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SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."

JOHN R. ASHCROFT

SECRETARY OF STATE

MISSOURI REGISTER

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RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	***Code of State Regulations***	**Division**	**Chapter**	**Rule**
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 23—Motor Vehicle

EMERGENCY RULE

12 CSR 10-23.600 Complaint, Inspection, and Disciplinary Process for Transportation Network Companies

PURPOSE: This rule clarifies application, inspection, and disciplinary processes and procedures related to transportation network companies.

EMERGENCY STATEMENT: The Department of Revenue determined that this emergency rule is necessary to preserve a compelling governmental interest and to protect the public health, safety, and welfare of Missouri drivers on the public highways.

Sections 387.400 to 387.440, RSMo, create a regulatory framework for the licensure of transportation network companies (TNC) desiring to operate in Missouri. Through these licensed TNCs, thousands of independent contractor drivers will provide transportation services to citizens across the state. TNCs are required under sections 387.418 and 387.420, RSMo, to properly vet drivers prior to authorizing the driver to engage in transporting citizens and investigate intoxication-related complaints received by citizens. TNCs are also required under section 387.436, RSMo, to report driver disqualifications to the department, so that the department may then notify any other licensed TNCs.

The Department of Revenue and Missouri citizens need this emergency rule to ensure that these transportation services are performed safely and effectively by authorized drivers. This emergency rule clarifies application, notification, and inspection procedures which will allow the department to provide notification of driver disqualifications, determine compliance with sections 387.400 to 387.440, RSMo, and further ensure TNCs are afforded due process by establishing procedures on appeals for actions taken against a TNC under section 387.440, RSMo.

*The Department of Revenue finds there is a compelling governmental interest and further finds an immediate danger to the public health, safety, or welfare, which requires this emergency action. A proposed rule, which covers the same material, was published in the August 15, 2017, issue of the **Missouri Register**. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitutions**. The Department of Revenue believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed July 27, 2017, becomes effective August 28, 2017, and expires February 23, 2018.*

(1) As used herein, the following terms mean:

(A) "Commission", the regional taxicab commission established pursuant to section 67.1804, RSMo;

(B) "Department", the Missouri Department of Revenue;

(C) "Director", the director of the Missouri Department of Revenue or a hearing officer or appeals referee duly appointed by the director;

(D) "Home rule city", any home rule city with more than four hundred thousand (400,000) inhabitants and located in more than one (1) county;

(E) "Transportation network company" or "TNC", a corporation, partnership, sole proprietorship, or other entity that is licensed pursuant to sections 387.400 to 387.440, RSMo, and operating in the state of Missouri, that uses a digital network to connect TNC riders to TNC drivers who provide prearranged rides.

(2) Applicants for initial TNC licensure or renewal shall apply to the department by completing an application and providing the following:

(A) The registered name, address, and contact information of the applicant, including a phone number and e-mail address;

(B) The name of the registered agent within the state who will accept service of process and notifications as required by section 387.406, RSMo, and direct contact information for the agent including physical address, phone number, e-mail address, and regular business hours;

(C) The name and e-mail address for an account administrator designated by the applicant for purposes of creating and maintaining an account which will meet all reporting requirements contained in section 387.436, RSMo;

(D) The five-thousand dollar ($5,000) application fee; and

(E) A copy of the applicant's privacy policy as required by, and in accordance with, section 387.425, RSMo.

Applicants shall certify that they will comply with all requirements contained in sections 387.400 to 387.440, RSMo, sections 379.1700 to 379.1708, RSMo, and all regulations promulgated by the department that are consistent with sections 387.400 to 387.440, RSMo, pursuant to the authority delegated to the department under section 387.430, RSMo. Applicants shall further certify that their privacy policy, as provided to the department, meets all the requirements contained in section 387.425, RSMo. Applicants for renewal shall meet all of the above requirements except that applicants shall only be required to resubmit the applicant's privacy policy if the policy has changed or is different from the privacy policy on file with the department.

(3) Upon approval of an application for TNC licensure, the designated

account administrator of the TNC will be sent an electronic notification by the department containing instructions on how to create and maintain an electronic reporting account with the department for purposes of complying with section 387.436, RSMo. The TNC's account shall be created prior to the TNC doing business as a licensee and shall be maintained throughout the duration of the license.

(4) TNCs shall cooperate with any investigation or audit by the department related to sections 387.400 to 387.440, RSMo and sections 379.1700 to 379.1708, RSMo. TNCs shall permit an employee or agent of the department to inspect, during normal business hours, any and all records which are required to be maintained pursuant to sections 387.400 to 387.440, RSMo, if related to an investigation as described above. If a third party is utilized in accordance with section 387.420, RSMo, all records gathered and supplied by the third party shall be maintained and available for inspection by the department. Any records which may be reviewed by a home rule city or the commission must also be made available to the department for inspection purposes upon request. TNCs shall make requested records available for review or provide electronic copies of records within fifteen (15) business days in order to comply with the provisions of this section.

(5) The department may refuse to issue or renew any license required pursuant to sections 387.400 to 387.440, RSMo, for a specified period of time for any one (1) or any combination of causes stated in this section. The department shall notify the applicant or licensee in writing at their last known address of the reasons for the refusal to issue or renew the license and shall advise the applicant or licensee of their right to file an appeal with the administrative hearing commission as provided in Chapter 621, RSMo.

(A) The following acts constitute cause for refusal to issue or renew a license:

1. Any violation of sections 387.400 to 387.440, RSMo, sections 379.1700 to 379.1708, RSMo, or any rule promulgated under the authority delegated to the department under section 387.430, RSMo;

2. The applicant or license holder was previously the holder of a license issued under sections 387.400 to 387.440, RSMo, which license was suspended or denied for cause and was never reissued by the department;

3. The applicant or license holder was previously a partner, stockholder, director, or officer controlling or managing a partnership or corporation whose license issued under sections 387.400 to 387.440, RSMo, was suspended or denied for cause and was never reissued;

4. Use of fraud, deception, misrepresentation, or bribery in securing a license issued pursuant to sections 387.400 to 387.440, RSMo; and

5. Failure to cooperate with the department or failure to timely respond to a request for records by the department in connection with an investigation.

(6) To the extent permitted by section 387.440, RSMo, a home rule city or the commission may assess a fine of up to five-hundred dollars ($500) to a TNC for failure to comply with sections 387.400 to 387.440, RSMo, and shall comply with all notification requirements contained in this section.

(A) The home rule city or the commission shall send a notice to the TNC's registered agent which includes the amount of the fine, a brief statement of facts establishing the TNC's failure to comply with any requirement in sections 387.400 to 387.440, RSMo, and a statement indicating the right of appeal in substantially the following language: "If you are adversely affected by this notice, you may appeal to the department of revenue. To appeal, you must file a request for hearing with the Department of Revenue, PO Box 703, Jefferson City, MO 65105, within thirty (30) days after the date this notice was mailed or the date it was delivered, whichever date was earlier. If any such request for hearing is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the Department of Revenue." A copy of the notice must be provided to the department upon issuance by mailing it to Department of Revenue, PO Box 703, Jefferson City, MO 65105 or by sending it electronically to mvbmail@dor.mo.gov.

1. Any TNC fined by a home rule city or the commission shall be entitled to a hearing before the director by filing a request for hearing with the department within thirty (30) days after the date this notice was mailed or the date it was delivered, whichever date was earlier. If the request for hearing is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the Department of Revenue.

2. Failure to file a timely request for hearing will be considered a waiver of the right to an administrative hearing and will establish and make final, for the purposes of administrative appeal, the home rule city or the commission's factual findings and fines.

(B) Hearings will be held in Jefferson City, Missouri, and shall be considered contested cases as that term is defined in Chapter 536, RSMo. Hearings will be placed on an administrative docket in the order in which they are received.

(C) Parties will be notified by first class mail of the date and time of the hearing. A copy of the notice will be sent to each party or the party's attorney of record.

(D) Parties may be allowed one (1) continuance at the discretion of the director provided good cause is shown. All requests for continuances shall be made in writing, state good cause for the continuance, and be signed and verified by the party making the request or their attorney of record. All requests for continuance must be filed at least five (5) days prior to the date of the scheduled hearing.

(E) The department will make a record of the proceedings and evidence presented. Hearing procedures shall be substantially as follows:

1. The home rule city or the commission will have the initial burden of proof and must present, by a preponderance of the evidence, facts establishing the TNC's failure to comply with sections 387.400 to 387.440, RSMo;

2. The TNC may present any evidence establishing or suggesting compliance with the provisions of sections 387.400 to 387.440, RSMo or any rebuttal evidence;

3. Parties may present testimony by notarized affidavit or by stipulation of the parties. Affidavits or stipulations may be filed at the time of hearing or any time prior to the hearing;

4. The department will receive oral testimony and any live witnesses will be subject to cross examination;

5. Failure to appear at the hearing at the stated time may result in a default finding and decision against the absent party; and

6. When not inconsistent with this subsection, the provisions of Chapter 536, RSMo shall apply to hearings held in accordance with section 387.440, RSMo.

(F) The director shall consider all the evidence presented, make written findings of fact and conclusions of law, and enter a final decision at or within sixty (60) days from the date of the hearing. All parties will be mailed a copy of the findings of fact, conclusions of law, and final decision. No decision will be entered at the time of the hearing.

(G) The effective date of the director's final decision shall be thirty (30) days from the date the final decision is entered.

(H) Any fines paid by a TNC in accordance with the provisions of section 387.440, RSMo shall be remitted to the department within fifteen (15) days from the effective date of the final decision of the director or any final decision or order entered by a court of law having jurisdiction over the appeal of such fine.

(I) Any fines remitted to, or collected by, the department in accordance with sections 387.439 and 387.440, RSMo will be distributed in accordance with Article IX, Section 7 of the *Missouri Constitution*.

(7) License suspensions under subsection 4 of section 387.439, RSMo shall be for a period of thirty (30) days per violation.

AUTHORITY: section 387.430, RSMo, TAFP SS NO. 2 SCS HCS HB 130, First Regular Session, Ninety-ninth General Assembly, 2017. Original rule filed July 6, 2017. Emergency rule filed July 27, 2017, effective Aug. 28, 2017, expires Feb. 23, 2018.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 10—Nursing Home Program

EMERGENCY AMENDMENT

13 CSR 70-10.016 Global Per Diem Adjustments to Nursing Facility and HIV Nursing Facility Reimbursement Rates. The division is adding paragraph (3)(A)21.

PURPOSE: This amendment provides for a per diem decrease to nursing facility and HIV nursing facility per diem reimbursement rates of five dollars and thirty-seven cents ($5.37) effective for dates of service beginning August 1, 2017 through June 30, 2018. The per diem decrease shall be reduced to four dollars and eighty-three cents ($4.83) effective for dates of service beginning July 1, 2018. This per diem decrease corresponds to the appropriation granted in the State Fiscal Year 2018 budget, approved by the governor, and is contingent upon approval by the Center for Medicare and Medicaid Services (CMS).

*EMERGENCY STATEMENT: The Department of Social Services, MO HealthNet Division, by rule and regulation, must define the reasonable costs, manner, extent, quantity, quality, charges and fees of medical assistance. Effective for State Fiscal Year (SFY) 2018, the appropriation reduced the funds available for nursing facilities' and HIV nursing facilities' reimbursements. The MO HealthNet Division is carrying out the reduction by providing for a per diem decrease for nursing facility and HIV nursing facility reimbursement rates by decreasing the per diem by five dollars and thirty-seven cents ($5.37) effective for dates of service beginning August 1, 2017 through June 30, 2018. The per diem decrease shall be reduced to four dollars and eighty-three cents ($4.83) effective for dates of service beginning July 1, 2018. The rate decrease is necessary to ensure that payments for nursing facility and HIV nursing facility per diem rates are in line with the funds appropriated for that purpose. There is a total of five hundred and three (503) nursing facilities and HIV nursing facilities currently enrolled in MO HealthNet which will be subject to a per diem decrease in its reimbursement rate effective for dates of service beginning August 1, 2017. This emergency amendment will ensure payment for nursing facility and HIV nursing facility services to approximately twenty-four thousand (24,000) senior Missourians in accordance with the appropriation authority. For the SFY 2018 payment to be made, a Medicaid State Plan Amendment is required to be submitted and approved by the Centers for Medicare and Medicaid Services (CMS). This emergency amendment must be implemented on a timely basis to ensure that quality nursing facility and HIV nursing facility services continue to be provided to MO HealthNet participants in nursing facilities and HIV nursing facilities during SFY 2018 in accordance with the appropriation authority. As a result, the MO HealthNet Division finds an immediate danger to public health, safety and/or welfare and a compelling governmental interest, which requires emergency action. The MO HealthNet Division has a compelling governmental interest in providing continued cash flow for nursing facility and HIV nursing facility services. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended by the **Missouri** and **United States Constitutions**. The MO HealthNet Division believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed July 21, 2017, becomes effective August 1, 2017, and expires February 22, 2018.*

(3) Adjustments to the Reimbursement Rates. Subject to the limitations prescribed in 13 CSR 70-10.015, a nursing facility's reimbursement rate may be adjusted as described in this section. Subject to the limitations prescribed in 13 CSR 70-10.080, an HIV nursing facility's reimbursement rate may be adjusted as described in this section.

(A) Global Per Diem Rate Adjustments. A facility with either an interim rate or a prospective rate may qualify for the global per diem rate adjustments. Global per diem rate adjustments shall be added to the specified cost component ceiling.

1. FY-96 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1995, shall be granted an increase to their per diem effective October 1, 1995, of four and six-tenths percent (4.6%) of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1., and the property insurance and property taxes detailed in subsection (11)(D) of 13 CSR 70-10.015; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. of 13 CSR 70-10.015 that is in effect on October 1, 1995, shall have their increase determined by subsection (3)(S) of 13 CSR 70-10.015.

2. FY-97 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1996, shall be granted an increase to their per diem effective October 1, 1996, of three and seven-tenths percent (3.7%) of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1., and the property insurance and property taxes detailed in subsection (11)(D) of 13 CSR 70-10.015; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. of 13 CSR 70-10.015 that is in effect on October 1, 1995, shall have their increase determined by subsection (3)(S) of 13 CSR 70-10.015.

3. Nursing Facility Reimbursement Allowance (NFRA). Effective October 1, 1996, all facilities with either an interim rate or a prospective rate shall have its per diem adjusted to include the current NFRA as an allowable cost in its reimbursement rate calculation.

4. Minimum wage adjustment. All facilities with either an interim rate or a prospective rate in effect on November 1, 1996, shall be granted an increase to their per diem effective November 1, 1996, of two dollars and forty-five cents ($2.45) to allow for the change in minimum wage. Utilizing Fiscal Year 1995 cost report data, the total industry hours reported for each payroll category was multiplied by the fifty-cent (50¢) increase, divided by the patient days for the facilities reporting hours for that payroll category, and factored up by eight and sixty-seven hundredths percent (8.67%) to account for the related increase to payroll taxes. This calculation excludes the director of nursing, the administrator, and assistant administrator.

5. Minimum wage adjustment. All facilities with either an interim rate or a prospective rate in effect on September 1, 1997, shall be granted an increase to their per diem effective September 1, 1997, of one dollar and ninety-eight cents ($1.98) to allow for the change in minimum wage. Utilizing Fiscal Year 1995 cost report data, the total industry hours reported for each payroll category was multiplied by the forty-cent (40¢) increase, divided by the patient days for the facilities reporting hours for that payroll category, and factored up by eight and sixty-seven hundredths percent (8.67%) to account for the related increase to payroll taxes. This calculation excludes the director of nursing, the administrator, and assistant administrator.

6. FY-98 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1997, shall be granted an increase to their per diem effective October 1, 1997, of three and four-tenths percent (3.4%) of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1., and the property insurance and property taxes detailed in subsection (11)(D) of 13 CSR 70-10.015 for nursing facilities and 13

CSR 70-10.080 for HIV nursing facilities; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. of 13 CSR 70-10.015 that is in effect on October 1, 1995, shall have their increase determined by subsection (3)(S) of 13 CSR 70-10.015.

7. FY-99 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1998, shall be granted an increase to their per diem effective October 1, 1998, of two and one-tenth percent (2.1%) of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1., the property insurance and property taxes detailed in subsection (11)(D) of 13 CSR 70-10.015 for nursing facilities and 13 CSR 70-10.080 for HIV nursing facilities, and the minimum wage adjustments detailed in paragraphs (3)(A)4. and (3)(A)5. of this regulation; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. of 13 CSR 70-10.015 that is in effect on October 1, 1998, shall have their increase determined by subsection (3)(S) of 13 CSR 70-10.015.

8. FY-2000 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on July 1, 1999, shall be granted an increase to their per diem effective July 1, 1999, of one and ninety-four hundredths percent (1.94%) of the cost determined in subsections (11)(A), (11)(B), (11)(C), the property insurance and property taxes detailed in subsection (11)(D) of 13 CSR 70-10.015 for nursing facilities and 13 CSR 70-10.080 for HIV nursing facilities, and the minimum wage adjustments detailed in paragraphs (3)(A)4. and (3)(A)5. of this regulation; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. of 13 CSR 70-10.015 that is in effect on July 1, 1999, shall have their increase determined by subsection (3)(S) of 13 CSR 70-10.015.

9. FY-2004 nursing facility operations adjustment—

A. Facilities with either an interim rate or prospective rate in effect on July 1, 2003, shall be granted an increase to their per diem effective for dates of service beginning July 1, 2003, through June 30, 2004, of four dollars and thirty-two cents ($4.32) for the cost of nursing facility operations. Effective for dates of service beginning July 1, 2004, the per diem adjustment shall be reduced to three dollars and seventy-eight cents ($3.78); and

B. The operations adjustment shall be added to the facility's current rate as of June 30, 2003, and is effective for payment dates after August 1, 2003.

10. FY-2007 quality improvement adjustment—

A. Facilities with either an interim rate or prospective rate in effect on July 1, 2006, shall be granted an increase to their per diem effective for dates of service beginning July 1, 2006, of three dollars and seventeen cents ($3.17) to improve the quality of life for nursing facility residents; and

B. The quality improvement adjustment shall be added to the facility's current rate as of June 30, 2006, and is effective for dates of service beginning July 1, 2006, and after.

11. FY-2007 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on February 1, 2007, shall be granted an increase to their per diem rate effective for dates of service beginning February 1, 2007, of three dollars and zero cents ($3.00) to allow for a trend adjustment to ensure quality nursing facility services; and

B. The trend adjustment shall be added to the facility's reimbursement rate as of January 31, 2007, and is effective for dates of service beginning February 1, 2007, for payment dates after March 1, 2007.

12. FY-2008 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on July 1, 2007, shall be granted an increase to their per diem rate effective for dates of service beginning July 1, 2007, of six dollars and zero cents ($6.00) to allow for a trend adjustment to ensure quality nursing facility services; and

B. The trend adjustment shall be added to the facility's current rate as of June 30, 2007, and is effective for dates of service beginning July 1, 2007.

13. FY-2009 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on July 1, 2008, shall be granted an increase to their per diem rate effective for dates of service beginning July 1, 2008, of six dollars and zero cents ($6.00) to allow for a trend adjustment to ensure quality nursing facility services; and

B. The trend adjustment shall be added to the facility's current rate as of June 30, 2008, and is effective for dates of service beginning July 1, 2008.

14. FY-2010 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on July 1, 2009, shall be granted an increase to their per diem rate effective for dates of service beginning July 1, 2009, of five dollars and fifty cents ($5.50) to allow for a trend adjustment to ensure quality nursing facility services; and

B. The trend adjustment shall be added to the facility's current rate as of June 30, 2009, and is effective for dates of service beginning July 1, 2009.

15. FY-2012 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on October 1, 2011, shall be granted an increase to their per diem rate effective for dates of service beginning October 1, 2011, of six dollars and zero cents ($6.00) to allow for a trend adjustment to ensure quality nursing facility services;

B. The trend adjustment shall be added to the facility's current rate as of September 30, 2011, and is effective for dates of service beginning October 1, 2011; and

C. This increase is contingent upon the federal assessment rate limit increasing to six percent (6%) and is subject to approval by the Centers for Medicare and Medicaid Services.

16. FY-2013 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on July 1, 2012, shall be granted an increase to their per diem rate effective for dates of services beginning July 1, 2012, of six dollars and zero cents ($6.00) to allow for a trend adjustment to ensure quality nursing facility services;

B. The trend adjustment shall be added to the facility's current rate as of June 30, 2012, and is effective for dates of service beginning July 1, 2012; and

C. This increase is contingent upon approval by the Centers for Medicare and Medicaid Services.

17. FY-2014 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on July 1, 2013, shall be granted an increase to their per diem rate effective for dates of services beginning July 1, 2013, of three percent (3.0%) of their current rate, less certain fixed cost items. The fixed cost items are the per diem amounts included in the facility's current rate from the following: subsection (2)(O) of 13 CSR 70-10.110, paragraphs (11)(D)1., (11)(D)2., (11)(D)3., (11)(D)4., (13)(B)3., and (13)(B)10. of 13 CSR 70-10.015;

B. The trend adjustment shall be added to the facility's current rate as of June 30, 2013, and is effective for dates of service beginning July 1, 2013; and

C. This increase is contingent upon approval by the Centers for Medicare and Medicaid Services.

18. FY-2015 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on July 1, 2014, shall be granted an increase to their per diem rate effective for dates of services beginning July 1, 2014, of one dollar and twenty-five cents ($1.25) to allow for a trend adjustment to ensure quality nursing facility services;

B. The trend adjustment shall be added to the facility's current rate as of June 30, 2014, and is effective for dates of service beginning July 1, 2014; and

C. This increase is contingent upon approval by the Centers for Medicare and Medicaid Services.

19. January 1, 2016 – June 30, 2016 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on January 1, 2016, shall be granted an increase to their per diem rate effective for dates of services beginning January 1, 2016, of two dollars and nine cents ($2.09) to allow for a trend adjustment to ensure quality nursing facility services;

B. The trend adjustment will not be added to the facility's rate after June 30, 2016; and

C. This increase is contingent upon approval by the Centers for Medicare and Medicaid Services and sufficient funding available through the Tax Amnesty Fund.

20. Continuation of FY-2016 trend adjustment and FY-2017 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on July 1, 2016, shall continue to be granted an increase to their per diem rate effective for dates of service beginning July 1, 2016, of two dollars and nine cents ($2.09);

B. Facilities with either an interim rate or a prospective rate in effect on July 1, 2016, shall be granted an increase to their per diem rate effective for dates of services beginning July 1, 2016, of two dollars and eighty-three cents ($2.83) to allow for a trend adjustment to ensure quality nursing facility services;

C. The trend adjustment of two dollars and eighty-three cents ($2.83) shall be added to the facility's rate as of June 30, 2016, which includes the two dollars and nine cents ($2.09) increase, and is effective for dates of service beginning July 1, 2016; and

D. These increases are contingent upon approval by the Centers for Medicare and Medicaid Services.

21. FY-2018 per diem adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on August 1, 2017, shall be subject to a decrease in their per diem rate effective for dates of services August 1, 2017 through June 30, 2018, of five dollars and thirty-seven cents ($5.37);

B. The per diem adjustment of five dollars and thirty-seven cents ($5.37) shall be deducted from the facility's current rate as of July 31, 2017, and is effective for dates of service beginning August 1, 2017;

C. Effective for dates of service beginning July 1, 2018, the per diem decrease shall be reduced to four dollars and eighty-three cents ($4.83). A per diem adjustment of fifty-four cents ($0.54) shall be added to the facilities current rate as of June 30, 2018, which includes the five dollars and thirty-seven cents ($5.37) decrease, and is effective for dates of service beginning July 1, 2018; and

D. This decrease is contingent upon approval by the Centers for Medicare and Medicaid Services.

*AUTHORITY: [section 208.159, RSMo 2000, and] sections 208.153, **208.159,** and 208.201, RSMo [Supp. 2013] **2016**. Original rule filed July 1, 2008, effective Jan. 30, 2009. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed July 21, 2017, effective Aug. 1, 2017, expires Feb. 22, 2018. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2220—State Board of Pharmacy
Chapter 2—General Rules

EMERGENCY AMENDMENT

20 CSR 2220-2.650 Standards of Operation for a Class J: Shared Services Pharmacy. The board is amending paragraph (1)(A)3. and adding new section (2).

PURPOSE: This rule is being amended to accommodate pharmacies dispensing medication to another pharmacy for administration by a licensed healthcare professional.

EMERGENCY STATEMENT: The current rule establishes mandatory requirements for pharmacies engaged in Class-J Shared Services pharmacies. The board currently issues sixteen (16) classes of pharmacy permits (Class-A to Class-P). Pharmacies are required to have a pharmacy permit for each type of pharmacy service performed. As a result, many pharmacies have multiple classes of licensure. A Class-J pharmacy permit is required for pharmacies filling, dispensing, or transferring medication/filled prescriptions to another pharmacy for dispensing to the patient.

In April 2017, the board received comments from Missouri hospitals and specialty pharmacies indicating the current Class-J requirements are detrimentally impacting patient care by effectively prohibiting the dispensing of medication to Missouri patients with complex, chronic, or rare diseases who are participating in certain patient assistance programs. Specifically, Missouri hospital and specialty pharmacies reported that an increased number of patient assistance programs and third party payors now mandate that certain high risk, high-cost medications can only be prepared/dispensed by a specialty pharmacy and shipped to another licensed pharmacy where it has to be administered to the patient on-site of the receiving pharmacy by a healthcare provider. A number of these medications are reportedly high-cost items while others require specialized pharmacist training or expertise to prepare.

To ship medication to another pharmacy, both the specialty pharmacy and the receiving pharmacy are required to have a Class-J Shared Services permit. A number of hospital/specialty pharmacies have indicated they are unable to apply for a Class-J permit primarily because of the rule's requirements that Class-J pharmacies: 1) have the same owner or have a pre-existing contract for shared services and 2) share a common electronic database that provides real-time, online access. Specifically, specialty/hospital pharmacies reported the patient may require medication before a contract can be negotiated with the corresponding pharmacy. In some instances, the receiving pharmacy may be unknown or have no business relationship with the specialty pharmacy until medication is required. In other instances, expensive software purchases would be required to render the electronic systems accessible or compliant.

Due to the Class-J licensing requirements, patients have been unable to procure medication provided by certain assistance programs from designated hospital/specialty pharmacies located throughout the state. In some instances, patients have reportedly been turned away or denied medication because the participating pharmacies could not obtain a Class-J permit. The board was informed Missouri cancer patients have been particularly impacted and denied/delayed medication services. Significantly, some of the medications discussed with the board are not dispensed by community/ambulatory pharmacies due, in part, to the required expertise, equipment, and training needed to compound these preparations and/or due to the related medication costs which can reportedly exceed one hundred thousand dollars ($100,000) per year in some cases.

After the April 2017 meeting, the board formed a sub-committee to immediately review and draft proposed revisions to the current rule. As part of this process, the board consulted with hospital and specialty pharmacy advocates to draft language that would allow shipment of patient medication between licensed pharmacies without a Class-J pharmacy permit while maintaining appropriate safeguards to protect patient health. The board also consulted with the statutorily authorized Missouri Hospital Advisory Committee in June of 2017. The board is proposing this emergency amendment to allow continued dispensing to lower-income, uninsured Missouri patients by modifying Class-J licensing requirements for pharmacies transferring medication that

will be administered on-site of the pharmacy by a health care practitioner. Significantly, the Class-J permit is an additional class of licensure. Pharmacies engaged in the affected conduct would still be required to hold a board pharmacy permit in another classification.

Absent an amendment, the board's rule would significantly and adversely affect patient health and patient access to care by prohibiting pharmacies unable to qualify for a Class-J Shared Services pharmacy permit from dispensing designated medication to lower-income/uninsured patients participating in patient assistance programs. Once again, some of these medications may be unavailable from a traditional retail pharmacy and/or otherwise unaffordable for the targeted patient population.

*As a result, the Missouri State Board of Pharmacy finds there is an immediate danger to the public health, safety, and/or welfare and a compelling governmental interest that requires this emergency action. A proposed amendment, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitutions**. The Missouri State Board of Pharmacy believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed July 27, 2017, becomes effective August 6, 2017, and expires February 22, 2018.*

(1) Class J: Shared Services: Shared Service Pharmacy is defined as the processing by a pharmacy of a request from another pharmacy to fill or refill a prescription drug order, or that performs or assists in the performance of functions associated with the dispensing process, drug utilization review (DUR), claims adjudication, refill authorizations, and therapeutic interventions.

(A) A pharmacy may perform or outsource centralized prescription processing services provided the parties:

1. Have the same owner, or have a written contract outlining the services to be provided and the responsibilities and accountabilities of each party in fulfilling the terms of said contract in compliance with federal and state laws and regulations;

2. Maintain separate licenses for each location involved in providing shared services; and

3. *[Share a common electronic file to allow access to sufficient information necessary or required to fill or refill a prescription drug order.]* **Either share a common database or allow access to each pharmacy's electronic medication or prescription records. The access must provide real-time, online access to the patient's complete profile for the pharmacies involved.**

(2) A Class J Shared services permit shall not be required if a completed and labeled prescription is delivered from a Missouri licensed pharmacy to another Missouri licensed pharmacy for administration by a pharmacist or other licensed health care professional to the patient on the same premises or physical location as the pharmacy.

(A) The exemption recognized in this subsection only applies if a completed and labeled prescription is delivered to the receiving pharmacy.

(B) If additional manipulation or compounding is required by the receiving pharmacy, receipt of a prescription or order is required and the receiving pharmacy must dispense the product as their own prescription/order. All prescription requirements, record keeping, compounding, and labeling requirements must be met.

(C) The receiving pharmacy must maintain documentation of the medication received, the name and address of the pharmacy providing the medication, the date of receipt, and the patient's name.

(D) The receiving pharmacy is responsible for ensuring compliance with all applicable patient counseling requirements.

(E) For purposes of this rule, administration is defined as applying or introducing medication to the body of a patient, whether by injection, infusion, inhalation, ingestion, or other means.

(F) Medication administered by a pharmacist must be performed in compliance with all applicable provisions of law.

(G) Notwithstanding any other provision of this rule, licensees shall comply with all applicable controlled substance laws and regulations, including, but not limited to, all applicable security and record keeping requirements.

*AUTHORITY: sections 338.140, **338.210, 338.220,** 338.240, and 338.280, [RSMo 2000 and 338.210 and 338.220, RSMo Supp. 2001] **RSMo 2016**. This rule originally filed as 4 CSR 220-2.650. Original rule filed Nov. 30, 2001, effective June 30, 2002. Amended: Filed Dec. 3, 2002, effective June 30, 2003. Moved to 20 CSR 2220-2.650, effective Aug. 28, 2006. Emergency amendment filed July 27, 2017, effective Aug. 6, 2017, expires Feb. 22, 2018. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo 2016.

EXECUTIVE ORDER
17-19

WHEREAS, the Centers for Disease Control and Prevention has declared a national opioid epidemic, which poses a grave danger to Missouri; and

WHEREAS, Missouri is facing a public health crisis of epidemic proportions from the unlawful distribution and misuse of opioids ("Opioid Public Health Crisis"); and

WHEREAS, Missouri's Opioid Public Health Crisis is impacting Missouri families and communities every day. It is estimated that two Missourians die from narcotic overdose and two babies are born with narcotic withdrawal every day somewhere in Missouri; and

WHEREAS, in 2016, more than 900 Missourians died from an opioid overdose; and

WHEREAS, deaths that are the result of opioid overdose are preventable; and

WHEREAS, section 190.255, RSMo, allows emergency responders, including law enforcement, fire department and fire district personnel, and licensed emergency medical technicians, to obtain and administer naloxone, an opioid antagonist, to people suffering from opiate-related overdoses; and

WHEREAS, when emergency responders and law enforcement are equipped with and properly trained on the use of opioid antagonists, they can save lives.

NOW THEREFORE, I, ERIC R. GREITENS, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, hereby declare, order, and direct the following:

1. It shall be the policy of the Executive Branch of the State of Missouri to **identify, train, and equip** law enforcement, fire department and fire district personnel, and licensed emergency medical technicians to save lives during opiate-related overdose events by using opioid antagonists. The Executive Branch shall also **assess** the impact of greater training and equipment for law enforcement, fire department and fire district personnel, and licensed emergency medical technicians to ensure the greatest results.

2. **Identify.** The Department of Health and Senior Services ("DHSS"), the Department of Mental Health ("DMH"), the Department of Public Safety ("DPS"), the Department of Natural Resources ("DNR"), and the Department of Conservation ("MDC") shall work together to identify the law enforcement officers, fire department and fire district personnel, and licensed emergency medical technicians who currently have the greatest need for opioid antagonists.

3. **Train.** DHSS, DMH, DPS, DNR, and MDC shall train law enforcement, fire department and fire district personnel, and licensed emergency medical technicians to recognize an opiate-related overdose, respond to an overdose event, and save lives by administering opioid antagonists.

4. **Equip.** DHSS, DMH, DPS, DNR, and MDC shall use every available State and federal dollar to equip and train law enforcement, fire department and fire district personnel, and licensed emergency medical technicians to use life-saving opioid antagonists.

5. **Assess.** DHSS, DMH, DPS, DNR, and MDC shall partner with the Missouri State Highway Patrol, the Missouri Police Chiefs Association, the Missouri Sheriffs' Association, and any other law enforcement or first responder entity to develop standard procedures to increase the reporting of overdose events to the MO-HOPE Project, a partnership between DMH, the Missouri Institute for Mental Health – University of Missouri St. Louis, and the National Council on Alcoholism and Drug Abuse, which tracks overdoses. The Departments shall use the overdose data to:

    a. Ensure that law enforcement, fire department and fire district personnel, and licensed emergency medical technicians most likely to respond to opioid overdose events continue to be trained and equipped to administer opioid antagonists and respond to overdose events;

    b. Develop future programs;

    c. Obtain additional funding from grants; and

    d. Assess and strengthen efforts to combat Missouri's Opioid Public Health Crisis.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 18th day of July, 2017.

Eric R. Greitens
Governor

ATTEST:

John R. Ashcroft
Secretary of State

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register.* If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:
Boldface text indicates new matter.
[Bracketed text indicates matter being deleted.]

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

PROPOSED RESCISSION

4 CSR 240-3.163 Electric Utility Demand-Side Programs Investment Mechanisms Filing and Submission Requirements. This rule set forth the information that an electric utility was to provide when it sought to establish, continue, modify, or discontinue a Demand-Side Programs Investment Mechanism (DSIM). This rule also set forth the requirements for submission of information related to DSIM rate adjustment filings and for submission of annual reports as required for electric utilities that had a DSIM.

PURPOSE: This rule is being rescinded in its entirety because the requirements have been consolidated into 4 CSR 240-20.093 and 4 CSR 240-20.094.

AUTHORITY: section 393.1075.11, RSMo Supp. 2010. Original rule filed Oct. 4, 2010, effective May 30, 2011. Rescinded: Filed July 27, 2017.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed rescission with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City, MO 65102-0360. To be considered, comments must be received on or before October 2, 2017, and should include a reference to Commission Case No. EX-2017-0287. Comments may also be submitted via a filing using the commission's electronic filing and information system at http://www.psc.mo.gov/efis.asp. A public hearing is scheduled for October 5, 2017 at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

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

PROPOSED RESCISSION

4 CSR 240-3.164 Electric Utility Demand-Side Programs Filing and Submission Requirements. This rule set forth the information that an electric utility had to provide when it sought approval, modification, or discontinuance of demand-side programs.

PURPOSE: This rule is being rescinded as these requirements have been moved to 4 CSR 240-20.093 and 240-20.094.

AUTHORITY: section 393.1075.11, RSMo Supp. 2010. Original rule filed Oct. 4, 2010, effective May 30, 2011. Rescinded: Filed July 27, 2017.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed rescission with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City, MO

65102-0360. To be considered, comments must be received on or before October 2, 2017, and should include a reference to Commission Case No. EX-2017-0287. Comments may also be submitted via a filing using the commission's electronic filing and information system at http://www.psc.mo.gov/efis.asp. A public hearing is scheduled for October 5, 2017 at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

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Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 18—Safety Standards

PROPOSED AMENDMENT

4 CSR 240-18.010 Safety Standards for Electrical Corporations, Telecommunications Companies, and Rural Electric Cooperatives. The commission is amending sections (1) and (4).

PURPOSE: This amendment changes the edition of the National Electrical Safety Code that the Public Service Commission adopts for the minimum safety standards applicable to electrical corporations, telecommunications companies, and rural electric cooperatives and clarifies that the new standards apply only to new installations and extensions.

(1) The minimum safety standards relating to the operation of electrical corporations, telecommunications companies, and rural electric cooperatives are Parts 1, 2, and 3 and Sections 1, 2, and 9 of the *National Electrical Safety Code* (NESC); *[2012]* **2017** Edition as approved by the American National Standards Institute on *[August 1, 2011]* **August 1, 2016**, as modified by Errata thereto issued on *[April 29, 2013]* **September 13, 2016**, and published by the Institute of Electrical and Electronics Engineers, Inc., 3 Park Avenue, New York, NY 10016-5997. The NESC is composed of four (4) different parts and four (4) sections, each of which pertain to different aspects of the electric and telecommunications industries. Part 1 specifies rules for the installation and maintenance of equipment normally found in electric generating plants and substations. Part 2 pertains to safety rules for overhead electric and communication lines. Part 3 contains safety rules for underground electric and communication lines. Section 1 is an introduction to the NESC, Section 2 defines special terms, and Section 9 requires certain grounding methods for electric and communications facilities. The full text of this material is available at the Energy **Analysis Section of the Utility Operations** Department of the Public Service Commission, Suite 700, 200 Madison, Jefferson City, Missouri. This rule does not incorporate any subsequent amendments or additions.

(4) Those who excavate near underground facilities or conduct activities within ten feet (10') of overhead power lines are required to notify area utilities prior to engaging in such action, pursuant to the Underground Facility Safety and Damage Prevention Act, section 319.010 *[et seq.]*, RSMo *[2000]*, and the Overhead Power Line Safety Act, section 319.075 *[et seq.]*, RSMo *[2000]*.

*AUTHORITY: sections 386.310 and 394.160, RSMo [2000] **2016**. Original rule filed March 15, 1978, effective Oct. 2, 1978. For intervening history, please consult the **Code of State Regulations**. Amended: Filed July 27, 2017.*

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City, MO 65102-0360. To be considered, comments must be received no later than October 2, 2017, and should include a reference to Commission Case No. EX-2017-0153. Comments may also be submitted via a filing using the commission's electronic filing and information system at http://www.psc.mo.gov/efis.asp. A public hearing is scheduled for 2:00 p.m., October 5, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Driver License Bureau Rules

PROPOSED AMENDMENT

12 CSR 10-24.200 Driver License Classes. The department is amending section (5).

PURPOSE: The amendment clarifies certain exemptions for Class E licensure which were included in section 387.438 of SS #2 SCS HCS HB 130 (2017) and amends the structure of the subsection to make it more understandable.

(5) Class E—*[The holder of a Class E license who receives compensation in wages, salary, commission, or fare to drive any motor vehicle in the transportation of persons or property, or is an owner or employee and drives a motor vehicle carrying passengers or property for hire, or regularly drives a commercial motor vehicle of another person in the course of or as an incident to his/her employment, but whose principal occupation is not the driving of that motor vehicle, may drive any of the described vehicles. A holder of a Class E license shall not be entitled to drive any vehicle whose operation requires the driver to hold a Class A, Class B, or Class C license. A holder of a Class E license may drive all vehicles which may be driven by a holder of a Class F license, but not motorcycles or vehicles which require an endorsement(s) unless the proper endorsement(s) appears on the license.]***The holder of a Class E license may drive all vehicles which may be driven by a holder of a Class F license and receive compensation in wages, salary, commission, or fare 1) to transport persons or property; 2) as an owner or employee carrying passengers or property for hire; or 3) occasionally operating the commercial motor vehicle of another person in the course of, or

as an incident to, their employment. A holder of a Class E license shall not be entitled to drive any vehicle whose operation requires the driver to hold a Class A, Class B, or Class C license. The holder of a Class E license may not drive motorcycles or vehicles which require an endorsement unless the proper endorsement appears on the license. Transportation network company drivers, as defined in section 387.400, RSMo, food delivery services, as defined in subsection 2 of section 387.438, RSMo, and taxicab drivers are not required to obtain a Class E license for purposes of providing transportation services, provided the vehicle used for such purposes has a gross vehicle weight that is less than or equal to twelve thousand (12,000) pounds.

*AUTHORITY: sections 302.015 and 302.765, RSMo [2000] **2016**, and section [302.700, RSMo Supp. 2013] **387.438, RSMo TAFP SS NO. 2 SCS HCS HB 130 First Regular Session, Ninety-ninth General Assembly, 2017**. Original rule filed Jan. 16, 1990, effective May 11, 1990. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Aug. 1, 2017.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate, as any costs associated with the proposed amendment are not a product of the rule itself but incident to the statutory changes included in SS #2 SCS HCS HB 130 2017.

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, General Counsel's Office, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 10—Nursing Home Program

PROPOSED AMENDMENT

13 CSR 70-10.016 Global Per Diem Adjustments to Nursing Facility and HIV Nursing Facility Reimbursement Rates. The division is adding paragraph (3)(A)21.

PURPOSE: This proposed amendment provides for a per diem decrease to nursing facility and HIV nursing facility per diem reimbursement rates of five dollars and thirty-seven cents ($5.37) effective for dates of service beginning August 1, 2017 through June 30, 2018. The per diem decrease shall be reduced to four dollars and eighty-three cents ($4.83) effective for dates of service beginning July 1, 2018. This per diem decrease corresponds to the appropriation granted in the State Fiscal Year 2018 budget, approved by the governor, and is contingent upon approval by the Center for Medicare and Medicaid Services (CMS).

(3) Adjustments to the Reimbursement Rates. Subject to the limitations prescribed in 13 CSR 70-10.015, a nursing facility's reimbursement rate may be adjusted as described in this section. Subject to the limitations prescribed in 13 CSR 70-10.080, an HIV nursing facility's reimbursement rate may be adjusted as described in this section.

(A) Global Per Diem Rate Adjustments. A facility with either an interim rate or a prospective rate may qualify for the global per diem rate adjustments. Global per diem rate adjustments shall be added to the specified cost component ceiling.

1. FY-96 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1995, shall be granted an increase to their per diem effective October 1, 1995, of four and six-tenths percent (4.6%) of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1., and the property insurance and property taxes detailed in subsection (11)(D) of 13 CSR 70-10.015; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. of 13 CSR 70-10.015 that is in effect on October 1, 1995, shall have their increase determined by subsection (3)(S) of 13 CSR 70-10.015.

2. FY-97 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1996, shall be granted an increase to their per diem effective October 1, 1996, of three and seven-tenths percent (3.7%) of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1., and the property insurance and property taxes detailed in subsection (11)(D) of 13 CSR 70-10.015; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. of 13 CSR 70-10.015 that is in effect on October 1, 1995, shall have their increase determined by subsection (3)(S) of 13 CSR 70-10.015.

3. Nursing Facility Reimbursement Allowance (NFRA). Effective October 1, 1996, all facilities with either an interim rate or a prospective rate shall have its per diem adjusted to include the current NFRA as an allowable cost in its reimbursement rate calculation.

4. Minimum wage adjustment. All facilities with either an interim rate or a prospective rate in effect on November 1, 1996, shall be granted an increase to their per diem effective November 1, 1996, of two dollars and forty-five cents ($2.45) to allow for the change in minimum wage. Utilizing Fiscal Year 1995 cost report data, the total industry hours reported for each payroll category was multiplied by the fifty-cent (50¢) increase, divided by the patient days for the facilities reporting hours for that payroll category, and factored up by eight and sixty-seven hundredths percent (8.67%) to account for the related increase to payroll taxes. This calculation excludes the director of nursing, the administrator, and assistant administrator.

5. Minimum wage adjustment. All facilities with either an interim rate or a prospective rate in effect on September 1, 1997, shall be granted an increase to their per diem effective September 1, 1997, of one dollar and ninety-eight cents ($1.98) to allow for the change in minimum wage. Utilizing Fiscal Year 1995 cost report data, the total industry hours reported for each payroll category was multiplied by the forty-cent (40¢) increase, divided by the patient days for the facilities reporting hours for that payroll category, and factored up by eight and sixty-seven hundredths percent (8.67%) to account for the related increase to payroll taxes. This calculation excludes the director of nursing, the administrator, and assistant administrator.

6. FY-98 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1997, shall be granted an increase to their per diem effective October 1, 1997, of three and four-tenths percent (3.4%) of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1., and the property insurance and property taxes detailed in subsection (11)(D) of 13 CSR 70-10.015 for nursing facilities and 13 CSR 70-10.080 for HIV nursing facilities; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. of 13 CSR 70-10.015 that is in effect on October 1, 1995, shall have their increase determined by subsection (3)(S) of 13 CSR 70-10.015.

7. FY-99 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1998, shall be granted an increase to their per diem effective October 1, 1998, of two and one-tenth percent (2.1%) of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1., the property insurance and property taxes detailed in subsection (11)(D) of 13 CSR 70-10.015 for nursing facilities and 13 CSR 70-10.080 for HIV nursing facilities, and the minimum wage adjustments

detailed in paragraphs (3)(A)4. and (3)(A)5. of this regulation; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. of 13 CSR 70-10.015 that is in effect on October 1, 1998, shall have their increase determined by subsection (3)(S) of 13 CSR 70-10.015.

8. FY-2000 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on July 1, 1999, shall be granted an increase to their per diem effective July 1, 1999, of one and ninety-four hundredths percent (1.94%) of the cost determined in subsections (11)(A), (11)(B), (11)(C), the property insurance and property taxes detailed in subsection (11)(D) of 13 CSR 70-10.015 for nursing facilities and 13 CSR 70-10.080 for HIV nursing facilities, and the minimum wage adjustments detailed in paragraphs (3)(A)4. and (3)(A)5. of this regulation; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. of 13 CSR 70-10.015 that is in effect on July 1, 1999, shall have their increase determined by subsection (3)(S) of 13 CSR 70-10.015.

9. FY-2004 nursing facility operations adjustment—

A. Facilities with either an interim rate or prospective rate in effect on July 1, 2003, shall be granted an increase to their per diem effective for dates of service beginning July 1, 2003, through June 30, 2004, of four dollars and thirty-two cents ($4.32) for the cost of nursing facility operations. Effective for dates of service beginning July 1, 2004, the per diem adjustment shall be reduced to three dollars and seventy-eight cents ($3.78); and

B. The operations adjustment shall be added to the facility's current rate as of June 30, 2003, and is effective for payment dates after August 1, 2003.

10. FY-2007 quality improvement adjustment—

A. Facilities with either an interim rate or prospective rate in effect on July 1, 2006, shall be granted an increase to their per diem effective for dates of service beginning July 1, 2006, of three dollars and seventeen cents ($3.17) to improve the quality of life for nursing facility residents; and

B. The quality improvement adjustment shall be added to the facility's current rate as of June 30, 2006, and is effective for dates of service beginning July 1, 2006, and after.

11. FY-2007 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on February 1, 2007, shall be granted an increase to their per diem rate effective for dates of service beginning February 1, 2007, of three dollars and zero cents ($3.00) to allow for a trend adjustment to ensure quality nursing facility services; and

B. The trend adjustment shall be added to the facility's reimbursement rate as of January 31, 2007, and is effective for dates of service beginning February 1, 2007, for payment dates after March 1, 2007.

12. FY-2008 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on July 1, 2007, shall be granted an increase to their per diem rate effective for dates of service beginning July 1, 2007, of six dollars and zero cents ($6.00) to allow for a trend adjustment to ensure quality nursing facility services; and

B. The trend adjustment shall be added to the facility's current rate as of June 30, 2007, and is effective for dates of service beginning July 1, 2007.

13. FY-2009 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on July 1, 2008, shall be granted an increase to their per diem rate effective for dates of service beginning July 1, 2008, of six dollars and zero cents ($6.00) to allow for a trend adjustment to ensure quality nursing facility services; and

B. The trend adjustment shall be added to the facility's current rate as of June 30, 2008, and is effective for dates of service beginning July 1, 2008.

14. FY-2010 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on July 1, 2009, shall be granted an increase to their per diem rate effective for dates of service beginning July 1, 2009, of five dollars and fifty cents ($5.50) to allow for a trend adjustment to ensure quality nursing facility services; and

B. The trend adjustment shall be added to the facility's current rate as of June 30, 2009, and is effective for dates of service beginning July 1, 2009.

15. FY-2012 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on October 1, 2011, shall be granted an increase to their per diem rate effective for dates of service beginning October 1, 2011, of six dollars and zero cents ($6.00) to allow for a trend adjustment to ensure quality nursing facility services;

B. The trend adjustment shall be added to the facility's current rate as of September 30, 2011, and is effective for dates of service beginning October 1, 2011; and

C. This increase is contingent upon the federal assessment rate limit increasing to six percent (6%) and is subject to approval by the Centers for Medicare and Medicaid Services.

16. FY-2013 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on July 1, 2012, shall be granted an increase to their per diem rate effective for dates of services beginning July 1, 2012, of six dollars and zero cents ($6.00) to allow for a trend adjustment to ensure quality nursing facility services;

B. The trend adjustment shall be added to the facility's current rate as of June 30, 2012, and is effective for dates of service beginning July 1, 2012; and

C. This increase is contingent upon approval by the Centers for Medicare and Medicaid Services.

17. FY-2014 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on July 1, 2013, shall be granted an increase to their per diem rate effective for dates of services beginning July 1, 2013, of three percent (3.0%) of their current rate, less certain fixed cost items. The fixed cost items are the per diem amounts included in the facility's current rate from the following: subsection (2)(O) of 13 CSR 70-10.110, paragraphs (11)(D)1., (11)(D)2., (11)(D)3., (11)(D)4., (13)(B)3., and (13)(B)10. of 13 CSR 70-10.015;

B. The trend adjustment shall be added to the facility's current rate as of June 30, 2013, and is effective for dates of service beginning July 1, 2013; and

C. This increase is contingent upon approval by the Centers for Medicare and Medicaid Services.

18. FY-2015 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on July 1, 2014, shall be granted an increase to their per diem rate effective for dates of services beginning July 1, 2014, of one dollar and twenty-five cents ($1.25) to allow for a trend adjustment to ensure quality nursing facility services;

B. The trend adjustment shall be added to the facility's current rate as of June 30, 2014, and is effective for dates of service beginning July 1, 2014; and

C. This increase is contingent upon approval by the Centers for Medicare and Medicaid Services.

19. January 1, 2016 – June 30, 2016 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on January 1, 2016, shall be granted an increase to their per diem rate effective for dates of services beginning January 1, 2016, of two dollars and nine cents ($2.09) to allow for a trend adjustment to ensure quality nursing facility services;

B. The trend adjustment will not be added to the facility's rate after June 30, 2016; and

C. This increase is contingent upon approval by the Centers for Medicare and Medicaid Services and sufficient funding available through the Tax Amnesty Fund.

20. Continuation of FY-2016 trend adjustment and FY-2017

trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on July 1, 2016, shall continue to be granted an increase to their per diem rate effective for dates of service beginning July 1, 2016, of two dollars and nine cents ($2.09);

B. Facilities with either an interim rate or a prospective rate in effect on July 1, 2016, shall be granted an increase to their per diem rate effective for dates of services beginning July 1, 2016, of two dollars and eighty-three cents ($2.83) to allow for a trend adjustment to ensure quality nursing facility services;

C. The trend adjustment of two dollars and eighty-three cents ($2.83) shall be added to the facility's rate as of June 30, 2016, which includes the two dollars and nine cents ($2.09) increase, and is effective for dates of service beginning July 1, 2016; and

D. These increases are contingent upon approval by the Centers for Medicare and Medicaid Services.

21. FY-2018 per diem adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on August 1, 2017, shall be subject to a decrease in their per diem rate effective for dates of services August 1, 2017 through June 30, 2018, of five dollars and thirty-seven cents ($5.37);

B. The per diem adjustment of five dollars and thirty-seven cents ($5.37) shall be deducted from the facility's current rate as of July 31, 2017, and is effective for dates of service beginning August 1, 2017;

C. Effective for dates of service beginning July 1, 2018, the per diem decrease shall be reduced to four dollars and eighty-three cents ($4.83). A per diem adjustment of fifty-four cents ($0.54) shall be added to the facilities current rate as of June 30, 2018, which includes the five dollars and thirty-seven cents ($5.37) decrease, and is effective for dates of service beginning July 1, 2018; and

D. This decrease is contingent upon approval by the Centers for Medicare and Medicaid Services.

*AUTHORITY: [section 208.159, RSMo 2000, and] sections 208.153, **208.159,** and 208.201, RSMo [Supp. 2013] **2016**. Original rule filed July 1, 2008, effective Jan. 30, 2009. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed July 21, 2017, effective Aug. 1, 2017, expires Feb. 22, 2018. Amended: Filed July 21, 2017.*

PUBLIC COST: This proposed amendment will save state agencies or political subdivisions approximately $47,149,617 in SFY 2018 and annually thereafter.

PRIVATE COST: This proposed amendment will cost private entities approximately $47,149,617.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier or emailed to ADRULESFEEDBACK.MHD@dss.mo.gov within thirty (30) days after publication of this notice in the **Missouri Register**. If to be hand delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.*

FISCAL NOTE
PUBLIC COST

I. Department Title: Title 13 - Department of Social Services
Division Title: Division 70 - MO HealthNet Division
Chapter Title: Chapter 10 - Nursing Home Program

Rule Number and Name:	13 CSR 70-10.016 Global Per Diem Adjustments to Nursing Facility and HIV Nursing Facility Reimbursement Rates
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services MO HealthNet Division	Estimated Savings for SFY 2018 = $47,149,617

III. WORKSHEET

Description	Nursing Facility Rate Decrease	Impact on Hospice for Services Provided in NF's	Total Impact
Estimated Paid Days – SFY 2018	8,969,815	658,406	
Less: Estimated Paid Days – July 2017	(761,820)	(55,919)	
Est. Days August 1, 2017 – June 30, 2018	8,207,995	602,487	
Patient Days August 1, 2017 – June 30, 2018	8,207,995	602,487	
Per Diem Decrease – SFY 2018	$5.37	$5.10	
Estimated Impact Per Diem Adjustment	$ 44,076,933	$ 3,072,684	
Total Estimated Impact	$ 44,076,933	$ 3,072,684	$ 47,149,617
State Share (35.645%)	$ 15,711,022	$ 1,095,244	$ 16,806,266
Federal Share (64.355%)	$ 28,365,911	$ 1,977,440	$ 30,343,351

IV. ASSUMPTIONS

The decrease in the nursing facility per diem rate of $5.37 effective for dates of service beginning August 1, 2017 through June 30, 2018 corresponds to the appropriation granted in the State Fiscal Year 2018 budget, approved by the Governor, and is contingent upon approval by the Center for Medicare and Medicaid Services (CMS).

Estimated Paid Days:

Nursing Facility:

The estimated paid days for SFY 2018 for nursing facilities are based on the Medicaid days paid for nursing facility services during SFY 2017 increased by 1.75% for SFY 2018.

The estimated paid days for July 2017 is estimated paid days for SFY 2018 divided by three-hundred sixty-five (365) days and then multiplied by thirty-one (31) days.

Hospice:

The estimated paid days for SFY 2018 for hospice are based on the actual hospice days provided in nursing facilities from January 2016 through December 2016.

The estimated paid days for July 2017 for hospice is estimated paid days for SFY 2018 divided by three-hundred sixty-five (365) days and then multiplied by thirty-one (31) days.

Impact on Hospice:

Hospice providers are reimbursed 95% of the nursing facility per diem for hospice participants residing in a nursing facility. The per diem decrease of $5.37 to the nursing facility rate effective for dates of service beginning August 1, 2017 through June 30, 2018 computes to a decrease to hospice reimbursement rates resulting from this amendment of $5.10 ($5.37 x 95%).

FISCAL NOTE
PRIVATE COST

I. Department Title: Title 13 - Department of Social Services
Division Title: Division 70 - MO HealthNet Division
Chapter Title: Chapter 10 - Nursing Home Program

Rule Number and Name:	13 CSR 70-10.016 Global Per Diem Adjustments to Nursing Facility and HIV Nursing Facility Reimbursement Rates
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
503	Nursing Facilities	Annual estimated cost for SFY 2018: $47,149,617

III. WORKSHEET

Description	Nursing Facility Rate Decrease	Impact on Hospice for Services Provided in NF's	Total Impact
Estimated Paid Days – SFY 2018	8,969,815	658,406	
Less: Estimated Paid Days – July 2017	(761,820)	(55,919)	
Est. Days August 1, 2017 – June 30, 2018	8,207,995	602,487	
Patient Days August 1, 2017 – June 30, 2018	8,207,995	602,487	
Per Diem Decrease – SFY 2018	$5.37	$5.10	
Estimated Impact Per Diem Adjustment	$ 44,076,933	$ 3,072,684	
Total Estimated Impact	$ 44,076,933	$ 3,072,684	$ 47,149,617
State Share (35.645%)	$ 15,711,022	$ 1,095,244	$ 16,806,266
Federal Share (64.355%)	$ 28,365,911	$ 1,977,440	$ 30,343,351

IV. ASSUMPTIONS

The decrease in the nursing facility per diem rate of $5.37 effective for dates of service beginning August 1, 2017 through June 30, 2018 corresponds to the appropriation granted in the State Fiscal Year 2018 budget, approved by the Governor, and is contingent upon approval by the Center for Medicare and Medicaid Services (CMS).

Estimated Paid Days:

Nursing Facility:

The estimated paid days for SFY 2018 for nursing facilities are based on the Medicaid days paid for nursing facility services during SFY 2017 increased by 1.75% for SFY 2018.

The estimated paid days for July 2017 is estimated paid days for SFY 2018 divided by three-hundred sixty-five (365) days and then multiplied by thirty-one (31) days.

Hospice:

The estimated paid days for SFY 2018 for hospice are based on the actual hospice days provided in nursing facilities from January 2016 through December 2016.

The estimated paid days for July 2017 for hospice is estimated paid days for SFY 2018 divided by three-hundred sixty-five (365) days and then multiplied by thirty-one (31) days.

Impact on Hospice:

Hospice providers are reimbursed 95% of the nursing facility per diem for hospice participants residing in a nursing facility. The per diem decrease of $5.37 to the nursing facility rate effective for dates of service beginning August 1, 2017 through June 30, 2018 computes to a decrease to hospice reimbursement rates resulting from this amendment of $5.10 ($5.37 x 95%).

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2220—State Board of Pharmacy
Chapter 2—General Rules

PROPOSED AMENDMENT

20 CSR 2220-2.650 Standards of Operation for a Class J: Shared Services Pharmacy. The board is amending the purpose statement and section (1) of the rule and adding new sections (2), (3), and (4).

PURPOSE: The board is amending section (1) and adding new sections (2) to (4) to update the rule, clarify database/contracting requirements, and to accommodate pharmacies dispensing medication to another pharmacy for administration by a licensed healthcare professional.

PURPOSE: The purpose of this rule is to establish [minimum standards of operation for Class J: Shared Services Pharmacy, in compliance with House Bill 567 of the 91st General Assembly] ***standards for Class J: Shared Services pharmacies****.*

(1) Class J: Shared Services: *[Shared Service Pharmacy is defined as the processing by a pharmacy of a request from another pharmacy to fill or refill a prescription drug order, or that performs or assists in the performance of functions associated with the dispensing process, drug utilization review (DUR), claims adjudication, refill authorizations, and therapeutic interventions.]* **A Class J Shared Services permit is required if two (2) or more pharmacies are engaged in, or have an arrangement to provide, functions related to the practice of pharmacy for or on behalf of the other pharmacy. These functions may include, but are not limited to: prescription/order receipt, prescription/order clarification or modification, obtaining prescriber authorization, data entry, compounding, dispensing, pharmacist verification, patient counseling, patient profile maintenance, medication therapy services, medication administration, drug utilization review (DUR), and obtaining refill authorization. Both pharmacies participating in the shared services arrangement must have a Class J permit.**

(A) *[A pharmacy may perform or outsource centralized prescription processing services provided the parties:]* **Pharmacies may perform Class-J Shared Services provided the parties—**

1. Have the same owner, or have a written contract outlining the services to be provided and the responsibilities *[and accountabilities]* of each party in fulfilling the terms of said contract in compliance with federal and state laws and regulations;

2. Maintain *[separate licenses]* **a separate Class-J classification** for each location involved in providing shared services; and

3. *[Share a common electronic file to allow access to sufficient information necessary or required to fill or refill a prescription drug order.]* **Either share a common database or allow access to each pharmacy's electronic medication or prescription records. The access must provide real-time, online access to the patient's complete profile for the pharmacies involved.**

[(B) There must be record keeping systems between shared service pharmacies with real time on-line access to shared services by both pharmacies. Transfer of prescription information between two (2) pharmacies that are accessing the same real-time, on-line database pursuant to the operation of a shared service pharmacy operation shall not be considered a prescription transfer and, therefore, is not subject to the requirements of 4 CSR 220-2.120.

(C) The parties performing or contracting for centralized prescription processing services shall maintain a policy and procedures manual and documentation that implementation is occurring in a manner that shall be made available to the board for review upon request and that includes, but is not limited to, the following:

1. A description of how the parties will comply with federal and state laws and regulations;

2. The maintenance of appropriate records to identify the responsible pharmacist(s) in the dispensing and counseling processes;

3. The maintenance of a mechanism for tracking the prescription drug order during each step in the process;

4. The provision of adequate security to protect the confidentiality and integrity of patient information;

5. The maintenance of a quality assurance program for pharmacy services designed to objectively and systematically monitor and evaluate the quality and appropriateness of patient care, pursue opportunities to improve patient care, and resolve identified problems.]

(B) Class-J pharmacies operating in compliance with this section are exempt from the requirements of 20 CSR 2220-2.120 and 20 CSR 2220-6.030(4) when transferring prescription information between themselves. A Class-J permit is not required to transfer an individual prescription as authorized by 20 CSR 2220-2.120 pursuant to a request by the patient or the patient's authorized designee.

(C) The parties performing Class-J Shared services shall maintain a detailed written description of authorized shared services that includes the name, address, and permit number(s) of all pharmacies involved. The parties must maintain a current and accurate policy and procedure manual that includes, but is not limited to, the following:

1. Policies and procedures that identify the duties of each pharmacy including any functions identified in section (1);

2. A mechanism for tracking the prescription or medication order during each step in the process;

3. Security provisions for protecting the confidentiality and integrity of patient information;

4. Policies and procedures to ensure the safe and appropriate delivery of prescription drugs in compliance with 20 CSR 2220-2.013; and

5. A designation of the pharmacy responsible for offering patient counseling as required by 20 CSR 2220-2.190 and federal law. For purposes of section 338.059, RSMo, either the name and address of the pharmacy responsible for offering patient counseling or the pharmacy responsible for dispensing to the patient may be listed on the label as designated by the pharmacies by contract.

(D) Each pharmacy involved in a Class-J arrangement must maintain a quality assurance program that is designed to objectively and systematically monitor and evaluate the quality and appropriateness of pharmacy services and resolve identified problems.

(E) Compounding may only be performed pursuant to a Class-J pharmacy arrangement pursuant to a patient-specific prescription or in anticipation of a patient-specific prescription as authorized by 20 CSR 2220-2.200 and the rules of the board.

(F) A Class-J permit is not required for pharmacists performing non-dispensing activities authorized by 20 CSR 2220-6.050 outside of a licensed pharmacy.

(2) A Class J Shared services permit shall not be required if a completed and labeled prescription is delivered from a Missouri licensed pharmacy to another Missouri licensed pharmacy for administration by a pharmacist or other licensed health care professional to the patient on the same premises or physical location as the pharmacy.

(A) The exemption recognized in this subsection only applies if a completed and labeled prescription is delivered to the receiving pharmacy.

(B) If additional manipulation or compounding is required by the receiving pharmacy, receipt of a prescription or order is required and the receiving pharmacy must dispense the product as their own prescription/order. All prescription requirements, record keeping, compounding, and labeling requirements must be met.

(C) The receiving pharmacy must maintain documentation of the medication received, the name and address of the pharmacy providing the medication, the date of receipt, and the patient's name.

(D) The receiving pharmacy is responsible for ensuring compliance with all applicable patient counseling requirements.

(E) For purposes of this rule, administration is defined as applying or introducing medication to the body of a patient, whether by injection, infusion, inhalation, ingestion, or other means.

(F) Medication administered by a pharmacist must be performed in compliance with all applicable provisions of law.

(G) Notwithstanding any other provision of this rule, licensees shall comply with all applicable controlled substance laws and regulations, including, but not limited to, all applicable security and record keeping requirements.

(3) A pharmacy participating in Class-J shared services with a pharmacy that is not under common ownership must notify patients that his/her prescription or medication order may be filled or compounded by another pharmacy.

(4) All records required by this rule including all policy and procedure manuals, contracts, quality assurance documentation, or other agreements must be maintained for two (2) years and must be made available to the board or its representative upon request.

*AUTHORITY: sections 338.140, **338.210, 338.220,** 338.240, and 338.280, [RSMo 2000 and 338.210 and 338.220, RSMo Supp. 2001] **RSMo 2016**. This rule originally filed as 4 CSR 220-2.650. Original rule filed Nov. 30, 2001, effective June 30, 2002. Amended: Filed Dec. 3, 2002, effective June 30, 2003. Moved to 20 CSR 2220-2.650, effective Aug. 28, 2006. Emergency amendment filed July 27, 2017, effective Aug. 6, 2017, expires Feb. 22, 2018. Amended: Filed July 27, 2017.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately one thousand dollars ($1,000) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed amendment will save private entities approximately one thousand dollars ($1,000) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Pharmacy, PO Box 625, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 526-3464, or via email at pharmacy@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this rule in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. Department Title: Department of Insurance, Financial Institutions and Professional Registration
Division Title: State Board of Pharmacy
Chapter Title: Standards of Operation for a Class J: Shared Services Pharmacy

Rule Number and Name:	**20 CSR 2220-2.650- Standards of Operation for a Class J: Shared Services Pharmacy**
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Fiscal Impact
State Board of Pharmacy	$ 1,000 *(Annually over the life of the rule)*

III. WORKSHEET

Estimated # of Applicants/Licensees	Affected Agency	Description of Costs	Calculation of Estimates	Estimated Loss of Revenue
20 Pharmacies	Board of Pharmacy	Decreased New Class-J Licensing Fees	20 (*number of estimated impacted hospital/specialty pharmacies)* x $ 50 *(Classification change/addition fee*)	$ 1,000
TOTAL ANNUAL ESTIMATED COSTS FOR THE LIFE OF THE RULE				**$ 1,000**

IV. ASSUMPTIONS

1. The Board does not maintain data on the number of pharmacies providing medication to patients enrolled in a patient assistance program. Based on the comments received, the Board estimates approximately twenty (20) pharmacies per year will be exempt from the $50 permit classification change/addition fee applicable to adding a Class-J permit designation. Actual revenue decreases could vary based on future pharmacy activities.

2. The projected revenue decrease will result in a corresponding net savings to the affected pharmacies.

PRIVATE FISCAL NOTE

I. Department Title: Department of Insurance, Financial Institutions and Professional Registration
Division Title: State Board of Pharmacy
Chapter Title: Standards of Operation for a Class J: Shared Services Pharmacy

Rule Number and Name:	**20 CSR 2220-2.650- Standards of Operation for a Class J: Shared Services Pharmacy**
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Savings
State Board of Pharmacy	**$ 1,000** ***(Annually over the life of the rule)***

IV. WORKSHEET

Estimated # of Applicants/Licensees	Description of Costs	Calculation of Estimates	Estimated savings by affected entities:
20 Pharmacies	Decreased New Class-J Licensing Fees	20 (*number of estimated impacted hospital/specialty pharmacies)* x $ 50 *(Classification change/addition fee)*	$ 1,000
TOTAL ANNUAL ESTIMATED SAVINGS FOR THE LIFE OF THE RULE			**$ 1,000**

V. ASSUMPTIONS

1. Based on the comments received, the Board estimates approximately twenty (20) pharmacies per year will be exempt from the $50 permit classification change/addition fee applicable to adding a Class-J permit designation.

2. It is anticipated that the total fiscal savings will occur beginning in FY2018, may vary with inflation, and is expected to increase at the rate projected by the Legislative Oversight Committee.

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 or 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 2—DEPARTMENT OF AGRICULTURE
Division 30—Animal Health
Chapter 10—Food Safety and Meat Inspection

ORDER OF RULEMAKING

By the authority vested in the director of Agriculture under section 265.020, RSMo 2016, the director amends a rule as follows:

2 CSR 30-10.010 Inspection of Meat and Poultry **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2017 (42 MoReg 712). 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 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights, Measures and Consumer Protection
Chapter 10—Liquefied Petroleum Gases

ORDER OF RULEMAKING

By the authority vested in the Missouri Propane Safety Commission under section 323.020, RSMo 2016, the commission amends a rule as follows:

2 CSR 90-10.012 Registration—Training **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2017 (42 MoReg 713). 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 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights, Measures and Consumer Protection
Chapter 10—Liquefied Petroleum Gases

ORDER OF RULEMAKING

By the authority vested in the Missouri Propane Safety Commission under section 323.020, RSMo 2016, the commission amends a rule as follows:

2 CSR 90-10.013 Installation Requirements **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2017 (42 MoReg 713-714). 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 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights, Measures and Consumer Protection
Chapter 10—Liquefied Petroleum Gases

ORDER OF RULEMAKING

By the authority vested in the Missouri Propane Safety Commission under section 323.020, RSMo 2016, the commission amends a rule as follows:

2 CSR 90-10.014 Storage **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2017 (42 MoReg 714-716). 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 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights, Measures and Consumer Protection
Chapter 10—Liquefied Petroleum Gases

ORDER OF RULEMAKING

By the authority vested in the Missouri Propane Safety Commission under section 323.025, RSMo 2016, the commission amends a rule

as follows:

2 CSR 90-10.120 Reporting of Odorized LP Gas Release, Fire, or Explosion **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2017 (42 MoReg 716). 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 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 393.1075.11 and 393.1075.15, RSMo 2016, the commission adopts a rule as follows:

4 CSR 240-20.092 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2017 (42 MoReg 160–162). 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: The public comment period ended April 27, 2017, and the commission held a public hearing on the proposed rule on May 4, 2017. The commission received timely written comments from the Office of the Public Counsel; Union Electric Company, d/b/a Ameren Missouri; Kansas City Power & Light Company (KCP&L) and KCP&L Greater Missouri Operations Company (GMO); Renew Missouri; the Missouri Department of Economic Development - Division of Energy; the Natural Resources Defense Council (NRDC); Walmart Stores, Inc.; the National Housing Trust; the Midwest Energy Efficiency Alliance; and the staff of the commission. In addition, the following people offered comments at the hearing: Martin Hyman and Barbara Meisenheimer on behalf of the Division of Energy; Andrew Linhares on behalf of Renew Missouri; Phil Fracica on behalf of Energy Efficiency for All; David Woodsmall on behalf of Walmart; Tim Opitz and Geoff Marke on behalf of the Public Counsel; Lewis Mills on behalf of the Missouri Industrial Energy Consumers (MIEC); Jim Fischer and Tim Nelson on behalf of KCP&L and GMO; Paula Johnson and Bill Davis on behalf of Ameren Missouri; and Natelle Dietrich, John Rogers, Robert Berlin, and Brad Fortson on behalf of staff. Many comments and suggested changes were offered. The commission will address those comments as they pertain to the various provisions of the rule.

COMMENT #1: Staff recommends the commission delete, as extraneous, one (1) instance of "demand-side" from the definition of "approved demand-side program" found in subsection (1)(B).
RESPONSE AND EXPLANATION OF CHANGE: Staff is correct. The words are extraneous and will be removed from the definition.

COMMENT #2: Subsection (1)(C) defines the term "avoided cost or avoided utility cost." Staff proposes that the definition be clarified by specifying that the utility use the integrated resource plan and risk analysis used in its most recently adopted preferred resource plan to calculate its avoided costs. DE proposes that the definition specify additional categories of potential avoided costs, and would remove the linking reference to the utility's integrated resource plan. KCP&L and GMO urge the commission to clarify the last sentence of the definition to require the utility to use the preferred resource plan that was in effect at the time of its application to calculate the avoided costs.
RESPONSE AND EXPLANATION OF CHANGE: Staff's proposed changes help to clarify the definition and will be adopted. The clarification proposed by KCP&L and GMO to use the preferred reference plan in effect at the time the application is filed could result in the use of very old data in subsequent years. That change will not be adopted. Division of Energy's listing of additional categories of potential avoided costs is not necessary and will not be adopted. Finally, Division of Energy's opposition to the rule's reference to the integrated resource plan is misguided. The commission believes that reference to the integrated resource plan is necessary to provide a benchmark for comparison.

COMMENT #3: Subsection (1)(D) defines the term "baseline demand forecast." Staff proposes to clarify the wording of that definition.
RESPONSE AND EXPLANATION OF CHANGE: The change proposed by staff clarifies the meaning of the definition and will be adopted.

COMMENT #4: Subsection (1)(E) defines the term "baseline energy forecast." Staff proposes to clarify the wording of that definition.
RESPONSE AND EXPLANATION OF CHANGE: The change proposed by staff clarifies the meaning of the definition and will be adopted.

COMMENT #5: Ameren Missouri asks the commission to add a new subsection to define the term "combined heat and power" because it is used in proposed rule 4 CSR 240-20.094 and is becoming an important technology.
RESPONSE: The additional definition proposed by Ameren Missouri is unnecessary and will not be incorporated into the rule. While combined heat and power is a useful tool, it does not always decrease the customer's total electric consumption and thus may not always be a MEEIA-eligible measure. The fact that it is not defined in this rule does not, however, preclude the inclusion of a combined heat and power measure as a MEEIA measure if it is shown to be appropriate to do so.

COMMENT #6: Subsection (1)(I) defines the term "deemed savings." Staff advises the commission to modify the definition to refer to both a utility-specific technical reference manual and to a statewide technical reference manual. Similarly, the Division of Energy would add a reference to a statewide technical reference manual. Public Counsel would add the word "estimated" to clarify that deemed savings are estimated engineering savings, not realized savings. Public Counsel would also delete the last two (2) sentences of the proposed definition as unnecessary.
RESPONSE AND EXPLANATION OF CHANGE: Staff's proposed modification to include the use of either an approved technical resource manual, or a statewide technical reference manual is appropriate and will be adopted. The change proposed by staff incorporates the change proposed by the Division of Energy. Public Counsel's proposal to add "estimated" to the definition is also an appropriate clarification of the definition and will be adopted. The commission disagrees with Public Counsel's assessment of the last two (2) sentences of the proposed definition. They do add value to the definition and will be retained in the rule.

COMMENT #7: Subsection (1)(M) defines "demand-side program." The term "demand-side program" is defined by statute at section 393.1075.1(3), RSMo 2016. The proposed definition of that term in the rule expands upon the statutory definition by adding a reference to

combined heat and power and distributed generation as types of programs that might qualify as a "demand-side program." Staff advises the commission to remove combined heat and power and distributed generation from the definition because they do not necessarily modify the net consumption of electricity on the retail customer's side of the electric meter, and therefore, do not meet the statutory definition. The Division of Energy and Renew Missouri urge the commission to retain combined heat and power and distributed generation in the definition, and the Division of Energy would add "conservation voltage reduction" as an example of an eligible demand-side measure. Public Counsel would retain "combined heat and power" but not "distributed generation." It would also add language indicating that demand-side program does not include "deprivation of service" or "low-income weatherization."

RESPONSE AND EXPLANATION OF CHANGE: Staff is correct, combined heat and power and distributed generation should be removed from this definition. While combined heat and power and distributed generation may qualify for a demand-side program under some circumstances, they should not be included in a definition of "demand-side program" as if they would always qualify. Division of Energy's proposal to add an additional example of a qualifying program will not be adopted because it is not necessary to include a comprehensive list of qualifying programs in this definition. Public Counsel's proposal to exclude deprivation of service and low-income weatherization from the definition is appropriate and will be adopted.

COMMENT #8: Subsection (1)(N) defines "demand-side programs investment mechanism" (DSIM). Staff and Public Counsel propose minor modifications to clarify the wording of this definition.

RESPONSE AND EXPLANATION OF CHANGE: The commission will adopt the changes proposed by staff and Public Counsel, except Public Counsel's proposal to delete "of a DSIM" from the description of the various components and "recovery" from "program cost recovery component" as those phrases are a part of the definition of each component.

COMMENT #9: Subsection (1)(O) defines "demand savings target." Staff advises the commission to modify the definition to explicitly reference the demand savings level approved by the commission under Rule 4 CSR 240-20.094, the commission's rule regarding demand-side programs. Public Counsel does not address staff's proposed change, but advises the commission to remove the word "annual" from the definition because savings targets are determined through a three- (3-) year MEEIA cycle rather than annually.

RESPONSE AND EXPLANATION OF CHANGE: The comments and changes offered by staff and Public Counsel are reasonable: the additional specificity proposed by staff will be helpful as savings target are not determined on an annual basis. The commission will adopt the proposed changes.

COMMENT #10: Subsection (1)(P) defines "DSIM amount." Public Counsel advises the commission to add the word "program" to cost recovery amount.

RESPONSE AND EXPLANATION OF CHANGE: Public Counsel's proposed change will clarify the definition and will be adopted.

COMMENT #11: Ameren Missouri urges the commission to add a definition of "distributed generation" as a new subsection.

RESPONSE: The additional definition proposed by Ameren Missouri is unnecessary and will not be incorporated into the rule. While distributed generation is a useful tool, it does not always decrease the customer's total electric consumption and thus may not always be a MEEIA-eligible measure. The fact that it is not defined in this rule does not, however, preclude the inclusion of a distributed generation measure as a MEEIA measure if it is shown to be appropriate to do so.

COMMENT #12: Subsection (1)(R) defines "earnings opportunity amount." Staff advises the commission to insert "case" into the definition to be consistent with a later usage within that definition. Public Counsel advises modification of the last part of the definition to require the earnings opportunity to be consistent with "specific future supply-side investment deferral" rather than with an "amount based on the approved earnings opportunity component of a DSIM."

RESPONSE: Staff's insertion of "case" into the definition is unnecessary and inconsistent with the rest of the sentence. That modification will not be made. Public Counsel's only explanation of its proposed change is "adjusted for clarity and statute." It appears the modification proposed by Public Counsel is intended to reach the same result as the currently proposed language, but without an explanation of why the alternative language improves the definition, the commission will not make the proposed modification.

COMMENT #13: Subsection (1)(S) defines "earnings opportunity component" of a DSM. Ameren Missouri and KCP&L and GMO ask the commission to delete the last sentence of this definition because it limits the commission to implementing that component on a retrospective basis after savings are verified through the EM&V process. Ameren Missouri and KCP&L would prefer the commission leave open the possibility of using the deemed savings values established in the state-wide TRM.

RESPONSE: The commission firmly believes that the use of the EM&V process to verify and document energy and demand savings is essential. The commission will not delete the last sentence of the definition.

COMMENT #14: Subsection (1)(T) defines "economic potential." The Division of Energy asks the commission to delete its proposed definition and to substitute the definition used by the U.S. Environmental Protection Agency in its "Guide for Conducting Energy Efficiency Potential Studies."

RESPONSE: The commission believes the definition it has proposed is most appropriate for use in the context of these Missouri rules. The commission will not adopt the definition proposed by the Division of Energy.

COMMENT #15: Subsection (1)(W) defines "energy efficiency." Public Counsel asks the commission to change that definition to recognize that an energy efficiency measure may result in a better end-use. The NRDC asks the commission to modify the definition to recognize that an energy efficiency measure may reduce the use of fuels other than electricity.

RESPONSE: Public Counsel's proposed revision is not intended to change the meaning of the definition, but it does create potential confusion about what is meant by a "better" given end-use. The commission will not adopt the change proposed by Public Counsel. The NRDC's proposed change would also confuse the meaning of the definition by introducing issues about other fuel sources into a definition applicable only to electric utilities. The commission will not adopt the change proposed by the NRDC.

COMMENT #16: Subsection (1)(X) defines "energy savings target." Staff advises the commission to modify the definition to explicitly reference the demand savings level approved by the commission under the commission's rules regarding demand-side programs, 4 CSR 240-20.094. Public Counsel does not address staff's proposed change, but advises the commission to remove the word "annual" from the definition because savings targets are determined through a three- (3-) year MEEIA cycle rather than annually.

RESPONSE AND EXPLANATION OF CHANGE: The comments and changes offered by staff and Public Counsel are reasonable: the additional specificity proposed by staff will be helpful and savings target are not determined on an annual basis. The commission will adopt the proposed changes.

COMMENT #17: Subsection (1)(Y) defines "evaluation, measurement, and verification" (EM&V). The Division of Energy asks the commission to add a sentence to require EM&V studies to use a commission-approved statewide TRM. KCP&L and GMO urge the commission to delete "benefits" from the definition because EM&V studies do not calculate the benefits associated with demand-side programs; that is done by the utilities using the EM&V results. Ameren Missouri offers two (2) comments on this definition. First, it would remove "actual" from the definition in recognition that the result of any EM&V study is an estimate rather than a determination of "actual" numbers. Second, it would modify the final sentence of the definition to recognize that an EM&V study will report on benefits, cost-effectiveness, and other effects from demand-side programs based on its estimate or verification of energy and demand savings.
RESPONSE AND EXPLANATION OF CHANGE: The Commission will not amend the definition to mandate use of the statewide TRM as proposed by the Division of Energy. Ameren Missouri's revised definition is an improvement that does a better job of defining the term EM&V, and will be adopted. The use of the revised definition also eliminates the concerns about calculation of benefits expressed by KCP&L and GMO.

COMMENT #18: Subsection (1)(Z) defines "filing for demand-side program approval." Staff advises the commission to substitute "establishment" for "approval" in the definition.
RESPONSE AND EXPLANATION OF CHANGE: Staff's proposed modification is appropriate and will be adopted.

COMMENT #19: Subsection (1)(BB) defines "interruptible or curtailable rate." Public Counsel asks the commission to specify that such rates are "tariff" rates that serve a commission-approved rate class to distinguish them from rates that might be offered as part of a MEEIA activity.
RESPONSE AND EXPLANATION OF CHANGE: Public Counsel's proposed modification is appropriate and will be adopted, except that the correct term is "tariffed" rates rather than "tariff" rates.

COMMENT #20: Public Counsel would add a definition of "load control" to define activities that place the operation of electricity-consuming equipment under the control of an electricity provider or system operator to produce energy or savings demand.
RESPONSE: Load control is an interesting concept, but the term is not used in the commission's regulations, so it does not need to be defined in this rule.

COMMENT #21: Public Counsel would add a definition of "load management" to describe the use of "load control" activities.
RESPONSE: Load management is an interesting concept, but the term is not used in the commission's regulations, so it does not need to be defined in this rule.

COMMENT #22: Subsection (1)(CC) defines "market potential study." Staff advises the commission to substitute "demand-side" for "energy-efficiency" in the definition. The Division of Energy supports the definition's clarification that market potential studies should be used to guide decision making rather than limiting program planning. Public Counsel would make two changes. First, Public Counsel would add rate design to the list of items that might be considered as the result of a market potential study. Second Public Counsel proposes to add a sentence explaining that a market potential study is to be used primarily to inform a utilities integrated resource planning, and secondarily, to inform its MEEIA application. Public Counsel explains that this addition is needed to emphasize that the utility should primarily recover the costs of performing its market potential study through a rate case as a general cost of doing business rather than as a special cost to be recovered through a MEEIA-related DSIM.
RESPONSE AND EXPLANATION OF CHANGE: Staff's substitution of the broader "demand-side" for the narrower "energy-efficiency" in the definition is appropriate and will be adopted. Public Counsel's addition of "rate design" is appropriate and will be adopted. However, Public Counsel's addition of a sentence regarding the recovery of the cost of a market potential study is not properly a part of the definition and will not be adopted.

COMMENT #23: Subsection (1)(DD) defines "market transformation." Staff would substitute "demand-side savings" for "energy efficiency" in the definition. The Division of Energy suggests the definition be deleted because the concept of market transformation is very difficult to describe, and defining it may limit how programs accomplish energy efficiency goals. Public Counsel also would delete the definition as unnecessary, as all MEEIA programs are meant to be market transformation programs.
RESPONSE AND EXPLANATION OF CHANGE: Staff's substitution of the broader "demand-side savings" for the narrower "energy-efficiency" in the definition is appropriate and will be adopted. The term "market transformation" is used in the commission's MEEIA regulations and is appropriately defined. The suggestion to delete the definition offered by Public Counsel and the Division of Energy will not be adopted.

COMMENT #24: Subsection (1)(EE) defines "maximum achievable potential." The NRDC and Renew Missouri ask the commission to revise that definition to remove the idea that a maximum achievable potential study should represent a hypothetical maximum of achievable demand-side savings that can only be achieved under ideal conditions. Instead, they believe the maximum achievable potential should be defined as a best estimate of the maximum target for all cost-effective demand-side savings a utility can expect to achieve. They argue that is the standard established in the MEEIA statute and should be included in the rule. The Division of Energy is also dissatisfied with the proposed definition and would instead utilize the definition used by the U.S. Environmental Protection Agency.
RESPONSE: The commission believes the definition it has proposed is most appropriate for use in the context of these Missouri rules. The commission will not adopt the definition proposed by the NRDC, Renew Missouri, or the Division of Energy.

COMMENT #25: Subsection (1)(FF) defines "measure." Staff recommends that "energy" in paragraph (1)(FF)1. of that subsection be replaced by "electricity." Staff would also add words to that paragraph to clarify the purpose of that provision. Further, staff would alter paragraph (1)(FF)2. of that subsection to clarify that a measure is to decrease peak demand or shift demand to off-peak periods. Public Counsel would remove "behavioral response mechanism" from the definition, and would replace "adequate level and quality" of energy service with "the same or better levels" of energy service.
RESPONSE AND EXPLANATION OF CHANGE: The changes proposed by staff help to clarify the definition and will be adopted. Public Counsel's proposal to replace adequate level and quality of service with same or better levels of service also helps to clarify the provision and will be adopted. Public Counsel does not explain why "behavioral response mechanism" should be removed from the definition and the commission will not do so.

COMMENT #26: Subsection (1)(HH) defines "net shared benefits." Staff recommends multiple changes to the subsection, beginning with changing the term to be defined to "net benefits." Further, staff would add a reference to statewide TRM and TRM to acknowledge that utilities might choose to use their own TRM rather than the statewide TRM. The Division of Energy would change the reference to a "technical resource manual" to a "technical reference manual." KCP&L and GMO recommend a completely revised definition of the term. Public Counsel and Ameren Missouri assert that "net shared benefits" is not used in the new rule and for that reason should not be defined.
RESPONSE AND EXPLANATION OF CHANGE: The commission

believes the proposed definition, as revised by staff is appropriate. The changes proposed by staff will be adopted.

COMMENT #27: Subsection (1)(II) and paragraphs 1.–4. define "non-energy benefits." Non-energy benefits represent the concept that increasing energy efficiency has additional benefits for society in general that are not directly related to energy consumption. For example, a decrease in the burning of coal to produce electricity may result in better health for people living downwind of the smoke stack. The National Housing Trust, Renew Missouri, and the Division of Energy strongly support the inclusion of non-energy benefits in the calculation of cost-effectiveness testing, including the total resource cost test (TRC), which is a preferred test in MEEIA matters. They point out that inclusion of non-energy benefits in the definition does not mean that the commission must approve their use in a particular case. Instead, their possible use in an appropriate case would be made possible. Public Counsel contends the entire subsection should be deleted. According to Public Counsel, the quantification of non-energy benefits is subjective and will result in greater uncertainty and risk for the utility and for non-participating ratepayers. Staff would not eliminate the concept of "non-energy benefits" entirely, but would restrict their use to the "societal cost test" and require that they have a quantifiable economic value. KCP&L and GMO agree that non-energy benefits should not be included in the TRC.

RESPONSE AND EXPLANATION OF CHANGE: The commission believes that non-energy benefits may be appropriately considered in the TRC, but only if they are quantifiable and result in avoided electric utility costs. An example mentioned at the hearing would be a reduction in the utility's bad debt expenses resulting from an efficiency measure. The commission will modify the definition accordingly.

COMMENT #28: Paragraph (1)(II)4., within the definition of "non-energy benefits," allows for the inclusion of such benefits within cost-effectiveness test "unless they cannot be calculated with a reasonable degree of confidence." Division of Energy would require the inclusion of such non-energy benefits unless they are shown to be non-calculable. KCP&L and GMO would limit the use of non-energy benefits to the "societal cost test." Ameren Missouri would reverse the presumption by allowing non-energy benefits to be included in cost-effectiveness tests only if they are shown to be calculable.

RESPONSE AND EXPLANATION OF CHANGE: The commission has modified this paragraph in response to comment #27. The presumption has been reversed to allow such benefits to be included in cost-effectiveness tests only if they are shown to be calculable.

COMMENT #29: Subsection (1)(JJ) defines the "non-participant" test, also known as the "ratepayer impact measure" (RIM). Staff advises the commission to make "avoided cost" plural, and to add a clause recognizing the costs of statewide TRM and TRM as utility costs to be considered in the test. KCP&L and Public Counsel suggest the test be recognized at the ratepayer impact measure (RIM), since that it is how it is referred to by most experts. Public Counsel would also recognize the utility's lost earnings opportunity resulting from the implementation of demand-side programs.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees that this test is more properly described as "ratepayer impact measure (RIM)." The other modifications proposed by staff and Public Counsel are appropriate and will be adopted. Since these definitions are arranged in alphabetical order, this subsection, and the following subsections, will be renumbered accordingly.

COMMENT #30: Subsection (1)(KK) defines "participant test." Public Counsel comments that the proper term to be defined is "participant costs test (PCT)."

RESPONSE AND EXPLANATION OF CHANGE: Public Counsel is correct. The commission will adopt that change.

COMMENT #31: Subsection (1)(LL) defines "preferred resource plan" as the utility's resource plan adopted in accordance with the commission's integrated resource plan (IRP) rules. The Division of Energy urges the commission to delete this definition because it opposes any connection between these MEEIA rules and the IRP process.

RESPONSE: The commission believes the reference and linkage to the integrated resource plan is necessary to provide a benchmark for comparison. The commission will not delete the definition.

COMMENT #32: Subsection (1)(MM) defines "probable environmental compliance costs." Staff proposes several modifications to this definition. First, it would make cost plural. Second, it would eliminate a list of environmental regulations to be considered and would replace it with a direction to the utility to consider the environmental considerations included in its current preferred resource plan under the IRP rules. Public Counsel also suggests that the list of environmental regulations be deleted. KCP&L and GMO, as well as Ameren Missouri, ask the commission to revise this definition to mirror the definition of probable environmental cost established in the commission's IRP rules at 4 CSR 240-22.020(47).

RESPONSE AND EXPLANATION OF CHANGE: Staff's proposed changes are appropriate and bring the definition in line with the parallel definition in the IRP rules. The commission will adopt the changes proposed by staff.

COMMENT #33: Subsection (1)(OO) defines "realistic achievable potential." The NRDC and Renew Missouri urge the commission to entirely delete this definition and any reference to "realistic achievable potential" in these rules. They argue that "maximum achievable potential" is the equivalent of the MEEIA statute's stated goal of achieving maximum cost-effective efficiency savings, and, as a result, "realistic achievable potential" simply allows for achieving less than "maximum achievable potential." The Division of Energy is also dissatisfied with this definition and would instead use the definition used by the U.S. Environmental Protection Agency.

RESPONSE: The commission believes the definition it has proposed is most appropriate for use in the context of these Missouri rules. The commission will not adopt the changes proposed by the NRDC, Renew Missouri, or the Division of Energy.

COMMENT #34: Subsection (1)(PP) defines "societal cost test." Staff would explicitly add non-energy benefits to the externalities that may be considered as part of the societal cost test. KCP&L and GMO note that the word "externalities" is not defined in the proposed rules. Ameren Missouri proposes a revised definition described as the total resource cost test plus non-energy benefits. Public Counsel also suggests alternate wording for the definition.

RESPONSE AND EXPLANATION OF CHANGE: Ameren Missouri's simplified definition accomplishes the definition of societal cost test as including non-energy benefits in the same way as proposed by staff and Public Counsel, but does so more clearly. The commission will adopt the change proposed by Ameren Missouri.

COMMENT #35: Ameren Missouri proposes a new definition of "stakeholder." Its intent is to limit participants in the collaborative process that occurs during an active MEEIA cycle. Ameren Missouri would limit such stakeholder to the parties to the case in which the commission approved the utility's demand side portfolio, and then only if such party affirmatively indicated a desire to continue as a stakeholder during the collaborative process.

RESPONSE: The commission does not believe that the term stakeholder needs to be defined within the rule. Certainly, participation in the collaborative process does not need to be as narrowly constrained as Ameren Missouri suggests. The definition proposed by Ameren Missouri will not be adopted.

COMMENT #36: Subsection (1)(RR) defines "statewide technical

reference manual or statewide TRM." Staff proposes the definition be modified to indicate the statewide TRM will be developed by the utilities and stakeholders rather than by a statewide collaborative. Staff would also remove the language describing the commission's approval of the statewide TRM. The Division of Energy proposes a revised definition that explicitly references provisions of other commission regulations. Public Counsel suggests the definition be deleted as redundant to the definition of "technical resource manual." Ameren Missouri also suggests this subsection be deleted and the definition incorporated into the definition of technical resource manual.
RESPONSE AND EXPLANATION OF CHANGE: Public Counsel and Ameren Missouri are correct. The definition of statewide technical reference manual is best incorporated into the definition of technical reference manual, which is subsection (1)(TT) in the proposed rule (subsection (1)(RR) in the final rule). The remaining subsections are renumbered.

COMMENT #37: Subsection (1)(SS) defines "technical potential." The Division of Energy proposes that this definition be replaced with the definition used by the U.S. Environmental Protection Agency.
RESPONSE: The commission believes the definition it has proposed is most appropriate for use in the context of these Missouri rules. The commission will not adopt the changes proposed by the Division of Energy.

COMMENT #38: Subsection (1)(TT) defines "technical resource manual." The Division of Energy proposes to delete the entire definition. Public Counsel and Ameren Missouri offer revised definitions. Public Counsel would add a reference to "estimated" energy and demand savings, and would delete a reference to "demand response" programs. Public Counsel explains that demand response programs will be time and place specific and do not lend themselves to the purpose of the TRM. Ameren Missouri would offer a simplified definition that also refers to the statewide TRM.
RESPONSE AND EXPLANATION OF CHANGE: The commission believes Ameren Missouri's simplified definition best describes a TRM and also incorporates the use of a statewide TRM. The commission will adopt the change proposed by Ameren Missouri except that the clause in the proposed rule that describes programs "within an electric utility's service territory" will be retained.

COMMENT #39: Subsection (1)(XX) defines "total resource cost test or TRC." Staff, NRDC, Division of Energy, KCP&L and GMO, Ameren Missouri, and Public Counsel all propose that this definition be extensively revised. Staff, KCP&L and GMO, Ameren Missouri, and Public Counsel propose definitions that would not allow for consideration of non-energy benefits in the TRC. The NRDC and the Division of Energy propose definitions that would allow consideration of non-energy benefits in the TRC.
RESPONSE AND EXPLANATION OF CHANGE: As was discussed in Comment #26, related to the definition of non-energy benefits, the commission will allow the consideration of non-energy benefits in the TRC, but only if they are quantifiable and result in avoided electric utility costs. However, non-energy benefits do not need to be again specifically included in the definition of total resource cost test. The revised definition proposed by staff is a simplification of the proposed definition and best describes the term as it is used in these rules. The commission will adopt the change proposed by staff.

COMMENT #40: Subsection (1)(YY) defines "utility cost test." Ameren Missouri proposes a simplified version of that definition that recognizes that "avoided utility cost" and "cost recovery amount" are defined elsewhere in the rule.
RESPONSE AND EXPLANATION OF CHANGE: The commission notes that the only difference between the total resource cost test and the utility cost test is that the total cost test includes participant costs, while the utility cost does not. Therefore, the definition for utility cost test will be the same as for total resource cost test except that participant costs will be excluded from the definition of utility cost test.

COMMENT # 41: Ameren Missouri suggests that this rule should have a provision allowing the commission to grant a variance from any provision of the rule for good cause. Staff agrees with that suggestion.
RESPONSE AND EXPLANATION OF CHANGE: The commission will add a new section (2) to allow for the granting of a variance for good cause shown.

4 CSR 240-20.092 Definitions for Demand-Side Programs and Demand-Side Programs Investment Mechanisms

(1) As used in 4 CSR 240-20.093 and 4 CSR 240-20.094, the following terms mean:

(A) Annual report means a report of information concerning a utility's demand-side programs having the content described in 4 CSR 240-20.093(9);

(B) Approved demand-side program means a demand-side program or program pilot which is approved by the commission in accordance with 4 CSR 240-20.094 Demand-Side Programs;

(C) Avoided costs or avoided utility costs means the cost savings obtained by substituting demand-side programs for existing and new supply-side resources. Avoided costs include avoided utility costs resulting from demand-side programs' energy savings and demand savings associated with generation, transmission, and distribution facilities including avoided probable environmental compliance costs. The utility shall use the integrated resource plan and risk analysis used in its most recently adopted preferred resource plan to calculate its avoided costs;

(D) Baseline demand forecast means a reference forecast of summer or winter peak demand at the customer class level and on the customer side of the meter, excluding the effects of any new demand-side programs but including the effects of naturally-occurring energy efficiency and any codes and standards that were in place and known to be enacted at the time the forecast is completed;

(E) Baseline energy forecast means a reference forecast of energy at the customer class level and on the customer side of the meter, excluding the effects of any new demand-side programs but including the effects of naturally-occurring energy efficiency and any codes and standards that were in place and known to be enacted at the time the forecast is completed;

(I) Deemed savings means the estimated measure-level annual energy savings and/or demand savings documented or calculated in the approved technical resource manual, technical reference manual (TRM), or statewide TRM, multiplied by the documented measure count. The demand-side program deemed savings is the sum of the deemed savings for all measures installed in a demand-side program. The demand-side portfolio deemed savings is the sum of all demand-side program deemed savings;

(M) Demand-side program means any program conducted by the utility to modify the net consumption of electricity on the retail customer's side of the electric meter, including, but not limited to, energy efficiency measures, load management, demand response, and interruptible or curtailable load, but not including deprivation of service or low-income weatherization;

(N) Demand-side programs investment mechanism, or DSIM, means a mechanism approved by the commission in a utility's filing for demand-side program approval to encourage investments in demand-side programs. The DSIM may include: a program cost recovery component of a DSIM, a throughput disincentive component of a DSIM, and an earnings opportunity component of a DSIM;

(O) Demand savings target means the demand savings level approved by the commission under 4 CSR 240-20.094(4)(I) or 4 CSR 240-20.094(5)(A)5. Demand savings targets are the baseline for determining the utility's demand-side portfolio's demand savings performance

levels for the earnings opportunity component of a DSIM;

(P) DSIM amount means the sum of the program cost recovery amount, throughput disincentive amount, and earnings opportunity amount;

(X) Energy savings target means the energy savings level approved by the commission under 4 CSR 240-20.094(4)(I) or 4 CSR 240-20.094(5)(A)6. Energy savings targets are the baseline for determining the utility's demand-side portfolio's energy savings performance levels for the earnings opportunity component of a DSIM;

(Y) Evaluation, measurement, and verification, or EM&V, means the performance of studies and activities intended to evaluate the process of the utility's program delivery and oversight and to estimate and/or verify the estimated annual energy and demand savings, and to report on the benefits, cost effectiveness, and other effects from demand-side programs, based on those estimated and/or verified energy and demand savings;

(Z) Filing for demand-side programs approval means a utility's filing for establishment, modification, or discontinuance of demand-side program(s) which may also include a simultaneous request for the establishment, modification, or discontinuance of a DSIM;

(BB) Interruptible or curtailable rate means a tariffed rate under which a customer receives a reduced charge in exchange for agreeing to allow the utility to withdraw the supply of electricity under certain specified conditions;

(CC) Market potential study means a quantitative analysis of the amount of energy and demand savings that may exist, is cost-effective, and could be realized through the implementation of demand-side programs, policies, and rate design;

(DD) Market transformation means the strategic process of intervening in a market to create lasting change in market behavior by removing identified barriers or exploiting opportunities to accelerate the adoption of all cost-effective demand-side savings as a matter of standard practice;

(FF) Measure means any device, technology, behavioral response mechanism, or operating procedure that makes it possible to deliver the same or better levels of energy service while—

1. Using less electricity than would otherwise be required to achieve a given end-use; or

2. Altering the time pattern of end-use electricity so as to decrease peak demand or shift demand to off-peak periods;

(HH) Net benefits means the program benefits measured and documented through EM&V reports, TRMs and statewide TRM, less the sum of the program costs including the design, administration, delivery, end-use measures, incentive payments to customers, EM&V, utility market potential studies, and statewide TRM or TRM and statewide TRM;

(II) Non-Energy Benefits means—

1. Direct benefits to participants in utility demand side programs, including, but not limited to, increased property values, increased productivity, decreased water and sewer bills, reduced operations and maintenance costs, improved tenant satisfaction, and increases to the comfort, health, and safety of participants and their families;

2. Direct benefits to utilities, including, but not limited to, reduced arrearage carrying costs, reduced customer collection calls/notices, reduced termination/reconnection costs, and reduced bad debt write-offs; or

3. Indirect benefits to society at large, including, but not limited to, job creation, economic development, energy security, public safety, reduced emissions and emission related health care costs, and other environmental benefits;

4. Non-Energy Benefits may be included in the total resource cost test (TRC) only if they result in avoided utility costs that may be calculated with a reasonable degree of confidence. Non-energy benefits may always be considered in the societal cost test.;

(JJ) Participant costs test (PCT) means a test of the cost-effectiveness of demand-side programs that measures the economics of a demand-side program from the perspective of the customers participating in the program;

(KK) Preferred resource plan means the utility's resource plan that is contained in the resource acquisition strategy most recently adopted by the utility's decision-makers in accordance with 4 CSR 240-22;

(LL) Probable environmental compliance costs means the costs to the utility of complying with new or additional environmental legal mandates, taxes, or other requirements that, in the judgment of the utility's decision-makers, may be reasonably expected to be incurred by the utility and are included in the integrated resource plan and risk analysis used in its most recently-adopted preferred resource plan;

(MM Program pilot means a demand-side program designed to operate on a limited basis for evaluation purposes before full implementation;

(NN) Ratepayer impact measure (RIM) test is a measure of the difference between the change in total revenues paid to a utility and the change in total cost incurred by the utility as a result of the implementation of demand-side programs. The benefits are the avoided costs as a result of implementation. The costs consist of incentives paid to participants, other costs incurred by the utility, and the loss in revenue as a result of diminished consumption, and the utility's earnings opportunity as a result of implementation of demand-side programs. Utility costs include the costs to administer, deliver, and evaluate each demand-side program and the costs of statewide TRM or TRM and statewide TRM;

(PP) Societal cost test means the total resource cost test with the addition of non-energy benefits;

(RR) Technical potential means energy savings and demand savings relative to a utility's baseline energy forecast and baseline demand forecast, respectively, resulting from a theoretical construct that assumes all feasible measures are adopted by customers of the utility regardless of cost or customer preference;

(SS) Technical resource manual, technical reference manual or TRM means a document used to quantify energy savings and demand savings attributable to energy efficiency and demand response programs within an electric utility's service territory. The TRM may be a statewide or utility-specific document that is approved by the commission;

(TT) Throughput disincentive means the electric utility's lost margin revenues that result from decreased retail sales volumes due to its demand-side programs;

(UU) Throughput disincentive amount means the amount approved by the commission in a utility's filing for demand-side program approval or a DSIM rate adjustment case to provide the utility with recovery of throughput disincentive based on the approved throughput disincentive component of a DSIM;

(VV) Throughput disincentive component of a DSIM means the methodology approved by the commission in a utility's filing for a demand-side program approval to allow the utility to receive recovery of throughput disincentive with interest;

(WW) Total resource cost test or TRC means a test that compares the sum of avoided utility costs, including avoided probable environmental costs to the sum of all incremental costs of end-use measures that are implemented due to the program (including both utility and participant contributions), plus utility costs to administer, deliver, and evaluate each demandside program and costs of statewide TRM or TRM and statewide TRM; and

(XX) Utility cost test (UCT) means a test that compares the sum of avoided utility costs, including avoided probable environmental costs, to the sum of all incremental costs of end use measures that are implemented due to the program, excluding participant contributions, plus utility costs to administer, deliver, and evaluate each demand-side program and costs of statewide TRM or TRM and statewide TRM.

(2) Upon request and for good cause shown, the commission may grant a variance from any provision of 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 393.1075.11 and 393.1075.15, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-20.093 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2017 (42 MoReg 162–168). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended April 27, 2017, and the commission held a public hearing on the proposed amendment on May 4, 2017. The commission received timely written comments from the Office of the Public Counsel; Union Electric Company, d/b/a Ameren Missouri; Kansas City Power & Light Company (KCP&L) and KCP&L Greater Missouri Operations Company (GMO); Renew Missouri; the Missouri Department of Economic Development - Division of Energy; the Natural Resources Defense Council (NRDC); Walmart Stores, Inc.; the National Housing Trust; the Midwest Energy Efficiency Alliance; and the staff of the commission. In addition, the following people offered comments at the hearing: Martin Hyman and Barbara Meisenheimer on behalf of the Division of Energy; Andrew Linhares on behalf of Renew Missouri; Phil Fracica on behalf of Energy Efficiency for All; David Woodsmall on behalf of Walmart; Tim Opitz and Geoff Marke on behalf of the Public Counsel; Lewis Mills on behalf of the Missouri Industrial Energy Consumers (MIEC); Jim Fischer and Tim Nelson on behalf of KCP&L and GMO; Paula Johnson and Bill Davis on behalf of Ameren Missouri; and Natelle Dietrich, John Rogers, Robert Berlin, and Brad Fortson on behalf of staff. Many comments and suggested changes were offered. The commission will address those comments as they pertain to the various provisions of the rule.

COMMENT #1: Staff recommends Demand-Side Program in section (1) be made plural to match the wording of 4 CSR 240-20.092.
RESPONSE AND EXPLANATION OF CHANGE: Staff is correct and the change will be adopted. The same change will be made in section (2).

COMMENT #2: Staff recommends adding words to strengthen the requirement in subsection (2)(A) that supporting worksheets be submitted with models and spreadsheets intact.
RESPONSE AND EXPLANATION OF CHANGE: Staff's proposal is reasonable and will be adopted.

COMMENT #3: Paragraph (2)(A)3. describes the items that a utility must file as part of its application for approval of a Demand-Side Programs Investment Mechanism (DSIM). Ameren Missouri suggests the requirement to submit a "complete" description of workings of the proposed DSIM be replaced with a "reasonably detailed" description, contending that, in a literal sense, a "complete" description can never be attained. Ameren Missouri believes "reasonably detailed" is a more realistic requirement.
RESPONSE AND EXPLANATION OF CHANGE: The commission understands Ameren Missouri's concern, but the requirement of a "complete" description should not be weakened to the extent that a utility would be able to hide any aspect of its proposed DSIM. The commission will alter the paragraph to require a "complete, reasonably detailed" description.

COMMENT #4: Staff recommends the addition of "net benefits" to paragraph (2)(A)4. to clarify the requirement that a utility must provide an estimate of the effect of its DSIM on customer bills.
RESPONSE AND EXPLANATION OF CHANGE: Staff's proposal is a reasonable clarification of the paragraph's requirements and it will be adopted.

COMMENT #5: Paragraph (2)(A)5. requires a utility applying to establish, continue, or modify a DSIM to estimate the effects of the "earnings opportunity" component of the DSIM on earnings and key credit metrics. Ameren Missouri explains that all aspects of the DSIM, not just the "earnings opportunity" component, have an impact on earnings and key credit metrics. It suggests the required explanation be broadened to all components of DSIM by removing the words "earnings opportunity component of" from the paragraph.
RESPONSE AND EXPLANATION OF CHANGE: Ameren Missouri's proposal is a reasonable modification of the paragraph's requirements and it will be adopted.

COMMENT #6: Paragraph (2)(A)6. requires the utility applying to establish, continue, or modify a DSIM to provide a "complete" explanation of all costs to be recovered under the proposed DSIM. As in comment #3, Ameren Missouri would replace "complete" with "reasonably detailed."
RESPONSE AND EXPLANATION OF CHANGE: As explained in its response to comment #3, the commission will alter the paragraph to require a "complete, reasonably detailed" description.

COMMENT #7: Paragraph (2)(A)7. requires a "complete" explanation of any change in business risk resulting from implementation of the earnings opportunity component of the DSIM. As in comment #3, Ameren Missouri would replace "complete" with "reasonably detailed." And, as in comment #5, Ameren Missouri would remove "earnings opportunity component" to broaden the explanation to include the effect of all aspects of the DSIM.
RESPONSE AND EXPLANATION OF CHANGE: As explained in its response to comment #3, the commission will alter the paragraph to require a "complete, reasonably detailed" description. And as explained in its response to comment #5, the commission will adopt the change proposed by Ameren Missouri.

COMMENT #8: Paragraph (2)(A)8. requires a proposal for how the commission can determine whether any earning opportunity component of a proposed DSIM is aligned with efforts for customer energy efficiency. Staff proposes to broaden the requirement by requiring consideration of the throughput disincentive component of the DSIM along with the earnings opportunity component. As in comment #5, Ameren Missouri would further broaden the requirement by making it apply to all aspects of the DSIM.
RESPONSE AND EXPLANATION OF CHANGE: As in comment #5, the commission finds that requiring an explanation about all aspects of the DSIM is appropriate. The commission will adopt the change proposed by Ameren Missouri, which will subsume the change proposed by staff.

COMMENT #9: Staff proposes to add "and" to the end of paragraph (2)(A)9. to indicate all paragraphs in the sequence are required.
RESPONSE AND EXPLANATION OF CHANGE: The commission will make the modification proposed by staff.

COMMENT #10: Paragraph (2)(A)10. requires a utility proposing to adjust its DSIM amount between general rate proceedings to offer specified explanations. Staff would replace "approved new" with "established" when describing modified or discontinued demand-side programs. As in comment #3, Ameren Missouri would replace "complete" with "reasonably detailed."
RESPONSE AND EXPLANATION OF CHANGE: The commission will adopt the change proposed by staff as an appropriate clarification

of the paragraph. As explained in the responses to comments #3, the commission will add "reasonably detailed" to the "complete" requirement.

COMMENT #11: Among other things, subsection (2)(B) requires a utility to provide certain workpapers with all formulas intact. Staff would require that links also be provided intact.
RESPONSE AND EXPLANATION OF CHANGE: The commission will adopt the change proposed by staff.

COMMENT #12: Paragraph (2)(B)3. includes a requirement that the utility seeking to modify its DSIM provide a "complete" explanation of an change in business risk resulting from the modification. As in comments #3 and #5, Ameren Missouri proposes to replace "complete" with "reasonably detailed" and delete the limitation to "earnings opportunity component" to require explanation of the resulting impact of the modification of the entire DSIM.
RESPONSE AND EXPLANATION OF CHANGE: As explained in its responses to comments #3 and #5, the commission will add reasonably detailed to the complete requirement, and will delete the limiting "earnings opportunity component."

COMMENT #13: Subsection (2)(C) provides that any party to the utility's application for approval of its demand-side program may support or oppose any aspect of that application, or may propose an alternative DSIM for the commission's consideration. The last sentence of the subsection recognizes that the commission has authority to approve or reject any establishment, continuation, or modification of a DSIM. Staff proposes to modify that part of the subsection to emphasize that any new DSIM, or changes to an existing DSIM must be approved by the commission, but must also be acceptable to the utility. Ameren Missouri supports that clarification. The NRDC commented on the same provision of the subsection, advising the commission to emphasize that it has "sole" authority to approve, accept, or reject the establishment, continuation, or modification of a DSIM. Ameren Missouri opposed the change proposed by the NRDC.
RESPONSE AND EXPLANATION OF CHANGE: The MEEIA statute, section 393.1075, RSMo 2016, provides that an electric utility may choose whether to participate in a MEEIA program; it is not required to do so. But, if the utility chooses to participate, the terms of its participation must be approved by the commission. The last sentence of this subsection as published in the proposed amendment, and as it exists in the current rule, inadvertently muddles that principle by implying that both the commission and the utility retain authority to accept or reject a DSIM. Both staff and the NRDC attempt to clarify that the commission has sole authority to approve or reject all aspects of the utility's MEEIA program, while recognizing that the utility retains the ability to walk away from the program if it is dissatisfied with the commission's decision.

That is an interesting principle, but it is not a principle that needs to be addressed in this subsection. The purpose of the subsection is to establish that other parties may support, oppose, or offer alternatives to the utility's proposal. The last sentence strays from that purpose by unnecessarily reasserting the commission's authority to approve or reject the utility's DSIM. The commission's authority to approve or reject any new or modified DSIM is established by statute and does not need to be restated in this subsection. The final sentence of this subsection is unnecessary and will be deleted.

COMMENT #14: Subsection (2)(D) indicates the commission shall approve a DSIM if it finds the electric utility's demand-side savings programs are expected to result in energy and demand savings, and are expected to benefit all customers, even those that do not participate in the programs. Renew Missouri asks the commission to change the wording of this subsection to emphasize that such programs should be designed to achieve "all cost effective energy and demand savings." Further, Renew Missouri wants to emphasize that a program may be beneficial for a customer over the long-term, even if it does not immediately reduce that customer's rates.
RESPONSE: The stated goal of the MEEIA statute is to achieve all cost-effective demand-side savings. But that does not mean the commission may only approve a MEEIA filing if it results in all cost-effective energy and demand savings as Renew Missouri would write into the rule. It must be remembered that utility participation in MEEIA is voluntary. Renew Missouri's proposed changes would constrain the commission's ability to approve an appropriate set of demand-side programs. Renew Missouri's proposed changes will not be adopted.

COMMENT #15: Subsection (2)(E) provides that the commission shall consider changes in the utility's business risk resulting from having a DSIM in setting the utility's allowed return on equity in a general rate proceeding. Ameren Missouri contends the wording of the subsection should not presume that there are changes in the utility's business risk resulting from the presence of a DSIM. It would add a "if any" clause to the rule to remove any such presumption.
RESPONSE: The language of the current rule does not pre-determine or presume that a DSIM has any effect on a utility's business risk. Rather it says the commission shall consider such changes when setting the utility's rates. If, as a matter of fact, there are no changes in the utility's business risk, the commission will so find and there will be no impact on the utility's rates. The change proposed by Ameren Missouri is unnecessary and will not be adopted.

COMMENT #16: Staff advises the commission to modify subsection 20.093(2)(F) by adding language to improve the readability of the first sentence of the subsection. The proposed change has no substantive effect on the rule.
RESPONSE AND EXPLANATION OF CHANGE: The commission will adopt the change proposed by staff.

COMMENT #17: Subsection (2)(G) describes the costs that may be recovered by a utility through the cost recovery component of a DSIM. The current rule indicates the cost of a utility market potential study may be recovered through the DSIM. Public Counsel contends the utility's cost to produce a market potential study should not be recovered through the DSIM. Rather, because such studies are required for purposes of the integrated resource planning (IRP) process, they should be recovered by the utility through the general ratemaking process where those costs can be shared by all the utility's customers, including those that have opted-out of MEEIA.
RESPONSE AND EXPLANATION OF CHANGE: Public Counsel is correct, the cost of producing a market potential study should not be presumed to be recoverable through a DSIM as a MEEIA-related cost. The commission will remove it from the amendment. That does not mean that in a particular case a utility is precluded from showing that the cost of producing a market potential study should be attributed to MEEIA demand-side programs and recovered through its DSIM. But the appropriateness of such recovery will not be presumed.

COMMENT #18: Subsection (2)(H) concerns the throughput disincentive component of a DSIM. Staff proposes to modify the subsection to clarify that a throughput disincentive component can be based on energy savings, or energy and demand savings, but not on demand savings alone. The Midwest Energy Efficiency Alliance and Renew Missouri propose that the subsection should explicitly require an annual true-up of the throughput disincentive through the EM&V process. KCP&L and GMO propose alternative language designed to recognize the use of a statewide TRM. Ameren Missouri proposes language to explicitly allow for the use of a commission-approved TRM in place of EM&V.
RESPONSE AND EXPLANATION OF CHANGE: Staff's proposed changes clarify the rule and will be adopted. The changes suggested by the Midwest Energy Efficiency Alliance and Renew Missouri, as

well as the suggestions offered by Ameren Missouri and KCP&L and GMO, would unnecessarily limit the commission's discretion in considering a particular proposed DSIM. The commission will not adopt those changes.

COMMENT #19: Staff recommends that the reference in paragraph (2)(H)1. to Rule 4 CSR 240-20.094, Demand-Side Portfolio be changed to Demand-Side Programs to be consistent with the title of Rule 4 CSR 240-20.094.
RESPONSE AND EXPLANATION OF CHANGE: Staff's proposed change is appropriate and will be adopted.

COMMENT #20: Subsection (2)(I) concerns the earning opportunity component of a DSIM. Ameren Missouri would modify the language of the subsection to acknowledge that the earnings opportunity component may be based on the entirety of a DSIM portfolio rather than on individual programs within a portfolio.
RESPONSE: The commission does not believe the changes proposed by Ameren Missouri are appropriate. The commission must be able to evaluate individual programs to determine the utility's overall earnings opportunity. That is what the proposed amendment permits.

COMMENT #21: Staff proposes to clarify paragraph (2)(I)1. by substituting a full regulation citation for the word "section."
RESPONSE AND EXPLANATION OF CHANGE: The commission will adopt the change proposed by staff.

COMMENT #22: Ameren Missouri proposes a change in paragraph (2)(I)2. to clarify that the commission is to approve any earnings opportunity component of a DSIM at the same time it approves the utility's demand-side programs.
RESPONSE AND EXPLANATION OF CHANGE: Ameren Missouri's change helps to clarify the requirements of the rule and will be adopted.

COMMENT #23: Ameren Missouri proposes to delete paragraph (2)(I)3. That paragraph requires that any earnings opportunity component of a DSIM be implemented retrospectively and all energy and demand savings used to determine a DSIM earnings opportunity amount must be measured and verified through EM&V. Ameren Missouri would delete this provision to allow the commission the ability to use deemed savings described in a TRM to avoid the necessity of verification through EM&V, and to allow the commission to determine whether prospective or retrospective implementation is appropriate in the particular circumstances of each case.
RESPONSE: The commission believes that verification through EM&V is vitally important to protect ratepayers. The commission will not adopt the change proposed by Ameren Missouri.

COMMENT #24: Staff proposes minor wording changes to clarify subsection (2)(J). Ameren Missouri also proposes one (1) of the changes proposed by staff.
RESPONSE AND EXPLANATION OF CHANGE: The commission will adopt the changes proposed by Ameren Missouri and staff.

COMMENT #25: Among other things, subsection (3)(A) requires a utility to provide certain workpapers with all formulas intact. Staff would add that links also be provided intact.
RESPONSE AND EXPLANATION OF CHANGE: The commission will adopt the change proposed by staff.

COMMENT #26: Ameren Missouri proposes changes to paragraphs (3)(A)2.–4. It suggests, as it did in comment #3, that the requirement to submit a "complete" description of workings of the proposed DSIM be replaced with a "reasonably detailed" description, contending that, in a literal sense, a "complete" description can never be attained. Ameren Missouri believes "reasonably detailed" is a more realistic requirement. Ameren Missouri also suggests, as it did in COMMENT #5, that paragraph 4. be broadened to apply to the entire DSIM rather than just the earnings opportunity element of the DSIM.
RESPONSE AND EXPLANATION OF CHANGE: The commission understands Ameren Missouri's concern, but the requirement of a "complete" description should not be weakened to the extent that a utility would be able to hide any aspect of its proposed DSIM. The commission will alter the paragraph to require a "complete, reasonably detailed" description. Ameren Missouri's proposed modification of paragraph 4. to broaden the requirement to report on the effect of changes in business risk will be adopted. Ameren Missouri's proposal to add "if any" to the last sentence is unnecessary and will not be adopted.

COMMENT #27: Ameren Missouri proposes to simplify the language of section (4), which sets requirements for adjustments for DSIM's by simply referring to adjustment of the entire DSIM rather than referring to each of its cost recovery, throughput disincentive, and earnings opportunity elements.
RESPONSE AND EXPLANATION OF CHANGE: Ameren Missouri's proposal is a simplification of the language of the section that does not change the meaning of the regulation. The purpose of the section is to require that adjustments be made no less than annually. The rest of the section that says that each of the DSIM elements may be adjusted is unnecessary and will be deleted. Additional changes to this section are described in comment #30.

COMMENT #28: Among other things, subsection (4)(A) requires a utility to provide certain workpapers with all formulas intact. Staff would add that links also be provided intact.
RESPONSE AND EXPLANATION OF CHANGE: The commission will adopt the change proposed by staff.

COMMENT #29: Staff proposes a change to paragraph (4)(A)2. That subsection requires a utility to file information to support its tariff to adjust its DSIM. Paragraph 2. requires the utility to file information supporting its "proposed adjustments or refunds by rate class." Staff would add the words "positive or negative" to modify proposed adjustments, and would remove the word "refunds" because that is not an accurate description of the adjustment.
RESPONSE AND EXPLANATION OF CHANGE: Staff's proposed modifications are appropriate and will be adopted.

COMMENT #30: Ameren Missouri recommends changes to subsection (4)(B). This subsection describes the process the commission will use to review a tariff filed by a utility seeking to adjust its DSIM rates. The proposed rule requires the commission to either approve, or reject the tariff filing within sixty (60) days of its filing. Ameren Missouri proposes that language be added to the amendment to allow the commission to either approve the tariff change, or to simply allow it to go into effect by operation of law on the tariff's effective date if it is not rejected.
RESPONSE AND EXPLANATION OF CHANGE: The commission generally prefers to issue a ruling to either approve or reject a DSIM tariff. However, the procedure described by Ameren Missouri is allowed and the commission should have the discretion to follow that procedure if, in some circumstance, it becomes necessary or appropriate. There is no reason to impose an additional requirement on the commission through this regulation. The commission will adopt the changes proposed by Ameren Missouri.

COMMENT #31: Ameren Missouri suggests subsection (4)(C) be deleted as duplicative of subsection (2)(J).
RESPONSE AND EXPLANATION OF CHANGE: Subsection (2)(J) requires a DSIM to include a provision requiring the filing of annual adjustments. Subsection (4)(C) requires an electric utility to file such an adjustment at least once a year. They accomplish the same purpose, but are not duplicative. However, the requirement of

subsection (4)(C) is duplicative of the passively-worded requirement found in section (4). Subsection (4)(C) will be deleted and its words moved to section (4) to replace that passive language. The remaining subsections will be renumbered.

COMMENT #32: Staff proposes some wording changes to clarify subsection (4)(D).
RESPONSE AND EXPLANATION OF CHANGE: The changes proposed by staff clarify the meaning of the subsection without changing its meaning. The commission will adopt those changes.

COMMENT #33: Staff proposes a wording change to clarify subsection (4)(F). The proposed change will better define when staff, public counsel, or other party may notify the electric utility that it has not met the filing requirements of this rule.
RESPONSE AND EXPLANATION OF CHANGE: The changes proposed by staff are appropriate and will be adopted.

COMMENT #34: Section (5) indicates a utility may request the use of deferral accounting to defer the financial impacts resulting from MEEIA for recovery in a future general rate case. Staff proposes multiple wording changes to clarify the meaning of the section.
RESPONSE AND EXPLANATION OF CHANGE: The changes proposed by staff are appropriate and will be adopted.

COMMENT #35: Subsection (5)(A) concerns the duration of an approved DSIM. Ameren Missouri and KCP&L and GMO are concerned that while the regulation allows the utility to fully recover all DSIM amounts, it also suggests the commission can modify or discontinue the DSIM. The utilities are concerned that this would imply that they might not be allowed to fully recover the DSIM amount, creating a financial risk that would discourage implementation of demand-side programs. They also point out that utility compliance with MEEIA is voluntary and contend the approved DSIM cannot be modified without their approval.

The utilities are also concerned that the last two (2) sentences of the subsection allow parties to the case in which the DSIM was approved to proposed modifications to the DSIM. They contend this contradicts subsection (2)(K), which states that approved earnings opportunity components of DSIMs are binding on the commission and the utility for the entire term of the DSIM unless otherwise ordered or conditioned by the commission when approved.
RESPONSE AND EXPLANATION OF CHANGE: The concerns expressed by Ameren Missouri and KCP&L and GMO are understandable. If they are not assured of their ability to recover all DSIM amounts, they will not be willing to implement costly demand-side programs. Similarly, since participation in MEEIA is voluntary, the approved DSIM, to which the utility has given its assent, cannot be changed without the utility's assent. The commission will modify the language of this subsection to address these concerns.

The commission also notes that the sentence in this subsection that requires the electric utility to submit proposed tariff sheets to implement interim adjustments to its DSIM rates is merely a restatement of the requirements of subsection (4)(A). As such it will be deleted.

The commission further notes that subsection (5)(B) is being deleted from the rule. That means subsection (5)(A) is now the only subsection of section (5). Subsection (A) is more properly denominated as its own section, which will be section (6). The remaining sections of the rule will be renumbered accordingly.

COMMENT #36: Section (7) concerns evaluation, measurement, and verification (EM&V) of demand-side programs. Public Counsel proposes a change to that section to ensure the independence of the independent EM&V contractor engaged by the utility. Public Counsel suggests the same limiting language on staff that the proposed amendment applies to the contract auditor engaged by staff be applied to the utility.
RESPONSE AND EXPLANATION OF CHANGE: The independent EM&V contractor engaged by the utility should be as independent as the EM&V contractor engaged by staff. The commission will adopt the change proposed by Public Counsel.

COMMENT #37: Public Counsel proposes a change in subsection (7)(A), which is a subsection in the existing rule that the commission has not proposed to amend. That subsection limits a utility's EM&V budget to not more than five percent (5%) of the utility's total budget for all approved demand-side program costs. Public Counsel argues that percentage should be reduced to two and one half percent (2.5%) if the utility has deployed advanced metering infrastructure (AMI).
RESPONSE: Public Counsel contends that when a utility has deployed AMI it will have greater knowledge of realized energy and demand savings and should be able to spend less on EM&V. Public Counsel did not, however, quantify the amount of savings that could be realized. The commission has no way of knowing whether the two and a half percent (2.5%) budget limitation proposed by Public Counsel is reasonable. As AMI technology becomes more prevalent the commission will have a stronger basis to determine whether any budget adjustment is appropriate. The commission will not adopt the change proposed by Public Counsel in this rulemaking.

COMMENT #38: Among other things, paragraph (7)(D)1. requires a utility to provide certain workpapers with all formulas intact. Staff would add that links also be provided intact.
RESPONSE AND EXPLANATION OF CHANGE: The commission will adopt the change proposed by staff.

COMMENT #39: Subparagraph (7)(D)1.B. requires that a EM&V final report include an impact evaluation of demand and energy savings. The Midwest Energy Efficiency Alliance suggests non-energy impacts, such as reduced water consumption, job creation, reduced customer disconnections, etc. should also be included in the EM&V reports.
RESPONSE: Non-energy impacts may be considered under the societal cost test, which is to be included in the EM&V final report pursuant to part (7)(D)1.B.(II). There is no need to amend the rule to give such impacts additional consideration. The commission will not adopt the change proposed by the Midwest Energy Efficiency Alliance.

COMMENT #40: Part (7)(D)1.B.(I) provides that the contents of the impact evaluation to be included in an EM&V final report is to include an evaluation of the lifetime and annual gross and net demand savings and energy saving achieved under each demand-side program. KCP&L and GMO, as well as Ameren Missouri, urge the commission to remove the word "lifetime" from that part as lifetime savings have little value to the EM&V analysis and are not currently calculated by the utility or the EM&V contractor.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with the comment and will adopt the proposed change.

COMMENT #41: Part (7)(D)1.B.(III) requires the EM&V report to include a determination of the benefits achieved for each demand-side program and portfolio using the utility cost test (UCT) methodology. Staff proposes minor changes to make utility cost test lower case, and change "benefits" to "net benefits." Public Counsel contends the TRC, not the UCT is the proper test to be used. KCP&L and GMO argue the entire part should be deleted. The Division of Energy proposes changes that would indicate EM&V reports do not need to contain an estimate of UCT-based benefits for demand-side programs that are not subject to cost-effectiveness testing.
RESPONSE AND EXPLANATION OF CHANGE: The commission believes that use of the UCT is appropriate for the purpose of this part. The Division of Energy's concerns about the estimation of benefits for programs that are not subject to cost-effectiveness testing are well based. The commission will make the changes proposed by the Division of Energy, and will also make the clarifying changes

proposed by staff.

COMMENT #42: Paragraph (7)(E)1. requires an electric utility's EM&V contractor to include specific methodology for performing EM&V work. Public Counsel would add a requirement to include net-to-gross components limited solely to free ridership and spillover. Public Counsel believes that doing so will add clarity as to what specific net-to-gross components an EM&V contractor should be allowed to examine.
RESPONSE: The commission does not believe that its rules should narrowly specify what an EM&V contractor should be allowed to examine. The commission will not adopt the change proposed by Public Counsel.

COMMENT #43: Paragraph (7)(E)2. would require EM&V contractors to utilize the most current statewide TRM when that document has been approved by the commission. Staff would change that paragraph to allow the utility to use either its own approved TRM or the statewide TRM. Ameren Missouri proposes slightly different language to accomplish the same change recommended by staff. Public Counsel suggests the entire paragraph be deleted to avoid the use of deemed savings values. KCP&L would modify the paragraph to clarify that the statewide TRM to be used is the one in effect at the time the utility files its application. The Division of Energy would modify the paragraph to clarify that the EM&V evaluation would be based on the methodologies contained within the utility's application rather than on subsequently changed methodologies.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with staff and Ameren Missouri. The use of a utility-specific TRM should be permitted if the commission finds that to be appropriate. The language proposed by Ameren Missouri is simpler and will be adopted. The other proposed changes will not be adopted.

COMMENT #44: The Division of Energy would add a new paragraph (7)(E)3., which would create a rebuttable presumption that measured savings determined by application of the state-wide TRM are accurate. According to the Division of Energy, this change is intended to make the state-wide TRM the default tool for measure evaluation by utility EM&V contractors.
RESPONSE: As previously indicated, the commission intends to allow for the use of alternative TRMs and will not make the change proposed by the Division of Energy.

COMMENT #45: Section (8) describes the content and procedures surrounding the demand-side program annual report to be filed by the electric utilities. The section allows interested parties ninety (90) days from the day the report is filed to file comments about that report. Staff proposes that the comment period be shortened to thirty (30) days. Renew Missouri suggests the rule require the electric utilities to make a public version of their report available for publication on the commission's website.
RESPONSE AND EXPLANATION OF CHANGE: The commission believes that a shorter time allowed for filing comments will allow the commission to consider those comments more quickly and should not impose a burden on those wishing to file comments. The commission will adopt the change proposed by staff. Renew Missouri's proposal is also reasonable and will ensure that the demand-side program annual reports are readily available to the public. The commission will adopt the change proposed by Renew Missouri.

COMMENT #46: Subsection (8)(B) describes the contents of a utility's demand-side program annual report. Paragraph 3. of that subsection requires the report to include a comparison of certain savings impacts. Staff would modify the description of the savings impacts to be compared.
RESPONSE AND EXPLANATION OF CHANGE: Staff's proposed change will clarify the requirement and will be adopted.

COMMENT #47: Public Counsel asks the commission to delete paragraph (8)(B)4., which provides that for market transformation demand-side programs, the demand-side program annual report must include a quantitative and qualitative assessment of the progress being made in transforming the market. Public Counsel believes that all MEEIA programs should be considered market transforming and that the requirement is unnecessary and redundant.
RESPONSE: The commission disagrees with Public Counsel and believes the reporting requirement will be useful. The commission will not make the change proposed by Public Counsel.

COMMENT #48: Paragraph (8)(B)8. requires the demand-side program annual report to include the estimated net economic benefits and net-shared benefits of the demand-side portfolio. Staff would delete "economic benefits" and "shared" from "net shared benefits" in recognition that "net economic benefits" and "net shared benefits" are not defined terms used in the rules. Ameren Missouri and KCP&L and GMO would make changes to accomplish the same purpose as staff, and would add a reference to the utility cost test (UCT). Public Counsel would delete the entire paragraph as unnecessary and subjective.
RESPONSE AND EXPLANATION OF CHANGE: The commission believes that the paragraph, as modified by staff, will add valuable information to the demand-side program annual report. The commission will adopt the changes proposed by staff.

COMMENT #49: Paragraph (8)(B)11. requires the demand-side program annual report to include a demonstration of the relationship of the demand-side program to demand-side resources in the latest filed IRP compliance filing. Staff would make demand-side program plural. The NRDC and the Division of Energy would delete the entire paragraph because of their opposition to any linkage between the MEEIA program and the IRP requirements. Public Counsel would delete the entire paragraph as unnecessary and unclear.
RESPONSE AND EXPLANATION OF CHANGE: The commission believes the connection between MEEIA and the IRP requirements is important to establishing a baseline to measure the effectiveness of the MEEIA programs. The commission will retain the paragraph, but will make the change proposed by staff.

COMMENT #50: Among other things, section (9) requires a utility to provide certain workpapers with all formulas intact. Staff would add that links also be provided intact. The section requires electric utilities with an approved DSIM to submit a Surveillance Monitoring Report, including a quarterly progress report. Ameren Missouri suggests a change to allow the utility to offer suggestions on the format of the quarterly progress report. It would also provide for the report to be submitted to other stakeholders.
RESPONSE AND EXPLANATION OF CHANGE: The commission will adopt the change proposed by staff. Ameren Missouri's proposal to recognize format suggestions from the utilities is reasonable and will be adopted, although ultimately, the final determination about formatting and other aspect of the report will be made by the commission, as will be discussed in comment #51. Ameren Missouri's suggestion to refer to "stakeholders" rather than "parties" is also reasonable, although the commission will retain the requirement that other "stakeholders" to whom the report will be submitted must be approved by the commission.

COMMENT #51: Ameren Missouri suggests the addition of a new subsection (9)(D), which will provide that any disagreements about the report content will be settled by the commission.
RESPONSE AND EXPLANATION OF CHANGE: The commission will adopt the change suggested by Ameren Missouri and will expand it to indicate the commission will ultimately settle any disagreements about formatting as well as content of the report.

COMMENT #52: Subsection (14)(A) makes a reference to a semi-annual DSIM rate adjustment proceeding. Staff, as well as Ameren

Missouri and KCP&L and GMO point out that DSIM rate adjustments are now due annually rather than semi-annually. The subsection also provides that parties to the case in which a utility applies for approval of its demand-side programs have a right to be a party in any subsequent periodic rate adjustment proceedings without having to apply for intervention. However, the rule requires such person or entity to file a notice of intent to participate in the subsequent proceeding. Public Counsel suggests language to make it clear that Public Counsel and staff do not need to file such notice to participate.
RESPONSE AND EXPLANATION OF CHANGE: Staff, Ameren Missouri, and KCP&L and GMO are correct. Semi-annual will be deleted. The commission agrees with Public Counsel that Public Counsel and staff do not need to file notice to participate in rate adjustment proceedings and will modify the subsection accordingly. The commission also notes that subsection (2)(A) contains two (2) distinct provisions and is better divided into two subsections. The subsequent subsection will be renumbered accordingly.

COMMENT #53: Staff proposes a clarifying language change to subsection (15)(A).
RESPONSE AND EXPLANATION OF CHANGE: The commission will make the change proposed by staff.

COMMENT #54: Staff proposes a clarifying language change to subsection (15)(B).
RESPONSE AND EXPLANATION OF CHANGE: The commission will make the change proposed by staff.

4 CSR 240-20.093 Demand-Side Programs Investment Mechanisms

(1) The definitions of terms used in this section can be found in 4 CSR 240-20.092 Definitions for Demand-Side Programs and Demand-Side Programs Investment Mechanisms.

(2) Applications to establish, continue, or modify a Demand-Side Programs Investment Mechanism (DSIM). Pursuant to the provisions of this rule, 4 CSR 240-2.060, and section 393.1075, RSMo, an electric utility shall file an application with the commission to establish, continue, or modify a DSIM in a utility's filing for demand-side program approval.

(A) An application to establish a DSIM shall include the following supporting information as part of, or in addition to, its direct testimony. Supporting workpapers shall be submitted with all models and spreadsheets provided as executable versions in native format with all links and formulas intact.

1. The notice provided to customers describing how the proposed DSIM will work, how any proposed DSIM rate will be determined, and how any DSIM rate will appear on customers' bills;

2. An example customer bill showing how the proposed DSIM shall be separately identified on affected customers' bills;

3. A complete, reasonably detailed, description and explanation of the design, rationale, and intended operation of the proposed DSIM;

4. Estimates of the effect of the DSIM and all other impacts of the demand-side program spending, in aggregate, on customer rates and average bills for each of the next five (5) years, and as a net present value of net benefits over the lifetime of the demand-side program impacts, for each rate class;

5. Estimates of the effect of the DSIM on earnings and key credit metrics for each of the next three (3) years including the level of earnings and key credit metrics expected to occur for each of the next three (3) years with and without the DSIM;

6. A complete, reasonably detailed, explanation of all the costs that shall be considered for recovery under the proposed DSIM and the specific account used for each cost item on the electric utility's books and records;

7. A complete, reasonably detailed, explanation of any change in business risk to the electric utility resulting from implementation of a DSIM in setting the electric utility's allowed return on equity, in addition to any other changes in business risk experienced by the electric utility;

8. A proposal for how the commission can determine if the DSIM is aligned with helping customers use energy more efficiently;

9. If the utility proposes to adjust its DSIM rates between general rate proceedings, proposed DSIM rate adjustment clause tariff sheets; and

10. If the utility proposes to adjust the DSIM amount between general rate proceedings, a complete, reasonably detailed, explanation of how the DSIM rates shall be established and how they will be adjusted for any over- and/or under-recovery amounts, as well as the impact on the DSIM amount as a result of, established, modified, or discontinued demand-side programs.

(B) If an electric utility files to modify its approved DSIM, the electric utility shall file with the commission and serve upon parties, as provided in section (15) below, the following supporting information as part of, or in addition to, direct testimony. Supporting workpapers shall be submitted with all models and spreadsheets provided as executable versions in native format with all links and formulas intact;

1. Information as required by subsection (2)(A), above;

2. Explanation of any proposed modification to the DSIM and why the proposed modification is being requested;

3. A complete, reasonably detailed, explanation of any change in business risk to the electric utility resulting from modification of a DSIM in setting the electric utility's allowed return on equity, in addition to any other changes in business risk experienced by the electric utility; and

4. Any additional information the commission orders to be provided.

(C) Any party to the application for a utility's filing for demand-side program approval may support or oppose the establishment, continuation, or modification of a DSIM and/or may propose an alternative DSIM for the commission's consideration including, but not limited to, modifications to any electric utility's proposed DSIM.

(F) In determining to approve a request to establish, modify, or continue a DSIM, the commission may consider, but is not limited to only considering, the expected magnitude of the impact of the utility's approved demand-side programs on the utility's costs, revenues, and earnings, the ability of the utility to manage all aspects of the approved demand-side programs, the ability to measure and verify the approved demand-side programs' impacts, any interaction among the various components of the DSIM that the utility may propose, and the incentives or disincentives provided to the utility as a result of the inclusion or exclusion of DSIM components as defined in 4 CSR 240-20.092(N). In this context the word "disincentives" means any barrier to the implementation of a DSIM. There is no penalty authorized in this section.

(G) Any cost recovery component of a DSIM shall be based on costs of demand-side programs approved by the commission in accordance with 4 CSR 240-20.094 Demand-Side Programs. Indirect costs associated with demand-side programs, including but not limited to, costs of evaluation, measurement, and verification (EM&V), and/or utility's portion of statewide technical reference manual, shall be allocated to demand-side programs and thus shall be eligible for recovery through an approved DSIM. The commission shall approve any cost recovery component of a DSIM simultaneously with the programs approved in accordance with 4 CSR 240-20.094 Demand-Side Programs.

(H) Any throughput disincentive component of DSIM shall be based on energy or energy and demand savings from utility demand-side programs approved by the commission in accordance with 4 CSR 240-20.094 Demand-Side Programs and will be determined as a result of energy and demand savings determined through EM&V.

1. The commission shall order any throughput disincentive component of a DSIM simultaneously with the demand-side programs approved in accordance with 4 CSR 240-20.094 Demand-Side

Programs.

2. In a utility's filing in which a throughput disincentive component of a DSIM is considered, there is no requirement for any implicit or explicit utility throughput disincentive component of a DSIM or for a particular form of a throughput disincentive component of a DSIM.

3. Any explicit throughput disincentive component of a DSIM shall be implemented on a prospective basis.

(I) Any earnings opportunity component of a DSIM shall be based on the performance of demand-side programs approved by the commission in accordance with 4 CSR 240-20.094 Demand-Side Programs and shall include a methodology for determining the utility's earnings opportunity amount for individual demand-side programs based upon program performance relative to commission-approved performance metrics for each demand-side program.

1. Energy and demand savings targets approved by the commission for use in the earnings opportunity component of a DSIM are not necessarily the same as the incremental energy and demand savings goals and cumulative energy and demand savings goals specified in 4 CSR 240-20.094(2).

2. The commission shall order any earnings opportunity component of a DSIM simultaneously with the approval of the demand-side programs in accordance with 4 CSR 240-20.094 Demand-Side Programs.

3. Any earnings opportunity component of a DSIM shall be implemented on a retrospective basis and all energy and demand savings used to determine a DSIM earnings opportunity amount must be measured and verified through EM&V.

(J) If the DSIM proposed by the utility includes adjustments to DSIM rates between general rate proceedings, the DSIM shall include a provision to adjust the DSIM rates not less than annually to include a true-up for over- and under-recovery of the DSIM amount as well as the impact on the DSIM amount as a result of approved new, modified, or discontinued demand-side programs.

(3) Application for Discontinuation of a DSIM. The commission shall allow or require a DSIM to be discontinued or any component of a DSIM to be discontinued only after providing the opportunity for a hearing.

(A) When submitting an application to discontinue a DSIM, the electric utility shall file with the commission and serve on parties as provided in section (15), the following supporting information as part of, or in addition to, direct testimony. Supporting workpapers shall be submitted with all models and spreadsheets provided as executable versions in native format with all links and formulas intact:

1. An example of the notice to be provided to customers;

2. If the utility's DSIM allows adjustments of the DSIM rates between general rate proceedings, a complete, reasonably detailed, explanation of how the over-/under-recovery of the DSIM amount that the electric utility is proposing to discontinue shall be handled;

3. A complete, reasonably detailed, explanation of why the DSIM is no longer necessary to provide the electric utility a sufficient opportunity to recover demand-side programs costs, throughput disincentive, and/or to receive an earnings opportunity;

4. A complete, reasonably detailed, explanation of any change in business risk to the electric utility resulting from discontinuation of the DSIM in setting the electric utility's allowed return on equity, in addition to any other changes in business risk experienced by the electric utility; and

5. Any additional information the commission orders to be provided.

(4) Requirements for Adjustments of DSIM Rates Between General Rate Proceedings. An electric utility with a DSIM shall file to adjust its DSIM rated no less often than annually.

(A) The electric utility shall file tariff sheets to adjust its DSIM rates accompanied by supporting testimony and contain at least the following supporting information. All models and spreadsheets shall be provided as executable versions in native format with all links and formulas intact.

1. Amount of revenue that it has over-/under-recovered through the most recent recovery period by rate class.

2. Proposed positive or negative adjustments by rate class.

3. Electric utility's short-term borrowing rate.

4. Proposed adjustments to the current DSIM rates.

5. Complete documentation for the proposed adjustments to the current DSIM rates.

6. Any additional information the commission ordered to be provided.

(B) The staff shall examine and analyze the information filed by the electric utility and additional information obtained through discovery, if any, to determine if the proposed adjustments to the DSIM amount and DSIM rates are in accordance with the provisions of this rule, section 393.1075, RSMo, and the DSIM established, modified, or continued in the most recent filing for demand-side program approval. 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 sheets to adjust its DSIM rates. If the adjustments to the DSIM rates are in accordance with the provisions of this rule, section 393.1075, RSMo, and the DSIM established, modified, or continued in the most recent filing for demand-side program approval, the commission shall either issue an interim rate adjustment order approving the tariff sheets within sixty (60) days of the electric utility's filing or, if no such order is issued, the adjustments to the DSIM rates shall take effect sixty (60) days after the tariff sheets were filed. If the adjustments to the DSIM rates are not in accordance with the provisions of this rule, section 393.1075, RSMo, or the DSIM established, modified, or continued in the most recent filing for demand-side program approval, the commission shall reject the proposed tariff sheets within sixty (60) days of the electric utility's filing and may instead order the filing of interim tariff sheets that implement its decision.

(C) Adjustments to the DSIM rates shall reflect a comprehensive measurement of both increases and decreases to the DSIM amount established in the most recent demand-side program approval or DSIM rate adjustment case plus the increases and decreases to the DSIM amount which occurred since the most recent demand-side program approval or DSIM rate adjustment case. All DSIM rate adjustments shall include a true-up of past DSIM collections based on the latest EM&V results where applicable. Any over-/under-recovered amounts will be accounted for in the going forward DSIM rates.

(D) The electric utility shall be current on its submission of its Surveillance Monitoring Reports as required in section (10) and its annual reports as required in section (9) in order to increase the DSIM rates.

(E) If the staff, public counsel, or other party believes the electric utility has not met the filing requirements of subsection (4)(A), it shall notify the electric utility within ten (10) days of the electric utility's filing of an application or tariff sheets to adjust DSIM rates and identify the information required. The electric utility shall submit the information identified by the party, or shall notify the party that it believes the information submitted was in compliance with the requirements of subsection (4)(A), within ten (10) days of the request. A party who notifies the electric utility it believes the electric utility has not submitted all the information required by subsection (4)(A) and as ordered by the commission in a previous proceeding and receives notice from the electric utility that the electric utility believes it has submitted all required information may file a motion with the commission for an order directing the electric utility to produce that information, i.e., a motion to compel. While the commission is considering the motion to compel, the processing timeline for the adjustment to increase DSIM rates shall be suspended. If the commission then issues an order requiring the information be submitted, the time necessary for the information to be submitted shall further extend the processing timeline for the adjustment to increase

DSIM rates. For good cause shown, the commission may further suspend this timeline. Any delay in submitting sufficient information in compliance with subsection (4)(A) or a commission order in a previous proceeding in a request to decrease DSIM rates shall not alter the processing timeline.

(5) Implementation of DSIM. Once a DSIM is established, modified, or discontinued, in lieu of contemporaneous rate recovery the utility may request use of deferral accounting for MEEIA financial impacts using the utility's latest approved weighted average cost of capital until the cut-off date for cost recognition ordered in the utility's next general rate proceeding.

(6) Duration of DSIM. Once a DSIM is approved by the commission, it shall remain in effect for the term established by the commission in the order approving that DSIM so as to allow full recovery of all DSIM amounts. During the term of an approved DSIM the utility or any party to the application for the utility's filing for approval of a demand-side program may propose modifications to the DSIM. No modification of a utility's DSIM shall be made without the assent of the utility.

(7) Disclosure. Regardless of whether or not the utility requests adjustments of its DSIM rates between general rate proceedings, any amounts charged under a DSIM approved by the commission, including any earnings opportunity allowed by the commission, shall be separately disclosed on each customer's bill. Proposed language regarding this disclosure shall be submitted to and approved by the commission before it appears on customers' bills. The disclosure shall also appear on the utility's websites.

(8) Evaluation, Measurement, and Verification (EM&V) of the Process and Impact of Demand-Side Programs. Each electric utility shall hire an independent contractor to perform and report EM&V of each commission-approved demand-side program in accordance with 4 CSR 240-20.094 Demand-Side Programs. The utility shall provide oversight and guidance to the independent EM&V contractor, but shall not influence the independent EM&V contractor's report(s). The commission shall hire an independent contractor to audit and report on the work of each utility's independent EM&V contractor. The commission staff shall provide oversight and guidance to the independent commission contractor, but shall not influence the independent contractor's audit(s). Staff counsel shall provide legal representation to the independent contractor in the event the independent contractor is required to testify before the commission.

(A) Each utility's EM&V budget shall not exceed five percent (5%) of the utility's total budget for all approved demand-side program costs.

(B) The cost of the commission's EM&V contractor shall—

1. Not be a part of the utility's budget for demand-side programs; and

2. Be included in the Missouri Public Service Commission Assessment for each utility.

(C) EM&V draft reports from the utility's contractor for each approved demand-side program shall be delivered simultaneously to the utility and to parties of the case in which the demand-side program was approved.

(D) EM&V final reports from the utility's contractor of each approved demand-side program shall—

1. Document, include analysis, and present any applicable recommendations for at least the following. All models and spreadsheets shall be provided as executable versions in native format with all links and formulas intact:

A. Process evaluation and recommendations, if any; and

B. Impact evaluation—

(I) The annual gross and net demand savings and energy savings achieved under each demand-side program and the techniques used to estimate annual demand savings and energy savings;

(II) For demand-side programs subject to cost-effectiveness tests, include total resource cost test, societal cost test, utility cost test, participant cost test, and nonparticipant cost test of each demand-side program; and

(III) Determine the net benefits achieved for each demand-side program subject to cost-effectiveness tests and for the portfolio of such programs using the utility cost test (UCT) methodology;

2. Be completed by the EM&V contractor on a schedule approved by the commission at the time of demand-side program approval in accordance with 4 CSR 240-20.094(4); and

3. Be filed with the commission in the case in which the utility's demand-side program approval was received and delivered simultaneously to the utility and the parties of the case in which the demand-side program was approved.

(E) Electric utility's EM&V contractors shall—

1. Include specific methodology for performing EM&V work; and

2. Utilize the TRM approved with the utility's application for its DSIM and demand-side portfolio.

(9) Demand-Side Program Annual Report. Each electric utility with one (1) or more approved demand-side programs shall file an annual report by no later than ninety (90) days after the end of each program year, make a public version available for publication on the commission's website, and serve a copy on each party to the case in which the demand-side programs were last established, modified, or continued. Interested parties may file comments with the commission concerning the content of the utility's annual report within thirty (30) days of its filing. Annual reports shall include at a minimum the following information, and all models and spreadsheets shall be provided as executable versions in native format with all links and formulas intact:

(A) An affidavit attesting to the veracity of the information; and

(B) A list of all approved demand-side programs and the following information for each approved demand-side program:

1. Actual amounts expended by year, including customer incentive payments;

2. Peak demand and energy savings impacts and the techniques used to estimate those impacts;

3. A comparison of the estimated actual annual peak demand and energy savings impacts to the annual demand and energy savings targets approved by the commission under 4 CSR 240-20.094(4)(I) or 4 CSR 240-20.094(5)(A)5.;

4. For market transformation demand-side programs, a quantitative and qualitative assessment of the progress being made in transforming the market;

5. A comparison of actual and budgeted demand-side program costs, including an explanation of any increase or decrease of more than twenty percent (20%) in the cost of a demand-side program;

6. The avoided costs and the techniques used to estimate those costs;

7. The estimated cost-effectiveness of the demand-side program and a comparison to the estimates made by the utility at the time the demand-side program was approved;

8. The estimated net benefits of each demand-side program and the demand-side portfolio;

9. For each demand-side program where one (1) or more customers have opted out of demand-side programs pursuant to section 393.1075.7, RSMo, a listing of the customer(s) who have opted out of participating in demand-side programs;

10. As part of its annual report, the electric utility shall file or provide a reference to the commission case that contains a copy of the EM&V report for the most recent annual reporting period; and

11. Demonstration of relationship of the demand-side programs to demand-side resources in latest filed 4 CSR 240-22 compliance filing.

(10) Submission of Surveillance Monitoring Reports. Each electric utility with an approved DSIM shall submit to staff, public counsel, and parties approved by the commission a Surveillance Monitoring

Report. Each electric utility with a DSIM shall submit, as page 6 of the Surveillance Monitoring Report, a quarterly progress report in a format agreed upon by the utility and staff, and all models and spreadsheets shall be provided as executable versions in native format with all links and formulas intact. The report shall be submitted to the staff, public counsel, and stakeholders approved by the commission.

(A) The Surveillance Monitoring Report shall be submitted within fifteen (15) days of the electric utility's next scheduled United States Securities and Exchange Commission (SEC) 10-Q or 10-K filing with the initial submission within fifteen (15) days of the electric utility's next scheduled SEC 10-Q or 10-K filing following the effective date of the commission order establishing the DSIM.

(B) If the electric utility also has an approved environmental cost recovery mechanism or a fuel cost adjustment mechanism, the electric utility shall submit a single Surveillance Monitoring Report for all mechanisms.

(C) Upon a finding that a utility has knowingly or recklessly provided materially false or inaccurate information to the commission regarding the surveillance data prescribed in this section, after notice and an opportunity for a hearing, the commission may suspend a DSIM or order other appropriate remedies as provided by law.

(D) Disagreements about the report format or content shall be settled by the commission.

(11) Prudence Reviews. A prudence review of the costs subject to the DSIM shall be conducted no less frequently than at twenty-four- (24-) month intervals.

(A) All amounts ordered refunded by the commission shall include interest at the electric utility's short-term borrowing rate.

(B) The staff shall submit a recommendation regarding its examination and analysis to the commission not later than one hundred fifty (150) days after the staff initiates its prudence audit. The timing and frequency of prudence audits for DSIM shall be established in the utility's filing for demand-side program approval in which the DSIM 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 sixty (160) days of the staff's commencement of its prudence audit, a request for a hearing.

1. If the staff, public counsel, or other party auditing the DSIM believes that insufficient information has been supplied to make a recommendation regarding the prudence of the electric utility's DSIM, 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.

(12) Tariffs and Regulatory Plans. The provisions of this rule shall not affect—

(A) Any adjustment mechanism, rate schedule, tariff, incentive plan, or other ratemaking mechanism that was approved by the commission and in effect prior to the effective date of this rule; and

(B) Any experimental regulatory plan that was approved by the commission and in effect prior to the effective date of this rule.

(13) Nothing in this rule shall preclude a complaint case from being filed, as provided by law.

(14) Variances. Upon request and for good cause shown, the commission may grant a variance from any provision of this rule.

(15) Party status and providing to other parties affidavits, testimony, information, reports, and workpapers in related proceedings subsequent to the utility's filing for demand-side program approval, modification, or continuation of a DSIM.

(A) A person or entity granted intervention in a utility's filing for demand-side program approval in which a DSIM is approved by the commission shall have the right to be a party to any subsequent related periodic rate adjustment proceeding without the necessity of applying to the commission for intervention; however, such person or entity shall file a notice of intention to participate within the intervention period. Public Counsel and the commission's staff do not need to file a notice of intention to participate. In any subsequent utility's filing for demand-side program approval, such person or entity must seek and be granted status as an intervenor to be a party to that proceeding.

(B) Affidavits, testimony, information, reports, and workpapers to be filed or submitted in connection with a subsequent related annual DSIM rate adjustment proceeding or utility's filing for demand-side program approval to modify, continue, or discontinue the same DSIM shall be served on or submitted to all parties from the prior related demand-side program approval proceeding and on all parties from any subsequent related periodic rate adjustment proceeding or utility's filing for demand-side program approval to modify, continue, or discontinue the same DSIM, concurrently with filing the same with the commission or submitting the same to the manager of the energy resource analysis section of the staff and public counsel.

(C) A person or entity not a party to the utility's filing for demand-side program approval in which a DSIM is approved by the commission may timely apply to the commission for intervention, pursuant to 4 CSR 240-2.075(2) through (4) of the commission's rule on intervention, respecting any related subsequent periodic rate adjustment proceeding or, pursuant to 4 CSR 240-2.075(1) through (5), respecting any subsequent utility's filing for demand-side program approval to modify, continue, or discontinue the same DSIM.

(16) Missouri Energy Efficiency Investment Act (MEEIA) Rate Design Modifications.

(A) An electric utility may request modification of its DSIM rates by filing tariff schedule(s) with the commission as part of—

1. An application for approval of demand-side programs or a demand-side program plan and a DSIM; or

2. A general rate case proceeding.

(B) Any request for modification of a rate design shall include with the filing supporting documentation for the request, including but not limited to, workpapers, data, computer model documentation, analysis, and other supporting information to support and explain the modification of the rate design. All information shall be labeled and all spreadsheets shall be provided as executable versions with all links and formulas intact.

(C) Right to Discovery Unaffected. In addressing certain discovery matters and the provision of certain information by electric utilities, this rule is not intended to restrict the discovery rights of any party.

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 393.1075.11 and 393.1075.15, RSMo 2016, the commission

amends a rule as follows:

4 CSR 240-20.094 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2017 (42 MoReg 168–174). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended April 27, 2017, and the commission held a public hearing on the proposed amendment on May 4, 2017. The commission received timely written comments from the Office of the Public Counsel; Union Electric Company, d/b/a Ameren Missouri; Kansas City Power & Light Company (KCP&L) and KCP&L Greater Missouri Operations Company (GMO); Renew Missouri; the Missouri Department of Economic Development - Division of Energy; the Natural Resources Defense Council (NRDC); Walmart Stores, Inc.; the National Housing Trust; the Midwest Energy Efficiency Alliance; and the staff of the commission. In addition, the following people offered comments at the hearing: Martin Hyman and Barbara Meisenheimer on behalf of the Division of Energy; Andrew Linhares on behalf of Renew Missouri; Phil Fracica on behalf of Energy Efficiency for All; David Woodsmall on behalf of Walmart; Tim Opitz and Geoff Marke on behalf of the Public Counsel; Lewis Mills on behalf of the Missouri Industrial Energy Consumers (MIEC); Jim Fischer and Tim Nelson on behalf of KCP&L and GMO; Paula Johnson and Bill Davis on behalf of Ameren Missouri; and Natelle Dietrich, John Rogers, Robert Berlin, and Brad Fortson on behalf of staff. Many comments and suggested changes were offered. The commission will address those comments as they pertain to the various provisions of the rule.

COMMENT #1: In section (1) staff would make demand-side program plural.
RESPONSE AND EXPLANATION OF CHANGE: The commission will adopt the change proposed by staff.

COMMENT #2: Section (2) establishes non-binding energy and demand savings goals for utilities to strive to meet. The goals are only aspirational and the utilities will not incur any penalty if they fail to achieve the goals. The NRDC, the National Housing Trust and Renew Missouri strongly support the inclusion of the goals. The NRDC and Renew Missouri would go further and attempt to authorize the commission to impose "adverse consequences" or "penalties" on utilities that fail to achieve the established goals. Public Counsel urges the commission to delete the savings goals entirely, contending that the goals provide little value to the MEEIA process and are not used by the utilities in evaluating their MEEIA portfolios.
RESPONSE: The commission will retain the aspirational goals. They have some value as a measuring stick for the utilities. The commission will not, however, attempt to make these goals anything more than aspirational. The MEEIA statute does not require utilities to participate, and the commission cannot change that fact.

COMMENT #3: Subsection (2)(A) establishes the energy and demand savings goals for electric utilities and explains how those savings are to be reviewed. The proposed subsection directs the commission to use the greater of the annual "realistic" amount of achievable energy savings and demand savings as determined by a market potential study, or the goals listed in the subsection to determine the utility's progress toward the goal of all cost-effective demand-side savings. The NRDC, Midwest Energy Efficiency Alliance, and Renew Missouri urge the commission to replace "realistic" savings with "maximum" savings. The Division of Energy would simply delete "realistic," and would simplify the last sentence of the subsection. Midwest Energy Efficiency Alliance also seeks clarification of whether "total annual energy" in the goals refers to the energy load served by the utility before or after customer opt-out is taken into consideration.
RESPONSE AND EXPLANATION OF CHANGE: The commission will not adopt the Division of Energy's suggestion to remove "realistic" from the description of achievable savings because the term that would remain, "achievable savings" is not a defined term. In addition, the Division of Energy's simplification of the last sentence of the subsection is appropriate and will be adopted. Total annual energy in the goals refers to the energy load served after customer opt-out is taken into consideration.

COMMENT #4: Subsection (2)(B) establishes cumulative energy and demand savings goals for electric utilities and explains how those savings are to be reviewed. Staff proposes modification of the subsection to refer to the cumulative "annual" amount of "achievable" energy and demand savings. The NRDC, Midwest Energy Efficiency Alliance, and Renew Missouri urge the commission to replace "realistic" savings with "maximum" savings. The Division of Energy would simply delete "realistic," and would simplify the last sentence of the subsection.
RESPONSE AND EXPLANATION OF CHANGE: The commission will not adopt the Division of Energy's suggestion to remove "realistic" from the description of cost-effectively achievable energy and demand savings because the term that would remain, "achievable savings" is not a defined term. In addition, the Division of Energy's simplification of the last sentence of the subsection is appropriate and will be adopted. Staff's modification will also be adopted.

COMMENT #5: Paragraph (2)(B)9. establishes a savings target for the utility's approved ninth program year and thereafter. Staff notes that a reference to the year 2020 in the paragraph should be changed to "approve ninth year" to be consistent with the rest of the paragraph.
RESPONSE AND EXPLANATION OF CHANGE: The change proposed by staff will be adopted.

COMMENT #6: Section (3) is entitled "Utility Market Potential Studies." The NRDC and Renew Missouri urge the commission to change that title to "Statewide Market Potential Study" in keeping with their proposal to require the exclusive use of the statewide market potential study by all electric utilities. The Midwest Energy Efficiency Alliance offers a general comment calling the commission's attention to recently passes legislation in Michigan that authorizes the Michigan commission to conduct a statewide energy efficiency potential study.
RESPONSE: The commission intends to continue to allow the use of utility-specific market potential studies and will not adopt the change proposed by the NRDC and Renew Missouri.

COMMENT #7: Subsection (3)(A) describes the preparation of a market potential study. The National Housing Trust supports the requirement for consideration of both primary and secondary data. It also supports the aspect of the rule that requires the utility to permit stakeholder input and review. The Division of Energy would add a long description of the purpose of a market potential study.
RESPONSE: The commission does not believe the extra details suggested by the Division of Energy are necessary. The proposed changes will not be adopted.

COMMENT #8: Regarding paragraph (3)(A)1., Public Counsel would specify various types of studies that should be incorporated in the market potential study.
RESPONSE: The commission does not believe the additional specifications proposed by Public Counsel are necessary. The proposed change will not be adopted.

COMMENT #9: Regarding paragraph (3)(A)2., Public Counsel

would require utility market potential studies to be updated every three (3) years rather than every four (4) years.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with Public Counsel that an update every three (3) years is appropriate. The proposed change will be adopted.

COMMENT #10: Paragraph (3)(A)3. requires the utility market potential study to be prepared by an independent third party. Public Counsel would add language intended to protect the independence of the third party from undue influence by the utility. The NRDC proposes that the market potential study be procured and managed by an unidentified state entity, in keeping with its desire to compel use of a single statewide market potential study.
RESPONSE AND EXPLANATION OF CHANGE: The commission will adopt the additional language proposed by Public Counsel to protect the independence of the contractor engaged to produce the utility market potential study. The NRDC's proposal will not be adopted as the commission wants to continue to allow for the use of utility-specific market potential studies. In addition, there is no state entity available to perform that function.

COMMENT #11: Paragraph (3)(A)4. provides that a utility market potential study must include an estimate of the achievable potential savings from low-income demand-side programs, regardless of cost-effectiveness. KCP&L and GMO suggest the first sentence of the paragraph be deleted because the phrase is not defined.
RESPONSE: The commission believes that the paragraph as proposed is appropriate and will not adopt the proposed change.

COMMENT #12: The Division of Energy and Public Counsel propose additional paragraphs that prescribe additional details that must be addressed in a utility market potential study.
RESPONSE: The commission will not adopt any of the proposed additional prescriptive requirements. Prescribing additional requirements is not necessary as it may be presumed that the experts engaged to perform the study will be able to perform an appropriate study without the imposition of inflexible standards within the regulation.

COMMENT #13: Subsection (3)(B) requires the utility engaging a market potential study to allow an opportunity for staff and stakeholder review and input in the planning stages of the study. The National Housing Trust strongly supports that requirement. The NRDC would insert a reference to its concept of having an unidentified state entity assume the role of the utility in eliciting input about the planning of the study.
RESPONSE: The commission thanks the National Housing Trust for its comment. The commission has not accepted the NRDC's proposal to use a state entity to procure a market potential study and will not adopt the proposed change to this subsection.

COMMENT #14: Section (4) allows an electric utility to apply for approval of a demand-side portfolio. Staff proposes insertion of an missing "a" as a grammatical correction. Ameren Missouri proposes the use of "portfolio" to replace "program plans" in the first sentence of the section.
RESPONSE AND EXPLANATION OF CHANGE: The commission will adopt both proposed changes.

COMMENT #15: Among other things, subsection (4)(B) requires the utility to provide certain workpapers with all formulas intact. Staff would add that links must also be provided intact. The NRDC would insert a reference to market potential documents prepared by an undefined state entity.
RESPONSE AND EXPLANATION OF CHANGE: The commission will adopt the change proposed by staff. The commission will not adopt NRDC's proposal to designate a state agency to prepare a statewide market potential study and, therefore, will not adopt the change proposed by the NRDC.

COMMENT #16: Staff proposes a change to paragraph (4)(B)1. to ensure that the market potential study that the utility must submit contains information specific to the service territory of that utility.
RESPONSE AND EXPLANATION OF CHANGE: Staff's proposed change is appropriate and will be adopted.

COMMENT #17: KCP&L and GMO suggest that paragraphs (4)(B)1. through (4)(B)3. are requirements for a market potential study that are more properly moved to section (3), which relates to market potential studies.
RESPONSE: The commission disagrees with KCP&L and GMO. The requirements are related to the market potential study, but the paragraphs require the utility to provide information that the commission needs to see in relation to the utility's application for approval of its demand-side programs or portfolio. The requirements are appropriately included in this section and KCP&L and GMO's proposed change will not be adopted.

COMMENT #18: Paragraph (4)(B)2. requires an electric utility's application for approval of demand-side programs to include a description of the process and assumptions used to determine technical potential, economic potential, maximum achievable potential and realistic achievable potential for each customer class. The NRDC suggests the requirement to describe realistic achievable potential be deleted from the paragraph.
RESPONSE: The commission believes a description of the way that the realistic achievable potential was determined will be helpful. The commission will not adopt the proposed change.

COMMENT #19: Subparagraph (4)(B)3.C. requires an electric utility's application for approval of demand-side programs to include a twenty (20) year baseline energy and demand forecast that includes an account of changes in customer combined heat and power applications. Staff would modify that requirement to refer only to "naturally occurring" customer applications to be consistent with the definition of baseline demand forecast and baseline energy forecast elsewhere in these rules. Public Counsel would delete the subparagraph as unnecessary.
RESPONSE AND EXPLANATION OF CHANGE: The commission believes the information required will be useful and will not delete the subparagraph. The change proposed by staff will be adopted.

COMMENT #20: Subsection (4)(C) requires an electric utility's application for approval of demand-side programs to include a demonstration of the cost-effectiveness of the proposed demand-side programs. The paragraphs under that subsection describe the items to be included in that demonstration. The NRDC suggests the utility be required to provide all workpapers related to its demonstration. The Division of Energy would specifically exclude programs targeted to low-income customers, which do not need to be demonstrated to be cost-effective as provided in section 393.1075.4, RSMo.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with the proposal offered by the NRDC and it will be adopted. The Division of Energy correctly points out that programs targeted to low-income customers do not need to be demonstrated to be cost effective. However, for analysis purposes it is preferable to be able to see the cost-effectiveness of the utility's entire portfolio, including programs targeted to low-income customers. The change proposed by the Division of Energy will not be adopted.

COMMENT #21: Paragraph (4)(C)1. requires an electric utility to include a description of its calculation of its total resource cost test (TRC) and its avoided costs calculations. Staff would make the word cost plural. Public Counsel would add a reference to the utility's earnings opportunity.

RESPONSE AND EXPLANATION OF CHANGE: The commission will adopt the change proposed by staff. Public Counsel's additional reference would vary from the statutory definition of TRC and will not be adopted.

COMMENT #22: Paragraph (4)(C)2. contains a reference to the "non-participant test." The definition of "non-participant test" found in subsection 4 CSR 240-20.092(1)(JJ) has been replaced with a definition of "ratepayer impact measure (RIM) test" in subsection 4 CSR 240-20.092(1)(NN). The reference in this paragraph should be changed accordingly.
RESPONSE AND EXPLANATION OF CHANGE: The commission will make the necessary change.

COMMENT #23: Paragraph (4)(C)3. requires an electric utility to include a description of impact on revenue requirements resulting from the integration analysis performed as part of the utility's integrated resource planning under Chapter 22 of the commission's rules. The Division of Energy would delete this requirement because it opposes the linkage of the MEEIA process with the Chapter 22 integrated resource planning process.
RESPONSE: As previously indicated, the commission believes the linkage with the Chapter 22 integrated resource planning process is appropriate and necessary. The commission will not adopt the change proposed by the Division of Energy.

COMMENT #24: Staff proposes to create a new paragraph (4)(C)4. that would require an electric utility to include a description of the impact on annual earnings opportunity of postponement of new supply side resources and the early retirement of existing supply side resources as a result of all demand-side programs included in the application.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with staff that the additional information will be helpful. The proposed change, using slightly different language, will be adopted.

COMMENT #25: Subsection (4)(D) requires an electric utility to include a description of each proposed demand-side program. Multiple paragraphs within that subsection then set out the details of what must be included in that description. The NRDC suggests the utility be required to provide all workpapers related to its description.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with the NRDC and will adopt the proposed change.

COMMENT #26: Public Counsel proposes a change to paragraph (4)(D)2. that would clarify that the description of each proposed demand-side program include individual measures and program-specific TRC ratios.
RESPONSE: Requiring that level of description for individual programs is unnecessary and unduly onerous. Measure level cost-effectiveness will be contained in the market potential studies. The commission will not adopt the change proposed by Public Counsel.

COMMENT #27: Public Counsel proposes a change to paragraph (4)(D)3. that would require a description of "customer incentives ranges" rather than "customer incentives."
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with Public Counsel that the change will help clarify the requirements of the paragraph. The proposed change will be adopted.

COMMENT #28: Paragraph (4)(D)6. requires the utility to provide a description of projected gross and net annual energy savings for each proposed demand-side program. The NRDC recommends the paragraph be expanded to require a description of lifetime energy savings as well. It argues that lifetime energy savings most closely correlates with the value of benefits to the economy and to ratepayers. Public Counsel recommends the paragraph be deleted for clarity.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with the NRDC that lifetime energy savings should also be described. That change will be adopted. Public Counsel does not explain why deleting the paragraph will improve clarity, and that change will not be adopted.

COMMENT #29: Paragraph (4)(D)7. requires the utility to provide a description of proposed annual and cumulative energy savings targets. Staff would simplify that requirement to just proposed energy savings targets. Staff indicates the change is needed to be consistent with the definition of energy savings target found in subsection 20.092(1)(X).
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with staff and will adopt the proposed change.

COMMENT #30: Paragraph (4)(D)8. requires the utility to provide a description of projected gross and net annual demand savings. Public Counsel recommends the paragraph be deleted for clarity.
RESPONSE: Public Counsel does not explain why deleting the paragraph will improve clarity, and that change will not be adopted.

COMMENT #31: Paragraph (4)(D)9. requires the utility to provide a description of proposed annual demand savings targets and cumulative demand savings targets. Staff would simplify that requirement to just proposed demand savings targets to be consistent with the definition of demand savings target found in subsection 4 CSR 240-20.092(1)(O).
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with staff and will adopt the proposed change.

COMMENT #32: Paragraph (4)(D)10. requires the utility to provide a description of net-to-gross factors. Public Counsel would limit that description of those factors to just free ridership and spillover.
RESPONSE: Public Counsel does not explain why the description of net-to-gross factors should be limited to just those two (2) factors. The commission will not adopt the proposed change.

COMMENT #33: Paragraph (4)(D)12. requires the utility to provide a description of certain market transformation elements. Staff recommends some clarifications to the requirement. Public Counsel would delete the entire paragraph for clarification.
RESPONSE AND EXPLANATION OF CHANGE: The commission will adopt the clarifications proposed by staff. Public Counsel does not explain why deleting the paragraph will clarify the rule. That proposed change will not be adopted.

COMMENT #34: Paragraph (4)(D)13. requires the utility to provide a description of its EM&V plan. Public Counsel would delete the entire paragraph for clarification.
RESPONSE: Public Counsel does not explain why deleting the paragraph will clarify the rule. The proposed change will not be adopted.

COMMENT #35: Paragraph (4)(D)15. requires the utility to provide a description of all strategies used to minimize free riders. Public Counsel would delete the entire paragraph for clarification.
RESPONSE: Public Counsel does not explain why deleting the paragraph will clarify the rule. The proposed change will not be adopted.

COMMENT #36: Paragraph (4)(D)16. requires the utility to provide a description of all strategies used to maximize spillover. Public Counsel would delete the entire paragraph for clarification.
RESPONSE: Public Counsel does not explain why deleting the paragraph will clarify the rule. The proposed change will not be adopted.

COMMENT #37: Public Counsel would add a paragraph to subsection (4)(D) that would require the utility to describe a detailed notification plan to inform customer classes and trade allies when the utility's portfolio budget will be exhausted.

RESPONSE: The commission does not believe the sharp restrictions on the utility's portfolio budget proposed by Public Counsel are necessary or appropriate. The proposed change will not be adopted.

COMMENT #38: Subsection (4)(E) requires a utility to demonstrate and explain how its proposed demand-side programs will progress toward the statutory goal of achieving all cost-effective demand-side savings. The subsection also requires the utility to explain any shortfall from the non-binding goals established in section (2). Public Counsel would delete the requirement to explain any shortfall, as it also proposes to delete the non-binding goals established in section (2).
RESPONSE: The commission has not deleted the non-binding goals established in section (2). While those goals are not binding on the utilities, the commission believes that an explanation should be given if those goals are not met. The commission will not adopt the proposed change.

COMMENT #39: Subsection (4)(G) concerns the utility's designation of program pilots; demand-side programs that are designed to operate on a limited basis for evaluation purposes. Public Counsel would add an explicit reference to research and development as an alternative to program pilots. It explains the change is necessary to reflect Cycle II program considerations regarding research and development. The Division of Energy would modify the consideration given to program pilots targeted to low-income customers by exempting them from demonstrating cost-effectiveness because they do not need to be shown to be cost-effective as provided in section 393.1075.4, RSMo.
RESPONSE AND EXPLANATION OF CHANGE: Public Counsel's proposed change to include research and development in the subsection appears to reflect a change in preferred terminology. However, research and development fits easily within the term, "program pilot." Cluttering the subsection by adding the alternative terminology is not necessary. The commission will not adopt Division of Energy's proposal regarding cost-effectiveness testing. While programs targeted to low-income customers do not need to pass a cost-effectiveness test to be approved, there is value to the commission in knowing whether such programs are cost-effective.

COMMENT #40: Staff proposes a change to subsection (4)(H) to remove a redundant definition of Demand-Side Program Investment Mechanism (DSIM).
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with staff and will adopt the proposed change.

COMMENT #41: Subsection (4)(I) discusses the demand-side programs and program plans that may be approved. Staff proposes to add "budget" to the list of items that must be approved by the commission. Also, the subsection references "annual" demand and energy savings targets. The definitions of demand savings targets and energy savings targets at 4 CSR 240-20.092(1)(O) and 4 CSR 240-20.092(1)(X) have been changed to remove "annual" so this reference to those terms must also be changed. The National Housing Trust supports the subsection's designation of the TRC as a preferred cost-effectiveness test.
RESPONSE AND EXPLANATION OF CHANGE: The commission will adopt the change proposed by staff.

COMMENT #42: Paragraph (4)(I)3. requires that to be approved, a demand-side program must have been considered in the utility's integrated resource planning (IRP) process to determine the impact of the programs on the net present value of revenue requirements of the utility. The Division of Energy would delete the entire paragraph to avoid the linkage of MEEIA with the IRP process.
RESPONSE: The commission believes that the IRP provides an essential baseline for evaluating the impact of demand-side programs. The Division of Energy's proposal to delete the paragraph will not be adopted.

COMMENT #43: Subsection (4)(J) establishes the circumstances in which the commission will approve demand-side programs targeted to low-income customers or general education campaigns. Staff proposes minor wording changes to clarify the rule and to correct an incorrect rule citation. The Division of Energy proposes to delete the portion of the rule that refers to demand-side programs that have a total resource cost test ratio of less than one (1) for programs targeted to low-income customers or for general education campaigns. The Division of Energy explains that the MEEIA statute, section 393.1075(4), RSMo, provides that such programs do not need to meet a cost-effectiveness test so long as the commission finds them to be in the public interest.
RESPONSE AND EXPLANATION OF CHANGE: The commission will adopt the clarification proposed by staff. Also, the Division of Energy is correct, demand-side programs targeted to low-income customers or for general education campaigns do not need to meet any cost-effectiveness test. The commission will adopt the proposed change. The commission also notes that subsection (J) includes a paragraph 1., but not any subsequent paragraphs. To avoid having a single paragraph, the existing paragraph 1. will be incorporated into subsection (J).

COMMENT #44: Staff recommends the correction of a rule reference in subsection (4)(K).
RESPONSE AND EXPLANATION OF CHANGE: The commission will adopt the change proposed by staff.

COMMENT #45: Subsection (4)(M) indicates the commission shall approve, approve with modifications acceptable to the utility, or reject the utility's DSIM proposal at the same time it acts on the utility's application for approval of its demand-side programs. The NRDC urges the commission to delete the requirement that any modifications in the programs must be acceptable to the utility.
RESPONSE: Utility participation in MEEIA is optional. The commission has no authority to force any changes in the program on the utility. If the utility does not approve of the modifications it has the option of refusing to participate in MEEIA. Of course, if the utility chooses not to implement programs acceptable to the commission, it loses out on the benefits it would receive from that participation. But that choice belongs to the utility. The commission will not adopt the proposed change.

COMMENT #46: Paragraph (5)(A)1. specifies when a utility must file an application for modification of its demand-side programs to address overruns in its budget for implementation of those programs. The proposed amendment requires such an application be filed if there is a variance of forty percent (40%) or more from the approved budget. Staff would reduce that to a twenty percent (20%) variance. Staff also proposes some language changes to clarify the paragraph. Public Counsel would eliminate the variance allowance entirely and require the utilities to strictly adhere to their approved budgets.
RESPONSE AND EXPLANATION OF CHANGE: The commission believes that utilities need to have some flexibility in their adherence to approved budgets. Otherwise, they will have a strong incentive to be unduly conservative in their decisions about which programs they will agree to offer. The commission will reduce the allowed variance to twenty percent (20%) as proposed by staff and will make the clarifying changes proposed by staff.

COMMENT #47: Paragraph (5)(A)2. requires a utility to file an application to modify its demand-side programs under certain circumstances. Staff, KCP&L and GMO, and Ameren Missouri urge the commission to delete this paragraph because it unduly restricts the utilities' ability to manage their approved demand-side programs. The Division of Energy also believes the paragraph is unduly restrictive, but suggests it could be retained if the "shall" file an application is changed to "may" file an application.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees the paragraph is unduly restrictive and will delete it. The

remaining paragraphs in that subsection are renumbered accordingly.

COMMENT #48: Paragraph (5)(A)3. requires a utility's application to modify demand-side programs to include an explanation of the proposed changes. Ameren Missouri suggests that the requirement of a "complete" explanation be replaced with a "reasonably detailed" explanation, reasoning that a "complete" description is unattainable. The paragraph requires the utility to provide certain workpapers with all formulas intact. Staff would add that links must also be provided intact.
RESPONSE AND EXPLANATION OF CHANGE: The commission understands Ameren Missouri's concern, but the requirement of a "complete" description should not be weakened to the extent that a utility would be able to hide any aspect of its proposed modification. The commission will alter the paragraph to require a "complete, reasonably detailed" description. The commission will make the same change in paragraph (6)(A)1. The commission will adopt the change proposed by staff.

COMMENT #49: Staff recommends a rule reference correction in paragraph (5)(A)6.
RESPONSE AND EXPLANATION OF CHANGE: The commission will adopt the proposed change.

COMMENT #50: Subsection (6)(A) requires the utility to provide certain workpapers with all formulas intact. Staff would add that links must also be provided intact.
RESPONSE AND EXPLANATION OF CHANGE: The commission will adopt the proposed change.

COMMENT #51: Paragraph (6)(A)2. requires the utility applying to discontinue demand-side programs to provide the EM&V reports for the demand-side program in question. KCP&L and GMO explain that such EM&V report might not yet be available at the time the application is filed. They suggest the paragraph be modified to recognize that fact.
RESPONSE AND EXPLANATION OF CHANGE: The commission will adopt the proposed change.

COMMENT #52: Subsection (6)(B) describes steps an electric utility must take if demand-side program subject to the TRC is determined to be not cost-effective. The Division of Energy would modify the subsection to clarify that it does not apply to demand-side programs directed to low-income customers or general education campaigns that are not subject to a cost-effectiveness test under the MEEIA statute. Ameren Missouri would modify the subsection to achieve the same purpose as the Division of Energy, but using different language. Public Counsel would delete the entire subsection as unnecessary and unduly burdensome on the utilities.
RESPONSE AND EXPLANATION OF CHANGE: The commission believes that the information to be provided in this subsection will be helpful in determining why the existing demand-side program failed and how a more successful program can be implemented. It is not unduly burdensome on the utilities and none of the utilities that filed comments indicated any such concern. The commission agrees with the concerns raised by the Division of Energy and Ameren Missouri. The language proposed by Ameren Missouri best resolves the concern and will be adopted.

COMMENT #53: Section (7) deals with large utility customers that the MEEIA statute allows to opt-out of participation in MEEIA. Subsection (7)(A) reiterates the statute's listing of three (3) types of customers who may opt-out of MEEIA. Paragraph (7)(A)1. allows a customer who has "one (1) or more accounts within the service territory of the electric utility that has a demand of the individual accounts of five thousand (5,000) kW or more in the previous twelve (12) months." Under the statute, section 393.1075.7(1), RSMo, the qualifying customer need only inform the utility that it is opting-out of MEEIA and thereby avoid paying any MEEIA related costs that must be paid by the utility's other customer. Walmart - which has multiple accounts that total well more than five thousand (5,000) kW, but which does not have any individual accounts reaching that total - asks the commission to clarify paragraph (7)(A)1. to allow it to qualify for opt-out under that provision.
RESPONSE AND EXPLANATION OF CHANGE: The commission understands Walmart's concern. But what Walmart is asking the commission to do is a modification of the clear words of the statute, which allows opt-out under the first threshold only for a customer who has "one (1) or more accounts within the service territory of the electrical corporation that has a demand of five thousand (5,000) kilowatts or more." The commission cannot modify the words of the statute to meet Walmart's request.

In considering Walmart's request, the commission notes that the existing language of the rule varies from the language of the statute. The commission will modify paragraph (7)(A)1. to track the language of the statute.

COMMENT #54: Paragraph (7)(A)3. regards large customers who have accounts within the utility's service territory that have, in aggregate, a demand of two thousand five hundred (2,500) or more kW. Walmart meets this criteria. Unlike customers who can opt-out under the five thousand (5,000) kW threshold, customers who qualify under this threshold must also demonstrate an "achievement of savings at least equal to those expected from utility-provided programs." Renew Missouri suggests that the large customers who seek to qualify for opt-out under this threshold be required to make the documentation supporting their claim publicly available on the commission's website. Walmart and the Missouri Industrial Energy Consumers (MIEC) adamantly opposed the public disclosure of their energy efficiency efforts because the details of those efforts are competitively sensitive and should not be publically disclosed. The Midwest Energy Efficiency Alliance is also concerned about the documentation opt-out customers must provide to meet the third threshold and suggest they provide an EM&V report that adheres to the same guidelines and level of rigor required of utility-provided demand-side savings programs.

Walmart and Renew Missouri also express concern that there is no clear standard to determine whether a customer seeking to opt-out under the third threshold has met the required level of savings. KCP&L and GMO proposed the establishment of five percent (5%) of the customer annual kilowatt hour usage as the standard to be met. Walmart pointed out that such standard is arbitrary, and might be unfair if the utility's actual savings were either more or less than that amount. Walmart suggests that staff make an explicit statement in its approval of each utility's MEEIA programs as to the level of savings that can be expected from utility-provided programs. That would then be the standard by which opt-out customers are measured.
RESPONSE AND EXPLANATION OF CHANGE: The commission will not require that customer documentation be made available to the public. The commission does not regulate the customers of the electric utilities and any public interest in seeing the documentation they submit is outweighed by the customer's interest in protecting that information from disclosure to competitors. The question of establishing a standard that opt-out customers must meet is difficult and none of the commenters offered an acceptable solution. KCP&L and GMO's suggestion of a five percent (5%) standard is arbitrary and potentially unfair. There really is no good solution for this problem. The comments acknowledged that staff is currently doing a good job evaluating opt-out decisions without a clear standard. It will have to continue to do so. The commission will modify the paragraph by deleting the "catch-all" provision in subparagraph (7)(A)3.D. as unnecessary.

COMMENT #55: Paragraph (7)(A)4. provides that opt-outs under the third threshold are valid only for the term of the MEEIA cycle approved by the commission. With each new cycle, the opt-out customers would

again need to apply. Walmart opposes the limitation of the opt-out period for two (2) reasons. First, the term of the MEEIA cycle is unlikely to correspond to the window for submission of opt-out requests established in the rule. Second, Walmart contends any limitation of the effectiveness of an opt-out should be tied to the statutory comparison of achieved savings. So long as the customer's savings meet or exceed the savings anticipated from the utility's program, the customer should be able to remain opted-out. KCP&L and GMO would make the time limited opt-out apply to customer's opting-out under all three (3) thresholds. It would also base the opt-out periods on calendar years, rather than MEEIA cycles to avoid the conflict with the opt-out window. Ameren Missouri would tie the opt-out period to the implementation period rather than the MEEIA cycle.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with the commenters that the length of a MEEIA cycle is not an appropriate limitation on an opt-out. The need to reapply frequently would be burdensome on the customers wishing to opt-out and would ignore the fact that many energy saving measures do not expire in a short amount of time. It is also appropriate to set a time for opt-out customers under the first and second thresholds to reaffirm their notice to opt-out. The commission will require all opt-out customers to reaffirm their opt-out at least once every ten (10) years.

COMMENT #56: Ameren Missouri commented that paragraph (7)(A)4. would be better denominated as subparagraph (7)(A)3.G.
RESPONSE AND EXPLANATION OF CHANGE: After reviewing the make-up of section (7), the commission concludes that a more extensive renumbering is needed. Subparagraph (7)(A)3.E. and F. are better denominated as new subsections (B) and (C). Paragraph (7)(A)4. will then be denominated as subsection (D). All subsequent subsections will be renumbered accordingly.

COMMENT #57: Staff recommends a change in subsection (7)(B) to use a corrected title for the portion of the commission's staff to whom written notification of opt-out is to be submitted.
RESPONSE AND EXPLANATION OF CHANGE: The commission will adopt the proposed change.

COMMENT #58: Paragraph (7)(F)1. establishes a period between September 1 and October 30 of each year in which opt-out notices can be submitted by customers. The paragraph provides that such notices are to be effective for the next program year. Ameren Missouri and KCP&L and GMO advise the commission to change program year to calendar year.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees and will adopt the proposed change.

COMMENT #59: Paragraph (7)(F)2. describes the effective date of and possible cancellation of a customer's opt-out. Staff proposes some clarifying changes to the paragraph. Ameren Missouri and KCP&L and GMO would change program year to calendar year. KCP&L and GMO would also expand the paragraph to include customers seeking opt-out under the first and second thresholds as well.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees that program year should be changed to calendar year. To be consistent with other changes to the rule, this paragraph will be made to apply to customers seeking opt-out under thresholds one (1) and two (2) as well as three (3).

COMMENT #60: Subsection (7)(H) concerns an opt-out customers revocation of its decision to opt-out. Ameren Missouri and KCP&L and GMO propose that program year be changed to calendar year.
RESPONSE AND EXPLANATION OF CHANGE: The commission will adopt the proposed change.

COMMENT #61: The National Housing Trusts supports the updated language in subsection (8)(A) regarding state tax credit recipients.
RESPONSE: The commission thanks the National Housing Trust for its comment. However, SB112, which was passed in the last legislative session, eliminated the statutory language regarding state tax credit recipients. As a result, all of subsections (8)(A) and (B) must be eliminated as contrary to the revised statute. If SB112 is vetoed and does not become law, the subsections merely repeat the statute and are not necessary. The remaining subsection will be renumbered accordingly.

COMMENT #62: Subsection (8)(B) requires a utility to obtain an attestation from each customer who receives a monetary incentive to participates in a demand-side program. The customer must attest that the customer has not received a tax credit listed in subsection (8)(A), and must acknowledge that the penalty for providing false information is a class A misdemeanor. Ameren Missouri claims this requirement is too difficult to fulfill and suggests that as an alternative, the utility put a notice of the tax credit restrictions in the Terms and Conditions of the application customers would submit to participate in the program.
RESPONSE AND EXPLANATION OF CHANGE: Because of the passage of SB112, the entire subsection will be deleted.

COMMENT #63: Section (9) requires the electric utilities and their stakeholders to form collaboratives to provide input on design, implementation and review of demand-side programs and market potential studies. Ameren Missouri offers a general comment describing its concern that the primary responsibility for the collaboratives remain with the utility.
RESPONSE: The commission agrees with Ameren Missouri. The utilities' participation in MEEIA is voluntary, so the collaboratives must work with the utilities rather than attempt to dictate to them.

COMMENT #64: Subsection (9)(B) requires electric utilities and their stakeholders to form a statewide collaborative to consider statewide issues and concerns. Renew Missouri and the National Housing Trust indicates their strong support for the strengthening of the statewide collaborative. The Midwest Energy Efficiency Alliance also supports the strengthening of the statewide collaborative. It does not suggest any specific changes to the proposed amendment, but offers several suggestions on ways the workings of the collaborative can be improved.
RESPONSE: The commission agrees the statewide collaborative can be a useful tool. The rule can provide a framework for the operations of that collaborative. The specific suggestions on how the collaborative is to function are best addressed by the collaborative as circumstances develop rather than being rigidly established in the text of the rule.

COMMENT #65: Subparagraph (9)(B)1.A. directs the statewide collaborative to create and implement statewide protocols for evaluation, measurement, and verification to energy efficiency savings by July 1, 2018. Staff recommends a grammatical correction. Ameren Missouri would revise the subparagraph to recognize that utility participation in MEEIA is optional and that no statewide protocol can be forced on the utilities. Public Counsel would delete this subparagraph entirely, arguing that current EM&V practices vary widely between utilities depending upon whether it has deployed AMI.
RESPONSE AND EXPLANATION OF CHANGE: While EM&V practices may vary widely at this time, the development of statewide protocols can still be helpful. Ameren Missouri is correct that the idea that the statewide collaborative can implement statewide protocols implies the collaborative has more authority than it does. The commission will change "create and implement statewide protocols" to "develop statewide protocols" in recognition that the statewide collaborative does not have authority to dictate to the electric utilities. Because the effective date of these rules has been delayed, the commission will change the due date for statewide protocols to December 31, 2018.

COMMENT #66: Subparagraph (9)(B)1.D. directs the statewide collaborative to explore other opportunities, such as development of a percentage adder for non-energy benefits. Staff urges the commission to delete the direction to pursue the development of a percentage adder. Public Counsel would delete the entire subparagraph because it believes consideration of non-energy benefits is beyond the scope of the MEEIA statute.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with staff that the general direction to the statewide collaborative to explore other opportunities is sufficient. There is no need to specify the possible development of a percentage adder. The commission will adopt the change proposed by staff.

COMMENT #67: Paragraph (9)(B)3. directs the statewide collaborative to create a semi-annual forum for discussion of statewide policy issues. The NRDC would require those forums to be held quarterly.
RESPONSE: The commission believes mandating two (2) forums per year is sufficient. If the statewide collaborative decides that more frequent forums are needed it is free to schedule as many as it likes.

COMMENT #68: Section (10) concerns a statewide technical reference manual, a TRM. Public Counsel suggests the entire section be deleted as a statewide TRM is no longer needed in the current regulatory, policy and technological environment. The National Housing Trust expresses strong support for the statewide TRM.
RESPONSE: The commission believes a statewide TRM still has value and will not delete the section.

COMMENT #69: Subsection (10)(A) directs utilities and stakeholders to create and implement a statewide TRM. Staff suggests this subsection be deleted as the statewide TRM has already been developed. KCP&L and GMO suggest a sentence be added to the end of the subsection to require that deemed values be used in calculations.
RESPONSE AND EXPLANATION OF CHANGE: The statewide TRM now exists and the direction to create it is unnecessary. The commission will delete the subsection and renumber the remaining subsections.

COMMENT #70: Paragraph (10)(B)2. indicates what is to be done if the commission rejects the proposed statewide TRM. Staff proposes changes to the paragraph to emphasize the responsibility of stakeholders to develop solutions to the problems that led the commission to reject the proposed statewide TRM. KCP&L and GMO would change "shall" to "may" to recognize that the stakeholders may decide they no longer want to submit a statewide TRM if the one (1) they proposed is rejected by the commission.
RESPONSE AND EXPLANATION OF CHANGE: The changes proposed by staff, as well as that proposed by KCP&L and GMO, help to clarify the paragraph. Both will be adopted.

COMMENT #71: Subsection (10)(C) concerns the creation of an electronic platform to facilitate updates of the statewide TRM. Ameren Missouri proposes a change that would allow the commission to direct the statewide collaborative to begin the process of securing a vendor to provide that electronic platform.
RESPONSE AND EXPLANATION OF CHANGE: Ameren Missouri's proposal to allow the commission to further involve the statewide collaborative in the development of the electronic platform will not be adopted because the vendor must be hired through a state contract, with an RFP initiated by the commission.

COMMENT #72: Paragraph (10)(C)1. addresses the funding for the electronic platform authorized by this section. The Division of Energy proposes to modify this paragraph by exempting investor-owned utilities from the assessment if the statewide TRM does not include any measures that apply to that utility.
RESPONSE: The Division of Energy's proposal would needlessly complicate the funding provision and will not be adopted.

COMMENT #73: The Division of Energy recommends the creation of a new paragraph (10)(C)2. that would direct the statewide collaborative to recommend the amount of funding to be provided for the electronic platform and annual updates.
RESPONSE: The commission is open to suggestions from the statewide collaborative, but is unwilling to relinquish control over its budgeting decisions. The Division of Energy's proposal to further involve the collaborative will not be adopted.

COMMENT #74: KCP&L and GMO recommend the creation of a new paragraph that would say "use of the TRM is limited to funding participants."
RESPONSE: The proposed statement is vague and unenforceable. The commission can certainly determine how it uses the TRM and how it can be applied to the utilities it regulates, but it cannot control how others may choose to use the TRM. The proposed change will not be adopted.

COMMENT #75: Subsection (10)(D) concerns the annual updates of the statewide TRM. Ameren Missouri proposes the firm date of December 31 of each year be replaced with a more flexible requirement that the update occur annually. The process and schedule for the update would then be developed through the statewide collaborative process.
RESPONSE: The commission believes a firm date of December 31 each year is appropriate. If that date does not work, a variance from the rule may be requested.

COMMENT #76: The Division of Energy and staff propose the same change to paragraph (10)(D)1., to emphasize that staff will coordinate the annual update rather than perform that duty by itself. Ameren Missouri would go further and make the utilities responsible for the annual update through the statewide collaborative process.
RESPONSE AND EXPLANATION OF CHANGE: The commission will continue to coordinate the TRM process. The TRM contractor will likely facilitate the TRM update stakeholder meetings. The change proposed by staff will be adopted, but Ameren Missouri's change will not be adopted.

COMMENT #77: Ameren Missouri proposes a change to subparagraph (10)(D)1.A. The proposed subparagraph requires staff to convene stakeholder meetings no later than July 1 of each year to seek input on revisions to the TRM. Ameren Missouri would modify the requirement to remove the firm deadline to allow the utilities, rather than staff, to convene one (1) or more stakeholder meetings.
RESPONSE AND EXPLANATION OF CHANGE: The commission will retain the authority to convene stakeholder meetings. Ameren Missouri's proposed change will not be adopted.

COMMENT #78: Paragraph (10)(D)2. concerns the submission of proposed annual updates to the statewide TRM and the commission's approval or rejection of those updates. Ameren Missouri would remove the firm September 1 deadline from the rule consistent with its earlier comments. The Division of Energy would create a detailed process by which the commission or a designated regulatory law judge could consider proposed annual update changes. Staff suggests changes to emphasize the responsibility of stakeholders to propose solutions to problems identified by the commission.
RESPONSE AND EXPLANATION OF CHANGE: The detailed procedures proposed by the Division of Energy are already available to the commission and do not need to be included in the rule. The September 1 deadline will remain in the rule, a variance can be requested if necessary. Staff's changes will be adopted.

COMMENT #79: Subsection (10)(E) allows the commission to consider the appropriateness of using an approved statewide TRM in each utility's application for approval of demand-side programs. The Division of Energy would expand that provision to reference addition,

modification, or continuance of demand-side programs or measures. RESPONSE: The clarification proposed by the Division of Energy is unnecessary and will not be adopted.

4 CSR 240-20.094 Demand-Side Programs

(1) The definitions of terms used in this section can be found in 4 CSR 240-20.092 Definitions for Demand-Side Programs and Demand-Side Programs Investment Mechanisms.

(2) Guideline to Review Progress Toward an Expectation that the Electric Utility's Demand-Side Programs Can Achieve a Goal of All Cost-Effective Demand-Side Savings. The goals established in this section are not mandatory and no penalty or adverse consequence will accrue to a utility that is unable to achieve the listed annual energy and demand savings goals.

(A) The commission shall use the greater of the annual realistic amount of achievable energy savings and demand savings as determined through a market potential study or the following incremental annual demand-side savings goals as a guideline to review and determine whether the utility's demand-side programs can achieve a goal of all cost-effective demand-side savings:

1. For the utility's approved first program year: three-tenths percent (0.3%) of total annual energy and one percent (1.0%) of annual peak demand;

2. For the utility's approved second program year: five-tenths percent (0.5%) of total annual energy and one percent (1.0%) of annual peak demand;

3. For the utility's approved third program year: seven-tenths percent (0.7%) of total annual energy and one percent (1.0%) of annual peak demand;

4. For the utility's approved fourth program year: nine-tenths percent (0.9%) of total annual energy and one percent (1.0%) of annual peak demand;

5. For the utility's approved fifth program year: one-and-one-tenth percent (1.1%) of total annual energy and one percent (1.0%) of annual peak demand;

6. For the utility's approved sixth program year: one-and-three-tenths percent (1.3%) of total annual energy and one percent (1.0%) of annual peak demand;

7. For the utility's approved seventh program year: one-and-five-tenths percent (1.5%) of total annual energy and one percent (1.0%) of annual peak demand;

8. For the utility's approved eighth program year: one-and-seven-tenths percent (1.7%) of total annual energy and one percent (1.0%) of annual peak demand; and

9. For the utility's approved ninth and subsequent program years, unless additional energy savings and demand savings goals are established by the commission: one-and-nine-tenths percent (1.9%) of total annual energy and one percent (1.0%) of annual peak demand each year.

(B) The commission shall also use the greater of the cumulative annual realistic amount of achievable energy savings and demand savings as determined through a market potential study or the following cumulative demand-side savings goals as a guideline to review and determine whether the utility's demand-side programs can achieve a goal of all cost-effective demand-side savings:

1. For the utility's approved first program year: three-tenths percent (0.3%) of total annual energy and one percent (1.0%) of annual peak demand;

2. For the utility's approved second program year: eight-tenths percent (0.8%) of total annual energy and two percent (2.0%) of annual peak demand;

3. For the utility's approved third program year: one-and-five-tenths percent (1.5%) of total annual energy and three percent (3.0%) of annual peak demand;

4. For the utility's approved fourth program year: two-and-four-tenths percent (2.4%) of total annual energy and four percent (4.0%) of annual peak demand;

5. For the utility's approved fifth program year: three-and-five-tenths percent (3.5%) of total annual energy and five percent (5.0%) of annual peak demand;

6. For the utility's approved sixth program year: four-and-eight-tenths percent (4.8%) of total annual energy and six percent (6.0%) of annual peak demand;

7. For the utility's approved seventh program year: six-and-three-tenths percent (6.3%) of total annual energy and seven percent (7.0%) of annual peak demand;

8. For the utility's approved eighth program year: eight percent (8.0%) of total annual energy and eight percent (8.0%) of annual peak demand; and

9. For the utility's approved ninth year and subsequent program years, unless additional energy savings and demand savings goals are established by the commission: nine-and-nine-tenths percent (9.9%) of total annual energy and nine percent (9.0%) of annual peak demand for the approved ninth year, and then increasing by one-and-nine-tenths percent (1.9%) of total annual energy and by one percent (1.0%) of annual peak demand each year thereafter.

(3) Utility Market Potential Studies.

(A) The market potential study shall—

1. Consider both primary data and secondary data and analysis for the utility's service territory;

2. Be updated with primary data and analysis no less frequently than every three (3) years. To the extent that primary data for each utility service territory is unavailable or insufficient, the market potential study may also rely on or be supplemented by data from secondary sources and relevant data from other geographic regions;

3. Be prepared by an independent third party. The utility shall provide oversight and guidance to the independent market potential contractor, but shall not influence the independent market potential study contractor's reports; and

4. Include an estimate of the achievable potential, regardless of cost-effectiveness, of energy savings from low-income demand-side programs. Energy savings from multifamily buildings that house low-income households may count toward this target.

(4) Applications for Approval of Electric Utility Demand-Side Programs or Portfolio. Pursuant to the provisions of this rule, 4 CSR 240-2.060, and section 393.1075, RSMo, an electric utility may file an application with the commission for approval of a demand-side portfolio.

(B) As part of its application for approval of demand-side programs, the electric utility shall file or provide a reference to the commission case that contains any of the following information. All models and spreadsheets shall be provided as executable versions in native format with all links and formulas intact:

1. A current market potential study. If the market potential study of the electric utility that is filing for approval of demand-side programs or a demand-side portfolio encompasses more than just the utility's service territory, the sampling methodology shall reflect the utility's service territory and shall provide statistically significant results for that utility:

A. Complete documentation of all assumptions, definitions, methodologies, sampling techniques, and other aspects of the current market potential study;

B. Clear description of the process used to identify the broadest possible list of measures and groups of measures for consideration;

2. Clear description of the process and assumptions used to determine technical potential, economic potential, maximum achievable potential, and realistic achievable potential for a twenty- (20-) year planning horizon for major end-use groups (e.g., lighting, space heating, space cooling, refrigeration, motor drives, etc.) for each customer class; and

3. Identification and discussion of the twenty- (20-) year baseline energy and demand forecasts. If the baseline energy and demand

forecasts in the current market potential study differ from the baseline forecasts in the utility's most recent 4 CSR 240-22 triennial compliance filing, the current market potential study shall provide a comparison of the two (2) sets of forecasts and a discussion of the reasons for any differences between the two (2) sets of forecasts. The twenty- (20-) year baseline energy and demand forecasts shall account for the following:

A. Discussion of the treatment of all of the utility's customers who have opted out;

B. Future changes in building codes and/or appliance efficiency standards;

C. Changes in naturally occurring customer combined heat and power applications;

D. Third party and other naturally occurring demand-side savings; and

E. The increasing efficiency of advanced technologies.

(C) Demonstration of cost-effectiveness for each demand-side program and for the total of all demand-side programs of the utility. At a minimum, the electric utility shall provide all workpapers, with all models and spreadsheets provided as executable versions in native format with all links and formulas intact, and include:

1. The total resource cost (TRC) test and a detailed description of the utility's avoided costs calculations and all assumptions used in the calculation;

2. The utility shall also include calculations for the utility cost test, the participant test, the RIM test, and the societal cost test;

3. The impacts on annual revenue requirements and net present value of annual revenue requirements as a result of the integration analysis in accordance with 4 CSR 240-22.060 over the twenty- (20-) year planning horizon; and

4. The impacts from all demand-side programs included in the application on any postponement of new supply-side resources and the early retirement of existing supply-side resources, including annual and net present value of any lost utility earnings related thereto.

(D) Detailed description of each proposed demand-side program, including all workpapers with all models and spreadsheets provided as executable versions in native format with all links and formulas intact, to include at least:

1. Customers targeted;

2. Measures and services included;

3. Customer incentives ranges;

4. Proposed promotional techniques;

5. Specification of whether the demand-side program will be administered by the utility or a contractor;

6. Projected gross and net annual and lifetime energy savings;

7. Proposed energy savings targets;

8. Projected gross and net annual demand savings;

9. Proposed demand savings targets;

10. Net-to-gross factors;

11. Size of the potential market and projected penetration rates;

12. Any market transformation elements included in the demand-side program and an evaluation, measurement, and verification (EM&V) plan for estimating, measuring, and verifying the energy and demand savings that the market transformation efforts are expected to achieve;

13. EM&V plan including at least the proposed evaluation schedule and the proposed approach to achieving the evaluation goals pursuant to 4 CSR 240-20.093(7);

14. Budget information in the following categories:

A. Administrative costs listed separately for the utility and/or program administrator;

B. Demand-side program incentive costs;

C. Estimated equipment and installation costs, including any customer contributions;

D. EM&V costs; and

E. Miscellaneous itemized costs, some of which may be an allocation of total costs for overhead items such as the market potential study or the statewide technical reference manual;

15. Description of all strategies used to minimize free riders;

16. Description of all strategies used to maximize spillover; and

17. For demand-side program plans, the proposed implementation schedule of individual demand-side programs.

(G) Designation of Program Pilots. For demand-side programs designed to operate on a limited basis for evaluation purposes before full implementation (program pilot), the utility shall provide as much of the information required under subsections (2)(C) through (E) of this rule as is practical and shall include explicit questions that the program pilot will address, the means and methods by which the utility proposes to address the questions the program pilot is designed to address, a provisional cost-effectiveness evaluation if the program is subject to a cost-effectiveness test under section 393.1075.4, RSMo, the proposed geographic area, and duration for the program pilot.

(H) Any existing demand-side program with tariff sheets in effect prior to the effective date of this rule shall be included in the initial application for approval of demand-side programs if the utility intends for unrecovered and/or new costs related to the existing demand-side program be included in the DSIM. The commission shall approve, approve with modification acceptable to the electric utility, or reject such applications for approval of demand-side program plans within one hundred twenty (120) days of the filing of an application under this section only after providing the opportunity for a hearing. In the case of a utility filing an application for approval of an individual demand-side program, the commission shall approve, approve with modification acceptable to the electric utility, or reject applications within sixty (60) days of the filing of an application under this section only after providing the opportunity for a hearing.

(I) The commission shall consider the TRC test a preferred cost-effectiveness test. For demand-side programs and program plans that have a TRC test ratio greater than one (1), the commission shall approve demand-side programs or program plans, budgets, and demand and energy savings targets for each demand-side program it approves, provided it finds that the utility has met the filing and submission requirements of this rule and the demand-side programs—

1. Are consistent with a goal of achieving all cost-effective demand-side savings;

2. Have reliable evaluation, measurement, and verification plans; and

3. Are included in the electric utility's preferred plan or have been analyzed through the integration process required by 4 CSR 240-22.060 to determine the impact of the demand-side programs and program plans on the net present value of revenue requirements of the electric utility.

(J) The commission shall approve demand-side programs targeted to low-income customers or general education campaigns, if the commission determines that the utility has met the filing and submission requirements of this rule, the demand-side programs are in the public interest, and the demand-side programs meet the requirements stated in subsection (4)(I). If a demand-side program is targeted to low-income customers, the electric utility must also state how the electric utility will assess the expected and actual effect of the demand-side program on the utility's bad debt expenses, customer arrearages, and disconnections.

(K) The commission shall approve demand-side programs which have a TRC test ratio less than one (1), if the commission finds the utility has met the filing and submission requirements of this rule and the costs of such demand-side programs above the level determined to be cost-effective are funded by the customers participating in the demand-side programs or through tax or other governmental credits or incentives specifically designed for that purpose and meet the requirements as stated in subsection (4)(I).

(5) Applications for Approval of Modifications to Electric Utility Demand-Side Programs.

(A) Pursuant to the provisions of this rule, 4 CSR 240-2.060, and section 393.1075, RSMo, an electric utility—

1. Shall file an application with the commission for modification of demand-side programs when there is a variance of twenty percent (20%) or more in the budget approved by the commission under subsection (4)(I) or other commission order(s) and/or any demand-side program design modification which is no longer covered by the approved tariff sheets for the demand-side program;

2. The application shall include a complete, reasonably detailed, explanation for and documentation of the proposed modifications to each of the filing requirements in section (3). All models and spreadsheets shall be provided as executable versions in native format with all links and formulas intact;

3. The electric utility shall serve a copy of its application to all parties to the case under which the demand-side programs were approved;

4. The parties shall have thirty (30) days from the date of filing of an application to object to the application to modify;

5. If no objection is raised within thirty (30) days, the commission shall approve, approve with modification acceptable to the electric utility, or reject such applications for approval of modification of demand-side programs within forty-five (45) days of the filing of an application under this section, subject to the same guidelines as established in subsection (4)(I);

6. If objections to the application are raised, the commission shall provide the opportunity for a hearing.

(B) For any demand-side program design modifications approved by the commission, the utility shall file for and receive approval of associated tariff sheets prior to implementation of approved modifications.

(6) Applications for Approval to Discontinue Electric Utility Demand-Side Programs. Pursuant to the provisions of this rule, 4 CSR 240-2.060, and section 393.1075, RSMo, an electric utility may file an application with the commission to discontinue demand-side programs.

(A) The application shall include the following information. All models and spreadsheets shall be provided as executable versions in native format with all links and formulas intact.

1. Complete, reasonably detailed explanation for the utility's decision to request to discontinue a demand-side program.

2. EM&V reports for the demand-side program in question, if available.

3. Date by which a final EM&V report for the demand-side program in question will be filed.

(B) If the TRC calculated for a demand-side program not targeted to low-income customers or a general education campaign is not cost-effective, the electric utility shall identify the causes why and present possible demand-side program modifications that could make the demand-side program cost-effective. If analysis of these modified demand-side program designs suggests that none would be cost-effective, the demand-side program may be discontinued. In this case, the utility shall describe how it intends to end the demand-side program and how it intends to achieve the energy and demand savings initially estimated for the discontinued demand-side program. Nothing herein requires utilities to end any demand-side program which is subject to a cost-effectiveness test deemed not cost-effective immediately. Utilities proposal for any discontinuation of a demand-side program should consider, but not be limited to: the potential impact on the market for energy efficiency services in its territory; the potential impact to vendors and the utilities relationship with vendors; the potential disruption to the market and to customer outreach efforts from immediate starting and stopping of demand-side programs; and whether the long term prospects indicate that continued pursuit of a demand-side program will result in a long-term cost-effective benefit to ratepayers.

(C) The commission shall approve or reject such applications for discontinuation of utility demand-side programs within thirty (30) days of the filing of an application under this section only after providing an opportunity for a hearing.

(7) Provisions for Customers to Opt-Out of Participation in Utility Demand-Side Programs.

(A) Any customer meeting one (1) or more of the following criteria shall be eligible to opt-out of participation in utility-offered demand-side programs:

1. The customer has one (1) or more accounts within the service territory of the electric utility that has a demand of five thousand (5,000) kW or more;

2. The customer operates an interstate pipeline pumping station, regardless of size; or

3. The customer has accounts within the service territory of the electric utility that have, in aggregate across its accounts, a coincident demand of two thousand five hundred (2,500) kW or more in the previous twelve (12) months, and the customer has a comprehensive demand-side or energy efficiency program and can demonstrate an achievement of savings at least equal to those expected from utility-provided demand-side programs. The customer shall submit to commission staff sufficient documentation to demonstrate compliance with these criteria, including, but not limited to:

A. Lists of all energy efficiency measures with work papers to show energy savings and demand savings. This can include engineering studies, cost benefit analysis, etc.;

B. Documentation of anticipated lifetime of installed energy efficiency measures;

C. Invoices and payment requisition papers;

(B) For utilities with automated meter reading and/or advanced metering infrastructure capability, the measure of demand is the customer coincident highest billing demand of the individual accounts during the twelve (12) months preceding the opt-out notification.

(C) Any confidential business information submitted as documentation shall be clearly designated as such in accordance with 4 CSR 240-2.135.

(D) Opt-out in accordance with paragraphs (7)(A)1., 2., and 3. shall be in effect for ten years, beginning with the calendar year subsequent to the submission of the opt-out.

(E) Written notification of opt-out from customers meeting the criteria under paragraph (7)(A)1. or 2. shall be sent to the utility serving the customer. Written notification of opt-out from customers meeting the criteria under paragraph (7)(A)3. shall be sent to the utility serving the customer and the manager of the energy resources department of the commission or submitted through the commission's electronic filing and information system (EFIS) as a non-case-related filing. In instances where only the utility is provided notification of opt-out from customers meeting the criteria under paragraph (7)(A)3., the utility shall forward a copy of the written notification to the manager of the energy resources department of the commission and submit the notice of opt-out through EFIS as a non-case-related filing.

(F) Written notification of opt-out from customer shall include at a minimum:

1. Customer's legal name;

2. Identification of location(s) and utility account number(s) of accounts for which the customer is requesting to opt-out from demand-side program's benefits and costs; and

3. Demonstration that the customer qualifies for opt-out.

(G) For customers filing notification of opt-out under paragraph (7)(A)1. or 2., notification of the utility's acknowledgement or plan to dispute a customer's notification to opt-out of participation in demand-side programs shall be delivered in writing to the customer and to the staff within thirty (30) days of when the utility received the written notification of opt-out from the customer.

(H) For customers filing notification of opt-out under paragraph (7)(A)3., the staff will make the determination of whether the customer meets the criteria of paragraph (7)(A)3. Notification of the staff's acknowledgement or disagreement with customer's qualification to opt-out of participation in demand-side programs shall be delivered to the customer and to the utility within thirty (30) days of when the staff received complete documentation of compliance with paragraph (7)(A)3.

(I) Timing and Effect of Opt-Out Provisions.

1. A customer notice of opt-out shall be received by the utility no earlier than September 1 and not later than October 30 to be effective for the following calendar year.

2. For that calendar year in which the customer receives acknowledgement of opt-out and each successive calendar year until the customer revokes the notice pursuant to subsection (7)(K), or the customer is notified that it no longer satisfies the requirements of paragraphs (7)(A)1., 2., or 3., none of the costs of approved demand-side programs of an electric utility offered pursuant to 4 CSR 240-20.093, 4 CSR 240-20.094, or by other authority and no other charges implemented in accordance with section 393.1075, RSMo, shall be assigned to any account of the customer, including its affiliates and subsidiaries listed on the customer's written notification of opt-out.

(J) Dispute Notices. If the utility or staff provides notice that a customer does not meet the opt-out criteria to qualify for opt-out or renewal of opt-out, the customer may file a complaint with the commission. The commission shall provide notice and an opportunity for a hearing to resolve any dispute.

(K) Revocation. A customer may revoke an opt-out by providing written notice to the utility and commission two to four (2–4) months in advance of the calendar year for which it will become eligible for the utility's demand-side programs' costs and benefits. Any customer revoking an opt-out to participate in demand-side programs will be required to remain in the demand-side program(s) for the number of years over which the cost of that demand-side program(s) is being recovered, or until the cost of their participation in the demand-side program(s) has been recovered.

(L) A customer who participates in demand-side programs initiated after August 1, 2009, shall be required to participate in demand-side programs funding for a period of three (3) years following the last date when the customer received a demand-side incentive or a service. Participation shall be determined based on premise location regardless of the ownership of the premise.

(M) A customer electing not to participate in an electric utility's demand-side programs under this section shall still be allowed to participate in interruptible or curtailable rate schedules or tariffs offered by the electric utility.

(8) Database of Participants.

(A) The electric utility shall maintain a database of participants of all demand-side programs offered by the utility when such demand-side programs offer a monetary incentive to the customer including the following information:

1. The name of the participant, or the names of the principals if for a company;

2. The service property address; and

3. The date of and amount of the monetary incentive received.

(B) Upon request by the commission or staff, the utility shall disclose participant information in subsection (8)(A) to the commission and/or staff.

(9) Collaborative Guidelines.

(B) State-Wide Collaborative.

1. Electric utilities and their stakeholders shall formally establish a state-wide advisory collaborative. The collaborative shall—

A. Develop statewide protocols for evaluation, measurement, and verification of energy efficiency savings, no later than December 31, 2018, and update those protocols annually thereafter;

B. Establish individual working groups to address the creation of the specific deliverables of the collaborative; and

C. Create a semi-annual forum for discussing and resolving statewide policy issues, wherein utilities may share lessons learned from demand-side program planning and implementation, and wherein stakeholders may provide input on how to implement the recommendations of the individual working groups;

D. Explore other opportunities.

2. Within sixty (60) days of the effective date of this rule, commission staff shall file, with the commission, a charter for the statewide advisory collaborative.

3. Collaborative meetings shall occur at least semi-annually. Additional meetings or conference calls will be scheduled as needed. Staff shall schedule the meetings, provide notice of the meetings, and any interested persons may attend such meetings.

(10) Statewide Technical Reference Manual (statewide TRM).

(A) The statewide TRM shall be submitted to the commission for review.

1. The commission may either approve or reject the proposed statewide TRM.

2. If the commission rejects the proposed statewide TRM, stakeholders may propose solutions to address the commission concerns and, the commission may approve the solution(s) that shall be incorporated in the statewide TRM. Stakeholders may submit a revised statewide TRM within ninety (90) days of an order providing direction on the solution(s) to be incorporated in the statewide TRM.

(B) Upon approval of the initial statewide TRM, the commission may begin the process of securing a vendor to provide an electronic, web-based platform that will facilitate annual updates and the tracking of the updates.

1. Funding for the electronic platform and annual updates shall be provided by investor-owned utilities without MEEIA programs through their Public Service Commission assessment and by investor-owned utilities with MEEIA programs through their cost recovery component of a DSIM.

(C) The statewide TRM shall be updated by December 31 of each year following commission approval of the initial statewide TRM.

1. Staff shall be responsible for coordinating the process to update the statewide TRM.

A. No later than July 1 of each year, staff shall convene one (1) or more stakeholder meetings to seek input on revisions to the TRM.

2. Annual updates shall be submitted to the commission for review no later than September 1 of each year.

A. The commission may either approve or reject the proposed revisions no later than October 1 of each year.

B. If the commission rejects the proposed statewide TRM, stakeholders shall propose solutions to address the commission concerns, and the commission may approve the solution(s) that shall be incorporated in the annual update. Stakeholders shall submit a revised statewide TRM within thirty (30) days of an order providing directions on the solution(s) to be incorporated in the annual update.

(D) The commission may consider the appropriateness of using an approved statewide TRM in each utility's application for approval of demand-side programs.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 100—Secretary of State—Notary Commissions

ORDER OF RULEMAKING

By the authority vested in the secretary of state's office under section 486.385.2, RSMo 2016, the secretary amends a rule as follows:

15 CSR 30-100.010 Revocation and/or Suspension of Notary Commission **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2017 (42 MoReg 782–783). 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 30—Secretary of State
Chapter 100—Secretary of State—Notary Commissions

ORDER OF RULEMAKING

By the authority vested in the secretary of state's office under section 486.385.2, RSMo 2016, the secretary adopts a rule as follows:

15 CSR 30-100.015 Request for Hearing on Suspension **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2017 (42 MoReg 783). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule 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 30—Secretary of State
Chapter 100—Secretary of State—Notary Commissions

ORDER OF RULEMAKING

By the authority vested in the secretary of state's office under section 486.385.2, RSMo 2016, the secretary amends a rule as follows:

15 CSR 30-100.020 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2017 (42 MoReg 783–784). The subsection with changes is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) staff comment was received. No other comments were received.

COMMENT #1: A staff member of the Office of Secretary of State noted that in subsection (2)(C), there is a reference to a hearing on suspension, but the rule is about hearings on revocations.
RESPONSE AND EXPLANATION OF CHANGE: Staff agrees that this is an error and is changing the word suspension to revocation in subsection (2)(C).

15 CSR 30-100.020 Notice of Revocation and Request for a Hearing

(2) When a notary has received a notice of revocation, the notary may request a hearing on the revocation.

(C) If the notary desires the hearing on the revocation to be conducted by telephone, the notary must include that request in his/her request for hearing and provide the telephone number that the notary will use during the hearing.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 100—Secretary of State—Notary Commissions

ORDER OF RULEMAKING

By the authority vested in the secretary of state's office under section 486.385.2, RSMo 2016, the secretary amends a rule as follows:

15 CSR 30-100.030 Response to Notice of Revocation **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2017 (42 MoReg 784). 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 30—Secretary of State
Chapter 100—Secretary of State—Notary Commissions

ORDER OF RULEMAKING

By the authority vested in the secretary of state's office under section 486.385.2, RSMo 2016, the secretary rescinds a rule as follows:

15 CSR 30-100.040 Prehearing Conference **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 15, 2017 (42 MoReg 784). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 100—Secretary of State—Notary Commissions

ORDER OF RULEMAKING

By the authority vested in the secretary of state's office under section 486.385.2, RSMo 2016, the secretary rescinds a rule as follows:

15 CSR 30-100.050 Subpoenas **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 15, 2017 (42 MoReg 784). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 100—Secretary of State—Notary Commissions

ORDER OF RULEMAKING

By the authority vested in the secretary of state's office under section 486.385.2, RSMo 2016, the secretary amends a rule as follows:

15 CSR 30-100.060 Hearings **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2017 (42 MoReg 785). 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 30—Secretary of State
Chapter 100—Secretary of State—Notary Commissions

ORDER OF RULEMAKING

By the authority vested in the secretary of state's office under sections 486.310 and 486.385.2, RSMo 2016, the secretary amends a rule as follows:

15 CSR 30-100.070 Surrender of Commission **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2017 (42 MoReg 785–786). 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 30—Secretary of State
Chapter 100—Secretary of State—Notary Commissions

ORDER OF RULEMAKING

By the authority vested in the secretary of state's office under section 486.385.2, RSMo 2016, the secretary amends a rule as follows:

15 CSR 30-100.080 Appeal **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2017 (42 MoReg 786). 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 60—Attorney General
Chapter 16—Human Trafficking

ORDER OF RULEMAKING

By the authority vested in the Attorney General under section 407.020, RSMo 2016, the Attorney General adopts a rule as follows:

15 CSR 60-16.010 Definitions **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2017 (42 MoReg 717–718). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Attorney General did not receive any comments on the proposed rule.

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 16—Human Trafficking

ORDER OF RULEMAKING

By the authority vested in the Attorney General under section 407.020, RSMo 2016, the Attorney General adopts a rule as follows:

15 CSR 60-16.020 Unlawful Debt-Bondage Relationships **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2017 (42 MoReg 718). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Attorney General did not receive any comments on the proposed rule.

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 16—Human Trafficking

ORDER OF RULEMAKING

By the authority vested in the Attorney General under section 407.020, RSMo 2016, the Attorney General adopts a rule as follows:

15 CSR 60-16.030 Deceptively Inducing Participation in Commercial Sexual Conduct or Involuntary Servitude **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2017 (42 MoReg 718–719). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Attorney General did not receive any comments on the proposed rule.

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 16—Human Trafficking

ORDER OF RULEMAKING

By the authority vested in the Attorney General under section 407.020, RSMo 2016, the Attorney General adopts a rule as follows:

15 CSR 60-16.040 Conducting Sex Trafficking Under False Pretenses **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2017 (42 MoReg 719). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Attorney General did not receive any comments on the proposed rule.

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 16—Human Trafficking

ORDER OF RULEMAKING

By the authority vested in the Attorney General under section

407.020, RSMo 2016, the Attorney General adopts a rule as follows:

15 CSR 60-16.050 Conducting Labor Trafficking Under False Pretenses **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2017 (42 MoReg 719–720). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Attorney General did not receive any comments on the proposed rule.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2200—State Board of Nursing
Chapter 8—Minimum Standards for Approved Veteran's Bridge Programs of Practical Nursing

ORDER OF RULEMAKING

By the authority vested in the State Board of Nursing under sections 324.007 and 335.036, RSMo 2016, the board adopts a rule as follows:

20 CSR 2200-8.001 Definitions **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2017 (42 MoReg 786–787). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2200—State Board of Nursing
Chapter 8—Minimum Standards for Approved Veteran's Bridge Programs of Practical Nursing

ORDER OF RULEMAKING

By the authority vested in the State Board of Nursing under sections 324.007 and 335.036, RSMo 2016, the board adopts a rule as follows:

20 CSR 2200-8.010 Approval **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2017 (42 MoReg 787–789). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2200—State Board of Nursing
Chapter 8—Minimum Standards for Approved Veteran's Bridge Programs of Practical Nursing

ORDER OF RULEMAKING

By the authority vested in the State Board of Nursing under sections 324.007 and 335.036, RSMo 2016, the board adopts a rule as follows:

20 CSR 2200-8.020 Discontinuing and Reopening Programs **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2017 (42 MoReg 790). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2200—State Board of Nursing
Chapter 8—Minimum Standards for Approved Veteran's Bridge Programs of Practical Nursing

ORDER OF RULEMAKING

By the authority vested in the State Board of Nursing under sections 324.007 and 335.036, RSMo 2016, the board adopts a rule as follows:

20 CSR 2200-8.030 Change in Sponsorship **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2017 (42 MoReg 790). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2200—State Board of Nursing
Chapter 8—Minimum Standards for Approved Veteran's Bridge Programs of Practical Nursing

ORDER OF RULEMAKING

By the authority vested in the State Board of Nursing under sections 324.007 and 335.036, RSMo 2016, the board adopts a rule as follows:

20 CSR 2200-8.035 Multiple Campuses **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2017 (42 MoReg 790–791). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes

effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2200—State Board of Nursing
Chapter 8—Minimum Standards for Approved Veteran's Bridge Programs of Practical Nursing

ORDER OF RULEMAKING

By the authority vested in the State Board of Nursing under sections 324.007 and 335.036, RSMo 2016, the board adopts a rule as follows:

20 CSR 2200-8.040 Program Changes Requiring Board Approval, Notification, or Both **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2017 (42 MoReg 791). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2200—State Board of Nursing
Chapter 8—Minimum Standards for Approved Veteran's Bridge Programs of Practical Nursing

ORDER OF RULEMAKING

By the authority vested in the State Board of Nursing under sections 324.007 and 335.036, RSMo 2016, the board adopts a rule as follows:

20 CSR 2200-8.050 Organization and Administration of an Approved Program of Practical Nursing **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2017 (42 MoReg 791–792). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2200—State Board of Nursing
Chapter 8—Minimum Standards for Approved Veteran's Bridge Programs of Practical Nursing

ORDER OF RULEMAKING

By the authority vested in the State Board of Nursing under sections 324.007 and 335.036, RSMo 2016, the board adopts a rule as follows:

20 CSR 2200-8.060 Administrator/Faculty **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2017 (42 MoReg 792–793). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2200—State Board of Nursing
Chapter 8—Minimum Standards for Approved Veteran's Bridge Programs of Practical Nursing

ORDER OF RULEMAKING

By the authority vested in the State Board of Nursing under sections 324.007 and 335.036, RSMo 2016, the board adopts a rule as follows:

20 CSR 2200-8.070 Physical Facilities and Instructional Resources **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2017 (42 MoReg 793–794). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2200—State Board of Nursing
Chapter 8—Minimum Standards for Approved Veteran's Bridge Programs of Practical Nursing

ORDER OF RULEMAKING

By the authority vested in the State Board of Nursing under sections 324.007 and 335.036, RSMo 2016, the board adopts a rule as follows:

20 CSR 2200-8.080 Clinical Experiences **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2017 (42 MoReg 794). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2200—State Board of Nursing
Chapter 8—Minimum Standards for Approved Veteran's Bridge Programs of Practical Nursing

ORDER OF RULEMAKING

By the authority vested in the State Board of Nursing under sections 324.007 and 335.036, RSMo 2016, the board adopts a rule as follows:

20 CSR 2200-8.085 Preceptors **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2017 (42 MoReg 794–795). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2200—State Board of Nursing
Chapter 8—Minimum Standards for Approved Veteran's Bridge Programs of Practical Nursing

ORDER OF RULEMAKING

By the authority vested in the State Board of Nursing under sections 324.007 and 335.036, RSMo 2016, the board adopts a rule as follows:

20 CSR 2200-8.090 Students **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2017 (42 MoReg 795). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2200—State Board of Nursing
Chapter 8—Minimum Standards for Approved Veteran's Bridge Programs of Practical Nursing

ORDER OF RULEMAKING

By the authority vested in the State Board of Nursing under sections 324.007 and 335.036, RSMo 2016, the board adopts a rule as follows:

20 CSR 2200-8.100 Educational Program **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2017 (42 MoReg 795–798). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2200—State Board of Nursing
Chapter 8—Minimum Standards for Approved Veteran's Bridge Programs of Practical Nursing

ORDER OF RULEMAKING

By the authority vested in the State Board of Nursing under sections 324.007 and 335.036, RSMo 2016, the board adopts a rule as follows:

20 CSR 2200-8.110 Records **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2017 (42 MoReg 798). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2200—State Board of Nursing
Chapter 8—Minimum Standards for Approved Veteran's Bridge Programs of Practical Nursing

ORDER OF RULEMAKING

By the authority vested in the State Board of Nursing under sections 324.007 and 335.036, RSMo 2016, the board adopts a rule as follows:

20 CSR 2200-8.120 Publications **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2017 (42 MoReg 798–799). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2200—State Board of Nursing
Chapter 8—Minimum Standards for Approved Veteran's Bridge Programs of Practical Nursing

ORDER OF RULEMAKING

By the authority vested in the State Board of Nursing under sections 324.007 and 335.036, RSMo 2016, the board adopts a rule as follows:

20 CSR 2200-8.130 Program Evaluation **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2017 (42 MoReg 799). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2200—State Board of Nursing
Chapter 8—Minimum Standards for Approved Veteran's Bridge Programs of Practical Nursing

ORDER OF RULEMAKING

By the authority vested in the State Board of Nursing under sections 324.007 and 335.036, RSMo 2016, the board adopts a rule as follows:

20 CSR 2200-8.180 Licensure Examination Performance **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2017 (42 MoReg 799–800). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2230—State Board of Podiatric Medicine
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Podiatric Medicine under sections 330.095 and 330.140, RSMo 2016, the board amends a rule as follows:

20 CSR 2230-2.070 Fees **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2017 (42 MoReg 800–804). 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.

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 adrules.dissolutions@sos.mo.gov.

Notice of Winding Up of Limited Liability Company to All Creditors of and All Claimants Against CBKC Investment Fund VII, LLC

On July 17, 2017, CBKC Investment Fund VII, LLC, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company must be sent to: CBKC Investment Fund VII, LLC c/o The Curators of the University of Missouri, Attn: Steven R. Wild, Office of General Counsel, 227 University Hall, Columbia, Missouri 65211. Each claim must include the name, address and phone number of the claimant; the amount and nature of the claim; the date on which the claim arose; and any claim documentation.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the date of publication of this notice.

NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY

NOTICE OF DISSOLUTION IS HEREBY GIVEN TO ALL CREDITORS OF AND CLAIMANTS AGAINST SA Registered Agents, LLC, a Missouri limited liability company. On June 23, 2017, SA Registered Agents, LLC filed Articles of Termination for Limited Liability Company.

All persons and organizations 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
- iii) Documentation of the claim

B) The claim must be mailed to the attorney for the corporation: Brad Goss, SmithAmundsen LLC, 120 S. Central Ave., Suite 700, St. Louis, MO 63105.

A claim against the limited liability company will be barred unless a proceeding to enforce the claim is commenced within three years after the publication date of this notice as required by statute.

Notice of Winding Up for Limited Liability Company

1. The name of the limited liability company is SOUTHERN NEW ENGLAND EGGS, L.L.C. Charter # LC0047703; 2. The articles of organization for the limited liability company were filed on the following date: 2/14/2001; 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; iii. Documentation of the claim. B. Claims must be mailed to: Moark LLC, Attn: Law Dept, PO Box 64101; MS 2500, St. Paul, Minnesota 55164; 4. A claim against the limited liability company will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of the notice.

NOTICE OF WINDING UP AND DISSOLUTION

TO ALL CREDITORS AND CLAIMANTS AGAINST

Harrison & Howard Advisors, LLC

Harrison & Howard Advisors, LLC a Missouri Limited Liability Company filed it Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State On July 17, 2017. Any and all claims against Healthcare Connect United, LLC may be sent to P.O. Box 313, Ballwin, MO. Each claim should include the following information: the name, address and telephone number of each claimant; the amount of the claim; the basis for the claim; the date(s) on which the claim is based occurred; any documentation supporting the claim.

Any and all claims against Harrison & Howard Advisors, LLC will be barred unless a proceeding to enforce such claim is commenced with three (3) years after the date this notice is published.

Rule Changes Since Update to Code of State Regulations

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—41 (2016) and 42 (2017). 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, RAN indicates a rule action notice, 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				41 MoReg 1477
1 CSR 20-5.015	Personnel Advisory Board and Division of Personnel		41 MoReg 1538		
1 CSR 20-5.020	Personnel Advisory Board and Division of Personnel		41 MoReg 1539		
	DEPARTMENT OF AGRICULTURE				
2 CSR 30-10.010	Animal Health	42 MoReg 709	42 MoReg 712	This Issue	
2 CSR 80-5.010	State Milk Board		42 MoReg 712	42 MoReg 1202	
2 CSR 90-10	Weights, Measures and Consumer Protection				42 MoReg 1203
2 CSR 90-10.012	Weights, Measures and Consumer Protection		42 MoReg 713	This Issue	
2 CSR 90-10.013	Weights, Measures and Consumer Protection		42 MoReg 713	This Issue	
2 CSR 90-10.014	Weights, Measures and Consumer Protection		42 MoReg 714	This Issue	
2 CSR 90-10.120	Weights, Measures and Consumer Protection		42 MoReg 716	This Issue	
2 CSR 100-12.010	Missouri Agricultural and Small Business Development Authority		42 MoReg 1027		
	DEPARTMENT OF CONSERVATION				
3 CSR 10-4.137	Conservation Commission		42 MoReg 381	42 MoReg 977	
3 CSR 10-4.140	Conservation Commission		42 MoReg 381	42 MoReg 977	
3 CSR 10-4.200	Conservation Commission		42 MoReg 382	42 MoReg 977	42 MoReg 1113
3 CSR 10-5.220	Conservation Commission		42 MoReg 382	42 MoReg 977	
3 CSR 10-6.415	Conservation Commission		42 MoReg 382	42 MoReg 978	
3 CSR 10-7.431	Conservation Commission		42 MoReg 962	42 MoReg 978	
3 CSR 10-7.432	Conservation Commission		42 MoReg 962		
3 CSR 10-7.433	Conservation Commission		N.A.	42 MoReg 978	
3 CSR 10-7.434	Conservation Commission		N.A.	42 MoReg 978	
3 CSR 10-7.435	Conservation Commission		N.A.	42 MoReg 979	
3 CSR 10-7.437	Conservation Commission		N.A.	42 MoReg 979	
3 CSR 10-7.455	Conservation Commission		42 MoReg 963		42 MoReg 220
3 CSR 10-10.715	Conservation Commission		42 MoReg 383	42 MoReg 979	
3 CSR 10-11.115	Conservation Commission		42 MoReg 384	42 MoReg 980	
3 CSR 10-11.130	Conservation Commission		42 MoReg 384	42 MoReg 980	
3 CSR 10-11.155	Conservation Commission		42 MoReg 384	42 MoReg 980	
3 CSR 10-11.180	Conservation Commission		42 MoReg 385	42 MoReg 980	
3 CSR 10-11.186	Conservation Commission		42 MoReg 386	42 MoReg 980	
3 CSR 10-12.109	Conservation Commission		42 MoReg 387	42 MoReg 980	
3 CSR 10-12.110	Conservation Commission		42 MoReg 387	42 MoReg 981	
3 CSR 10-12.115	Conservation Commission		42 MoReg 387	42 MoReg 981	
3 CSR 10-12.130	Conservation Commission		42 MoReg 388	42 MoReg 981	
3 CSR 10-12.135	Conservation Commission		42 MoReg 388	42 MoReg 981	
	DEPARTMENT OF ECONOMIC DEVELOPMENT				
4 CSR 240-3.163	Public Service Commission		This IssueR		
4 CSR 240-3.164	Public Service Commission		This IssueR		
4 CSR 240-18.010	Public Service Commission		This Issue		
4 CSR 240-20.092	Public Service Commission		42 MoReg 160	This Issue	
4 CSR 240-20.093	Public Service Commission		42 MoReg 162	This Issue	
4 CSR 240-20.094	Public Service Commission		42 MoReg 168	This Issue	
4 CSR 240-120.011	Public Service Commission		42 MoReg 1145		
4 CSR 240-120.031	Public Service Commission		42 MoReg 1146		
4 CSR 240-120.060	Public Service Commission		42 MoReg 1146		
4 CSR 240-120.065	Public Service Commission		42 MoReg 1147		
4 CSR 240-120.070	Public Service Commission		42 MoReg 1151		
4 CSR 240-120.080	Public Service Commission		42 MoReg 1151		
4 CSR 240-120.085	Public Service Commission		42 MoReg 1151		
4 CSR 240-120.090	Public Service Commission		42 MoReg 1156		
4 CSR 240-120.100	Public Service Commission		42 MoReg 1158		
4 CSR 240-120.110	Public Service Commission		42 MoReg 1158		
4 CSR 240-120.120	Public Service Commission		42 MoReg 1159		
4 CSR 240-120.130	Public Service Commission		42 MoReg 1159		
4 CSR 240-120.140	Public Service Commission		42 MoReg 1160		
4 CSR 240-121.010	Public Service Commission		42 MoReg 1161		
4 CSR 240-121.020	Public Service Commission		42 MoReg 1161		
4 CSR 240-121.030	Public Service Commission		42 MoReg 1162		
4 CSR 240-121.040	Public Service Commission		42 MoReg 1163		
4 CSR 240-121.050	Public Service Commission		42 MoReg 1163		
4 CSR 240-121.060	Public Service Commission		42 MoReg 1164		
4 CSR 240-121.180	Public Service Commission		42 MoReg 1164		
4 CSR 240-123.010	Public Service Commission		42 MoReg 1164		
4 CSR 240-123.020	Public Service Commission		42 MoReg 1165		
4 CSR 240-123.030	Public Service Commission		42 MoReg 1166		
4 CSR 240-123.040	Public Service Commission		42 MoReg 1167		
4 CSR 240-123.050	Public Service Commission		42 MoReg 1169		
4 CSR 240-123.060	Public Service Commission		42 MoReg 1169		
4 CSR 240-123.065	Public Service Commission		42 MoReg 1170		
4 CSR 240-123.070	Public Service Commission		42 MoReg 1174		
4 CSR 240-123.080	Public Service Commission		42 MoReg 1174		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 240-123.090	Public Service Commission		42 MoReg 1175		
4 CSR 240-123.095	Public Service Commission		42 MoReg 1176		
4 CSR 240-124.010	Public Service Commission		42 MoReg 1180		
4 CSR 240-124.020	Public Service Commission		42 MoReg 1180		
4 CSR 240-124.030	Public Service Commission		42 MoReg 1180		
4 CSR 240-124.040	Public Service Commission		42 MoReg 1181		
4 CSR 240-124.045	Public Service Commission		42 MoReg 1182		
4 CSR 240-124.050	Public Service Commission		42 MoReg 1184		
4 CSR 240-124.060	Public Service Commission		42 MoReg 1185		
4 CSR 240-125.010	Public Service Commission		42 MoReg 1185		
4 CSR 240-125.020	Public Service Commission		42 MoReg 1186		
4 CSR 240-125.040	Public Service Commission		42 MoReg 1187		
4 CSR 240-125.050	Public Service Commission		42 MoReg 1187		
4 CSR 240-125.060	Public Service Commission		42 MoReg 1188		
4 CSR 240-125.070	Public Service Commission		42 MoReg 1189		
4 CSR 240-125.090	Public Service Commission		42 MoReg 1192		
4 CSR 240-126.010	Public Service Commission		42 MoReg 1192		
4 CSR 240-126.020	Public Service Commission		42 MoReg 1193		
4 CSR 240-127.010	Public Service Commission		42 MoReg 1194		
4 CSR 340-2	Division of Energy				41 MoReg 1440 42 MoReg 749
4 CSR 340-6.010	Division of Energy		41 MoReg 1908		
	DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION				
5 CSR 20-100.210	Division of Learning Services		42 MoReg 1071		
5 CSR 20-300.150	Division of Learning Services		42 MoReg 1072		
	DEPARTMENT OF HIGHER EDUCATION				
6 CSR 255-1.010	Fertilizer Control Board	42 MoReg 955	42 MoReg 964		
6 CSR 255-10.010	Fertilizer Control Board	42 MoReg 955	42 MoReg 964		
6 CSR 255-10.020	Fertilizer Control Board	42 MoReg 956	42 MoReg 967		
	DEPARTMENT OF TRANSPORTATION				
7 CSR	Department of Transportation				41 MoReg 845
7 CSR 10-18.020	Missouri Highways and Transportation Commission		42 MoReg 91		
7 CSR 10-19.010	Missouri Highways and Transportation Commission		42 MoReg 93R		
7 CSR 10-25.010	Missouri Highways and Transportation Commission				42 MoReg 987 42 MoReg 988 42 MoReg 988
7 CSR 60-2.010	Traffic and Highway Safety Division		41 MoReg 1688		
7 CSR 60-2.020	Traffic and Highway Safety Division		41 MoReg 1689		
7 CSR 60-2.030	Traffic and Highway Safety Division		41 MoReg 1690		
7 CSR 60-2.040	Traffic and Highway Safety Division		41 MoReg 1695		
7 CSR 60-2.050	Traffic and Highway Safety Division		41 MoReg 1699		
7 CSR 60-2.060	Traffic and Highway Safety Division		41 MoReg 1699		
	DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS				
8 CSR	Department of Labor and Industrial Relations				41 MoReg 845
	DEPARTMENT OF MENTAL HEALTH				
9 CSR	Department of Mental Health				41 MoReg 845
	DEPARTMENT OF NATURAL RESOURCES				
10 CSR	Department of Natural Resources				41 MoReg 845
10 CSR 10-6.250	Air Conservation Commission		40 MoReg 1023	41 MoReg 37	
	DEPARTMENT OF PUBLIC SAFETY				
11 CSR	Department of Public Safety				42 MoReg 990
11 CSR 30-16.010	Office of the Director		42 MoReg 180		
11 CSR 30-16.020	Office of the Director		42 MoReg 182		
11 CSR 45-4.020	Missouri Gaming Commission		41 MoReg 1543		
11 CSR 45-5.053	Missouri Gaming Commission		41 MoReg 1543		
11 CSR 45-9.120	Missouri Gaming Commission		41 MoReg 1544		
11 CSR 75-13.010	Peace Officer Standards and Training Program		42 MoReg 431	42 MoReg 1111	
11 CSR 75-13.060	Peace Officer Standards and Training Program		42 MoReg 432	42 MoReg 1111	
11 CSR 75-14.030	Peace Officer Standards and Training Program		42 MoReg 432	42 MoReg 1111	
11 CSR 75-15.010	Peace Officer Standards and Training Program		42 MoReg 432	42 MoReg 1111	
11 CSR 75-15.020	Peace Officer Standards and Training Program		42 MoReg 433 42 MoReg 1031	42 MoReg 1112	
	DEPARTMENT OF REVENUE				
12 CSR	Department of Revenue				42 MoReg 990
12 CSR 10-23.600	Director of Revenue	This Issue	42 MoReg 1196		
12 CSR 10-24.200	Director of Revenue		This Issue		
12 CSR 10-26.010	Director of Revenue		42 MoReg 781	42 MoReg 1202	
12 CSR 30-4.010	State Tax Commission		41 MoReg 160		
	DEPARTMENT OF SOCIAL SERVICES				
13 CSR	Department of Social Services				42 MoReg 990
13 CSR 35-32.010	Children's Division		42 MoReg 182R	42 MoReg 981R	
13 CSR 35-32.050	Children's Division		42 MoReg 183	42 MoReg 982	
13 CSR 35-32.060	Children's Division		42 MoReg 185	42 MoReg 982	
13 CSR 35-32.070	Children's Division		42 MoReg 187	42 MoReg 982	
13 CSR 35-32.080	Children's Division		42 MoReg 195	42 MoReg 983W	
13 CSR 35-32.090	Children's Division		42 MoReg 203	42 MoReg 983	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
13 CSR 35-32.100	Children's Division		42 MoReg 206	42 MoReg 985	
13 CSR 35-32.110	Children's Division		42 MoReg 206	42 MoReg 985	
13 CSR 35-32.120	Children's Division		42 MoReg 207	42 MoReg 985	
13 CSR 35-32.130	Children's Division		42 MoReg 208	42 MoReg 986	
13 CSR 40-2.030	Family Support Division	42 MoReg 1057	42 MoReg 1072		
13 CSR 40-8.020	Family Support Division	42 MoReg 1060	42 MoReg 1086		
13 CSR 65-3.050	Missouri Medicaid Audit and Compliance		42 MoReg 781		
13 CSR 70-10.016	MO HealthNet Division	41 MoReg 1054 This Issue	This Issue		
13 CSR 70-15.010	MO HealthNet Division	42 MoReg 1061	42 MoReg 1097		
13 CSR 70-15.110	MO HealthNet Division	42 MoReg 1063	42 MoReg 1101		
13 CSR 70-15.220	MO HealthNet Division		42 MoReg 209	42 MoReg 986	
13 CSR 110-2.140	Division of Youth Services		42 MoReg 716		
	DEPARTMENT OF CORRECTIONS				
14 CSR	Department of Corrections				42 MoReg 990
	ELECTED OFFICIALS				
15 CSR 30-3.010	Secretary of State	42 MoReg 956R	42 MoReg 967R		
15 CSR 30-3.020	Secretary of State	42 MoReg 957	42 MoReg 967		
15 CSR 30-3.030	Secretary of State	42 MoReg 958	42 MoReg 970		
15 CSR 30-3.040	Secretary of State	42 MoReg 958	42 MoReg 970		
15 CSR 30-3.050	Secretary of State	42 MoReg 959	42 MoReg 971		
15 CSR 30-3.100	Secretary of State	42 MoReg 960	42 MoReg 971		
15 CSR 30-100.010	Secretary of State		42 MoReg 782	This Issue	
15 CSR 30-100.015	Secretary of State		42 MoReg 783	This Issue	
15 CSR 30-100.020	Secretary of State		42 MoReg 783	This Issue	
15 CSR 30-100.030	Secretary of State		42 MoReg 784	This Issue	
15 CSR 30-100.040	Secretary of State		42 MoReg 784R	This IssueR	
15 CSR 30-100.050	Secretary of State		42 MoReg 784R	This IssueR	
15 CSR 30-100.060	Secretary of State		42 MoReg 785	This Issue	
15 CSR 30-100.070	Secretary of State		42 MoReg 785	This Issue	
15 CSR 30-100.080	Secretary of State		42 MoReg 786	This Issue	
15 CSR 40-3.170	State Auditor	42 MoReg 1017	42 MoReg 1031		
15 CSR 40-4.010	State Auditor		42 MoReg 910		
15 CSR 40-4.020	State Auditor		42 MoReg 910		
15 CSR 40-4.030	State Auditor		42 MoReg 911R		
15 CSR 40-4.040	State Auditor		42 MoReg 911R		
15 CSR 60-10.030	Attorney General		42 MoReg 974		
15 CSR 60-16.010	Attorney General		42 MoReg 717	This Issue	
15 CSR 60-16.020	Attorney General		42 MoReg 718	This Issue	
15 CSR 60-16.030	Attorney General		42 MoReg 718	This Issue	
15 CSR 60-16.040	Attorney General		42 MoReg 719	This Issue	
15 CSR 60-16.050	Attorney General		42 MoReg 719	This Issue	
	RETIREMENT SYSTEMS				
16 CSR 50-2.140	The County Employees' Retirement Fund		42 MoReg 1107		
16 CSR 50-20.120	The County Employees' Retirement Fund		42 MoReg 1107		
	DEPARTMENT OF HEALTH AND SENIOR SERVICES				
19 CSR 10-10	Office of the Director				42 MoReg 991
19 CSR 15-8.410	Division of Senior and Disability Services		40 MoReg 131		
19 CSR 30-40.309	Division of Regulation and Licensure	42 MoReg 709	42 MoReg 720		
19 CSR 30-81.030	Division of Regulation and Licensure	42 MoReg 1137	42 MoReg 1197		
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2 CSR 30-10.010	Inspection of Meat and Poultry	42 MoReg 709	April 3, 2017	Jan. 10, 2018
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6 CSR 255-1.010	General Organization	42 MoReg 955	June 3, 2017	Nov. 29, 2017
6 CSR 255-10.010	Tonnage Fee	42 MoReg 955	June 3, 2017	Nov. 29, 2017
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12 CSR 10-23.600	Complaint, Inspection, and Disciplinary Process for Transportation Network Companies	This Issue	Aug. 28, 2017	Feb. 23, 2018
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13 CSR 40-2.030	Definitions Relating to Real and Personal Property	42 MoReg 1057	July 1, 2017	Feb. 22, 2018
13 CSR 40-8.020	Ways of Treating Income and Assets	42 MoReg 1060	July 1, 2017	Feb. 22, 2018
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13 CSR 70-10.030	Prospective Reimbursement Plan for Nonstate-Operated Facilities for ICF/IID Services	Oct. 2, 2017 Issue	Sept. 1, 2017	Feb. 27, 2018
13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology	42 MoReg 1061	July 1, 2017	Feb. 22, 2018
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA)	42 MoReg 1063	July 1, 2017	Feb. 22, 2018
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15 CSR 30-3.010	Voter Identification Affidavit (Res)	42 MoReg 956	June 1, 2017	Feb. 22, 2018
15 CSR 30-3.020	Provisional Ballots and Envelopes for Registered Voters under Voter Identification Law	42 MoReg 957	June 1, 2017	Feb. 22, 2018
15 CSR 30-3.030	Procedures for Registered Voters Returning to the Polling Place with Identification	42 MoReg 958	June 2, 2017	Feb. 22, 2018
15 CSR 30-3.040	Procedures for Identity Verification for Provisional Ballots for Registered Voters under Voter Identification Law, Counting Approved Ballots, and Recordkeeping	42 MoReg 958	June 1, 2017	Feb. 22, 2018
15 CSR 30-3.050	Voter Inquiries as to Whether Provisional Ballot for Registered Voter was Counted	42 MoReg 959	June 1, 2017	Feb. 22, 2018
15 CSR 30-3.100	Procedures for Obtaining One (1) Copy of Documents Needed to Obtain Free Personal Identification for Voting	42 MoReg 960	June 1, 2017	Feb. 22, 2018
15 CSR 30-120.010	Definitions	Next Issue	Aug. 28, 2017	Feb. 22, 2018
15 CSR 30-120.020	Applications to Register as a Family Trust Company	Next Issue	Aug. 28, 2017	Feb. 22, 2018
15 CSR 30-120.030	Applications to Register as a Foreign Family Trust Company	Next Issue	Aug. 28, 2017	Feb. 22, 2018
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15 CSR 30-120.050	Records	Next Issue	Aug. 28, 2017	Feb. 22, 2018
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15 CSR 30-120.070	Application Process and Forms	Next Issue	Aug. 28, 2017	Feb. 22, 2018
State Auditor				
15 CSR 40-3.170	Addendum Filed with the Auditor's Office	42 MoReg 1017	June 26, 2017	Dec. 22, 2018
Department of Health and Senior Services				
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19 CSR 30-40.309	Application and Licensure Requirements Standards for the Licensure and Relicensure of Ground Ambulance Services	42 MoReg 709	March 26, 2017	Jan. 3, 2018
19 CSR 30-40.720	Stroke Center Designation Application and Review	Next Issue	Aug. 17, 2017	Feb. 22, 2018
19 CSR 30-81.030	Evaluation and Assessment Measures for Title XIX Recipients and Applicants in Long-Term Care Facilities	42 MoReg 1137	July 15, 2017	Feb. 22, 2018

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Department of Insurance, Financial Institutions and Professional Registration			
State Board of Nursing			
20 CSR 2200-4.020 Requirements for Licensure	42 MoReg 861	May 9, 2017	Feb. 15, 2018
State Board of Pharmacy			
20 CSR 2220-2.650 Standards of Operation for a Class J: Shared Services Pharmacy	This Issue	Aug. 6, 2017	Feb. 22, 2018
20 CSR 2220-4.010 General Fees	42 MoReg 710	April 21, 2017	Dec. 1, 2017
State Committee of Marital and Family Therapists			
20 CSR 2233-1.040 Fees	42 MoReg 1065	Aug. 1, 2017	Feb. 22, 2018

Executive Orders	Subject Matter	Filed Date	Publication
	2017		
Proclamation	Governor notifies the General Assembly that he is reducing appropriation lines in the fiscal year 2018 budget and permanently reducing appropriation lines in the fiscal year 2017 budget.	Aug. 1, 2017	Next Issue
17-19	Directs the Department of Health and Senior Services, the Department of Mental Health, the Department of Public Safety, the Department of Natural Resources, and the Department of Conservation to identify, train, equip, and assess law enforcement and emergency responder efforts to combat Missouri's Opioid Public Health Crisis.	July 18, 2017	This Issue
17-18	Directs the Department of Health and Senior Services to create a prescription drug monitoring program.	July 17, 2017	42 MoReg 1143
Amended Proclamation	Governor convenes the Second Extra Session of the First Regular Session of the Ninety-Ninth General Assembly regarding abortions facilities.	July 6, 2017	42 MoReg 1139
17-17	Creates the Missouri Justice Reinvest Taskforce to analyze Missouri's corrections system and recommend improvements.	June 28, 2017	42 MoReg 1067
Proclamation	Governor convenes the Second Extra Session of the First Regular Session of the Ninety-Ninth General Assembly regarding abortions facilities.	June 7, 2017	42 MoReg 1024
Proclamation	Governor convenes the First Extra Session of the First Regular Session of the Ninety-Ninth General Assembly regarding attracting new jobs to Missouri.	May18, 2017	42 MoReg 1022
17-16	Temporarily grants the Director of the Missouri Department of Revenue discretionary authority to adjust certain rules and regulations.	May 11, 2017	42 MoReg 909
17-15	Temporarily grants the Director of the Missouri Department of Health and Senior Services discretionary authority to adjust certain rules and regulations.	May 8, 2017	42 MoReg 907
17-14	Temporarily grants the Director of the Missouri Department of Natural Resources discretionary authority to adjust certain environmental rules and regulations.	May 4, 2017	42 MoReg 905
17-13	Activates the state militia in response to severe weather that began on April 28, 2017.	April 30, 2017	42 MoReg 865
17-12	Declares a State of Emergency and activates the Missouri State Emergency Operations Plan due to severe weather beginning on April 28,2017.	April 28, 2017	42 MoReg 863
17-11	Establishes the Boards and Commissions Task Force to recommend comprehensive executive and legislative reform proposals to the governor by October 31, 2017.	April 11, 2017	42 MoReg 779
17-10	Designates members of the governor's staff to have supervisory authority over departments, division, and agencies of state government.	April 7, 2017	42 MoReg 777
17-09	Establishes parental leave for state employees of the executive branch of Missouri state government and encourages other state officials to adopt comparable policies.	March 13, 2017	42 MoReg 429
17-08	Declares a State of Emergency and activates the Missouri State Emergency Operations Plan due to severe weather that began on March 6.	March 7, 2017	42 MoReg 427
17-07	Establishes the Governor's Committee for Simple, Fair, and Low Taxes to recommend proposed reforms to the governor by June 30, 2017.	January 25, 2017	42 MoReg 315
17-06	Orders that the Missouri State Emergency Operations Plan be activated. Further orders state agencies to provide assistance to the maximum extent practicable and directs the Adjutant General to call into service such portions of the organized militia as he deems necessary.	January 12, 2017	42 MoReg 267
17-05	Activates the Missouri State Emergency Operation Center due to severe weather expected to begin on Jan. 12, 2017.	January 11, 2017	42 MoReg 266
17-04	Establishes the position of Chief Operating Officer to report directly to the governor and serve as a member of the governor's executive team.	January 11, 2017	42 MoReg 264
17-03	Orders every state agency to immediately suspend all rulemaking until Feb. 28, 2017, and to complete a review of every regulation under its jurisdiction within the *Code of State Regulations* by May 31, 2018.	January 10, 2017	42 MoReg 261
17-02	Orders state employees of the executive branch of Missouri state government to follow a specified code of conduct regarding ethics during the Greitens administration.	January 9, 2017	42 MoReg 258

Executive Orders	Subject Matter	Filed Date	Publication
17-01	Rescinds Executive Orders 07-10, 88-26, 98-15, and 05-40 regarding the Governor's Advisory Council on Physical Fitness and Health and the Missouri State Park Advisory Board.	January 6, 2017	42 MoReg 257
	2016		
16-10	Reauthorizes the Governor's Committee to End Chronic Homelessness until December 31, 2020.	December 30, 2016	42 MoReg 159
16-09	Advises that state offices in Cole County will be closed on Monday January 9, 2017.	December 23, 2016	42 MoReg 158
16-08	Advises that state offices will be closed on Friday, November 25, 2016.	October 24, 2016	41 MoReg 1659
16-07	Declares that a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operations Plan be activated as a result of storms that began on May 25, 2016. This order shall terminate on June 26, 2016, unless extended.	May 27, 2016	41 MoReg 830
16-06	Declares that the next Missouri Poet Laureate will be named in June 2016 and directs that a Missouri Poet Laureate be named biennially to serve for two years at the pleasure of the governor. The order also includes qualifications and responsibilities for the post. Additionally the Missouri Poet Laureate Advisory Committee is hereby established.	May 27, 2016	41 MoReg 828
16-05	Directs the Department of Public Safety, with guidance from the Missouri Veteran's Commission and the Adjutant General of the State of Missouri, to coordinate events with the World War I Centennial Commission that recognize and remember efforts and sacrifices of all Americans during World War I.	May 27, 2016	41 MoReg 826
16-04	Orders all departments, agencies and boards, and commissions, in the Executive Branch subject to the authority of the governor to take all necessary action to amend initial employment applications by removing questions related to an individual's criminal history unless a criminal history would render an applicant ineligible for the position.	April 11, 2016	41 MoReg 658
16-03	Extends Executive Orders 15-10, 15-11, and 16-02 until February 22, 2016, due to severe weather that began on December 22, 2015.	Jan. 22, 2016	41 MoReg 299
16-02	Gives the director of the Department of Natural Resources the authority to temporarily suspend regulations in the aftermath of severe weather that began on December 22, 2015.	Jan. 6, 2016	41 MoReg 235
16-01	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies.	Jan. 4, 2016	41 MoReg 153

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

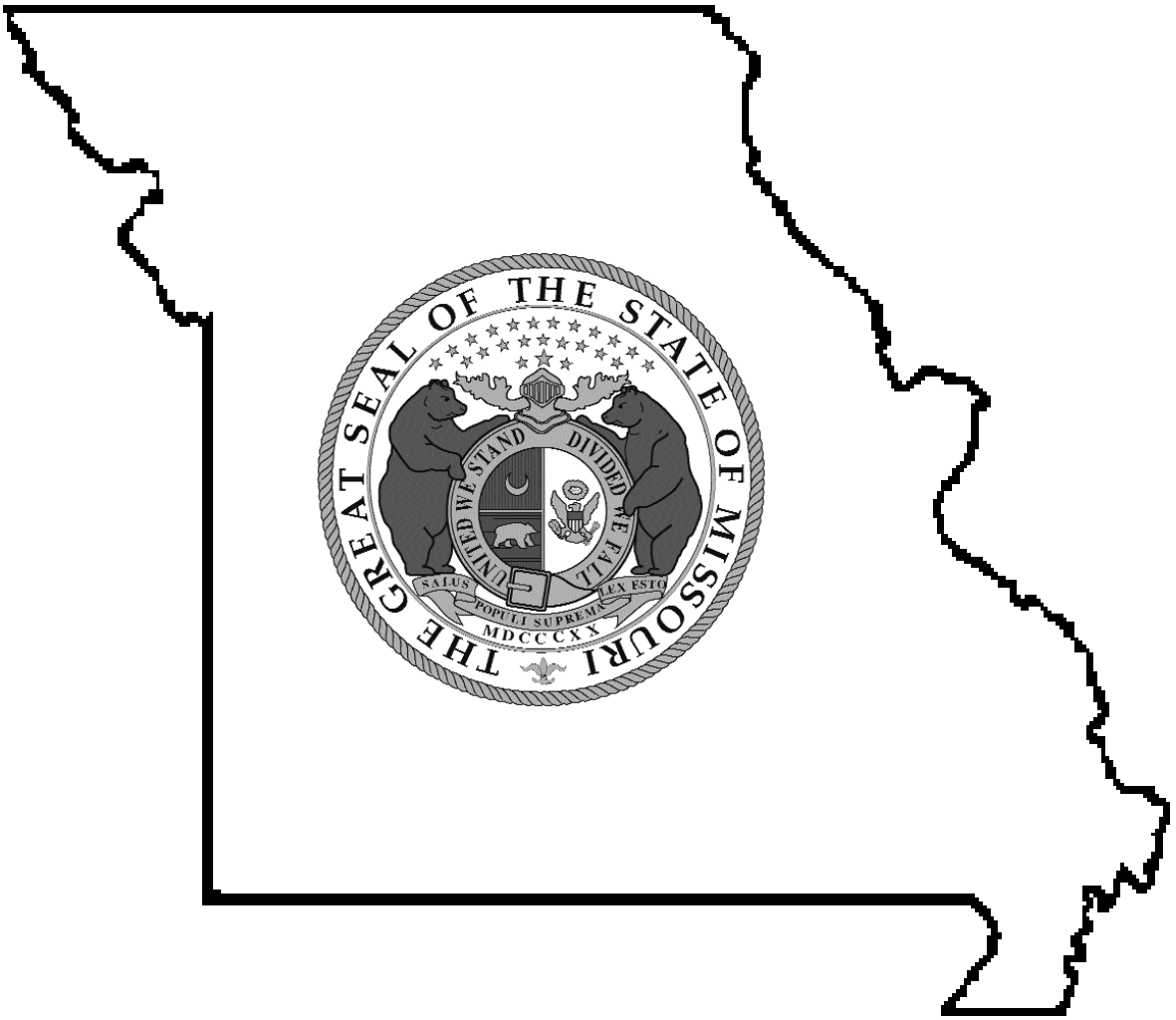
responsibilities of authorized service providers; 7 CSR 60-2.040; 11/15/16
standards and specifications; 7 CSR 60-2.030; 11/15/16
suspension or revocation of approval of a device; 7 CSR 60-2.060; 1/15/16

VITAL RECORDS
emergency waiver of fees for vital records; 19 CSR 10; 7/3/17

YOUTH SERVICES, DIVISION OF
confidentiality of case records; 13 CSR 110-2.140; 5/1/17

RULEMAKING 1-2-3

DRAFTING AND STYLE MANUAL



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