This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

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 2000, the commission adopts a rule as follows:

4 CSR 240-2.135 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 3, 2006 (31 MoReg 982–984). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Written comments were submitted and a public hearing was held on August 7, 2006.

COMMENT: AT&T Missouri suggests that the commission revise the definitions of the two (2) types of information defined as confidential in subsections (1)(A) and (1)(B) of the proposed rule to more closely mirror the definitions used in the standard protective order that the commission currently issues on a case-by-case basis.
RESPONSE AND EXPLANATION OF CHANGE: No other commenter opposed the proposed change and the changes, while minor, bring the rule more closely in line with aspects of the current order that are known and respected by the parties that appear before the commission. The suggested changes will be made.

COMMENT: AT&T Missouri suggests that subsection (2)(B) be revised. That subsection establishes the procedure to be followed when a party seeks discovery of information that the party possessing that information believes to be proprietary or highly confidential. The proposed rule requires the party seeking to designate information as proprietary or highly confidential to inform the discovering party, in writing, of the reason for making that designation. AT&T Missouri points out that such a written notification is not required by sections (10) and (11) when a party designates prefiled testimony as proprietary or highly confidential, and suggests that the procedure for discovery should be changed to match the procedure for filing testimony. The commission's staff expressed opposition to this suggestion.

AT&T Missouri also suggests that any motion challenging the designation of discovery information as highly confidential be served by electronic mail and that the party designating the information as proprietary or highly confidential be allowed ten (10) days to file a response.
RESPONSE: The commission has considered the comment but believes that a different procedure for designation of proprietary or highly confidential information is appropriate in discovery settings. The filing of testimony as proprietary or highly confidential takes place later in the hearing process, at a time when all the parties are more familiar with the information and can better judge whether the information should be protected from disclosure. In contrast, a discovery response claiming that information should be protected from disclosure will frequently concern information that is unfamiliar to the discovering party. As a result, the discovering party may not be able to determine whether that information should be protected unless the party asserting that it should be treated as proprietary or highly confidential gives a reason for that designation. The suggested change will not be adopted.

The second part of the comment, which would require electronic service of a motion and require a response within ten (10) days, will also be rejected. The commission's existing procedural rules already establish the permitted methods for service of pleadings and establish times for responding to those pleadings. There is no need to establish a separate procedure for those actions in this rule.

COMMENT: Laclede Gas Company suggested a revision to section (4). Laclede pointed out that under subsection (4)(B), a party disclosing highly confidential information may choose to make such information available only at its own premises. Subsection (4)(E), however, requires the disclosing party to serve the highly confidential information on the attorney for the requesting party. Laclede is concerned that these two (2) provisions may conflict and suggests that subsection (4)(E) be modified to make it clear that it is subject to the terms of subsection (4)(B). No commenter opposed Laclede's suggestion.
RESPONSE AND EXPLANATION OF CHANGE: Laclede's suggested revision may avoid a conflict in the interpretation of the rule. The suggested change will be made.

COMMENT: Laclede Gas Company also suggested a further revision to section (4). That section places limits on the disclosure of information that has been designated as highly confidential. In particular, it provides that highly confidential information may be disclosed only to the attorney for a party and to outside experts that have been retained for purposes of the case. Highly confidential information may not be disclosed to employees, officers, or directors of parties. A problem may arise when a party to a case before the commission is appearing *pro se*. If the party has no attorney and has not hired an expert, there is no one acting on his or her behalf to which highly confidential information can be disclosed. In particular,

Laclede is concerned about consumer complaints to the commission in which ratepayers frequently appear *pro se*. Customer specific information, such as names, addresses, Social Security numbers, and payment records, are generally designated as highly confidential so that they are not released to the general public. Laclede suggests that sections (3) and (4) be revised to make it clear that a customer's own specific information can be disclosed to the customer.

In response to Laclede's suggestion, the commission's staff went further and suggested that *pro se* litigants be allowed to see any proprietary or highly confidential information that would be available to any other party. AT&T Missouri and AmerenUE opposed staff's suggestion, arguing that disclosing proprietary or highly confidential information to a *pro se* litigant would increase the risk that the information would be improperly disclosed to competitors or the general public. AT&T Missouri and AmerenUE, however, supported Laclede's more limited suggestion.

RESPONSE: Laclede's suggested revision is helpful. Certainly, a *pro se* litigant should be able to see their own information. The disclosure of such information is the current practice at the commission but the rule should be changed to reflect that practice. The commission will not, however, make the change suggested by staff. A rule providing that *pro se* litigants are always entitled to view proprietary and highly confidential information would increase the risk that such information would be improperly disclosed, to the detriment of the utilities and their ratepayers. If a situation arises in a particular case that requires that a *pro se* litigant be allowed to view a utility's proprietary or highly confidential information, that situation can best be addressed in that particular case, rather than through a general rule.

COMMENT: Public counsel suggests that a provision be added to section (9) to emphasize that consultant and other reports that contain both publicly available information and confidential analysis of that information should not be designated as confidential in their entirety but rather confidential designation should be limited to those portions that are truly confidential. AT&T Missouri and AmerenUE opposed that rule as being unnecessary and contrary to recent decisions by the commission.

RESPONSE: The commission has recently decided in a specific case that confidential consultant reports may be designated as confidential in their entirety. But that was a specific ruling in a specific case. The commission intends to retain the flexibility to decide that issue in the particular circumstances of future cases where it may arise. There is no need to place any such restriction in this rule.

COMMENT: AmerenUE suggests that section (10) be modified to incorporate recent changes to the standard protective order that allow for the use of redaction software in preparing highly confidential and proprietary testimony.

RESPONSE: The proposed rule already incorporates the changes needed to accommodate the use of redaction software. No further modifications are required.

COMMENT: Public counsel suggests that a provision be added to section (12) regarding the duplication of voluminous materials. The proposed rule provides that if a party attempts to discover material that would be unduly burdensome to copy, the furnishing party may require that the voluminous material be reviewed at its premises, or elsewhere in Missouri, rather than be copied and delivered to the requesting party. Public counsel suggests that the rule specifically state that material that is available in electronic form can never be considered as voluminous material. The commission's staff supported public counsel's proposal. AT&T Missouri and AmerenUE contend that no such provision is needed, but do not oppose public counsel's proposal so long as it would not be construed to require non-electronic material to be converted into an electronic form.

RESPONSE: The commission agrees with public counsel's contention that it should never be unduly burdensome to copy and produce materials that are available in an electronic form. However, public counsel's contention seems so self-evident that there is no need to add a provision to the rule to state that fact. Section (12) will not be modified.

COMMENT: Public counsel suggests that the commission add a new section, which it proposes be known as (16a). This new section would allow the commission's staff and public counsel to use highly confidential and proprietary information in a proceeding for any purpose in other proceedings relating to the same utility company if the level of confidentiality is maintained. This proposal is a change from current practice and would be contrary to the requirements of the standard protective order that the commission has issued in particular cases. The commission's staff opposes public counsel's suggestion, and AT&T Missouri and AmerenUE strongly oppose that suggestion. They argue that if public counsel or the commission's staff want to use highly confidential or proprietary information in a different case they can easily submit a separate discovery request in the other case. The utilities want to be sure that highly confidential or proprietary information disclosed in one case does not unexpectedly turn up out of context in another case.

At the hearing, public counsel explained that its concern was that the language of the rule was overly broad and could be interpreted to limit public counsel's and staff's ability to use highly confidential or proprietary information obtained in one case as the basis for a new investigation or complaint against the utility company.

RESPONSE AND EXPLANATION OF CHANGE: The commission does not intend to interpret its rule in such a way as to limit the ability of its staff or the public counsel to investigate and bring complaints against the utilities that it regulates. The language of section (16), while it is essentially unchanged from the existing standard protective order, could be construed to put such limits on the commission's staff and public counsel. The rule should not, however, give staff and public counsel a free hand to cart highly confidential and proprietary information from case to case in any way they see fit. The commission will add some clarifying language to section (16).

COMMENT: AT&T Missouri suggests that section (19) be revised to require the commission's staff and the Office of the Public Counsel to provide a list of the names of their employees who will have access to information designated as proprietary or highly confidential. AT&T Missouri points out that such a list of employees is required by paragraph Y of the standard protective order that the commission has routinely issued in particular cases. The commission's staff and public counsel oppose this suggestion, arguing that although the standard protective order requires the production of such a list of employees, in practice such a list is not required. Furthermore, staff and public counsel point out that all of their employees are able to see highly confidential and proprietary information so that the list required would simply be a list of all commission or public counsel employees. AT&T Missouri acknowledges that the list of employees has not been required under current practices, but believes that the requirement should be put in the rule so that it can request such a list if the need arises in a future case.

RESPONSE: In drafting this rule, the commission has attempted to incorporate its standard protective order and current practices into the rule without substantial changes. Although the standard protective order requires staff and public counsel to list their employees who will have access to highly confidential and proprietary information, that is not the current practice. Indeed, the commission can see no reason why such a listing of employees would be needed. The commission will not include any unnecessary requirements in its rule. The section will not be modified.

COMMENT: AT&T Missouri suggests that the commission delete the portion of section (21) that would allow the commission to impose sanctions allowed by Rule 61.01 of the Missouri Rules of Civil Procedure and that would allow the commission to seek monetary penalties for the violation of this rule. AT&T Missouri contends that there is no record of parties having violated the commission's

rule, such as would justify the need for a specific sanctions provision. AT&T Missouri also points out that the commission already has a rule, 4 CSR 240-2.090(1), that allows the commission to impose appropriate sanctions for abuse of the discovery process.
RESPONSE AND EXPLANATION OF CHANGE: The commission will accept the suggestion. The provisions found elsewhere in the commission's regulations and in the controlling statutes regarding sanctions for abuse of the discovery process and disobedience of a commission order are sufficient and there is no need to include such a provision in this rule. Section (21) will be modified accordingly.

No other comments were received.

4 CSR 240-2.135 Confidential Information

(1) The commission recognizes two (2) levels of protection for information that should not be made public.

(A) Proprietary information is information concerning trade secrets, as well as confidential or private technical, financial, and business information.

(B) Highly confidential information is information concerning:

1. Material or documents that contain information relating directly to specific customers;

2. Employee-sensitive personnel information;

3. Marketing analysis or other market-specific information relating to services offered in competition with others;

4. Marketing analysis or other market-specific information relating to goods or services purchased or acquired for use by a company in providing services to customers;

5. Reports, work papers, or other documentation related to work produced by internal or external auditors or consultants;

6. Strategies employed, to be employed, or under consideration in contract negotiations; and

7. Information relating to the security of a company's facilities.

(3) Proprietary information may be disclosed only to the attorneys of record for a party and to employees of a party who are working as subject-matter experts for those attorneys or who intend to file testimony in that case, or to persons designated by a party as an outside expert in that case.

(C) A customer of a utility may view his or her own customer-specific information, even if that information is otherwise designated as proprietary.

(4) Highly confidential information may be disclosed only to the attorneys of record, or to outside experts that have been retained for the purpose of the case.

(E) Subject to subsection (4)(B), the party disclosing information designated as highly confidential shall serve the information on the attorney for the requesting party.

(F) A customer of a utility may view his or her own customer-specific information, even if that information is otherwise designated as highly confidential.

(16) All persons who have access to information under this rule must keep the information secure and may neither use nor disclose such information for any purpose other than preparation for and conduct of the proceeding for which the information was provided. This rule shall not prevent the commission's staff or the Office of the Public Counsel from using highly confidential or proprietary information obtained under this rule as the basis for additional investigations or complaints against any utility company.

(21) A claim that information is proprietary or highly confidential is a representation to the commission that the claiming party has a reasonable and good faith belief that the subject document or information is, in fact, proprietary or highly confidential.

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

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 393.140, RSMo 2000 and 386.266, RSMo Supp. 2005, the commission adopts a rule as follows:

4 CSR 240-3.161 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 17, 2006 (31 MoReg 1063–1075). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Public hearings on this proposed rule and proposed rule 4 CSR 240-20.090 were held on August 22, 2006 in Kansas City; August 22, 2006, in Grandview; August 23, 2006, in St. Louis; August 23, 2006, in Overland; August 29, 2006, in Cape Girardeau; September 6, 2006, in Joplin; and September 7, 2006, in Jefferson City; the public comment period ended September 7, 2006. Timely filed written comments were received from seven (7) individuals and fourteen (14) groups or companies. A total of twenty (20) persons commented at the local hearings. Ten (10) parties represented by counsel, providing either comments or the testimony of witnesses, participated in the hearing in Jefferson City. Written comments were received from Missouri Association for Social Welfare (MASW), Missouri Industrial Energy Consumers, Praxair, Inc., AG Processing Inc., Sedalia Industrial Energy Users Association (SIEUA), Noranda Aluminum, Inc., MO PSC Staff, Office of the Public Counsel, AARP, Missouri Attorney General's Office, Union Electric Company d/b/a AmerenUE, Older Women`s League-Gateway St. Louis Chapter (OWL), William Hinckley on behalf of BioKyowa Inc., The Empire District Electric Company, Victor Grobelny, Kenneth and Jan Inman, Capt. Frank Hollifield on behalf of the U.S. Air Force, Terry Schoenberger, and Joan M. Berger. Persons commenting at the local hearings were: Melanie Shouse, John Moyle, Dennis Anderson, Angela Steele, Scott Apell, Joan Bray, Alberta C. Slavin, Eddie Hasan, Bob William, Curtis Royston on behalf of the Human Development Corp., Yaphett El-Amin, Fran Sisson, John Cross, Jamilah Nasheed, Becky Mansfield, Marvin Sands, Jean Wulser, Ann Johnson, Franklin C. Walker, William T. Hinckley, Tom Wigginton, Kevin Priestler, and Bill Pate. Counsel appearing in Jefferson City were Steven Dottheim on behalf of the PSC Staff, with witness Warren Wood, Lewis Mills, the Public Counsel with witnesses Russ Trippensee and Ryan Kind, John Coffman on behalf of the AARP and the Consumers Council of Missouri, Douglas Micheel on behalf of the Attorney General of Missouri, Diana Vuylsteke on behalf of the Missouri Industrial Energy Consumers (MIEC) with witness Maurice Brubaker, Jim Lowery on behalf of AmerenUE with witness Martin Lyons, Stu Conrad on behalf of Noranda with witness George Swogger, Stu Conrad on behalf of the SIEUA, Praxair and AG Processing, Dennis Williams on behalf of Aquila and Jim Fischer on behalf of Kansas City Power and Light. Comments from laypeople were generally against the rules, because they believed a rate adjustment mechanism (RAM) would result in higher rates, would make rates more volatile, would remove incentives for efficiency and unjustly enrich utilities. Several lay commenters suggested that fifty percent (50%) of fuel

costs be passed on to consumers and that fifty percent (50%) be paid for by the utility and its shareholders. Industry commenters supported or opposed a cap on the RAM, supported or opposed the utility "veto" provision, supported or opposed apportioning fuel costs between base rates and a RAM, and generally opposed the transition provisions. Both industry and lay commenters opposed or supported the rule in its entirety, some asserting that it was unnecessary and within the commission's discretion to not adopt the rule and others asserting that the commission was required to adopt rules in response to a legislative mandate. Comments are available for review in their entirety at www.psc.mo.gov, choose EFIS, Agree to Terms, Resources, highlight Case No., and type in EX-2006-0472. No comments were made concerning the proposed forms, which are adopted without change.

COMMENT: Some commenters assert that rules that more simply set out the application process should be adopted instead of the detailed proposed rules, that the current level of complexity could cause potential delays in rate adjustments, and that the extensive monthly and quarterly reporting requirements in these rules are unduly burdensome and of limited benefit. PSC staff asserts that the requirements for detailed information are narrowly drafted and that only certain portions of the rules apply to certain types of filings, so some provisions are repeated in different sections, but it is much more convenient for the reader to have the rule sectionalized in this manner.
RESPONSE: The commission finds that the complexity of the proposed rule is necessary in light of the fact that it establishes a procedure that has not been used by the commission in rate cases in the past. The commission expects that it will be necessary in the future to amend these rules both to remove requirements that serve no purpose and to add provisions the need for which it cannot now anticipate. After the lengthy, collaborative process that has been used to develop this rule, the proposed rule represents this commission's best estimate of what will be necessary, useful information and what will not. Therefore, the rule will continue to contain its present level of detail until experience with it dictates change.

COMMENT: Some commenters believe these rules should not include a requirement that the rules be reviewed in the future. The proposed rules include a December 31, 2010, review requirement that does not mandate a new rulemaking, but only requires that the rules be reviewed for effectiveness. PSC staff believes this as a reasonable requirement, given their content and complexity.
RESPONSE AND EXPLANATION OF CHANGE: In light of the response to the preceding comment, the commission finds it appropriate to leave in the date certain by which the rules will be reviewed. Therefore, the recommended new (17) will be included to clarify that the rules in this chapter are subject to the same review time frame as those set forth in Chapter 20.

COMMENT: AmerenUE opposes the use of the word "complete" in sections (1), (2) and (3), which contain the filing requirements of the rule, for example, a requirement to provide a "complete explanation" or a "complete description." AmerenUE seeks to change "complete" as it appears throughout the rule to "reasonable." AmerenUE asserts that "complete" means "perfect," and that perfection is neither an appropriate standard to include in a rule nor the intent of the drafters. PSC staff disagrees, and asserts that the rule should require a "complete" explanation of the data provided.
RESPONSE: The commission agrees that perfection is neither an appropriate standard to include in a rule nor the intent of the drafters. However, the commission disagrees that "complete" means "perfect." By using "complete" the commission means that which includes every explanation and detail to allow a decision-maker to evaluate the response fully and on its face, without forcing it to resort to asking for additional explanations, clarification or documentation to reach a decision. "Complete" means "not lacking in any material respect," which is a reasonable standard for filings. Moreover, the purpose of the rule is to alert requesting parties of the documentation and information necessary for the staff to review and for the commission to approve a rate adjustment mechanism (RAM) within the allotted time for a general rate case. If incomplete information is provided, the entities reviewing the documentation would be required to request further detail in order to evaluate the proposed RAM. The commission finds that "complete" is the most appropriate word to convey the amount of information or documentation that is required for review. Therefore, no change will be made.

COMMENT: The attorney general asserts that the definition of fuel and purchased power costs as "prudently incurred and used fuel and purchased power costs, including transportation costs" in (1)(A) is too broad and could allow increased fuel costs caused by inappropriate or negligent acts or omissions of the electric utility to be included in the RAM, and that the single standard of "prudence" would not preclude such inclusion. The attorney general recommends the following inclusion "Any and all increased fuel and purchased power costs caused by an electric utility's failure to appropriately operate its generating facilities shall not be included in any rate adjustment mechanism authorized by Section 386.266." The attorney general suggests similar changes where the phrase "prudently incurred costs" appears.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees that the prudence standard alone is insufficient and that increased costs resulting from negligent or wrongful acts should not be included in a RAM, as set forth below. The commission believes the single addition of language in (1)(A) will be sufficient.

COMMENT: Some commenters want more specificity and definitions about what costs can be included in a RAM. PSC staff notes that certain inclusions or exclusions should be clearly stated, but feels that the rule should be flexible as to what costs the utility may seek to recover in a RAM, consistent with section 386.266, as parties may wish to consider different costs and revenues when dealing with different electric utilities.
RESPONSE: The commission finds that the present level of specificity is sufficient; no further specificity, beyond the exclusion discussed in the preceding comment, is warranted. Therefore, no change will be made.

COMMENT: PSC staff suggests that (1)(E) be clarified that a RAM can be either a fuel adjustment clause or interim energy charge.
RESPONSE AND EXPLANATION OF CHANGE: The commission finds it reasonable to make such clarification, as set forth below.

COMMENT: The attorney general recommends that the phrase "initiated by the file and suspend method" be inserted into the definition of general rate proceeding.
RESPONSE: While the attorney general is correct about the technical description of the ways to initiate a general rate proceeding, the insertion of the language is not necessary to clarify the sort of proceeding in which a RAM may be sought. Therefore, no change will be made.

COMMENT: In subsections (2)(B) and (3)(B), which require an example bill showing the RAM, the attorney general recommends that the following sentence be added at the end of the first sentence: "If the electric utility is operating under an incentive RAM the electric utility shall also show how it will separately identify the incentive portion of the RAM on the customers bill." This proposal will allow the consumer to understand what portion of the surcharge is for fuel and purchased power and what portion of the surcharge is going to be returned to the electric utility as profit.
RESPONSE: The commission finds this suggestion to be unworkable in that it will be difficult to discern what portion, if any, is not attributable to fuel costs or constitutes "profit" in the context of a RAM

and whether adding another line item to customer bills will be less confusing or more confusing. Therefore, no change will be made.

COMMENT: PSC staff suggests that (2)(F) and (3)(F) be clarified that an IEC only has a refundable portion to be trued-up, which is different from the FAC, although they are both types of RAMs.
RESPONSE AND EXPLANATION OF CHANGE: The commission finds this suggestion reasonable and will clarify the language in (2)(F) and (3)(F) as set forth below.

COMMENT: PSC staff suggests that in (3)(O) grammatical changes be made to make the plurals consistent and remove an extraneous "and."
RESPONSE AND EXPLANATION OF CHANGE: The commission finds this suggestion reasonable and will correct the language in (3)(O) as set forth below.

COMMENT: PSC staff suggests that (4)(B) be clarified that an IEC only has over-collections to be refunded, which is different from the FAC, although they are both types of RAMs.
RESPONSE AND EXPLANATION OF CHANGE: The commission finds this suggestion reasonable and will clarify the language in (4)(B) as set forth below.

COMMENT: PSC staff suggests that (4) be corrected to refer to 4 CSR 240-20.090(2) rather than 4 CSR 240-20.090(3) and that (4)(A) be corrected to refer to 4 CSR 240-20.090(3)(C) rather than 4 CSR 240- 20.090(3)(D);
RESPONSE AND EXPLANATION OF CHANGE: The commission finds this suggestion reasonable and will correct the references in (4) and (4)(A) as set forth below.

COMMENT: AmerenUE suggests that the surveillance reporting required in (5) be compiled and reported monthly but submitted quarterly, not monthly, as monthly submission is unduly burdensome and of limited benefit. More frequent reporting creates unnecessary costs, which increases rates. The PSC staff asserts that the monthly and quarterly reporting presently contained in the proposed rule will be of value and will be used by the parties in monitoring RAM operations and RAM credits and charges, true-up account monitoring, prudence audits and monitoring of utility earnings.
RESPONSE: In light of the fact that surveillance reports can be submitted electronically, the commission finds that, as the reports are compiled and maintained on a monthly basis, submitting them monthly rather than quarterly is not unreasonable. Therefore, no change will be made.

COMMENT: AmerenUE suggests that in (6), since surveillance monitoring reports will be available to parties other than staff and OPC, who have statutory confidentiality obligations, it is necessary that such reports be deemed "Highly Confidential."
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees that the reports should be declared highly confidential, subject to the standard procedure for challenging such classification. The commission is presently in the process of proposing a rule that will allow for classification of information without the issuance of a protective order, but will continue to use its standard protective order until that rule is final. The language in (6) will be modified to treat the surveillance reports as highly confidential as set forth below.

COMMENT: AmerenUE asserts that (6)(C) assumes that each utility budgets in the same manner, and that each utility prepares budgets based upon regulatory accounting principles as opposed to financial (GAAP) accounting principles, because the rule requires the budgeting report to conform to the surveillance report format. The budgeting process should not be driven by these surveillance reports.
RESPONSE: The commission finds that the requirement in (6)(C) does not require utilities to change the way they create their budgets, but simply requires that the budget be submitted in a uniform format for review. Therefore, no change will be made.

COMMENT: AmerenUE asserts that (7)(A)1.F. appears calculated to prevent inclusion of costs in the rate adjustment mechanism even if the utility has not received any insurance proceeds, and even if there has been no prudence disallowance. The true-up and prudence review provisions of SB 179 are designed to make after-the-fact adjustments, with interest, for items such as this. Before-the-fact preclusion of recovery of these costs is inappropriate and contrary to the statute, and is unnecessary to protect ratepayers, who will be fully protected by mandated true-ups and prudence reviews. Also, if additional requirements are to be imposed with regard to a particular FAC, those requirements should be spelled out in the order approving the RAM. The PSC staff asserts that the language in the rule is appropriate in that it requires the utility to identify any costs subject to insured loss or litigation and clarifies to the utility that such costs may not be recoverable as long as they are so subject. The PSC staff believes this serves as an appropriate incentive to the utility to vigorously pursue the funds tied up in litigation.
RESPONSE: The commission finds that the methodology put forth by the PSC staff creates a greater incentive to expeditiously resolve such matters than the required interest payments noted by AmerenUE. Therefore, no change will be made.

COMMENT: AmerenUE notes that (9)–(14) contain provisions that make those parties who participated in the case in which a RAM is created parties to any subsequent proceedings concerning that RAM and subsequent rate cases. AmerenUE does not object to discovery from those proceedings to be used in those subsequent proceedings, with updated responses. The principal change AmerenUE seeks is that in subsequent general rate proceedings, those desiring to be parties to that case need to become intervenors in that proceeding according to established commission rules. This is practical, fair and consistent with the proposed rule, in particular, (14), which contemplates that each general rate proceeding produces a new rate adjustment mechanism.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees that in subsequent general rate proceedings, those seeking to participate must seek and be granted intervention to become parties in the subsequent rate case, since carrying over intervenor status from previous cases is administratively burdensome for both the utility and the commission. Therefore, (10)(A) will be amended accordingly, as fully set forth below.

4 CSR 240-3.161 Electric Utility Fuel and Purchased Power Cost Recovery Mechanisms Filing and Submission Requirements

(1) As used in this rule, the following terms mean:

(A) Fuel and purchased power costs means prudently incurred and used fuel and purchased power costs, including transportation costs. Prudently incurred costs do not include any increased costs resulting from negligent or wrongful acts or omissions by the utility. If not inconsistent with a commission approved incentive plan, fuel and purchased power costs also include prudently incurred actual costs of net cash payments or receipts associated with hedging instruments tied to specific volumes of fuel and associated transportation costs.

1. If off-system sales revenues are not reflected in the rate adjustment mechanism (RAM), fuel and purchased power cost only reflect the prudently incurred fuel and purchased power costs necessary to serve the electric utility's Missouri retail customers.

2. If off-system sales revenues are reflected in the RAM, fuel and purchased power costs reflect both:

A. The prudently incurred fuel and purchased power costs necessary to serve the electric utility's Missouri retail customers; and

B. The prudently incurred fuel and purchased power costs associated with the electric utility's off-system sales;

(E) Rate adjustment mechanism (RAM) means either a fuel adjustment clause (FAC) or an interim energy charge (IEC);

(G) True-up year means the twelve (12)-month period beginning on the first day of the first calendar month following the effective date of the commission order approving a RAM unless the effective date is on the first day of the calendar month. If the effective date of the commission order approving a rate mechanism is on the first day of a calendar month, then the true-up year begins on the effective date of the commission order. The first annual true-up period shall end on the last day of the twelfth calendar month following the effective date of the commission order establishing the RAM. Subsequent true-up years shall be the succeeding twelve (12)-month periods. If a general rate proceeding is concluded prior to the conclusion of a true-up year, the true-up year may be less than twelve (12) months.

(2) When an electric utility files to establish a RAM as described in 4 CSR 240-20.090(2), the electric utility shall file the following supporting information as part of, or in addition to, its direct testimony:

(F) A complete explanation of how the proposed FAC shall be trued-up to reflect over- or under-collections, or the refundable portion of the proposed IEC shall be trued-up, on at least an annual basis;

(3) When an electric utility files a general rate proceeding following the general rate proceeding that established its RAM as described by 4 CSR 240-20.090(2) in which it requests that its RAM be continued or modified, the electric utility shall file with the commission and serve parties, as provided in sections (9) through (11) in this rule the following supporting information as part of, or in addition to, its direct testimony:

(F) A complete explanation of how the proposed FAC shall be trued-up to reflect over- or under-collections, or the refundable portion of the proposed IEC shall be trued-up, on at least an annual basis;

(O) A description of how responses to subsections (B) through (N) differ from responses to subsections (B) through (N) for the currently approved RAM;

(4) When an electric utility files a general rate proceeding following the general rate proceeding that established its RAM as described in 4 CSR 240-20.090(2) in which it requests that its RAM be discontinued, the electric utility shall file with the commission and serve parties as provided in sections (9) through (11) in this rule, the following supporting information as part of, or in addition to, its direct testimony:

(A) An example of the notice to be provided to customers as required by 4 CSR 240-20.090(3)(C);

(B) A complete explanation of how the over-collection or under-collections of the FAC or the over-collections of the IEC that the electric utility is proposing to discontinue shall be handled;

(6) Each electric utility with a RAM shall submit, with an affidavit attesting to the veracity of the information, a Surveillance Monitoring Report, which shall be treated as highly confidential, as required in 4 CSR 240-20.090(10) to the manager of the auditing department of the commission, OPC and others as provided in sections (9) through (11) in this rule. The submittal to the commission may be made through EFIS.

(10) Party status and providing to other parties affidavits, testimony, information, reports and workpapers in related proceedings subsequent to general rate proceeding establishing RAM.

(A) A person or entity granted intervention in a general rate proceeding in which a RAM is approved by the commission, shall be a party to any subsequent related periodic rate adjustment proceeding, annual true-up or prudence review, without the necessity of applying to the commission for intervention. In any subsequent general rate proceeding, such person or entity must seek and be granted status as an intervenor to be a party to that case. Affidavits, testimony, information, reports, and workpapers to be filed or submitted in connection with a subsequent related periodic rate adjustment proceeding, annual true-up, prudence review, or general rate case to modify, extend or discontinue the same RAM shall be served on or submitted to all parties from the prior related general rate proceeding and on all parties from any subsequent related periodic rate adjustment proceeding, annual true-up, prudence review, or general rate case to modify, extend or discontinue the same RAM, concurrently with filing the same with the commission or submitting the same to the manager of the auditing department of the commission and OPC, pursuant to the provisions of a commission protective order, unless the commission's protective order specifically provides otherwise relating to these materials.

(17) Rule Review. The commission shall review the effectiveness of this rule by no later than December 31, 2010, and may, if it deems necessary, initiate rulemaking proceedings to revise this rule.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 20—Electric Utilities

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 393.140, RSMo 2000 and 386.266, RSMo Supp. 2005, the commission adopts a rule as follows:

4 CSR 240-20.090 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 17, 2006 (31 MoReg 1076–1082). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Public hearings on this proposed rule and proposed rule 4 CSR 240-3.161 were held on August 22, 2006 in Kansas City; August 22, 2006, in Grandview; August 23, 2006, in St. Louis; August 23, 2006, in Overland; August 29, 2006, in Cape Girardeau; September 6, 2006, in Joplin; and September 7, 2006, in Jefferson City; the public comment period ended September 7, 2006. Timely filed written comments were received from seven (7) individuals and fourteen (14) groups or companies. A total of twenty (20) persons commented at the local hearings. Ten (10) parties represented by counsel, providing either comments or the testimony of witnesses, participated in the hearing in Jefferson City. Written comments were received from Missouri Association for Social Welfare (MASW), Missouri Industrial Energy Consumers, Praxair, Inc., AG Processing Inc., Sedalia Industrial Energy Users Association (SIEUA), Noranda Aluminum, Inc., MO PSC Staff, Office of the Public Counsel, AARP, Missouri Attorney General's Office, Union Electric Company d/b/a AmerenUE, Older Women`s League-Gateway St. Louis Chapter (OWL), William Hinckley on behalf of BioKyowa Inc., The Empire District Electric Company, Victor Grobelny, Kenneth and Jan Inman, Capt. Frank Hollifield on behalf of the U.S. Air Force, Terry Schoenberger, and Joan M. Berger. Persons commenting at the local hearings were: Melanie Shouse, John Moyle, Dennis Anderson, Angela Steele, Scott Apell, Joan Bray, Alberta C. Slavin, Eddie Hasan, Bob William, Curtis Royston on behalf of the Human Development Corp., Yaphett El-Amin, Fran Sisson, John Cross, Jamilah Nasheed, Becky Mansfield, Marvin Sands, Jean Wulser, Ann Johnson, Franklin C. Walker, William T. Hinckley, Tom Wigginton, Kevin Priestler, and Bill Pate. Counsel appearing in Jefferson City were Steven Dottheim on behalf of the PSC staff, with witness Warren Wood, Lewis Mills, the public counsel with witnesses Russ Trippensee and Ryan Kind, John

Coffman on behalf of the AARP and the Consumers Council of Missouri, Douglas Micheel on behalf of the Attorney General of Missouri, Diana Vuylsteke on behalf of the Missouri Industrial Energy Consumers (MIEC) with witness Maurice Brubaker, Jim Lowery on behalf of AmerenUE with witness Martin Lyons, Stu Conrad on behalf of Noranda with witness George Swogger, Stu Conrad on behalf of the SIEUA, Praxair and AG Processing, Dennis Williams on behalf of Aquila and Jim Fischer on behalf of Kansas City Power and Light. Comments from laypeople were generally against the rules, because they believed a rate adjustment mechanism (RAM) would result in higher rates, would make rates more volatile, would remove incentives for efficiency and unjustly enrich utilities. Several lay commenters suggested that fifty percent (50%) of fuel costs be passed on to consumers and that fifty percent (50%) be paid for by the utility and its shareholders. Industry commenters supported or opposed a cap on the RAM, supported or opposed the utility "veto" provision, supported or opposed apportioning fuel costs between base rates and a RAM, and generally opposed the transition provisions. Both industry and lay commenters opposed or supported the rule in its entirety, some asserting that it was unnecessary and within the commission's discretion to not adopt the rule and others asserting that the commission was required to adopt rules in response to a legislative mandate. Comments are available for review in their entirety at www.psc.mo.gov, choose EFIS, Agree to Terms, Resources, highlight Case No., and type in EX-2006-0472.

COMMENT: The attorney general believes that use of a fuel adjustment clause or any other rate adjustment mechanism is inappropriate and unfairly tilts the playing field in favor of the electric utilities. The attorney general opposes adoption of the rules.

OWL asserts that during lobbying for passage of SB 179, the rate adjustment mechanism (RAM) was referred to as a tool the commission might use to devise a fair and balanced means of protecting consumers, as well as the regulated monopoly utilities. Sponsors gave assurances that the commission would devise the rules in a way to expressly include consumer protections.

AARP asserts that though the current draft reflects hard work by the PSC staff, it is devoid of the consumer protections promised by the legislature when the rules were authorized. These rules create an unbalanced shift in commission policy, granting utilities single-issue benefits without incentives to control costs, without safeguards against overearning and without mitigation of rate volatility. When lobbyists were aggressively pushing SB 179, they described the proposed RAM as simply a tool that the commission could use (or not use), based upon whether the commission could implement it in a balanced and fair way to both consumers and utilities. It was repeatedly stated that no utility would be authorized to use a RAM unless the commission first promulgated rules that added strong protections for consumers. The current draft contains none. In a January 2006 handout, the Missouri Energy Development Association (MEDA) reassured legislators that the commission has "complete authority to add whatever other protections it thinks are necessary." Unfortunately, MEDA took a different approach in its negotiations on the rule, rejecting every meaningful consumer protection proposed by various consumer representatives. The PSC staff, as a neutral facilitator, has not been able to draft a rule that contains necessary protections to make the mechanism fair.

The MIEC asserts that section 386.322 gives the commission discretion to allow fuel adjustment mechanisms and gives the commission discretion to promulgate rules governing them. However, it does not encourage or require the commission to do so. The legislature provided authority to the commission to determine whether or not fuel adjustment mechanisms are appropriate and under what conditions. SB 179 should not be viewed as a legislative endorsement of or mandate for fuel adjustment mechanisms.

The MASW asserts that the rule should not be adopted because the PSC lacks adequate resources to implement it. The Fiscal Note for SB 179 appears to state that the PSC should be authorized additional staff to implement its provisions. However, the staffing level, which was two hundred eleven (211) for Fiscal Year 2005, was reduced to one hundred ninety-nine (199) for FY06 and further reduced to one hundred ninety-three (193) FY07. It is fair to say the staff that carries out the day-to-day auditing, economic and engineering analysis has been reduced by at least twenty-five (25) over the last few years, during which time they have been given the additional duties associated with infrastructure surcharges and a substantial number of general rate cases. The agency's expense and equipment budget has been slashed by nearly one-third since FY05, reducing the funding needed for equipment, training, and outside experts. For these reasons, the MASW opposes adoption of the proposed rule.

On the other hand, AmerenUE asserts that when one hundred seventy-nine (179) out of one hundred eighty-six (186) legislators adopted SB 179, they expected Missouri's electric utilities to have available to them a fair, workable, and effective mechanism that would allow electric rates to be adjusted between general rate proceedings in a timely manner to reflect increases and decreases in prudently incurred fuel and purchased power costs. They included numerous features to balance consumer needs with the needs of the industry to recover, on a timely basis, these volatile and, to a large extent, uncontrollable costs. AmerenUE also noted that, of the twenty-nine (29) states in which utilities are traditionally (rate-of-return) regulated, only two (2) others, Utah and Vermont, do not allow for RAMs. AmerenUE supports adoption of the rule.

Although the PSC staff did not take a position on SB 179, section 386.266 is the law and staff is committed to making this law work, in keeping with staff's understanding of it and the rest of the laws of Missouri. Staff believes these rules are well structured to address the issues that face the commission associated with implementation of the electric utility fuel and purchased power costs recovery portions of 386.266.

RESPONSE: The commission agrees that the rules being adopted are discretionary, in that SB 179 does not expressly state that the commission must adopt rules implementing the law. However, the law does state that companies may request a RAM before rules are in place, but may not receive a RAM from the commission until the rules are in place. Failing to adopt rules would prevent any RAM from being granted by the commission. The rules are proposed to give guidance to utilities, the PSC staff and other interested parties as to what is expected in a rate case in which a RAM is considered, and defines the parameters under which a RAM would be administered once put in place. The commission believes that the proposed rule, as amended herein, constitutes the best balance it can make at this time. As following discussions will show, the commission is committed to continually refining the rule until the optimal balance is reached.

COMMENT: Several lay commenters opposed the rules on the basis that the use of a RAM would raise rates. OWL noted that most older women live on fixed incomes and tight budgets. Any increase resulting from a FAC will impose deep hardships on older women. Mr. and Mrs. Inman also noted that they vigorously oppose rules for utilities to increase their rates without commission review, which would place public utilities on a path of non-control, allowing a utility to raise rates because of a perceived increase in supply. The MASW asserts that the rule as proposed offers no protection to those ratepayers who are in economic distress. The additional burden of passed-through increases in the cost of their electric provider's fuel, creates a greater hardship on the economically disadvantaged. It further asserts that the commission should, in approving a RAM, include relief for economically distressed ratepayers from rate increases produced by the RAM. The PSC staff responds that, if approved by the commission, any RAM charges, or credits, must be identified as a line item on the customer's bill. If the RAM is in the form of a fuel adjustment clause (FAC), rates will be able to go up or down with actual changes in fuel and purchased power costs and possibly go up or down based on changes in off-system sales revenues. If the rate adjustment mechanism is in the form of an interim energy charge, then only refunds

will be possible. Under section 386.266, a RAM cannot be in effect for longer than four (4) years without an earnings review and modification or extension by the commission. While a RAM is in effect, the utility is required to comply with monthly and quarterly reporting requirements to the parties of the rate proceeding in which the RAM was established, continued or modified. Prudence audits will be conducted no less often than every eighteen (18) months. Current proposed rules anticipate annual changes to the RAM in order to true-up over- or under-collections. The RAM charge, or credit, will be permitted to change up to four (4) times each year.

RESPONSE: The RAM is created to allow a pass-through of certain costs more directly to ratepayers. At the present time, all of those costs are included in the base rate charged by the utility. Under these rules, a portion or all of the utility's fuel and purchased power costs can be removed from base rates and separately recovered in a RAM charge. In theory, the total of the base rate plus the RAM charge will be approximately the same as the base rate prior to the RAM. In times of rising fuel costs, RAM charges will increase with greater frequency than base rates would. However, in times of falling fuel costs, RAM charges will decrease with greater frequency than base rates would. The commission believes that, consistent with the statute, the safeguards established in this rule will prevent the runaway fuel bills some parties fear.

COMMENT: Several lay commenters verbally suggested that it would only be fair for utilities to pass through only fifty percent (50%) of fuel costs and that the utility and its shareholders be required to pay the other fifty percent (50%).

RESPONSE: These commenters may be confusing the proposal by other commenters that no more than fifty percent (50%) of fuel and purchased power costs be recovered in a RAM and that fifty percent (50%) remain in base rates, a proposal to be discussed more fully below. If not, then the commission must disagree with this comment in that it would not allow for the setting of just and reasonable rates that allow the utility a reasonable return.

COMMENT: Several commenters have raised the issue of rate volatility, which can be broken down into three (3) sets of comments. The first has to do with the needs of residential ratepayers on fixed or limited incomes. Several comments were received concerning the very tight budgeting used by such households and the havoc wreaked to those budgets when rates can fluctuate significantly every quarter.

RESPONSE: The commission requires all electric utilities to offer "budget billing," which allows residential consumers to be billed the same rate every month, with estimates based on historical usage. The commission will require that any RAM used by a utility be incorporated into the budget billing amount consistent with the way base rates are budget billed, pursuant to the utility's tariff.

COMMENT: The attorney general asserts that, as presently written, these rules shift one hundred percent (100%) of the risk of fuel price changes from the utility to the consumers. To better balance the consumer and electric utility interests the commission should insert the following consumer protections into the proposed rules: Earnings Review: "After the Commission has authorized any of the rate adjustment mechanisms authorized by this rule, the electric utility shall provide the Staff, Public Counsel and other authorized parties access to the surveillance reports that detail the electric utility's earnings. If after hearing the Commission determines that an electric utility's earnings exceed its authorized rate of return the Commission shall adjust the RAM surcharge to prevent windfall profits." The attorney general's proposed language would allow the commission to determine the appropriate balance of fuel and purchased power costs that would be subject to the RAM. By allowing all or some of fuel and purchased power costs to remain in base rates the commission can ensure that the electric utility keeps its fuel and purchased power costs as low as possible.

AARP suggests an additional sentence be included in the definition of a "FAC" [4 CSR 240-20.090(1)(C)] : (C) Fuel adjustment clause (FAC) means a mechanism established in a general rate proceeding that allows periodic rate adjustments, outside a general rate proceeding, to reflect increases and decreases in an electric utility's prudently incurred fuel and purchased power costs. A FAC shall not include more than fifty percent (50%) of the fuel and purchased power costs that are recognized in an electric utility's rates. The FAC may or may not include off-system sales revenues and associated costs. The commission shall determine whether or not to reflect off-system sales revenues and associated costs in a FAC in the general rate proceeding that establishes, continues or modifies the FAC; if the commission must implement a FAC rule, one of the most fair ways to treat these fuel and purchased power costs is on an even-handed 50/50 basis. Fifty percent (50%) of these costs can be imbedded in base rates during a rate case (where one hundred percent (100%) of expected costs are now recognized), while fifty percent (50%) of such costs can be recognized through an ongoing FAC surcharge.

Industrial users also favor retention of a portion in base rates, accommodating a sharing by the utility and ratepayers of a significant portion of the cost and risk, thereby aligning the utility interest with the interests of customers in low and stable rates. An important consequence of interest alignment is that less staff time will be used in after-the-fact reviews. If well designed, and coupled with robust surveillance, the system could be virtually self-policing. Rates will be lower in the first place, and administrative efficiency will be enhanced both for staff and the utilities.

RESPONSE AND EXPLANATION OF CHANGE: The commission finds that a clear statement that it may apportion fuel costs between base rates and a RAM is appropriate, as more fully set forth below. The commission will not establish a fixed level of apportionment, as the inherent differences in the operation of the utilities, particularly the difference in their fuel mixes for base-load generation would render a fixed amount unreasonable in some instances. The commission believes such authority is inherent in SB 179, but will add the language to clarify that it has such authority.

COMMENT: The final mitigation strategy discussed is the imposition of a cap on the amount that may be recovered through a RAM. Such a mechanism is especially important to the large, industrial users. Noranda asserts that a rate cap offers a simple approach that will limit rate volatility. Two (2) types of rate caps have been discussed. First, there is a "hard" cap that establishes a finite "not to exceed" limit. Any excess over the level of the cap is simply lost to the utility and may not be recovered. Second, a "soft" cap, really a deferral mechanism, smoothes a "spike" increase over a longer period of time. A soft cap permits the utility to defer costs above the cap, spreading them to a later period while accruing carrying charges. Noranda recommends a "soft" cap to be applied on the same percentage basis to all customers with any allowed fuel cost amounts in excess of the cap to be deferred for later collection. Appropriate interest provisions will protect the utility. Historically, the commission has used a phase-in of large rate increases. These rate phase-ins (a series of "rate caps") mitigate extraordinary increases and any disruptive rate volatility. For large industrial users, a sharp or extraordinary rate increase might be so severe as to result in a shutdown. The nature of Noranda's operations are such that, were it to shut down its smelter, the capital costs associated with resuming production could be prohibitive. Noranda's suggestion is that the final rule authorize a party to propose a rate volatility mitigation mechanism in a rate case in which a FAC is being considered. That will permit the issue to be addressed in a manner that can accommodate the size differences between utilities. In this case, one (1) size does not fit all.

While the MIEC does not find much value in a rate cap, it recognizes that some customers do. The commission may want to have the latitude to cap the level of recoveries in order to reduce rate volatility and to moderate rate impact on customers.

BioKyowa agrees the option of a "soft" cap should be added to the rule.
RESPONSE AND EXPLANATION OF CHANGE: The commission finds it reasonable to allow a party to the general rate proceeding in which a RAM is considered to propose a "soft" rate cap, in sufficient detail to allow a meaningful discussion of such a cap and the terms thereof. The commission will add language to (2)(H) as fully set forth below.

COMMENT: Virtually all industry commenters, both utilities and end users, assert the importance of recognition of line losses. This is simply in recognition of the fact that the physics of the electric system mean that line losses do differ at different voltage levels. At present, the rule uses the word "may." The commenters assert that "may" should be changed to "shall." As commenters explain, each transformer and all of the transmission and distribution lines consume some portion of the electrical energy in order to perform their respective functions. The electricity consumed in the transformations up and down among the various voltage levels and in the movement of the electricity over the transmission and distribution lines is termed "losses." In a technical sense, the energy is not "lost," but rather is a necessary component of and is consumed in the transportation/transmission process from the many generators to the many loads. It may be dissipated as radiant heat energy, overcoming the resistance and impedance of the transmission wires and the coils in the transformer. It is only "lost" in the sense that a portion of the energy generated is necessarily consumed by a utility's electrical system in the process of transformation, transmission and distribution, but it is, therefore not available for service to customers. These are physical principles and are not optional.
RESPONSE AND EXPLANATION OF CHANGE: The commission finds that the mandatory recognition of line losses shall be recognized in the establishment of a RAM as they are in setting base rates. Therefore "may" in (9) is changed to "shall."

COMMENT: Some commenters believe these rules must be written so that the utility continues to have its own financial interests at stake, in order to ensure some level of prudence in utility practices with a RAM and that these incentives should be structured to align the interest of shareholders and ratepayers. Some commenters believe the proposed rules go beyond the strict construction of section 386.266.1 and allow the commission to impose a broad array of incentive and performance based programs.

Staff agrees that the rules that implement this portion of SB 179 should include provisions for incentive and performance based programs. Section (11), consistent with section 386.266, provides that the commission may implement incentive mechanisms and performance based programs to improve the efficiency and cost-effectiveness of the electric utility's fuel and purchased power procurement activities. Proposed (11)(B) specifies important objectives and criteria for establishment of incentive plans such as "aligning the interests of the electric utility's customers and shareholders" and "the overall anticipated benefits of the electric utility's customers from the incentive or performance based program shall exceed the anticipated costs of the mechanism or program to the electric utility's customers."

AmerenUE does not object to (11), except that the words "or discontinuation" should be deleted, as RAM incentive plans are not contemplated when the RAM is being discontinued. In addition, references to "performance based programs" relating to a RAM are misplaced. The issues addressed in (11) are "incentives to improve the efficiency and cost effectiveness of fuel and purchased power procurement activities," section 386.266.1, RSMo. Those are the kinds of incentives that relate to RAMs. The only mention of "performance based programs" in SB 179 appears elsewhere in SB 179 in a separate, stand-alone provision pertaining to incentive or performance based regulation generally, not incentives related to fuel and purchased power procurement, or RAMs respecting fuel and purchased power procurement.

Other commenters support the inclusion of (11) and are especially supportive that the stated concept of alignment of interest between utility and ratepayer should be preserved and enhanced. Many comments about incentives have been discussed in the volatility mitigation section concerning flexibility to determine what percentage of fuel and purchased power cost are to be recovered in base rates and what percentage could be recovered in a RAM, because that financially connects obtaining fuel and purchased power at a lower cost to earning a higher return. However, commenters generally were not supportive of limiting, at this time, the kinds of incentive mechanisms that could be used or restraining the PSC staff or any party from proposing any incentive plan that would maintain the alignment of financial interests between the utility and ratepayers. Industrial users recommended strengthening the provisions to enhance the likelihood of symmetrical sharing incentive provisions.
RESPONSE AND EXPLANATION OF CHANGE: The commission finds that the provisions for incentive mechanisms are sufficiently broad to encompass a wide range of programs, that the interests of both utilities and ratepayers are sufficiently safeguarded and that the rule does not exceed the scope of the authority for such programs in the statute. Therefore, no change will be made, except the grammatical change removing "or discontinuance."

COMMENT: The industrial users recommend that (11)(B) be clarified to allow symmetrical cost sharing in incentive mechanisms or performance based programs, as the present language requires the anticipated benefits to the utility's customers from the incentive or performance based program to exceed the anticipated costs of the mechanisms or programs to the utility's customers. The staff concurred in this comment, asserting that equal sharing was reasonable.
RESPONSE AND EXPLANATION OF CHANGE: The commission finds that it is reasonable that the benefits of such programs may either be equal or less than their costs. The commission will clarify the language in (11)(B) as set forth below.

COMMENT: The attorney general asserts that the definition of fuel and purchased power costs as "prudently incurred and used fuel and purchased power costs, including transportation costs" in (1)(B) is too broad and could allow increased fuel costs caused by inappropriate or negligent acts or omissions of the electric utility to be included in the RAM, and that the single standard of "prudence" would not preclude such inclusion. The attorney general recommends the following inclusion "Any and all increased fuel and purchased power costs caused by an electric utility's failure to appropriately operate its generating facilities shall not be included in any rate adjustment mechanism authorized by Section 386.266." The attorney general suggests similar changes where the phrase "prudently incurred costs" appears.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees that the prudence standard alone is insufficient and that increased costs resulting from negligent or wrongful acts should not be included in a RAM, as set forth below. The commission believes the single addition of language in (1)(B) will be sufficient.

COMMENT: Staff would correct (4)(A), second sentence, as the current language would appear to require two (2) filings where the intent was that only one filing is mandatory and up to three (3) more are permitted.
RESPONSE AND EXPLANATION OF CHANGE: The staff's point is taken and the change will be made.

COMMENT: Almost universally, the ratepayer commenters opposed the transitional provisions set out in (16), which provided "If the electric utility files a general rate proceeding thirty (30) days or more after the commission issues a notice of proposed rulemaking respecting initial RAM rules, the provisions of this section shall apply. . ." This proposed section of the rule states that even though the rule is only proposed, any electric utility that files a general rate proceeding

thirty (30) days or more after the commission issued its notice of proposed rulemaking in this matter must follow the proposed requirements of section (16).
RESPONSE AND EXPLANATION OF CHANGE: Without delving deeply into the comments against this section of the rule, the commission agrees that it is questionable whether such transitional provisions are permissible under Missouri's rulemaking provisions and agrees that there is little practical advantage to having such transitional rules in place. Therefore (16) will be deleted in its entirety.

COMMENT: The attorney general recommends that the phrase "initiated by the file and suspend method" be inserted into the definition of general rate proceeding.
RESPONSE: While the attorney general is correct about the technical description of the ways to initiate a general rate proceeding, the insertion of the language is not necessary to clarify in what sort of proceeding a RAM may be sought. Therefore, no change will be made.

COMMENT: Some commenters believe these rules should not include a requirement that the rules be reviewed in the future. The proposed rules include a December 31, 2010, review requirement that does not require a new rulemaking, but only requires that the rules be reviewed for effectiveness. PSC staff believes this as a reasonable requirement, given their content and complexity.
RESPONSE: In light of the fact that these rules are highly complex, establish an entirely new procedure and are likely to contain provisions that will need to be altered, added or deleted, the commission finds it appropriate to leave in the date certain by which the rules will be reviewed. Therefore, no change will be made to the rule.

COMMENT: In section (8), which requires customer bills to identify the RAM, the attorney general recommends that if the electric utility is operating under an incentive RAM, the electric utility shall also separately identify the incentive portion of the RAM on the customer's bill. This proposal will allow the consumer to understand what portion of the surcharge is for fuel and purchased power and what portion of the surcharge is going to be returned to the electric utility as profit.
RESPONSE: The commission finds this suggestion would be misleading to consumers. Fuel and purchased power costs that are passed through in a surcharge will only reflect expenses of the utility. If off-system sales are passed through as part of a RAM, the proposed rule states that benefits to consumers must equal or exceed benefits to the utilities.

COMMENT: The attorney general notes that (2)(E) refers to "an alternative base rate recovery mechanism." Nowhere in the proposed rule is the term defined and the attorney general does not know what the commission means when it uses that term.
RESPONSE: The attorney general is correct; however, that phrase was included in the deletion of an entire sentence, so the concern is rendered moot.

COMMENT: Several commenters noted that the proposed rule appears to give the electric utility unilateral veto power over the commission's determination as to what RAM is appropriate for use by the electric utility. The proposed rule provides in pertinent part: ". . . if the commission modifies the electric utility's RAM in a manner unacceptable to the electric utility, the utility may withdraw its request for a RAM and the components that would have been treated in the RAM will be included in base rate recovery mechanism if the commission authorizes the utility to do so."

The attorney general asserts that this provision in the proposed rule will cause both practical and legal problems for the commission. If this section is not deleted, the staff, public counsel and other interveners will be required to file both a case with respect to the electric utility's proposed RAM and a case for placing the components that would have been included in the proposed RAM in the "base rate recovery" mechanism, whatever that mechanism may be. This will result in unneeded duplication of work and unnecessary complication of general rate case proceedings.

The PSC staff notes that the language permits a utility to withdraw its rate adjustment mechanism, if it chooses to do so. AmerenUE asserts that the electric utilities need to protect themselves from a RAM the commission might adopt the first time for an electric utility. The staff believes that AmerenUE's concern about an unreasonable RAM, which is the basis for AmerenUE's belief that the electric utilities require a veto power, is not well taken. The PSC staff offers the following compromise: to change proposed rule language so that utilities can request a rate adjustment mechanism or base rate recovery in establishment of a RAM but can only choose to receive recovery in base rates versus recovery through a RAM if the commission authorizes the utility to select this option in its order.

Multiple industrial commenters question the purpose of parties proposing alternatives to the commission through experts, exhibits and other evidence of record if the commission decision can simply be set aside by the utility. They believe that the commission is empowered by the legislature to regulate public utilities in this state and to make decisions, with the force of law (provided they are lawful and supported by competent and substantial evidence on the whole record) as to what constitutes reasonable terms and conditions for the offering of public utility services. SB 179 did not repeal public utility law in this state. Indeed, SB 179 states that "Chapter 386, RSMo, is amended by adding thereto one new section. . . ." Section 10 of SB 179 states: "Nothing contained in this section shall be construed as affecting any existing adjustment mechanism, rate schedule, tariff, incentive plan, or other ratemaking mechanism currently approved and in effect." Moreover, Section 5 of SB 179 provides: "Once such an adjustment mechanism is approved by the commission under this section it shall remain in effect until such time as the commission authorizes the modification, extension, or discontinuance of the mechanism in a general rate case or complaint proceeding." The proposed rule provision directly contradicts the provisions of SB 179 and must therefore not be retained.
RESPONSE AND EXPLANATION OF CHANGE: The commission finds that the veto provision would create an undue burden on the rate case process and appears to be inconsistent with both SB 179 and the remainder of Chapter 386. Therefore, it will be deleted.

COMMENT: AmerenUE notes that (7)(B)2. purports to award interest at the utility's short-term borrowing rate plus one percent (1%). AmerenUE further asserts that this is unlawful as SB 179 specifically provides that any sums refunded under a RAM are to include interest at the utility's short-term borrowing rate—not more, not less. The commission has no authority, absent specific statutory authority, to require monetary relief and consequently has no authority to require a higher rate of interest than specified by SB 179.
RESPONSE AND EXPLANATION OF CHANGE: Refunds under a RAM shall include interest at the utility's short-term borrowing rate, as more fully set forth below.

COMMENT: The industrial users, particularly Noranda, seek to have included in a final rule rate design language that clarifies that the RAM will be designed so that the allocation among the different classes of customers reflects an allocation method or methods for costs based on the principle of cost causation and shall not be designed in a manner that will allocate costs or revenues among customers or customer classes in a manner that is inconsistent with the principle of cost causation. Moreover, some of the costs for purchased power may well include a demand component. As such it may become necessary to develop a rate design that separately addresses demand and energy charges. In the absence of an appropriate allocation of any demand related costs, the remedy must be to exclude the demand-related costs from recovery as a part of any fuel rate adjustment mechanism.

RESPONSE: At the present time the commission cannot guarantee that rates will be designed in alignment with the goals of cost causation. While the commission always keeps that goal in mind as it sets rates, it cannot overcome the commission's overarching duty to set just and reasonable rates for all classes of consumers. A slavish devotion to one method of rate design will not help the commission do its duty to all classes of ratepayers. Therefore, no change will be made.

COMMENT: Several commenters raised the concern that the existence of a RAM could allow utilities to earn a return above the commission-authorized rate of return. BioKyowa suggested that language be added to provide for adjustments when RAMs cause the utility to earn above its authorized return on equity. If the commission finds it likely that the RAM may allow the utility to overearn it may include in the fuel adjustment clause a mechanism designed to periodically examine the utility's earnings (on a regulatory basis), and appropriately limit the collection of charges under the RAM. The attorney general agrees that the legislature did not intend that the adjustment clauses authorized by section 386.266 would allow an electric utility to earn in excess of its authorized return. AARP also expressed concern about the very real possibility of overearning. A FAC mechanism is a single-issue surcharge, and could allow rate increases even when overall costs are dropping. AARP urges the commission to revise the rules to include meaningful consumer protections that are consistent with the comments of the various consumer stakeholders before a proposed rule is sent to the secretary of state's office. MIEC also raises concerns that absent some mechanism for adjusting rates, there is a strong potential that utilities will over-earn and that rates will be too high. Section 386.266 requires that an adjustment mechanism be "reasonably designed to provide the utility with a sufficient opportunity to earn a fair return on equity." The commission's statutory obligation pursuant to 393.130, RSMo is to establish just and reasonable rates. Rates that exceed the return on equity established by the commission are not just and reasonable. Consistent with other statutes governing the commission, section 386.266 requires that the adjustment allow the utility a sufficient opportunity to achieve a fair, not excessive, return on equity. To address this situation and to comply with subsection 4(1) of 386.266 and 393.130, MIEC proposes to add the following language to the fuel and purchased power adjustment rule: In establishing, continuing or modifying the FAC, the commission shall consider whether the presence of the FAC is likely to allow the utility to earn in excess of its authorized return on equity. If the commission finds this to be the case, it may include in the fuel adjustment clause a mechanism designed to periodically examine the utility's earnings (on a regulatory basis), and appropriately limit the collection of charges under the FAC to the extent necessary to prevent the utility from earning in excess of its authorized return on equity as a result of revenues received through the FAC. The PSC staff is of the opinion that the safeguards present in the rule, in conjunction with its general review authority, will be sufficient to guard against overearnings. PSC staff notes that the RAM relies on historical, not projected costs and requires a utility using a RAM to come in for a rate case at least every four (4) years. That requirement does not now exist, permitting utilities whose costs are declining to overearn for years under present rate-of-return regulation. The PSC staff is of the opinion that sufficient safeguards exist to prevent significant overearning.

RESPONSE: The commission notes that the rule includes the following: "(13) Nothing in this rule shall preclude a complaint case from being filed, as provided by law, on the grounds that a utility is earning more than a fair return on equity, nor shall an electric utility be permitted to use the existences of its RAM as a defense to a complaint case based upon an allegation that it is earning more than a fair return on equity. If a complaint is filed on the grounds that a utility is earning more than a fair return on equity, the commission shall issue a procedural schedule that includes a clear delineation of the case timeline no later than sixty (60) days from the date the complaint is filed." The commission finds that the safeguards established in the rule appear to be sufficient at this time. Therefore, no change will be made. As we have previously noted, we will watch carefully to determine whether additional safeguards need to be included in the rule.

COMMENT: The attorney general asserts that there is an apparent conflict between (11)(C) and (13) of the proposed rule. What will the commission do if as a result of an incentive RAM mechanism an electric utility is earning more than a fair rate of return? This is simply one (1) more example of how Senate Bill 179 and these proposed rules further tilt the playing field in favor of the electric utility. On the other hand, AmerenUE believes the complaint process set out in the rule is an unreasonable balance in favor of the complainant. It asserts that the commission should not arbitrarily dictate the time within which it must adopt an appropriate schedule in an overearnings complaint case. The complainant is not required to file the minimum filing requirements imposed on an electric utility that desires to initiate a general rate increase case. The complainant may not have filed a useable cost of service or class cost of service study, and the complainant may not have filed testimony supporting the complaint. Other technical problems concerning data, test years and other matters may be at issue. It is therefore not only impractical, but also inappropriate to fix, by rule, an artificial "deadline" by which the commission must set a procedural schedule. The commission should not tie its own hands by adopting a rule of general applicability without considering the individual circumstances that may exist in an individual complaint case alleging overearnings by a utility.

The PSC staff asserts that (13) clearly protects the rights of parties to file a complaint case on the grounds that a utility is earning more than a fair or reasonable return. The rule requires that if such a complaint is filed, the commission will issue a procedural schedule that includes a clear delineation of the case timeline no later than sixty (60) days from the date the complaint is filed. In addition to these provisions, staff notes that these rules include provisions that limit the time a rate adjustment mechanism can be in place without another rate proceeding, require annual true-ups, require prudence audits, require extensive monthly and quarterly reporting, include significant data sharing with other parties, only allow recovery of actually incurred costs versus projected or forecasted costs, and provide for commission-ordered incentive or performance-based programs designed to improve the efficiency and cost-effectiveness of the electric utility's fuel and purchased power procurement activities. In summary, staff believes that these rules provide for sufficient opportunities for the parties to develop reasonable rate adjustment mechanisms, monitor the performance of these mechanisms and revise these mechanisms if necessary.

RESPONSE: As to the attorney general's assertions, it is clear to the commission that (13) takes precedence over (11)(C). Further, it is not unreasonable, as AmerenUE asserts, to expect that a complainant in this new procedure, wherein parties have access to surveillance reports and other documents, will file a well-founded and well-documented complaint that could be expeditiously heard. Therefore, no change will be made.

COMMENT: The attorney general is convinced that the prudence review and surveillance monitoring established in the rule are insufficient. The attorney general believes that the commission should articulate some prudence standard in its proposed rule. The attorney general also asserts that (11)(C) binds the commission to a certain decision even though circumstances can change over time. Noranda asserts that the provisions of the proposed rule regarding surveillance appear to be adequate and should not be diluted or weakened. Ideally, Noranda would prefer that surveillance be sufficiently specific to enable an interested party to readily identify any inappropriate fuel costs and excess earnings. While the proposed surveillance provisions may fall short of this ideal, Noranda is satisfied that the proposed surveillance provisions are reasonable so long as they are not weakened by additional modifications.

RESPONSE: As noted above, the PSC staff is satisfied that the prudence reviews and surveillance procedures are adequate. Moreover,

as we have stated above, we find that the ability to file a complaint in (13) supersedes (11)(C). Therefore, no changes will be made.

COMMENT: Commenters assert that minimum equipment performance standards are needed to encourage efficient operations and maintenance and avoid the automatic pass- through of extraordinary insured or controllable costs (such costs are not caused by fuel price changes in any event). The PSC staff agrees that equipment performance standards should be a part of these rules and has included in the proposed rules requirements to develop generating unit efficiency testing and monitoring procedures. Staff will, as a result of receiving this data, have the ability to monitor each electric utility's power plants in terms of their capability to efficiently convert fuel to electricity. Any observed reductions over time may be an indication of the utility's need to implement programs to improve efficiency. Staff views this as a very important and necessary detail since the efficiency of each electric utility's power plants directly relates to each electric utility's fuel and purchased power costs.
RESPONSE: The commission finds the comment and the staff's resolution to be reasonable, requiring no further action.

COMMENT: Some commenters believe these rules should, and others believe these rules should not, include a requirement that the utility have an approved Chapter 22 resource plan in place prior to approval of any rate adjustment mechanism. The PSC staff believes that these rules should include requirements to report (i) on all supply- and demand-side resources, (ii) the dispatch of supply-side resources, (iii) the efficiency of supply-side resources and (iv) information showing the utility has a functioning resource planning process, important objectives of which are to minimize overall delivered energy costs and provide reliable service. These concerns prompted the drafting of proposed rule 4 CSR 240-3.161(2)(O)–(Q) and (3)(P)–(R). While staff believes the idea of having an "approved" resource plan as a prerequisite to having a rate adjustment mechanism may have some merit, staff does not believe this to be reasonable as the resource planning rules do not contemplate "approval" for these purposes, resource planning is not necessarily tied to current fuel and purchased power procurement prudency, and the resource planning rules will likely be changed as a result of upcoming rulemaking efforts. Also, staff believes the information being requested in the current proposed rules, along with additional discovery if needed, will provide parties with sufficient information to argue that a utility does not have an adequate planning process in place, if the utility does not.
RESPONSE: The commission finds the requirement for resource planning information in the Chapter 3 rules to be sufficient at present. Therefore no change will be made.

COMMENT: In its comments, the attorney general suggests a RAM Threshold Test: "Prior to gaining the ability to utilize any of the RAM mechanisms authorized by Section 386.266 the electric utility shall be required to demonstrate to the Commission and the Commission must find after hearing that without the ability to use the RAM mechanisms authorized by Section 386.266 the electric utility would be unable to have an opportunity to achieve its Commission authorized rate of return." Section 386.266(4)(l) notes that any RAM authorized by the commission must be "reasonably designed to provide the utility with a sufficient opportunity to earn a fair return on equity." If an electric utility already has a sufficient opportunity to earn a fair return on equity, it does not need a RAM. AmerenUE counters that SB 179 does not contemplate, and in fact prohibits, an earnings test. An earnings test means the utility would effectively never be able to utilize a RAM when fuel costs are rising, unless the utility established, up to four (4) times per year, that it is "under-earning." Implementation would require a full-blown rate review for each adjustment to the RAM. It would not allow the "periodic rate adjustments, outside of general rate proceedings, to reflect increases and decreases in prudently incurred fuel and purchased power costs" contemplated by SB 179.
RESPONSE: The commission finds that an earnings threshold for eligibility to use a RAM is contrary to the intent of the legislature, as articulated in SB 179. Therefore, no such eligibility criteria will be included in the rule.

COMMENT: AmerenUE notes that only an electric utility may "make an application to the commission" for a RAM, section 386.266.1, RSMo. The rules should be clarified, consistent with the statute, to provide that other parties to the general rate proceeding where a RAM is established or is to be continued can propose alternatives, but only if the electric utility proposes to establish or continue the RAM in the first place. (2)(F) and (3)(A) should be changed to clarify that the RAM and each periodic adjustment is to be based upon historical fuel and purchased power costs. The PSC staff believes that the current provisions of section 386.266 and these rules allow only electric utilities to propose establishment of a RAM. After the electric utility has a RAM in place, future rate proceeding filings to extend, modify or discontinue the rate adjustment mechanism will be subject to alternative proposals of other parties and the commission's power to approve, modify or reject any of these proposals.
RESPONSE AND EXPLANATION OF CHANGE: The rule is clarified that only an electric utility may seek a RAM, and that periodic adjustments to a RAM are based on historical costs, as more fully set forth below.

4 CSR 240-20.090 Electric Utility Fuel and Purchased Power Cost Recovery Mechanisms

(1) Definitions. As used in this rule, the following terms mean as follows:

(B) Fuel and purchased power costs means prudently incurred and used fuel and purchased power costs, including transportation costs. Prudently incurred costs do not include any increased costs resulting from negligent or wrongful acts or omissions by the utility. If not inconsistent with a commission approved incentive plan, fuel and purchased power costs also include prudently incurred actual costs of net cash payments or receipts associated with hedging instruments tied to specific volumes of fuel and associated transportation costs.

1. If off-system sales revenues are not reflected in the rate adjustment mechanism (RAM), fuel and purchased power costs only reflect the prudently incurred fuel and purchased power costs necessary to serve the electric utility's Missouri retail customers.

2. If off-system sales revenues are reflected in the RAM, fuel and purchased power costs reflect both:

A. The prudently incurred fuel and purchased power costs necessary to serve the electric utility's Missouri retail customers; and

B. The prudently incurred fuel and purchased power costs associated with the electric utility's off-system sales;

(2) Applications to Establish, Continue or Modify a RAM. Pursuant to the provisions of this rule, 4 CSR 240-2.060 and section 386.266, RSMo, only an electric utility in a general rate proceeding may file an application with the commission to establish, continue or modify a RAM by filing tariff schedules. Any party in a general rate proceeding in which a RAM is effective or proposed may seek to continue, modify or oppose the RAM. The commission shall approve, modify or reject such applications to establish a RAM only after providing the opportunity for a full hearing in a general rate proceeding. The commission shall consider all relevant factors that may affect the costs or overall rates and charges of the petitioning electric utility.

(C) In determining which cost components to include in a RAM, the commission will consider, but is not limited to only considering, the magnitude of the costs, the ability of the utility to manage the costs, the volatility of the cost component and the incentive provided to the utility as a result of the inclusion or exclusion of the cost component. The commission may, in its discretion, determine what portion of prudently incurred fuel and purchased power costs may be recovered in a RAM and what portion shall be recovered in base rates.

(E) Any party to the general rate proceeding may oppose the establishment, continuation or modification of a RAM and/or may propose alternative RAMs for the commission's consideration including

but not limited to modifications to the electric utility's proposed RAM.

(F) The RAM and periodic adjustments thereto shall be based on historical fuel and purchased power costs.

(H) Any party to the general rate proceeding may propose a cap on the change in the FAC, reasonably designed to mitigate volatility in rates, provided it proposes a method for the utility to recover all of the costs it would be entitled to recover in the FAC, together with interest thereon.

(3) Application for Discontinuation of a RAM. The commission shall allow or require the rate schedules that define and implement a RAM to be discontinued and withdrawn only after providing the opportunity for a full hearing in a general rate proceeding. The commission shall consider all relevant factors that affect the cost or overall rates and charges of the petitioning electric utility.

(A) Any party to the general rate proceeding may oppose the discontinuation of a RAM on the grounds that the utility is opportunistically discontinuing the RAM due to declining fuel or purchased power costs and/or increasing off-system sales revenues. If the commission finds that the utility is opportunistically seeking to discontinue the RAM for any of these reasons, the commission shall not allow the RAM to be discontinued, and shall order its continuation or modification. To continue or modify the RAM under such circumstances, the commission must find that it provides the electric utility with a sufficient opportunity to earn a fair rate of return on equity and the rate schedules filed to implement the RAM must conform to the RAM approved by the commission. Any RAM and periodic adjustments thereto shall be based on historical fuel and purchased power costs.

(4) Periodic Adjustments of FACs. If an electric utility files proposed rate schedules to adjust its FAC rates between general rate proceedings, the staff shall examine and analyze the information filed by the electric utility in accordance with 4 CSR 240-3.161 and additional information obtained through discovery, if any, to determine if the proposed adjustment to the FAC is in accordance with the provisions of this rule, section 386.266, RSMo and the FAC mechanism established in the most recent general rate proceeding. The staff shall submit a recommendation regarding its examination and analysis to the commission not later than thirty (30) days after the electric utility files its tariff schedules to adjust its FAC rates. If the FAC rate adjustment is in accordance with the provisions of this rule, section 386.266, RSMo, and the FAC mechanism established in the most recent general rate proceeding, the commission shall either issue an interim rate adjustment order approving the tariff schedules and the FAC rate adjustments within sixty (60) days of the electric utility's filing or, if no such order is issued, the tariff schedules and the FAC rate adjustments shall take effect sixty (60) days after the tariff schedules were filed. If the FAC rate adjustment is not in accordance with the provisions of this rule, section 386.266, RSMo, or the FAC mechanism established in the most recent rate proceeding, the commission shall reject the proposed rate schedules within sixty (60) days of the electric utility's filing and may instead order implementation of an appropriate interim rate schedule(s).

(A) An electric utility with a FAC shall file one (1) mandatory adjustment to its FAC in each true-up year coinciding with the true-up of its FAC. It may also file up to three (3) additional adjustments to its FAC within a true-up year with the timing and number of such additional filings to be determined in the general rate proceeding establishing the FAC and in general rate proceedings thereafter.

(5) True-Ups of RAMs. An electric utility that files for a RAM shall include in its tariff schedules and application, if filed in addition to tariff schedules, provision for true-ups on at least an annual basis which shall accurately and appropriately remedy any over-collection or under-collection through subsequent rate adjustments or refunds.

(D) The staff shall examine and analyze the information filed by the electric utility pursuant to 4 CSR 240-3.161 and additional information obtained through discovery, to determine whether the true-up is in accordance with the provisions of this rule, section 386.266, RSMo and the RAM established in the electric utility's most recent general rate proceeding. The staff shall submit a recommendation regarding its examination and analysis to the commission not later than thirty (30) days after the electric utility files its tariff schedules for a true-up. The commission shall either issue an order deciding the true-up within sixty (60) days of the electric utility's filing, suspend the timeline of the true-up in order to receive additional evidence and hold a hearing if needed or, if no such order is issued, the tariff schedules and the FAC rate adjustments shall take effect by operation of law sixty (60) days after the utility's filing.

1. If the staff, OPC or other party which receives, pursuant to a protective order, the information that the electric utility is required to submit in 4 CSR 240-3.161 and as ordered by the commission in a previous proceeding, believes the information that is required to be submitted pursuant to 4 CSR 240-3.161 and the commission order establishing the RAM has not been submitted or is insufficient to make a recommendation regarding the electric utility's true-up filing, it shall notify the electric utility within ten (10) days of the electric utility's filing and identify the information required. The electric utility shall supply the information identified by the party, or shall notify the party that it believes the information provided was responsive to the requirements, within ten (10) days of the request. If the electric utility does not timely supply the information, the party asserting the failure to provide the required information must timely file a motion to compel with the commission. While the commission is considering the motion to compel the processing timeline for the adjustment to the FAC rates shall be suspended. If the commission then issues an order requiring the information to be provided, the time necessary for the information to be provided shall further extend the processing timeline. For good cause shown the commission may further suspend this timeline.

2. If the party requesting the information can demonstrate to the commission that the adjustment shall result in a reduction in the FAC rates, the processing timeline shall continue with the best information available. When the electric utility provides the necessary information, the RAM shall be adjusted again, if necessary, to reflect the additional information provided by the electric utility.

(7) Prudence Reviews Respecting RAMs. A prudence review of the costs subject to the RAM shall be conducted no less frequently than at eighteen (18)-month intervals.

(B) The staff shall submit a recommendation regarding its examination and analysis to the commission not later than one hundred eighty (180) days after the staff initiates its prudence audit. The timing and frequency of prudence audits for each RAM shall be established in the general rate proceeding in which the RAM is established. The staff shall file notice within ten (10) days of starting its prudence audit. The commission shall issue an order not later than two hundred ten (210) days after the staff commences its prudence audit if no party to the proceeding in which the prudence audit is occurring files, within one hundred ninety (190) days of the staff's commencement of its prudence audit, a request for a hearing.

1. If the staff, OPC or other party auditing the RAM believes that insufficient information has been supplied to make a recommendation regarding the prudence of the electric utility's RAM, it may utilize discovery to obtain the information it seeks. If the electric utility does not timely supply the information, the party asserting the failure to provide the required information must timely file a motion to compel with the commission. While the commission is considering the motion to compel the processing timeline shall be suspended. If the commission then issues an order requiring the information to be provided, the time necessary for the information to be provided shall further extend the processing timeline. For good cause shown the commission may further suspend this timeline.

2. If the timeline is extended due to an electric utility's failure to timely provide sufficient responses to discovery and a refund is due to the customers, the electric utility shall refund all imprudently incurred costs plus interest at the electric utility's short-term borrowing rate.

(9) Rate Design of the RAM. The design of the RAM rates shall reflect differences in losses incurred in the delivery of electricity at different voltage levels for the electric utility's different rate classes. Therefore, the electric utility shall conduct a Missouri jurisdictional system loss study within twenty-four (24) months prior to the general rate proceeding in which it requests its initial RAM. The electric utility shall conduct a Missouri jurisdictional loss study no less often than every four (4) years thereafter, on a schedule that permits the study to be used in the general rate proceeding necessary for the electric utility to continue to utilize a RAM.

(11) Incentive Mechanism or Performance-Based Program. During a general rate proceeding in which an electric utility has proposed establishment or modification of a RAM, or in which a RAM may be allowed to continue in effect, any party may propose for the commission's consideration incentive mechanisms or performance-based programs to improve the efficiency and cost effectiveness of the electric utility's fuel and purchased power procurement activities.

(B) Any incentive mechanism or performance-based program shall be structured to align the interests of the electric utility's customers and shareholders. The anticipated benefits to the electric utility's customers from the incentive or performance-based program shall equal or exceed the anticipated costs of the mechanism or program to the electric utility's customers. For this purpose, the cost of an incentive mechanism or performance-based program shall include any increase in expense or reduction in revenue credit that increases rates to customers in any time period above what they would be without the incentive mechanism or performance-based program.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 30—Division of Administrative and Financial Services
Chapter 261—School Transportation

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under section 304.060, RSMo 2000, the board amends a rule as follows:

5 CSR 30-261.025 Minimum Requirements for School Bus Chassis and Body **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 3, 2006 (31 MoReg 984–986). Changes have been made in the text of the *2007 Missouri Minimum Standards for School Buses* which is incorporated by reference. No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The State Board of Education received comments from two (2) directors of transportation and one (1) department employee on the proposed amendment.

COMMENT: Both sets of comments opposed the high back seats and barriers standard, stating daily operational problems for the bus driver to include students standing and kneeling in order to communicate with friends, and more opportunity for vandalism, bullying and instances of objects being thrown out of windows due to a decrease in the bus driver's line of vision.
RESPONSE: The State Board of Education has considered this comment and has decided to make no change in the amendment based on the recommendation of the Minimum Standards for School Buses Technical Advisory Committee.

COMMENT: Both sets of comments opposed the additional stop arm stating the second stop arm located on the rear of the bus will not prevent accidents and recommending instead rear-mounted warning systems which would flash directly in the line of vision of motorists following the bus.
RESPONSE: The State Board of Education has considered this comment and has decided to make no change in the amendment based on the recommendation of the Minimum Standards for School Buses Technical Advisory Committee.

COMMENT: Both sets of comments opposed the front and rear tow hooks being included in the 2007 Minimum Standards. Front and rear tow hooks are fairly standard throughout the state and most large buses are being towed from the rear so the tow companies don't have to disconnect the drive shafts. Tow hooks offer no increased "safety" for students on board the bus.
RESPONSE: The State Board of Education has considered this comment and has decided to make no change in the amendment based on the recommendation of the Minimum Standards for School Buses Technical Advisory Committee.

COMMENT: Both sets of comments opposed the transmission interlock standard based on cost and availability. The transmission interlock is not available as an option from the school bus manufacturers as of this date. Installation of the transmission interlock will add to the cost of the bus with no appreciable increase in safety, but an increase in the cost of maintenance.
RESPONSE AND EXPLANATION OF CHANGE: Pursuant to a vote of the Missouri Minimum Standards Technical Advisory Committee the decision was made to withdraw the proposed change to the transmission interlock that would have mandated the transmission interlock system rather than having it as optional equipment. The transmission interlock is currently not readily available as an option on large school buses so the cost is higher than the committee would like it to be for school buses. The State Board of Education carefully reviewed the comments and has made changes in the *2007 Missouri Minimum Standards for School Buses*, which is incorporated by reference.

COMMENT: One comment was received regarding side skirts extended. Proponents of this change say that the purpose of extending the side skirts is to reduce the chance of a child crawling or being knocked under a bus and being run over by the rear tires. In reality, those children who are run over by their own school bus too often are run over by the front wheels, not the back wheels. The change will not make buses safer, but will only serve to increase maintenance and repair costs.
RESPONSE: The State Board of Education has considered this comment and has decided to make no change in the amendment based on the recommendation of the Minimum Standards for School Buses Technical Advisory Committee.

COMMENT: Language pertaining to the stop arm signal was inadvertently left out of the *2007 Missouri Minimum Standards for School Buses*, which is incorporated by reference.
RESPONSE AND EXPLANATION OF CHANGE: Per the Missouri Minimum Standards Technical Advisory Committee's request, the language pertaining to the Stop Arm Signal has been included in the *2007 Missouri Minimum Standards for School Buses*, which is incorporated by reference.

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 1—Organization; General Provisions

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 536.023, RSMo Supp. 2005, the commission amends a rule as follows:

7 CSR 10-1.010 Description, Organization and Information **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 17, 2006 (31 MoReg 1083–1085). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 40—State Auditor
Chapter 3—Rules Applying to Political Subdivisions

ORDER OF RULEMAKING

By the authority vested in the State Auditor under section 105.145, RSMo 2000, the auditor amends a rule as follows:

15 CSR 40-3.030 Annual Financial Reports of Political Subdivisions **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2006 (31 MoReg 1166). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No public hearing was held. No comments were received during the comment period.

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 20—County Employees' Deferred Compensation Plan

ORDER OF RULEMAKING

By the authority vested in the County Employees' Retirement Fund Board of Directors under section 50.1032, RSMo 2000, the board amends a rule as follows:

16 CSR 50-20.070 Distribution of Accounts **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 17, 2006 (31 MoReg 1095). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 18—PUBLIC DEFENDER COMMISSION
Division 10—Office of State Public Defender
Chapter 3—Guidelines for the Determination of Indigence

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Defender Commission under sections 600.017 and 600.086, RSMo 2000, the commission amends a rule as follows:

18 CSR 10-3.010 Guidelines for the Determination of Indigence **is amended**.

A notice of the proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2006 (31 MoReg 1225–1226). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 40—Comprehensive Emergency Medical Services Systems Regulations

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 190.185 and 190.550, RSMo Supp. 2005, the department withdraws a proposed rule as follows:

19 CSR 30-40.450 Emergency Medical Services Fees **is withdrawn**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 3, 2006 (31 MoReg 995–998). This proposed rule is withdrawn.

SUMMARY OF COMMENTS: The Department of Health and Senior Services received thirteen (13) comments on this proposed rule. Eleven (11) from fire protection agencies/associations, one (1) from a medical center, and one (1) from a paramedic.

COMMENT: Ken Baker, Assistant Chief, Rock Community Fire Protection District, Arnold; Chief Richard A. Dyer, Fire Director, Kansas City; Chief Rick Friedmann, Pacific Fire Protection District, Pacific; Debbie Jacobson RN, Director of Emergency Services, Audrain Medical Center; Francis "Butch" Oberkramer, President, Missouri Association of Fire Protection Districts, Columbia; Steve Paulsell, Fire Chief, Chairman, Missouri Fire Service Alliance; Larry E. Pratt, Chief, CFO, Kearney Fire & Rescue Protection District, Kearney; John VanGorkom, Fire Chief, Sni Valley Fire Protection District, Oak Grove; Steven Westermann, Chief, Central Jackson County Fire Protection District, Blue Springs; Chief Dave Williams, President, Missouri Association of Fire Chiefs commented that fees for other health care workers are regulated by a board of their peers. The department has an advisory committee, not a board that directs the process. The various commenting fire departments stated that it is not right to impose a fee on EMTs without EMTs or paramedics serving on a board with the authority to approve or disapprove of departmental actions.
RESPONSE: There are a number of health care workers assessed fees without the control of a board of their peers. Section 190.550, RSMo Supp. 2005, authorizes the department to establish a fee schedule for individuals and entities licensed or accredited by the department. However, the department is withdrawing the proposed rulemaking.

COMMENT: Chief Rick Friedmann, Pacific Fire Protection District, Pacific; Chief Richard A. Dyer, Fire Director, Kansas City;

Steve Paulsell, Fire Chief, Chairman, Missouri Fire Service Alliance; Steve Paulsell, Fire Chief, Boone County Fire Protection District; Ken Baker, Assistant Chief, Rock Community Fire Protection District, Arnold; Larry E. Pratt, Chief, CFO, Kearney Fire & Rescue Protection District, Kearney; John VanGorkom, Fire Chief, Sni Valley Fire Protection District, Oak Grove; Steven Westermann, Chief, Central Jackson County Fire Protection District, Blue Springs; Chief Dave Williams, President, Missouri Association of Fire Chiefs noted that other emergency service workers (police, deputies, highway patrolmen) are regulated by the POST commission and have no fee imposed for licensure. The department should adopt such a structure and not charge a fee to EMTs.
RESPONSE: The Peace Officer Standards and Training (POST) Program and Commission is an education and certification program authorized by Chapter 590, RSMo. Education of city and county law enforcement officers is funded by the POST Commission Fund. It is not a licensing program. Section 190.550, RSMo Supp. 2005, authorizes the department to establish a fee schedule for individuals and entities licensed or accredited by the department. However, the department is withdrawing the proposed rulemaking.

COMMENT: Ken Baker, Assistant Chief, Rock Community Fire Protection District, Arnold; Chief Richard A. Dyer, Fire Director, Kansas City; Chief Rick Friedmann, Pacific Fire Protection District, Pacific; Steve Paulsell, Fire Chief, Chairman, Missouri Fire Service Alliance; Larry E. Pratt, Chief, CFO, Kearney Fire & Rescue Protection District, Kearney; John VanGorkom, Fire Chief, Sni Valley Fire Protection District, Oak Grove; Steven Westermann, Chief, Central Jackson County Fire Protection District, Blue Springs commented that there is no exemption for volunteer EMTs. There should be because they volunteer their time and training and should not be charged for serving the community. Charging fees for licensure is like punishing them for improving the emergency medical system within the community.
RESPONSE: Subsection (1)(D) of the rule exempts from the fee requirements any emergency medical technician who is employed by a volunteer ambulance service and receives no compensation other than reimbursement of actual expenses. However, the department is withdrawing the proposed rulemaking.

COMMENT: Francis "Butch" Oberkramer, President, Missouri Association of Fire Protection Districts, Columbia; Steve Paulsell, Fire Chief, Boone County Fire Protection District, Columbia; Chief Dave Williams, President, Missouri Association of Fire Chiefs commented that volunteer firefighters should receive the same fee exemption as that offered to volunteer ambulance personnel. The proposed rule gives preferential treatment to ambulance personnel. Fire service personnel should be treated the same way.
RESPONSE: Section 190.550, RSMo Supp. 2005, provides that fees shall not be imposed for specific licensure or accreditation of persons employed by volunteer ambulance services. The department has no statutory authority to exempt persons employed by other entities. However the department is withdrawing the proposed rulemaking.

COMMENT: John VanGorkom, Fire Chief, Sni Valley Fire Protection District, Oak Grove commented that final costs will be passed on to the patient. This is an unfair burden.
RESPONSE: It is up to each individual licensed service to determine if costs will be passed on to the patient. However, the department is withdrawing the proposed rulemaking.

COMMENT: Dan Whisler, Chief, and Bob Cumley, Manager, City of Springfield. Mr. Whisler and Mr. Cumley noted that the Springfield Fire Department (SFD) provides EMS first responder services, a service in which they have provided significant leadership, e.g., in the use of Automatic External Defibrillators by first responders. The implementation of fees may prevent the SFD from continuing to provide life saving services at no direct cost to the citizens served. The fees will substantially impact the SFD budget at a time when fuel and operating costs are already increasing.

Mr. Whisler and Mr. Cumley further commented that they currently have about one hundred seventy-five (175) EMT-B and EMT-P personnel. They expressed belief that the proposed fees will discourage personnel from renewing their license unless required to do so. Further, the SFD is an EMT-B training entity. The increased fees may make it unfeasible to maintain this qualification.

They also commented that the proposed fees may constitute an unfunded mandate and may violate the Hancock Amendment.

Mr. Whisler and Mr. Cumley requested that public agencies that do not charge directly for the EMS services they provide be exempted from the proposed rule.
RESPONSE: Section 190.550, RSMo Supp. 2005, authorizes the department to establish a fee schedule for individuals and entities licensed or accredited by the department. However, the department is withdrawing the proposed rulemaking.

COMMENT: Scott Buckert, paramedic, commented on the pay and status of EMS personnel vis-à-vis police, firefighters, and nurses. He wondered whether or not the fees collected would help redress inequalities between these professions.

Mr. Buckert further commented that air ambulance services should pay on the basis of either the number of calls they make or by the number of units they operate. Charging a flat fee for all is unfair.

Mr. Buckert also commented that many persons and agencies don't make enough to afford the fees proposed in the rule.
RESPONSE: The fee schedule in the rule is not intended to address perceived inequalities among various healthcare and emergency personnel. The department is not statutorily authorized to address pay differential issues among police, firefighters, emergency medical technicians and nurses. However, the department is withdrawing the proposed rulemaking.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN ADDITION

Pursuant to section 537.610 regarding the Sovereign Immunity Limits for Missouri Public Entities, the Director of Insurance is required to calculate the new limitations on awards for liability.

Using the Implicit Price Deflator (IPD) for Personal Consumption Expenditures (PCE), as required by section 537.610 the two new Sovereign Immunity Limits effective January 1, 2007 were established by the following calculations:

Index Based on 2000 Dollars	
Third Quarter 2006 IPD Index	115.27
Third Quarter 2005 IPD Index	112.06

New 2007 Limit = 2006 Limit × (2006 Index/2005 Index)

For all claims arising out of a single accident or occurrence:
2,369,306 = 2,303,326 × (1.1527/1.1206)

For any one person in a single accident or occurrence:
355,396 = 345,499 × (1.1527/1.1206)

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY

1. The name of the limited liability company is KP Contractors L.L.C.

2. The articles of organization for the limited liability company were filed on the following date: 05/12/2003.

3. Persons with claims against the limited liability company should present them in accordance with the following procedure:

A) In order to file a claim with the limited liability company, you must furnish the following: (i) amount of the claim, (ii) basis for the claim, and (iii) documentation of the claim.

B) The claim must be mailed to Registered Agent, Ltd., 2345 Grand Blvd., Suite 2800, Kansas City, MO 64108-2684.

4. A claim against the limited liability company will be barred unless a proceeding to enforce the claim is commenced within three years after publication of the notice.

NOTICE OF DISSOLUTION OF SCOTT RICE OF KANSAS CITY, INC.

Effective October 11, 2006, Scott Rice of Kansas City, Inc., a Missouri corporation (the "Corporation"), was dissolved pursuant to the voluntary filing of its Articles of Dissolution with the Missouri Secretary of State.

Any persons with claims against the Corporation are requested to present them in accordance with this notice. Claims may be sent on behalf of the Corporation to Blackwell Sanders Peper Martin, LLP, Attn: Michelle A. Gruber, Esq., 4801 Main Street, Suite 1000, Kansas City, Missouri 64112.

All claims must be presented in writing and contain: (1) a short and plain statement of the facts showing that the claimant is entitled to relief, including the date of the claim; (2) a demand for such relief, (3) the amount of money or alternative relief demanded, and (4) the identity and contact information of the claimant. A claim against the Corporation will be barred unless a proceeding to enforce the claim is commenced within two years after the publication of this notice.

NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST 12433 CONWAY, LLC

On October 10, 2006, 12433 Conway, LLC, a Missouri limited liability company (hereinafter the "Company"), filed its Notice of Winding-Up for a Limited Liability Company with the Missouri Secretary of State, effective upon the filing. Claims against the Company should be presented immediately in writing to Robert L. Kelley, 17988 Edison Avenue, Chesterfield, MO 63005. Each claim must include the following information: (i) the name, address and phone number of the claimant; (ii) the amount being claimed; (iii) the date on which the claim arose; (iv) the basis for the claim; and (v) all documentation to support the claim. All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—30 (2005) and 31 (2006). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
	OFFICE OF ADMINISTRATION				
1 CSR 10	State Officials' Salary Compensation Schedule				30 MoReg 2435
1 CSR 10-11.030	Commissioner of Administration		31 MoReg 901	31 MoReg 1567	
1 CSR 15-1.204	Administrative Hearing Commission		31 MoReg 971	31 MoReg 1670	
1 CSR 15-3.200	Administrative Hearing Commission		31 MoReg 971	31 MoReg 1670	
1 CSR 15-3.350	Administrative Hearing Commission		31 MoReg 972	31 MoReg 1670	
1 CSR 15-3.390	Administrative Hearing Commission		31 MoReg 972	31 MoReg 1670	
1 CSR 15-3.420	Administrative Hearing Commission		31 MoReg 972	31 MoReg 1671	
1 CSR 15-3.470	Administrative Hearing Commission		31 MoReg 973	31 MoReg 1671	
1 CSR 20-4.010	Personnel Advisory Board and Division of Personnel		31 MoReg 1867		
1 CSR 20-5.020	Personnel Advisory Board and Division of Personnel		31 MoReg 1057	31 MoReg 1882	
	DEPARTMENT OF AGRICULTURE				
2 CSR 110-2.010	Office of the Director	31 MoReg 1293	31 MoReg 1306		
	DEPARTMENT OF CONSERVATION				
3 CSR 10-1.010	Conservation Commission		31 MoReg 1058	31 MoReg 1567	
3 CSR 10-4.111	Conservation Commission		31 MoReg 768	31 MoReg 1567	
3 CSR 10-4.117	Conservation Commission		31 MoReg 1703		
3 CSR 10-4.145	Conservation Commission		31 MoReg 1703		
3 CSR 10-5.310	Conservation Commission		31 MoReg 1704		
3 CSR 10-5.315	Conservation Commission		31 MoReg 1704		
3 CSR 10-5.320	Conservation Commission		31 MoReg 1704		
3 CSR 10-5.330	Conservation Commission		31 MoReg 1705		
3 CSR 10-5.351	Conservation Commission		31 MoReg 1705		
3 CSR 10-5.352	Conservation Commission		31 MoReg 1705		
3 CSR 10-5.375	Conservation Commission		31 MoReg 1705		
3 CSR 10-5.440	Conservation Commission		31 MoReg 1709		
3 CSR 10-5.460	Conservation Commission		31 MoReg 1711		
3 CSR 10-5.465	Conservation Commission		31 MoReg 1711		
3 CSR 10-5.540	Conservation Commission		31 MoReg 1711		
3 CSR 10-5.545	Conservation Commission		31 MoReg 1713		
3 CSR 10-5.551	Conservation Commission		31 MoReg 1715		
3 CSR 10-5.552	Conservation Commission		31 MoReg 1717		
3 CSR 10-5.554	Conservation Commission		31 MoReg 1717		
3 CSR 10-5.559	Conservation Commission		31 MoReg 1717		
3 CSR 10-5.560	Conservation Commission		31 MoReg 1719		
3 CSR 10-5.565	Conservation Commission		31 MoReg 1721		
3 CSR 10-5.570	Conservation Commission		31 MoReg 1723		
3 CSR 10-5.576	Conservation Commission		31 MoReg 1725		
3 CSR 10-6.405	Conservation Commission		31 MoReg 1725		
3 CSR 10-6.410	Conservation Commission		31 MoReg 1725		
3 CSR 10-6.505	Conservation Commission		31 MoReg 1726		
3 CSR 10-6.510	Conservation Commission		31 MoReg 1726		
3 CSR 10-6.515	Conservation Commission		31 MoReg 1726		
3 CSR 10-6.520	Conservation Commission		31 MoReg 1727		
3 CSR 10-6.525	Conservation Commission		31 MoReg 1727		
3 CSR 10-6.530	Conservation Commission		31 MoReg 1727		
3 CSR 10-6.533	Conservation Commission		31 MoReg 1727		
3 CSR 10-6.535	Conservation Commission		31 MoReg 1728		
3 CSR 10-6.540	Conservation Commission		31 MoReg 1728		
3 CSR 10-6.545	Conservation Commission		31 MoReg 1728		
3 CSR 10-6.550	Conservation Commission		31 MoReg 1729		
3 CSR 10-6.605	Conservation Commission		31 MoReg 1729		
3 CSR 10-7.410	Conservation Commission		31 MoReg 1729		
3 CSR 10-7.415	Conservation Commission		31 MoReg 1730		
3 CSR 10-7.430	Conservation Commission		31 MoReg 1730		
3 CSR 10-7.440	Conservation Commission		N.A.	31 MoReg 1568	
3 CSR 10-7.450	Conservation Commission		31 MoReg 1731		
3 CSR 10-7.455	Conservation Commission		N.A.	31 MoReg 1569	
3 CSR 10-8.510	Conservation Commission		31 MoReg 1731		
3 CSR 10-8.515	Conservation Commission		31 MoReg 1732		
3 CSR 10-9.105	Conservation Commission		31 MoReg 1733		
3 CSR 10-9.110	Conservation Commission		31 MoReg 1737		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
3 CSR 10-9.220	Conservation Commission		31 MoReg 1737		
3 CSR 10-9.351	Conservation Commission		31 MoReg 1739		
3 CSR 10-9.353	Conservation Commission		31 MoReg 1739R 31 MoReg 1739		
3 CSR 10-9.359	Conservation Commission		31 MoReg 1741		
3 CSR 10-9.425	Conservation Commission		31 MoReg 1741		
3 CSR 10-9.442	Conservation Commission		N.A.	31 MoReg 1569	
3 CSR 10-9.560	Conservation Commission		31 MoReg 1741		
3 CSR 10-9.565	Conservation Commission		31 MoReg 769 31 MoReg 1742		
3 CSR 10-9.625	Conservation Commission		31 MoReg 1743		
3 CSR 10-9.627	Conservation Commission		31 MoReg 1743		
3 CSR 10-9.628	Conservation Commission		31 MoReg 1744		
3 CSR 10-10.725	Conservation Commission		31 MoReg 1744		
3 CSR 10-10.735	Conservation Commission		31 MoReg 1744		
3 CSR 10-11.125	Conservation Commission		31 MoReg 1745		
3 CSR 10-11.140	Conservation Commission		31 MoReg 1745		
3 CSR 10-11.160	Conservation Commission		31 MoReg 1746		
3 CSR 10-11.180	Conservation Commission		31 MoReg 1748		
3 CSR 10-11.200	Conservation Commission		31 MoReg 1751		
3 CSR 10-11.205	Conservation Commission		31 MoReg 1751		
3 CSR 10-11.210	Conservation Commission		31 MoReg 1752		
3 CSR 10-11.215	Conservation Commission		31 MoReg 1752		
3 CSR 10-12.109	Conservation Commission		31 MoReg 1753		
3 CSR 10-12.115	Conservation Commission		31 MoReg 1753		
3 CSR 10-12.130	Conservation Commission		31 MoReg 1754		
3 CSR 10-12.135	Conservation Commission		N.A.	31 MoReg 1570	
3 CSR 10-12.140	Conservation Commission		N.A.	31 MoReg 1570	
3 CSR 10-12.145	Conservation Commission		31 MoReg 1754		
3 CSR 10-12.150	Conservation Commission		N.A.	31 MoReg 1571	
3 CSR 10-12.155	Conservation Commission		31 MoReg 1754		
3 CSR 10-20.805	Conservation Commission		31 MoReg 1755		
	DEPARTMENT OF ECONOMIC DEVELOPMENT				
4 CSR 10-1.010	Missouri State Board of Accountancy *(Changed to 20 CSR 2010-1.010)*		31 MoReg 653	31 MoReg 1571	
4 CSR 10-1.020	Missouri State Board of Accountancy *(Changed to 20 CSR 2010-1.020)*		31 MoReg 653	31 MoReg 1571	
4 CSR 10-1.050	Missouri State Board of Accountancy *(Changed to 20 CSR 2010-1.050)*		31 MoReg 654	31 MoReg 1572	
4 CSR 10-2.005	Missouri State Board of Accountancy *(Changed to 20 CSR 2010-2.005)*		31 MoReg 656	31 MoReg 1572	
4 CSR 10-2.022	Missouri State Board of Accountancy *(Changed to 20 CSR 2010-2.022)*		31 MoReg 656R 31 MoReg 656	31 MoReg 1572R 31 MoReg 1573	
4 CSR 10-2.041	Missouri State Board of Accountancy *(Changed to 20 CSR 2010-2.041)*		31 MoReg 659	31 MoReg 1573	
4 CSR 10-2.051	Missouri State Board of Accountancy *(Changed to 20 CSR 2010-2.051)*		31 MoReg 659	31 MoReg 1573	
4 CSR 10-2.065	Missouri State Board of Accountancy *(Changed to 20 CSR 2010-2.065)*		31 MoReg 660	31 MoReg 1573	
4 CSR 10-2.070	Missouri State Board of Accountancy *(Changed to 20 CSR 2010-2.070)*		31 MoReg 663	31 MoReg 1573	
4 CSR 10-2.072	Missouri State Board of Accountancy *(Changed to 20 CSR 2010-2.072)*		31 MoReg 663	31 MoReg 1574	
4 CSR 10-2.075	Missouri State Board of Accountancy *(Changed to 20 CSR 2010-2.075)*		31 MoReg 664	31 MoReg 1574	
4 CSR 10-2.130	Missouri State Board of Accountancy *(Changed to 20 CSR 2010-2.130)*		31 MoReg 664R 31 MoReg 664	31 MoReg 1574R 31 MoReg 1574	
4 CSR 10-2.140	Missouri State Board of Accountancy *(Changed to 20 CSR 2010-2.140)*		31 MoReg 667	31 MoReg 1574	
4 CSR 10-2.150	Missouri State Board of Accountancy *(Changed to 20 CSR 2010-2.150)*		31 MoReg 668R 31 MoReg 668	31 MoReg 1575R 31 MoReg 1575	
4 CSR 10-2.160	Missouri State Board of Accountancy *(Changed to 20 CSR 2010-2.160)*		31 MoReg 669	31 MoReg 1575	
4 CSR 30-6.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects (*Changed to 20 CSR 2030-6.015)*		31 MoReg 1392		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 40-4.040	Office of Athletics *(Changed to 20 CSR 2040-4.040)*		31 MoReg 1310		
4 CSR 40-4.090	Office of Athletics *(Changed to 20 CSR 2040-4.090)*		31 MoReg 1310		
4 CSR 85-4.010	Division of Community and Economic Development		31 MoReg 973	31 MoReg 1882	
4 CSR 100-2.075	Division of Credit Unions *(Changed to 20 CSR 1100-2.075)*		31 MoReg 1058	31 MoReg 1892	
4 CSR 105-3.010	Credit Union Commission *(Changed to 20 CSR 1105-3.010)*		31 MoReg 1061	31 MoReg 1892W	
4 CSR 105-3.011	Credit Union Commission *(Changed to 20 CSR 1105-3.011)*		31 MoReg 1062	31 MoReg 1893W	
4 CSR 105-3.012	Credit Union Commission *(Changed to 20 CSR 1105-3.012)*		31 MoReg 1063	31 MoReg 1893W	
4 CSR 110-2.110	Missouri Dental Board *(Changed to 20 CSR 2110-2.110)*		31 MoReg 1395		
4 CSR 110-2.114	Missouri Dental Board *(Changed to 20 CSR 2110-2.114)*		31 MoReg 1395		
4 CSR 150-2.125	State Board of Registration for the Healing Arts *(Changed to 20 CSR 2150-2.125)*		31 MoReg 1398		
4 CSR 150-3.010	State Board of Registration for the Healing Arts *(Changed to 20 CSR 2150-3.010)*		31 MoReg 1398		
4 CSR 150-3.203	State Board of Registration for the Healing Arts *(Changed to 20 CSR 2150-3.203)*		31 MoReg 1399		
4 CSR 150-5.100	State Board of Registration for the Healing Arts *(Changed to 20 CSR 2150-5.100)*		31 MoReg 1399		
4 CSR 150-7.135	State Board of Registration for the Healing Arts *(Changed to 20 CSR 2150-7.135)*		31 MoReg 1400		
4 CSR 200-4.100	State Board of Nursing *(Changed to 20 CSR 2200-4.100)*		31 MoReg 1401		
4 CSR 200-4.200	State Board of Nursing *(Changed to 20 CSR 2200-4.200)*		31 MoReg 1401		
4 CSR 220-2.010	State Board of Pharmacy *(Changed to 20 CSR 2220-2.010)*		31 MoReg 1468		
4 CSR 220-2.020	State Board of Pharmacy *(Changed to 20 CSR 2220-2.020)*		31 MoReg 1474		
4 CSR 220-2.025	State Board of Pharmacy *(Changed to 20 CSR 2220-2.025)*		31 MoReg 1474		
4 CSR 220-2.190	State Board of Pharmacy *(Changed to 20 CSR 2220-2.190)*		31 MoReg 1479		
4 CSR 220-2.450	State Board of Pharmacy *(Changed to 20 CSR 2220-2.450)*		31 MoReg 1479		
4 CSR 220-2.900	State Board of Pharmacy *(Changed to 20 CSR 2220-2.900)*		31 MoReg 1482		
4 CSR 220-5.020	State Board of Pharmacy *(Changed to 20 CSR 2220-5.020)*		31 MoReg 1485		
4 CSR 220-5.030	State Board of Pharmacy *(Changed to 20 CSR 2220-5.030)*		31 MoReg 1485		
4 CSR 232-2.040	Missouri State Committee of Interpreters *(Changed to 20 CSR 2232-2.040)*	31 MoReg 1465	31 MoReg 1486		
4 CSR 232-3.010	Missouri State Committee of Interpreters		31 MoReg 1211		
4 CSR 235-5.030	State Committee of Psychologists		31 MoReg 1212R 31 MoReg 1212		
4 CSR 235-7.020	State Committee of Psychologists		31 MoReg 1218		
4 CSR 235-7.030	State Committee of Psychologists		31 MoReg 1218		
4 CSR 240-2.135	Public Service Commission		31 MoReg 982	This Issue	
4 CSR 240-3.161	Public Service Commission		31 MoReg 1063	This Issue	
4 CSR 240-3.545	Public Service Commission		31 MoReg 902	31 MoReg 1882	
4 CSR 240-20.090	Public Service Commission		31 MoReg 1076	This Issue	
4 CSR 240-37.010	Public Service Commission		31 MoReg 1758		
4 CSR 240-37.020	Public Service Commission		31 MoReg 1758		
4 CSR 240-37.030	Public Service Commission		31 MoReg 1759		
4 CSR 240-37.040	Public Service Commission		31 MoReg 1763		
4 CSR 240-37.050	Public Service Commission		31 MoReg 1763		
4 CSR 240-37.060	Public Service Commission		31 MoReg 1764		
4 CSR 255-1.040	Missouri Board for Respiratory Care *(Changed to 20 CSR 2255-1.040)*		31 MoReg 1402		
4 CSR 255-2.010	Missouri Board for Respiratory Care *(Changed to 20 CSR 2255-2.010)*		31 MoReg 1405		
4 CSR 255-2.020	Missouri Board for Respiratory Care *(Changed to 20 CSR 2255-2.020)*		31 MoReg 1407		
4 CSR 255-2.030	Missouri Board for Respiratory Care *(Changed to 20 CSR 2255-2.030)*		31 MoReg 1409		
4 CSR 255-4.010	Missouri Board for Respiratory Care *(Changed to 20 CSR 2255-4.010)*		31 MoReg 1411		
4 CSR 263-1.035	State Committee for Social Workers *(Changed to 20 CSR 2263-1.035)*		31 MoReg 1412		
4 CSR 263-2.090	State Committee for Social Workers *(Changed to 20 CSR 2263-2.090)*		31 MoReg 1415		
4 CSR 267-2.020	Office of Tattooing, Body Piercing and Branding		31 MoReg 1219		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 270-1.050	Missouri Veterinary Medical Board *(Changed to 20 CSR 2270-1.050)*		31 MoReg 1417		
	DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION				
5 CSR 30-260.010	Division of Administrative and Financial Services		31 MoReg 849	31 MoReg 1671	
5 CSR 30-261.025	Division of Administrative and Financial Services		31 MoReg 984	This Issue	
5 CSR 30-345.010	Division of Administrative and Financial Services		31 MoReg 1417R		
5 CSR 30-640.010	Division of Administrative and Financial Services		31 MoReg 1869R		
5 CSR 30-660.065	Division of Administrative and Financial Services		31 MoReg 1869R		
5 CSR 50-200.010	Division of School Improvement		31 MoReg 1764		
5 CSR 50-200.050	Division of School Improvement		31 MoReg 1641		
5 CSR 50-345.020	Division of School Improvement		31 MoReg 1223R		
5 CSR 60-100.050	Division of Career Education		31 MoReg 1644R		
5 CSR 80-805.015	Teacher Quality and Urban Education		31 MoReg 1223		
5 CSR 80-805.030	Teacher Quality and Urban Education		31 MoReg 849	31 MoReg 1671	
	DEPARTMENT OF TRANSPORTATION				
7 CSR 10-1.010	Missouri Highways and Transportation Commission		31 MoReg 1083	This Issue	
7 CSR 10-25.010	Missouri Highways and Transportation Commission				31 MoReg 1894
7 CSR 10-25.040	Missouri Highways and Transportation Commission		31 MoReg 906	31 MoReg 1671	
	DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS				
8 CSR 50-2.030	Division of Workers' Compensation	31 MoReg 1377	31 MoReg 1417		
	DEPARTMENT OF MENTAL HEALTH				
9 CSR 10-7.140	Director, Department of Mental Health		31 MoReg 1486		
9 CSR 45-2.015	Division of Mental Retardation and Developmental Disabilities		31 MoReg 704	31 MoReg 1575	
9 CSR 45-2.017	Division of Mental Retardation and Developmental Disabilities		31 MoReg 704	31 MoReg 1576	
	DEPARTMENT OF NATURAL RESOURCES				
10 CSR 10-2.390	Air Conservation Commission		This Issue		
10 CSR 10-5.300	Air Conservation Commission		31 MoReg 714	31 MoReg 1583	
10 CSR 10-5.480	Air Conservation Commission		This Issue		
10 CSR 10-6.062	Air Conservation Commission		31 MoReg 1766		
10 CSR 10-6.070	Air Conservation Commission		31 MoReg 906	31 MoReg 1805	
10 CSR 10-6.075	Air Conservation Commission		31 MoReg 908	31 MoReg 1805	
10 CSR 10-6.080	Air Conservation Commission		31 MoReg 910	31 MoReg 1805	
10 CSR 10-6.110	Air Conservation Commission		31 MoReg 911	31 MoReg 1805	
10 CSR 10-6.345	Air Conservation Commission		31 MoReg 919	31 MoReg 1806	
10 CSR 10-6.350	Air Conservation Commission		31 MoReg 1766		
10 CSR 10-6.360	Air Conservation Commission		31 MoReg 1767		
10 CSR 10-6.362	Air Conservation Commission		31 MoReg 1769		
10 CSR 10-6.364	Air Conservation Commission		31 MoReg 1781		
10 CSR 10-6.366	Air Conservation Commission		31 MoReg 1791		
10 CSR 10-6.368	Air Conservation Commission		31 MoReg 1797		
10 CSR 20-1.020	Clean Water Commission		31 MoReg 851	31 MoReg 1883	
10 CSR 20-7.050	Clean Water Commission	31 MoReg 1845			
10 CSR 23-1.075	Geological Survey and Resource Assessment Division		31 MoReg 1644		
10 CSR 25-3.260	Hazardous Waste Management Commission		31 MoReg 719	31 MoReg 1808	
10 CSR 25-4.261	Hazardous Waste Management Commission		31 MoReg 720	31 MoReg 1808	
10 CSR 25-5.262	Hazardous Waste Management Commission		31 MoReg 720	31 MoReg 1808	
10 CSR 25-6.263	Hazardous Waste Management Commission		31 MoReg 721	31 MoReg 1809	
10 CSR 25-7.264	Hazardous Waste Management Commission		31 MoReg 721	31 MoReg 1809	
10 CSR 25-7.265	Hazardous Waste Management Commission		31 MoReg 722	31 MoReg 1809	
10 CSR 25-7.266	Hazardous Waste Management Commission		31 MoReg 722	31 MoReg 1809	
10 CSR 25-7.268	Hazardous Waste Management Commission		31 MoReg 723	31 MoReg 1809	
10 CSR 25-7.270	Hazardous Waste Management Commission		31 MoReg 723	31 MoReg 1810	
10 CSR 25-11.279	Hazardous Waste Management Commission		31 MoReg 724	31 MoReg 1810	
10 CSR 25-16.273	Hazardous Waste Management Commission		31 MoReg 725	31 MoReg 1810	
10 CSR 50-2.030	Oil and Gas Council		31 MoReg 1645		
10 CSR 80-2.010	Solid Waste Management		31 MoReg 1141		
10 CSR 80-2.015	Solid Waste Management		31 MoReg 1145		
	DEPARTMENT OF PUBLIC SAFETY				
11 CSR 10-5.010	Adjutant General	31 MoReg 1380	31 MoReg 1422		
11 CSR 40-2.010	Division of Fire Safety		31 MoReg 852	31 MoReg 1810	
11 CSR 40-2.025	Division of Fire Safety		31 MoReg 853	31 MoReg 1810	
11 CSR 45-3.010	Missouri Gaming Commission		31 MoReg 725	31 MoReg 1587	
11 CSR 45-4.260	Missouri Gaming Commission		31 MoReg 726	31 MoReg 1587	
11 CSR 45-5.180	Missouri Gaming Commission		31 MoReg 1490		
11 CSR 45-5.190	Missouri Gaming Commission		31 MoReg 1490		
11 CSR 45-5.200	Missouri Gaming Commission		31 MoReg 1490		
11 CSR 45-5.237	Missouri Gaming Commission		31 MoReg 1155		
11 CSR 45-7.030	Missouri Gaming Commission		31 MoReg 1313		
11 CSR 45-7.040	Missouri Gaming Commission		31 MoReg 1315		
11 CSR 45-7.080	Missouri Gaming Commission		31 MoReg 1317		

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11 CSR 45-7.120	Missouri Gaming Commission		31 MoReg 1319		
11 CSR 45-8.060	Missouri Gaming Commission		31 MoReg 726	31 MoReg 1587	
11 CSR 45-10.020	Missouri Gaming Commission		31 MoReg 726	31 MoReg 1587	
11 CSR 45-11.040	Missouri Gaming Commission		31 MoReg 1491		
11 CSR 45-11.090	Missouri Gaming Commission		31 MoReg 1492R		
11 CSR 45-11.110	Missouri Gaming Commission		31 MoReg 1492		
11 CSR 45-12.020	Missouri Gaming Commission		31 MoReg 1493		
11 CSR 45-12.040	Missouri Gaming Commission		31 MoReg 1493		
11 CSR 45-12.080	Missouri Gaming Commission		This Issue		
11 CSR 45-12.090	Missouri Gaming Commission		31 MoReg 1494		
11 CSR 45-30.280	Missouri Gaming Commission		This Issue		
11 CSR 50-2.320	Missouri State Highway Patrol		31 MoReg 1425		
	DEPARTMENT OF REVENUE				
12 CSR 10-23.255	Director of Revenue		31 MoReg 1870		
12 CSR 10-23.270	Director of Revenue		31 MoReg 1873		
12 CSR 10-23.422	Director of Revenue		31 MoReg 1494R		
12 CSR 10-23.446	Director of Revenue		31 MoReg 1873		
12 CSR 10-41.010	Director of Revenue	This Issue	This Issue		
12 CSR 10-42.070	Director of Revenue		31 MoReg 1319R		
12 CSR 10-42.110	Director of Revenue		This IssueR		
12 CSR 10-43.010	Director of Revenue		31 MoReg 1646		
12 CSR 10-43.020	Director of Revenue		31 MoReg 1646		
12 CSR 10-43.030	Director of Revenue		31 MoReg 1647		
12 CSR 10-103.400	Director of Revenue		31 MoReg 857	31 MoReg 1587	
12 CSR 10-108.300	Director of Revenue		31 MoReg 861	31 MoReg 1587	
12 CSR 10-400.200	Director of Revenue		This Issue		
12 CSR 10-400.210	Director of Revenue		This Issue		
12 CSR 10-405.105	Director of Revenue		This Issue		
12 CSR 10-405.205	Director of Revenue		This Issue		
12 CSR 40-50.050	State Lottery		31 MoReg 1874		
12 CSR 40-80.080	State Lottery		31 MoReg 1875R		
	DEPARTMENT OF SOCIAL SERVICES				
13 CSR 35-60.010	Children's Division	31 MoReg 1295	31 MoReg 1319		
13 CSR 35-60.020	Children's Division		31 MoReg 1320		
13 CSR 35-60.030	Children's Division	31 MoReg 1296	31 MoReg 1320		
13 CSR 35-60.040	Children's Division		31 MoReg 1321		
13 CSR 35-60.050	Children's Division		31 MoReg 1322		
13 CSR 35-60.060	Children's Division		31 MoReg 1324		
13 CSR 35-100.010	Children's Division	31 MoReg 1623	31 MoReg 1648		
13 CSR 35-100.020	Children's Division	31 MoReg 1628	31 MoReg 1653		
13 CSR 40-60.010	Family Support Division	31 MoReg 1297R	31 MoReg 1324R		
13 CSR 40-60.020	Family Support Division		31 MoReg 1325R		
13 CSR 40-60.030	Family Support Division	31 MoReg 1297R	31 MoReg 1325R		
13 CSR 40-60.040	Family Support Division		31 MoReg 1325R		
13 CSR 40-60.050	Family Support Division		31 MoReg 1325R		
13 CSR 40-60.060	Family Support Division		31 MoReg 1326R		
13 CSR 40-79.010	Family Support Division	31 MoReg 1635	31 MoReg 1662		
13 CSR 70-2.100	Division of Medical Services		31 MoReg 1804		
13 CSR 70-3.030	Division of Medical Services		31 MoReg 1155	31 MoReg 1884	
13 CSR 70-3.100	Division of Medical Services		31 MoReg 1086	31 MoReg 1811	
13 CSR 70-3.170	Division of Medical Services	31 MoReg 899 31 MoReg 1047	31 MoReg 1087	31 MoReg 1811	
13 CSR 70-3.180	Division of Medical Services		31 MoReg 1155		
13 CSR 70-4.080	Division of Medical Services	31 MoReg 1048	31 MoReg 1091	31 MoReg 1811	
13 CSR 70-6.010	Division of Medical Services		31 MoReg 1326		
13 CSR 70-10.015	Division of Medical Services	31 MoReg 1050	31 MoReg 920	31 MoReg 1588	
13 CSR 70-10.080	Division of Medical Services	31 MoReg 1051	31 MoReg 923	31 MoReg 1588	
13 CSR 70-15.010	Division of Medical Services		31 MoReg 1156	31 MoReg 1884	
13 CSR 70-15.110	Division of Medical Services	31 MoReg 900 31 MoReg 1052	31 MoReg 925	31 MoReg 1588	
13 CSR 70-40.010	Division of Medical Services	31 MoReg 1052	31 MoReg 927	31 MoReg 1588	
13 CSR 70-45.010	Division of Medical Services		31 MoReg 1095	31 MoReg 1811	
13 CSR 70-60.010	Division of Medical Services	31 MoReg 1053	31 MoReg 929	31 MoReg 1588	
13 CSR 70-65.010	Division of Medical Services		31 MoReg 987	31 MoReg 1811	
13 CSR 70-70.010	Division of Medical Services		31 MoReg 987	31 MoReg 1811	
13 CSR 70-90.010	Division of Medical Services		31 MoReg 988	31 MoReg 1812	
13 CSR 70-95.010	Division of Medical Services		31 MoReg 988	31 MoReg 1812	
13 CSR 70-99.010	Division of Medical Services		31 MoReg 988	31 MoReg 1812	
	DEPARTMENT OF CORRECTIONS				
14 CSR 80-5.020	State Board of Probation and Parole		31 MoReg 1428		
	ELECTED OFFICIALS				
15 CSR 30-10.010	Secretary of State	31 MoReg 1129	31 MoReg 1160	31 MoReg 1884	
15 CSR 30-10.020	Secretary of State	31 MoReg 1130	31 MoReg 1160	31 MoReg 1885	
15 CSR 30-10.130	Secretary of State	31 MoReg 1132	31 MoReg 1162	31 MoReg 1886	
15 CSR 30-10.140	Secretary of State	31 MoReg 1133	31 MoReg 1163	31 MoReg 1886	
15 CSR 30-10.150	Secretary of State	31 MoReg 1134	31 MoReg 1164	31 MoReg 1887	

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15 CSR 30-10.160	Secretary of State	31 MoReg 1135	31 MoReg 1165	31 MoReg 1887	
15 CSR 30-54.060	Secretary of State		31 MoReg 1327		
15 CSR 40-3.030	State Auditor		31 MoReg 1166	This Issue	
	RETIREMENT SYSTEMS				
16 CSR 10-5.010	Retirement Systems		This Issue		
16 CSR 10-6.060	Retirement Systems		This Issue		
16 CSR 50-10.050	The County Employees' Retirement Fund		31 MoReg 1430		
16 CSR 50-20.070	The County Employees' Retirement Fund		31 MoReg 1095	This Issue	
	PUBLIC DEFENDER COMMISSION				
18 CSR 10-3.010	Office of State Public Defender		31 MoReg 1225	This Issue	
	DEPARTMENT OF HEALTH AND SENIOR SERVICES				
19 CSR 15-7.021	Division of Senior and Disability Services		31 MoReg 989	31 MoReg 1888	
19 CSR 30-40.450	Division of Regulation and Licensure		31 MoReg 995	This IssueW	
19 CSR 30-82.010	Division of Regulation and Licensure		31 MoReg 1495		
19 CSR 30-83.010	Division of Regulation and Licensure		31 MoReg 1499		
19 CSR 30-84.030	Division of Regulation and Licensure		31 MoReg 1502		
19 CSR 30-84.040	Division of Regulation and Licensure		31 MoReg 1504		
19 CSR 30-86.012	Division of Regulation and Licensure		31 MoReg 1504		
19 CSR 30-86.022	Division of Regulation and Licensure		31 MoReg 1506		
19 CSR 30-86.032	Division of Regulation and Licensure		31 MoReg 1509		
19 CSR 30-86.042	Division of Regulation and Licensure		31 MoReg 1514		
19 CSR 30-86.043	Division of Regulation and Licensure		31 MoReg 1526		
19 CSR 30-86.045	Division of Regulation and Licensure		31 MoReg 1536		
19 CSR 30-86.047	Division of Regulation and Licensure		31 MoReg 1540		
19 CSR 30-86.052	Division of Regulation and Licensure		31 MoReg 1559		
19 CSR 30-87.020	Division of Regulation and Licensure		31 MoReg 1559		
19 CSR 30-87.030	Division of Regulation and Licensure		31 MoReg 1560		
19 CSR 30-88.010	Division of Regulation and Licensure		31 MoReg 1565		
19 CSR 60-50	Missouri Health Facilities Review Committee				31 MoReg 1672 31 MoReg 1895
19 CSR 60-50.300	Missouri Health Facilities Review Committee	31 MoReg 1382	31 MoReg 1430		
19 CSR 60-50.400	Missouri Health Facilities Review Committee	31 MoReg 1382	31 MoReg 1430		
19 CSR 60-50.410	Missouri Health Facilities Review Committee	31 MoReg 1383	31 MoReg 1431		
19 CSR 60-50.430	Missouri Health Facilities Review Committee	31 MoReg 1384	31 MoReg 1431		
19 CSR 60-50.450	Missouri Health Facilities Review Committee	31 MoReg 1385	31 MoReg 1432		
19 CSR 60-50.470	Missouri Health Facilities Review Committee	31 MoReg 1386	31 MoReg 1433		
19 CSR 60-50.600	Missouri Health Facilities Review Committee	31 MoReg 1386	31 MoReg 1433		
19 CSR 60-50.700	Missouri Health Facilities Review Committee	31 MoReg 1387	31 MoReg 1434		
19 CSR 60-50.800	Missouri Health Facilities Review Committee	31 MoReg 1387	31 MoReg 1434		
19 CSR 60-50.900	Missouri Health Facilities Review Committee	31 MoReg 1388	31 MoReg 1434		
	DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION				
20 CSR	Medical Malpractice				29 MoReg 505 30 MoReg 481 31 MoReg 616
20 CSR	Sovereign Immunity Limits				28 MoReg 2265 30 MoReg 108 30 MoReg 2587 This Issue
20 CSR 200-6.300	Financial Examination		31 MoReg 1435		
20 CSR 200-18.010	Insurance Solvency and Company Regulation		31 MoReg 1166	31 MoReg 1889	
20 CSR 200-18.020	Insurance Solvency and Company Regulation		31 MoReg 1174	31 MoReg 1890	
20 CSR 400-2.135	Life, Annuities and Health		31 MoReg 1566		
20 CSR 400-5.410	Life, Annuities and Health		31 MoReg 1226		
20 CSR 700-6.350	Licensing		31 MoReg 931		
20 CSR 1100-2.075	Division of Credit Unions *(Changed from 4 CSR 100-2.075)*		31 MoReg 1058	31 MoReg 1892	
20 CSR 1105-3.010	Credit Union Commission *(Changed from 4 CSR 105-3.010)*		31 MoReg 1061	31 MoReg 1892W	
20 CSR 1105-3.011	Credit Union Commission *(Changed from 4 CSR 105-3.011)*		31 MoReg 1062	31 MoReg 1893W	
20 CSR 1105-3.012	Credit Union Commission *(Changed from 4 CSR 105-3.012)*		31 MoReg 1063	31 MoReg 1893W	
20 CSR 2010-1.010	Missouri State Board of Accountancy *(Changed from 4 CSR 10-1.010)*		31 MoReg 653	31 MoReg 1571	
20 CSR 2010-1.020	Missouri State Board of Accountancy *(Changed from 4 CSR 10-1.020)*		31 MoReg 653	31 MoReg 1571	
20 CSR 2010-1.050	Missouri State Board of Accountancy *(Changed from 4 CSR 10-1.050)*		31 MoReg 654	31 MoReg 1572	
20 CSR 2010-2.005	Missouri State Board of Accountancy *(Changed from 4 CSR 10-2.005)*		31 MoReg 656	31 MoReg 1572	
20 CSR 2010-2.022	Missouri State Board of Accountancy *(Changed from 4 CSR 10-2.022)*		31 MoReg 656R 31 MoReg 656	31 MoReg 1572R 31 MoReg 1573	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
20 CSR 2010-2.041	Missouri State Board of Accountancy *(Changed from 4 CSR 10-2.041)*		31 MoReg 659	31 MoReg 1573	
20 CSR 2010-2.051	Missouri State Board of Accountancy *(Changed from 4 CSR 10-2.051)*		31 MoReg 659	31 MoReg 1573	
20 CSR 2010-2.065	Missouri State Board of Accountancy *(Changed from 4 CSR 10-2.065)*		31 MoReg 660	31 MoReg 1573	
20 CSR 2010-2.070	Missouri State Board of Accountancy *(Changed from 4 CSR 10-2.070)*		31 MoReg 663	31 MoReg 1573	
20 CSR 2010-2.072	Missouri State Board of Accountancy *(Changed from 4 CSR 10-2.072)*		31 MoReg 663	31 MoReg 1574	
20 CSR 2010-2.075	Missouri State Board of Accountancy *(Changed from 4 CSR 10-2.075)*		31 MoReg 664	31 MoReg 1574	
20 CSR 2010-2.130	Missouri State Board of Accountancy *(Changed from 4 CSR 10-2.130)*		31 MoReg 664R 31 MoReg 664	31 MoReg 1574R 31 MoReg 1574	
20 CSR 2010-2.140	Missouri State Board of Accountancy *(Changed from 4 CSR 10-2.140)*		31 MoReg 667	31 MoReg 1574	
20 CSR 2010-2.150	Missouri State Board of Accountancy *(Changed from 4 CSR 10-2.150)*		31 MoReg 668R 31 MoReg 668	31 MoReg 1575R 31 MoReg 1575	
20 CSR 2010-2.160	Missouri State Board of Accountancy *(Changed from 4 CSR 10-2.160)*		31 MoReg 669	31 MoReg 1575	
20 CSR 2030-3.060	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 1875		
20 CSR 2030-6.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects *(Changed from 4 CSR 30-6.015)*		31 MoReg 1392		
20 CSR 2030-11.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 1875		
20 CSR 2030-11.025	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 1876		
20 CSR 2040-4.040	Office of Athletics *(Changed from 4 CSR 40-4.040)*		31 MoReg 1310		
20 CSR 2040-4.090	Office of Athletics *(Changed from 4 CSR 40-4.090)*		31 MoReg 1310		
20 CSR 2110-2.110	Missouri Dental Board *(Changed from 4 CSR 110-2.110)*		31 MoReg 1395		
20 CSR 2110-2.114	Missouri Dental Board *(Changed from 4 CSR 110-2.114)*		31 MoReg 1395		
20 CSR 2150-2.125	State Board of Registration for the Healing Arts *(Changed from 4 CSR 150-2.125)*		31 MoReg 1398		
20 CSR 2150-3.010	State Board of Registration for the Healing Arts *(Changed from 4 CSR 150-3.010)*		31 MoReg 1398		
20 CSR 2150-3.203	State Board of Registration for the Healing Arts *(Changed from 4 CSR 150-3.203)*		31 MoReg 1399		
20 CSR 2150-4.052	State Board of Registration for the Healing Arts		31 MoReg 1876		
20 CSR 2150-5.100	State Board of Registration for the Healing Arts *(Changed from 4 CSR 150-5.100)*		31 MoReg 1399		
20 CSR 2150-6.020	State Board of Registration for the Healing Arts		31 MoReg 1877		
20 CSR 2150-7.135	State Board of Registration for the Healing Arts *(Changed from 4 CSR 150-7.135)*		31 MoReg 1400		
20 CSR 2165-1.020	Board of Examiners for Hearing Instrument Specialists		31 MoReg 1877		
20 CSR 2200-4.100	State Board of Nursing *(Changed from 4 CSR 200-4.100)*		31 MoReg 1401		
20 CSR 2200-4.200	State Board of Nursing *(Changed from 4 CSR 200-4.200)*		31 MoReg 1401		
20 CSR 2220-2.010	State Board of Pharmacy *(Changed from 4 CSR 220-2.010)*		31 MoReg 1468		
20 CSR 2220-2.020	State Board of Pharmacy *(Changed from 4 CSR 220-2.020)*		31 MoReg 1474		
20 CSR 2220-2.025	State Board of Pharmacy *(Changed from 4 CSR 220-2.025)*		31 MoReg 1474		
20 CSR 2220-2.190	State Board of Pharmacy *(Changed from 4 CSR 220-2.190)*		31 MoReg 1479		
20 CSR 2220-2.450	State Board of Pharmacy *(Changed from 4 CSR 220-2.450)*		31 MoReg 1479		
20 CSR 2220-2.900	State Board of Pharmacy *(Changed from 4 CSR 220-2.900)*		31 MoReg 1482		
20 CSR 2220-5.020	State Board of Pharmacy *(Changed from 4 CSR 220-5.020)*		31 MoReg 1485		
20 CSR 2220-5.030	State Board of Pharmacy *(Changed from 4 CSR 220-5.030)*		31 MoReg 1485		
20 CSR 2232-2.040	Missouri State Committee of Interpreters *(Changed from 4 CSR 232-2.040)*	31 MoReg 1465	31 MoReg 1486		
20 CSR 2255-1.040	Missouri Board for Respiratory Care *(Changed from 4 CSR 255-1.040)*		31 MoReg 1402		
20 CSR 2255-2.010	Missouri Board for Respiratory Care *(Changed from 4 CSR 255-2.010)*		31 MoReg 1405		

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20 CSR 2255-2.020	Missouri Board for Respiratory Care *(Changed from 4 CSR 255-2.020)*		31 MoReg 1407		
20 CSR 2255-2.030	Missouri Board for Respiratory Care *(Changed from 4 CSR 255-2.030)*		31 MoReg 1409		
20 CSR 2255-4.010	Missouri Board for Respiratory Care *(Changed from 4 CSR 255-4.010)*		31 MoReg 1411		
20 CSR 2263-1.035	State Committee for Social Workers *(Changed from 4 CSR 263-1.035)*		31 MoReg 1412		
20 CSR 2263-2.090	State Committee for Social Workers *(Changed from 4 CSR 263-2.090)*		31 MoReg 1415		
20 CSR 2270-1.021	Missouri Veterinary Medical Board		31 MoReg 1877		
20 CSR 2270-1.050	Missouri Veterinary Medical Board *(Changed from 4 CSR 270-1.050)*		31 MoReg 1417		
20 CSR 2270-4.042	Missouri Veterinary Medical Board		31 MoReg 1881		

Agency		Publication	Expiration
Department of Agriculture			
Office of the Director			
2 CSR 110-2.010	Description of General Organization; Definitions; Requirements of Eligibility, Licensing, Application for Grants; Procedures for Grant Disbursements; Record Keeping Requirements, and Verification Procedures for the Missouri Qualified Biodiesel Producer Incentive Program	31 MoReg 1293	February 23, 2007
Department of Labor and Industrial Relations			
Workers' Compensation			
8 CSR 50-2.030	Resolution of Medical Fee Disputes	31 MoReg 1377	February 27, 2007
Department of Natural Resources			
Clean Water Commission			
10 CSR 20-7.050	Methodology for Development of Impaired Waters List	31 MoReg 1845	April 23, 2007
Department of Public Safety			
Adjutant General			
11 CSR 10-5.010	Missouri Veterans' Recognition Program	31 MoReg 1380	February 24, 2007
Department of Revenue			
Director of Revenue			
12 CSR 10-41.010	Annual Adjusted Rate of Interest	This Issue	June 29, 2007
Department of Social Services			
Children's Division			
13 CSR 35-60.010	Family Homes Offering Foster Care	31 MoReg 1295	January 30, 2007
13 CSR 35-60.030	Minimum Qualifications of Foster Parent(s)	31 MoReg 1296	January 30, 2007
13 CSR 35-100.010	Residential Treatment Agency Tax Credit	31 MoReg 1623	March 29, 2007
13 CSR 35-100.020	Emergency Resource Center Tax Credit	31 MoReg 1628	March 29, 2007
Family Support Division			
13 CSR 40-60.010	Family Homes Offering Foster Care	31 MoReg 1297	January 30, 2007
13 CSR 40-60.030	Minimum Qualifications of Foster Parent(s)	31 MoReg 1297	January 30, 2007
13 CSR 40-79.010	Domestic Violence Shelter Tax Credit	31 MoReg 1635	March 29, 2007
Division of Medical Services			
13 CSR 70-3.170	Medicaid Managed Care Organization Reimbursement Allowance	31 MoReg 1047	December 28, 2006
13 CSR 70-4.080	Children's Health Insurance Program	31 MoReg 1048	December 28, 2006
13 CSR 70-10.015	Prospective Reimbursement Plan for Nursing Facility Services	31 MoReg 1050	December 28, 2006
13 CSR 70-10.080	Prospective Reimbursement Plan for HIV Nursing Facility Services	31 MoReg 1051	December 28, 2006
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA)	31 MoReg 900	November 15, 2006
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA)	31 MoReg 1052	December 28, 2006
13 CSR 70-40.010	Optical Care Benefits and Limitations—Medicaid Program	31 MoReg 1052	December 28, 2006
13 CSR 70-60.010	Durable Medical Equipment Program	31 MoReg 1053	December 28, 2006
Elected Officials			
Secretary of State			
15 CSR 30-10.010	Definitions	31 MoReg 1129	February 22, 2007
15 CSR 30-10.020	Certification Statements for New or Modified Electronic Voting Systems	31 MoReg 1130	February 22, 2007
15 CSR 30-10.130	Voter Education and Voting Device Preparation (DREs and Precinct Counters)	31 MoReg 1132	February 22, 2007
15 CSR 30-10.140	Electronic Ballot Tabulation—Counting Preparation and Logic and Accuracy Testing (DREs and Precinct Counters)	31 MoReg 1133	February 22, 2007
15 CSR 30-10.150	Closing Polling Places (Precinct Counters and DREs)	31 MoReg 1134	February 22, 2007
15 CSR 30-10.160	Electronic Ballot Tabulation—Election Procedures (Precinct Counters and DREs)	31 MoReg 1135	February 22, 2007
Department of Health and Senior Services			
Missouri Health Facilities Review Committee			
19 CSR 60-50.300	Definitions for the Certificate of Need Process	31 MoReg 1382	February 23, 2007
19 CSR 60-50.400	Letter of Intent Process	31 MoReg 1382	February 23, 2007
19 CSR 60-50.410	Letter of Intent Package	31 MoReg 1383	February 23, 2007
19 CSR 60-50.430	Application Package	31 MoReg 1384	February 23, 2007
19 CSR 60-50.450	Criteria and Standards for Long-Term Care	31 MoReg 1385	February 23, 2007
19 CSR 60-50.470	Criteria and Standards for Financial Feasibility	31 MoReg 1386	February 23, 2007
19 CSR 60-50.600	Certificate of Need Decisions	31 MoReg 1386	February 23, 2007

19 CSR 60-50.700	Post-Decision Activity	31 MoReg 1387	February 23, 2007
19 CSR 60-50.800	Meeting Procedures	31 MoReg 1387	February 23, 2007
19 CSR 60-50.900	Administration	31 MoReg 1388	February 23, 2007

Department of Insurance, Financial Institutions and Professional Registration

Missouri State Committee of Interpreters

20 CSR 2232-2.400	Certification Recognized by the Board	31 MoReg 1465	February 27, 2007

Executive Orders	Subject Matter	Filed Date	Publication
	2006		
06-01	Designates members of staff with supervisory authority over selected state agencies	January 10, 2006	31 MoReg 281
06-02	Extends the deadline for the State Retirement Consolidation Commission to issue its final report and terminate operations to March 1, 2006	January 11, 2006	31 MoReg 283
06-03	Creates and establishes the Missouri Healthcare Information Technology Task Force	January 17, 2006	31 MoReg 371
06-04	Governor Matt Blunt transfers functions, personnel, property, etc. of the Division of Finance, the State Banking Board, the Division of Credit Unions, and the Division of Professional Registration to the Department of Insurance. Renames the Department of Insurance as the Missouri Department of Insurance, Financial Institutions and Professional Registration. Effective August 28, 2006	February 1, 2006	31 MoReg 448
06-05	Governor Matt Blunt transfers functions, personnel, property, etc. of the Missouri Rx Plan Advisory Commission to the Missouri Department of Health and Senior Services. Effective August 28, 2006	February 1, 2006	31 MoReg 451
06-06	Governor Matt Blunt transfers functions, personnel, property, etc. of the Missouri Assistive Technology Advisory Council to the Missouri Department of Elementary and Secondary Education. Rescinds certain provisions of Executive Order 04-08. Effective August 28, 2006	February 1, 2006	31 MoReg 453
06-07	Governor Matt Blunt transfers functions, personnel, property, etc. of the Missouri Life Sciences Research Board to the Missouri Department of Economic Development	February 1, 2006	31 MoReg 455
06-08	Names the state office building, located at 1616 Missouri Boulevard, Jefferson City, Missouri, in honor of George Washington Carver	February 7, 2006	31 MoReg 457
06-09	Directs and orders that the Director of the Department of Public Safety is the Homeland Security Advisor to the Governor, reauthorizes the Homeland Security Advisory Council and assigns them additional duties	February 10, 2006	31 MoReg 460
06-10	Establishes the Government, Faith-based and Community Partnership	March 7, 2006	31 MoReg 577
06-11	Orders and directs the Adjutant General to call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property and to employ such equipment as may be necessary in support of civilian authorities	March 13, 2006	31 MoReg 580
06-12	Declares that a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operation Plan be activated	March 13, 2006	31 MoReg 582
06-13	The Director of the Missouri Department of Natural Resources is vested with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to best serve the public health and safety during the period of the emergency and the subsequent recovery period	March 13, 2006	31 MoReg 584
06-14	Declares a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operation Plan be activated	April 3, 2006	31 MoReg 643
06-15	Orders and directs the Adjutant General, or his designee, to call and order into active service portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and take such action and employ such equipment as may be necessary in support of civilian authorities, and provide assistance as authorized and directed by the Governor	April 3, 2006	31 MoReg 645
06-16	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	April 3, 2006	31 MoReg 647
06-17	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	April 3, 2006	31 MoReg 649
06-18	Authorizes the investigators from the Division of Fire Safety, the Park Rangers from the Department of Natural Resources, the Conservation Agents from the Department of Conservation, and other POST certified state agency investigators to exercise full state wide police authority as vested in Missouri peace officers pursuant to Chapter 590, RSMo during the period of this state declaration of emergency	April 3, 2006	31 MoReg 651
06-19	Allows the director of the Missouri Department of Natural Resources to grant waivers to help expedite storm recovery efforts	April 3, 2006	31 MoReg 652
06-20	Creates interim requirements for overdimension and overweight permits for commercial motor carriers engaged in storm recovery efforts	April 5, 2006	31 MoReg 765
06-21	Designates members of staff with supervisory authority over selected state agencies	June 2, 2006	31 MoReg 1055

Executive Orders	Subject Matter	Filed Date	Publication
06-22	Healthy Families Trust Fund	June 22, 2006	31 MoReg 1137
06-23	Establishes Interoperable Communication Committee	June 27, 2006	31 MoReg 1139
06-24	Establishes Missouri Abraham Lincoln Bicentennial Commission	July 3, 2006	31 MoReg 1209
06-25	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	July 20, 2006	31 MoReg 1298
06-26	Directs the Adjutant General to call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	July 20, 2006	31 MoReg 1300
06-27	Allows the director of the Missouri Department of Natural Resources to grant waivers to help expedite storm recovery efforts	July 21, 2006	31 MoReg 1302
06-28	Authorizes Transportation Director to issue declaration of regional or local emergency with reference to motor carriers	July 22, 2006	31 MoReg 1304
06-29	Authorizes Transportation Director to temporarily suspend certain commercial motor vehicle regulations in response to emergencies	August 11, 2006	31 MoReg 1389
06-30	Extends the declaration of emergency contained in Executive Order 06-25 and the terms of Executive Order 06-27 through September 22, 2006, for the purpose of continuing the cleanup efforts in the east central part of the State of Missouri	August 18, 2006	31 MoReg 1466
06-31	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	September 23, 2006	31 MoReg 1699
06-32	Allows the director of the Missouri Department of Natural Resources to grant waivers to help expedite storm recovery efforts	September 26, 2006	31 MoReg 1701
06-33	Governor Matt Blunt orders all state employees to enable any state owned wireless telecommunications device capable of receiving text messages or emails to receive wireless AMBER alerts	October 4, 2006	31 MoReg 1847
06-34	Governor Matt Blunt amends Executive Order 03-26 relating to the duties of the Information Technology Services Division and the Information Technology Advisory Board	October 11, 2006	31 MoReg 1849
06-35	Governor Matt Blunt creates the Interdepartmental Coordination Council for Job Creation and Economic Growth	October 11, 2006	31 MoReg 1852
06-36	Governor Matt Blunt creates the Interdepartmental Coordination Council for Laboratory Services and Utilization	October 11, 2006	31 MoReg 1854
06-37	Governor Matt Blunt creates the Interdepartmental Coordination Council for Rural Affairs	October 11, 2006	31 MoReg 1856
06-38	Governor Matt Blunt creates the Interdepartmental Coordination Council for State Employee Career Opportunity	October 11, 2006	31 MoReg 1858
06-39	Governor Matt Blunt creates the Mental Health Transformation Working Group	October 11, 2006	31 MoReg 1860
06-40	Governor Matt Blunt creates the Interdepartmental Coordination Council for State Service Delivery Efficiency	October 11, 2006	31 MoReg 1863
06-41	Governor Matt Blunt creates the Interdepartmental Coordination Council for Water Quality	October 11, 2006	31 MoReg 1865
06-42	Designates members of staff with supervisory authority over selected state departments, divisions, and agencies	October 20, 2006	This Issue
06-43	Closes state offices on Friday, November 24, 2006	October 24, 2006	This Issue
06-44	Adds elementary and secondary education as another category with full membership representation on the Regional Homeland Security Oversight Committees in order to make certain that schools are included and actively engaged in homeland security planning at the state and local level	October 26, 2006	This Issue

2005

05-01	Rescinds Executive Order 01-09	January 11, 2005	30 MoReg 261
05-02	Restricts new lease and purchase of vehicles, cellular phones, and office space by executive agencies	January 11, 2005	30 MoReg 262
05-03	Closes state's Washington D.C. office	January 11, 2005	30 MoReg 264
05-04	Authorizes Transportation Director to issue declaration of regional or local emergency with reference to motor carriers	January 11, 2005	30 MoReg 266
05-05	Establishes the 2005 Missouri State Government Review Commission	January 24, 2005	30 MoReg 359
05-06	Bans the use of video games by inmates in all state correctional facilities	January 24, 2005	30 MoReg 362
05-07	Consolidates the Office of Information Technology to the Office of Administration's Division of Information Services	January 26, 2005	30 MoReg 363
05-08	Consolidates the Division of Design and Construction to Division of Facilities Management, Design and Construction	February 2, 2005	30 MoReg 433
05-09	Transfers the Missouri Head Injury Advisory Council to the Department of Health and Senior Services	February 2, 2005	30 MoReg 435

Executive Orders	Subject Matter	Filed Date	Publication
05-10	Transfers and consolidates in-home care for elderly and disabled individuals from the Department of Elementary and Secondary Education and the Department of Social Services to the Department of Health and Senior Services	February 3, 2005	30 MoReg 437
05-11	Rescinds Executive Order 04-22 and orders the Department of Health and Senior Services and all Missouri health care providers and others that possess influenza vaccine adopt the Center for Disease Control and Prevention, Advisory Committee for Immunization Practices expanded priority group designations as soon as possible and update the designations as necessary	February 3, 2005	30 MoReg 439
05-12	Designates members of staff with supervisory authority over selected state agencies	March 8, 2005	30 MoReg 607
05-13	Establishes the Governor's Advisory Council for Plant Biotechnology	April 26, 2005	30 MoReg 1110
05-14	Establishes the Missouri School Bus Safety Task Force	May 17, 2005	30 MoReg 1299
05-15	Establishes the Missouri Task Force on Eminent Domain	June 28, 2005	30 MoReg 1610
05-16	Transfers all power, duties and functions of the State Board of Mediation to the Labor and Industrial Relations Commission of Missouri	July 1, 2005	30 MoReg 1612
05-17	Declares a DROUGHT ALERT for the counties of Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Howell, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Pike, Ralls, Reynolds, Ripley, Ste. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne	July 5, 2005	30 MoReg 1693
05-18	Directs the Director of the Department of Insurance to adopt rules to protect consumer privacy while providing relevant information about insurance companies to the public	July 12, 2005	30 MoReg 1695
05-19	Creates the Insurance Advisory Panel to provide advice to the Director of Insurance	July 19, 2005	30 MoReg 1786
05-20	Establishes the Missouri Homeland Security Advisory Council. Creates the Division of Homeland Security within the Department of Public Safety. Rescinds Executive Orders 02-15 and 02-16	July 21, 2005	30 MoReg 1789
05-21	Creates and amends Meramec Regional Planning Commission to include Pulaski County	August 22, 2005	30 MoReg 2006
05-22	Establishes the State Retirement Consolidation Commission	August 26, 2005	30 MoReg 2008
05-23	Acknowledges regional state of emergency and temporarily waives regulatory requirements for vehicles engaged in interstate disaster relief	August 30, 2005	30 MoReg 2010
05-24	Implements the Emergency Mutual Assistance Compact (EMAC) with the state of Mississippi, directs SEMA to activate the EMAC plan, authorizes use of the Missouri National Guard	August 30, 2005	30 MoReg 2013
05-25	Implements the Emergency Mutual Assistance Compact (EMAC) with the state of Louisiana, directs SEMA to activate the EMAC plan, authorizes use of the Missouri National Guard	August 30, 2005	30 MoReg 2015
05-26	Declares a state of emergency in Missouri and suspends rules and regulations regarding licensing of healthcare providers while treating Hurricane Katrina evacuees	September 2, 2005	30 MoReg 2129
05-27	Directs all relevant state agencies to facilitate the temporary licensure of any healthcare providers accompanying and/or providing direct care to evacuees	September 2, 2005	30 MoReg 2131
05-28	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated, and authorizes the use of state agencies to provide support to the relocation of Hurricane Katrina disaster victims	September 4, 2005	30 MoReg 2133
05-29	Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	September 4, 2005	30 MoReg 2135
05-30	Governor Matt Blunt establishes the Office of Supplier and Workforce Diversity to replace the Office of Equal Opportunity. Declares policies and procedures for procuring goods and services and remedying discrimination against minority and women-owned business enterprises	September 8, 2005	30 MoReg 2137
05-31	Assigns the Missouri Community Service Commission to the Department of Economic Development	September 14, 2005	30 MoReg 2227
05-32	Grants leave to additional employees participating in disaster relief services	September 16, 2005	30 MoReg 2229
05-33	Directs the Department of Corrections to lead an interagency steering team for the Missouri Reentry Process (MRP)	September 21, 2005	30 MoReg 2231
05-34	Orders the Adjutant General to call into active service portions of the militia in response to the influx of Hurricane Rita victims	September 23, 2005	30 MoReg 2233
05-35	Declares a State of Emergency, directs the State Emergency Operations Plan be activated, and authorizes use of state agencies to provide support for the relocation of Hurricane Rita victims	September 23, 2005	30 MoReg 2235

Executive Orders	Subject Matter	Filed Date	Publication
05-36	Acknowledges regional state of emergency and temporarily waives regulatory requirements for commercial vehicles engaged in interstate disaster relief	September 23, 2005	30 MoReg 2237
05-37	Closes state offices on Friday, November 25, 2005	October 11, 2005	30 MoReg 2383
05-38	Implements the EMAC with the State of Florida in response to Hurricane Wilma	October 21, 2005	30 MoReg 2470
05-39	Acknowledges continuing regional state of emergency, temporarily limits regulatory requirements for commercial vehicles engaged in interstate disaster relief, and rescinds orders 05-23 and 05-36	October 25, 2005	30 MoReg 2472
05-40	Amends Executive Order 98-15 to increase the Missouri State Park Advisory Board from eight to nine members	October 26, 2005	30 MoReg 2475
05-41	Creates and establishes the Governor's Advisory Council for Veterans Affairs	November 14, 2005	30 MoReg 2552
05-42	Establishes the National Incident Management System (NIMS) as the standard for emergency incident management in the State of Missouri	November 14, 2005	30 MoReg 2554
05-43	Creates and establishes the Hispanic Business, Trade and Culture Commission and abolishes the Missouri Governor's Commission on Hispanic Affairs	November 30, 2005	31 MoReg 93
05-44	Declares a state of emergency and activates the Missouri State Emergency Operations Plan as a result of the failure of the dam at Taum Sauk Reservoir	December 14, 2005	31 MoReg 96
05-45	Directs the Adjutant General to activate the organized militia as needed as a result of the failure of the dam at Taum Sauk Reservoir	December 14, 2005	31 MoReg 97
05-46	Creates and establishes the Missouri Energy Task Force	December 27, 2005	31 MoReg 206
05-47	Directs that the issuance of overdimension and overweight permits by the Missouri Department of Transportation for commercial motor carriers engaged in cleanup efforts in Reynolds County resulting from the Taum Sauk Upper Reservoir failure shall be subject to interim application requirements	December 29, 2005	31 MoReg 279

The rule number and the MoReg publication date follow each entry to this index.

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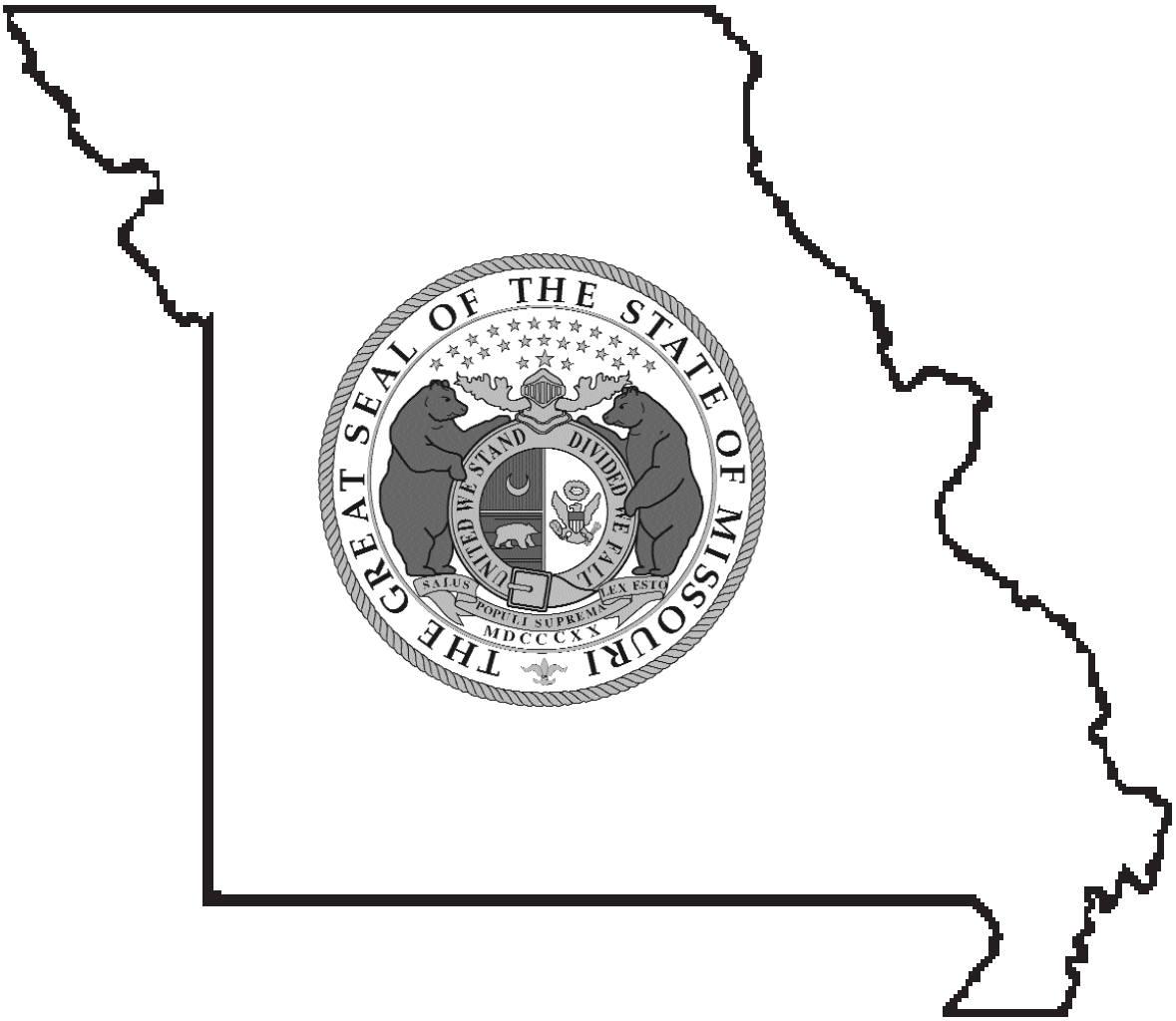

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