.

COMMENT: One comment on Subsection (2) stated that the phrase, "Except when the Commission orders the filing of a tariff . . ." should be added at the beginning of that Subsection to make it clearer that it does not apply to compliance tariff filing.

RESPONSE AND EXPLANATION OF CHANGE: The Commission has considered this comment and has made a change in response thereto.

COMMENT: One comment on Subsection (2) opposed deleting the "good cause" part of the expedited portion of the former rule.

RESPONSE: The Commission has considered this comment and has made no change in response thereto.

COMMENT: One comment on Subsection (3) stated that the requirement of attaching a copy of the subject tariff could be burdensome and unnecessary.

RESPONSE: The Commission has considered this comment and has made no change in response thereto.

COMMENT: One comment on Subsection (5) stated that the rule should provide that the copy should be served upon the Office of the Public Counsel pursuant to Section 386.710.2 RSMo.

RESPONSE: The Commission has considered this comment and has made no change in response thereto.

4 CSR 240-2.065 Tariff Filings Which Create Cases

(1) A general rate increase request is one where the company or utility files for an overall increase in revenues through a company-wide increase in rates for the utility service it provides, but shall not include requests for changes in rates made pursuant to an adjustment clause or other similar provisions contained in a utility's tariffs. When a public utility submits a tariff which constitutes a general rate increase request, the commission shall establish a case file for the tariff. The tariff and all pleadings, orders, briefs, and correspondence regarding the tariff shall be filed in the case file established for the tariff. The tariff submitted shall be in compliance with the provisions of the rules relating to the separate utilities. A tariff filed which proposes a general rate increase request shall also comply with the minimum filing requirements of these rules for general rate increase requests. Any public utility which submits a general rate increase request shall simultaneously submit its direct testimony with the tariff.

(2) Except when the Commission orders the filing of a tariff, when a public utility submits a tariff for commission approval but requests the tariff become effective in fewer than thirty (30) days, the commission shall establish a case file for the tariff. In addition, the public utility shall file a Motion for Expedited Treatment and comply with the expedited treatment portion of these rules. The tariff and all pleadings, orders, briefs, and correspondence shall be filed in the case file established for the tariff.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 2—Practice and Procedure

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.410, RSMo Supp. 1999, the commission rescinds a rule as follows:

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 2—Practice and Procedure

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.410, RSMo Supp. 1999, the commission rescinds a rule as follows:

4 CSR 240-2.065 Tariff Filings Which Create Cases is rescinded.

A notice of the proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2324). No changes were made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: This rescission was proposed in conjunction with a replacement proposed rule. The comments received were directed to the proposed rule and are summarized there.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 2—Practice and Procedure

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.410, RSMo Supp. 1999, the commission adopts a rule as follows:

4 CSR 240-2.065 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2324-2325). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Written comments were received during the comment period.

COMMENT: There were several comments on Subsection (1). One comment stated that the proposed rule would add a burden to a company, i.e., making the same people who are involved in the preparation of the filing also responsible for the filing of the direct testimony. Other comments stated that the term "general rate increase" needs to be defined. Some comments stated that if the Commission wants an accelerated process in general rate increase cases that it should benefit all parties, e.g., by not suspending the tariffs for the full statutory period.