

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 symbolology under the heading of the 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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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 1—OFFICE OF ADMINISTRATION
Division 10—Commissioner of Administration
Chapter 9—Requirements for Direct Deposit of Vendor
Payments**

PROPOSED AMENDMENT

1 CSR 10-9.010 Requirements for Direct Deposit of Vendor Payments. The commissioner is amending section (1) and deleting the form and instructions which follow the rule in the *Code of State Regulations*.

PURPOSE: This amendment updates the required form for vendor direct deposit payments.

AGENCY NOTE: This rule is used in conjunction with 15 CSR 50-3, Unclaimed Property.

(1) Vendors on the Statewide Vendor File desiring to participate in the state's direct deposit program must complete [section A of the *Vendor Automated Clearing House Application form (Exhibit A)*. The form is provided by any state agency to the vendor who shall be responsible for completing section B before forwarding it to the Office of Administration, Division of Accounting.] a vendor Automated Clearing House/Electronic Funds Transfer (ACH/EFT) Application. The application is available on the web at www.oa.mo.gov/acct under Forms. The form is also available by contacting the Office of Administration, Division of Accounting at (573) 751-2971. The completed application authorizes the Office of Administration to deposit (credit) a vendor's designated checking or savings account for the amount of a required payment. It also authorizes a vendor's account to be debited only when an error has occurred resulting in an erroneous payment to the vendor.

AUTHORITY: section 33.155, RSMo [Supp. 1990] 2000. Emergency rule filed Aug. 25, 1992, effective Oct. 1, 1992, expired Jan. 28, 1993. Emergency rule filed Dec. 30, 1992, effective Jan. 29, 1993, expired May 28, 1993. Original rule filed Aug. 25, 1992, effective April 8, 1993. Amended: Filed Jan. 3, 2008.

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 TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of Administration, Division of Accounting, Thomas Sadowski, Director, PO Box 809, Jefferson City, MO 65102. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 23—Electric Utility Operational Standards**

PROPOSED RULE

4 CSR 240-23.010 Electric Utility System Reliability Monitoring and Reporting Submission Requirements

PURPOSE: This rule establishes reliability monitoring and reporting requirements for electrical corporations.

(1) Information Reported. Commencing with the month following the month in which this rule becomes effective, each electrical corporation (as defined in section 386.020, RSMo) shall accumulate the following information (on a monthly basis):

(A) System Average Interruption Frequency Index (SAIFI), which reflects the average frequency of service interruptions in number of occurrences per customer and is defined as the total number of customer interruptions for the period covered divided by the total number of customers served;

(B) Customer Average Interruption Frequency Index (CAIFI), which reflects the average number of interruptions per customer interrupted and is defined as the total number of customer interruptions for the period covered divided by the total number of customers affected;

(C) System Average Interruption Duration Index (SAIDI), which reflects the average interruption in hours or minutes per customer served for the period covered and is defined as the sum of all customer interruption durations divided by the total number of customers served; and

(D) Customer Average Interruption Duration Index (CAIDI), which reflects the average interruption duration and is defined as the sum of all customer interruption durations divided by the total number of customers interrupted.

(2) Filing of Report. The information required by section (1) shall be filed annually by the last business day of April of the calendar year following the calendar year for which the information was accumulated to the manager of the commission's energy department, or the manager's designee, electronically in tabular and graphical formats.

(3) Adjustment of Data. The information required by section (1) shall be filed both unadjusted and adjusted to exclude major storm events per IEEE Standard 1366-2003, Guide for Electric Power Distribution Reliability Indices.

(4) Scope of Information. The information required by section (1) shall be reported for all Missouri retail electric customers of the electrical corporation.

(5) Interruptions Not to Be Reported. The following interruption causes shall not be included in the calculation of the reliability indices required by section (1):

(A) Interruptions initiated pursuant to the provisions of an interruptible service tariff or contract and affecting only those customers taking electric service under such tariff or contract;

(B) Interruptions due to nonpayment of a bill;

(C) Interruptions due to tampering with service equipment;

(D) Interruptions due to denied access to service equipment located on the affected customer's private property;

(E) Interruptions due to hazardous conditions located on the affected customer's private property;

(F) Interruptions due to a request by the affected customer;

(G) Interruptions due to a request by a law enforcement agency, fire department, other governmental agency responsible for public welfare, or any agency or authority responsible for bulk power system security or reliability; or

(H) Interruptions caused by the failure of a customer's equipment; the operation of a customer's equipment in a manner inconsistent with law, an approved tariff, rule, regulation, or an agreement between the customer and the electrical corporation; or the failure of a customer to take a required action that would have avoided the interruption, such as failing to notify the electrical corporation of an increase in load when required to do so by a tariff or contract.

(6) Worst Performing Circuits. Each electrical corporation shall establish and maintain a program for identifying and analyzing its worst performing circuits during the course of each calendar year. The program shall include, but should not be limited to, an analysis of the top five percent (5%) worst performing circuits used to serve the electrical corporation's Missouri retail electric customers. The worst performing circuits shall be identified and ranked using SAIFI values computed for each circuit, adjusted to exclude major storm events per IEEE Standard 1366-2003, Guide for Electric Power Distribution Reliability Indices and in any other manner chosen by the electrical corporation. The SAIDI value for each circuit shall also be listed.

(7) The information developed in accordance with section (6) shall be reported as part of the annual report required by section (2) and shall also include actions taken (or planned) to improve the performance of the circuits identified in section (6).

(8) Multi-Year Worst Performing Circuit Reporting. If, on or after the time the annual report required by section (7) for calendar year 2010 is filed, a circuit has been on the worst performing circuit list for any two (2) of the three (3) most recent consecutive calendar years, the electrical corporation shall include detailed plans and schedules for improving the performance of that circuit in addition to the other information required by section (7). Such plans and schedules may vary from circuit to circuit based on differences in geography or other local conditions, customer density and cost considerations.

(9) Reliability Improvement Programs. Commencing on January 1, 2009, each electrical corporation shall prepare the following information for the upcoming calendar year and annually transmit it to the manager of the energy department of the commission, or the manager's designee, no later than the last business day of December of the preceding calendar year: A summary report detailing all programs scheduled for the upcoming calendar year designed to maintain or improve service reliability. The information shall be reported by regional/district/division operating areas, if the electrical corporation's operations are divided into regions/districts/divisions. This report shall include funding levels and the status of each of these programs.

(10) Residential Subdivision Undergrounding. Where reasonable and consistent with utility easements and applicable law, electrical corporations are to locate all newly installed electrical corporation-owned residential subdivision distribution facilities underground. This provision applies to residential subdivisions with average lots no larger than 0.5 acres. As used in this provision, subdivision distribution facilities refer to terminal poles, manholes, feeder lines, service lines, switchgear, pad-mounted, pole-mounted, or submersible transformers, and pedestals utilized to provide electric service to subdivisions but does not include subtransmission lines and three (3)-phase distribution feeders/backbone circuits (portion of distribution system directly interconnected with distribution substation and prior to the first protective device). If an electric corporation determines that it is not reasonable to place a residential subdivision's distribution facilities underground and the subdivision has average lots no larger 0.5 acres, the electrical corporation shall maintain records available for Public Service Commission (PSC) inspection to demonstrate why undergrounding was unreasonable.

(11) Comparison of Reliability Metrics. The commission may accumulate the information required by section (1) from the electrical corporations and provide this information to the public. Such disclosure shall include a statement that such indices are affected by customer density, tree density, geography, observed weather, and other factors that may be beyond the control of the electrical corporation. Further, the commission may release comparisons of this data with similar data from other states but in doing so shall include in the release any caveats that would explain differences in the indices. These caveats shall include, but are not limited to, differences in calculation methodologies.

(12) Variances. A variance from a provision of this rule may be granted for good cause shown.

AUTHORITY: sections 386.040, 386.250, 386.310 and 393.140, RSMo 2000, and section 393.130, RSMo Supp. 2007. Original rule filed Jan. 15, 2008.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately sixty-five thousand seven hundred sixty-seven dollars (\$65,767) in the first year, and sixty thousand seven hundred forty-seven dollars (\$60,747) each year thereafter.

PRIVATE COST: This proposed rule will cost private entities approximately two hundred thirty thousand dollars (\$230,000) in implementation costs. Annual compliance costs will be approximately \$3,403,000.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Colleen M. Dale, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before March 17, 2008, and should include a reference to Commission Case No. EX-2007-0230. Comments may be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.mo.gov/efis.asp>>. A public hearing regarding this proposed rule is scheduled for March 26, 2008, at 1:00 p.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions.

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.

FISCAL NOTE**PUBLIC COST****I. RULE NUMBER**

| | |
|-----------------------|--|
| Rule Number and Name: | 4 CSR 240-23.010 – Electric Utility System Reliability Monitoring and Reporting Submission Requirements |
| Type of Rulemaking | Proposed Rule |

II. SUMMARY OF FISCAL IMPACT

| Affected Agency or Political Subdivision | Estimated Cost of Compliance in the Aggregate |
|--|--|
| Missouri Public Service Commission | \$65,767 first year, \$60,747 each year thereafter |
| | |

III. WORKSHEET

.5 FTE Utility Engineering Specialist III \$25,116 annually

.5 FTE Utility Engineering Specialist II \$22,236 annually

First year equipment \$5,020

Annual Equipment Expense \$1,090

Annual Office Space Rental \$2,700

Annual Travel Expense \$9,605

IV. ASSUMPTIONS

All costs in 2007 dollars

Costs reflect estimates provided for other fiscal notes for various General Assembly bills from this year's session.

A total of one additional FTE was assumed for this rule. This rule will also require on-site reviews at various locations throughout the states. This will also require reports by this FTE on the status of the utilities' efforts at various times of the year.

FISCAL NOTE

PRIVATE COST

I. RULE NUMBER

| | |
|-----------------------|--|
| Rule Number and Name: | 4 CSR 240-23.010 – Electric Utility System Reliability Monitoring and Reporting Submission Requirements |
| Type of Rulemaking | Proposed Rule |

II. SUMMARY OF FISCAL IMPACT

| Estimate of the number of entities by class which would likely be affected by the adoption of the proposed 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: |
|--|--|--|
| Four (4) | Investor Owned Electric Utility Companies | |
| | AmerenUE | Implementation: \$130,000 Annually: \$1,770,000 |
| | Aquila | Implementation: \$50,000 Annually: unknown at this time |
| | Empire | Implementation: unknown at this time Annually: \$477,000 |
| | Kansas City Power & Light | Implementation: \$50,000 Annually: \$1,156,000 |
| | Total | Implementation: \$230,000 Annually: \$3,403,000 |

III. WORKSHEET

AmerenUE: First year implementation cost = \$130,000. Average year-to-year ongoing cost of \$1,770,000 per year over the first 3 years.

Aquila: First year implementation cost = \$50,000. Year-to-year ongoing costs are not known at this time. Reliability improvements required in the future to address worst-performing circuits are unknown at this time.

Empire District Electric Company: Average year-to-year ongoing cost of \$477,000 per year over the first 3 years. Reliability improvements required in the future to address worst-performing circuits are unknown at this time.

Kansas City Power & Light: First year implementation cost = \$50,000. Average year-to-year ongoing cost of \$1,156,000 per year over the first 3 years.

Total: Implementation Cost ~ \$230,000, Average Annual Ongoing Over First 3 Years ~ \$3,403,000, Uncertain on Total Cost for Reliability Improvements on Worst Performing Circuits

IV. ASSUMPTIONS

The number of circuits that each of these utilities operates in Missouri is given below. The approximate number of worst performing circuits that would be reported each year.

AmerenUE: # of MO circuits = 2400, 5% = 120

Aquila: # of MO circuits = 492, 5% = 25

Empire District Electric Company: # of MO circuits = 240, 5% = 12

Kansas City Power & Light: # of MO circuits = 420, 5% = 21

Total # of Worst Performing Circuits to be Reported Each Year ~ 178

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of Proposed Rule 4 CSR 240-23.010,)
Establishing Reliability Standards for) **Case No. EX-2008-0230**
Investor-Owned Electrical Corporations.)
)

OPINION OF COMMISSIONER ROBERT M. CLAYTON III
CONCURRING IN PART AND DISSENTING IN PART

This Commissioner issues this opinion to explain his position on several rulemakings previously filed under Case Number EX-2007-0214, and subsequently separated into Case Numbers EX-2008-0232 (Vegetation Management), EX-2008-0231 (Infrastructure) and EX-2008-0230 (Reliability Standards). These rules were proposed to improve electrical service reliability during periods of good and bad weather. Because of a number of procedural missteps and because of disagreement among Commissioners on policy, we are now well over a year since the power outages that instigated the rulemakings with no new policies in place.

Case Number EX-2007-0214 was opened to evaluate and strengthen the Commission's rules that affect reliability and durability of electric utilities' power delivery services. Storm-related outages as well as concerns on day-to-day electrical reliability have directed this Commission to consider three separate rulemakings. The original drafts of each of the three rules were designed to complement each other and each is critically important in the overall effort at improving reliability. The first rule

relates to Vegetation Management Standards and Reporting.¹ The second rule relates to Infrastructure Inspection and Reporting.² The third rule is identified as Reliability Standards and Reporting.³

Today's procedural steps begin the process of rulemaking for the third leg of a "three legged stool" of proposed reliability rules. These rules set standards for the collection and organization of data to evaluate the level of service provided by a Missouri electric utility. Currently, Missouri has no standard, for reliable service in place. There are no metrics or statistics to identify what is good service versus poor service. Over the years, the Commission has apparently relied on the utilities to provide their own statistics and analysis to determine whether service was acceptable. Because the Commission has no mandatory service level, prosecutions for poor service are problematic without clear mandates. Each electric utility gathered and organized its data separately making system comparisons difficult. Some data was not collected because infrastructure was not in place to gather it and some utilities only reported data at aggregated levels masking any underlying problems at the circuit level or district level.

¹ Case Number EX-2008-0232. The proposed rules drafted by this Commissioner and former Commissioner Gaw addressing new standards for Vegetation Management and Reporting were initially sent to the Secretary of State on June 14, 2007, for publication. The majority issued its Final Order of Rulemaking with a modified version of the rule, over this Commissioner's objection, on October 2, 2007. Due to procedural problems, this rulemaking was initiated a second time on December 13, 2007, using the final product of the first proceeding.

² Case Number EX-2008-0231. The proposed rules drafted by this Commissioner and former Commissioner Gaw addressing new standards for Infrastructure Inspection and Reporting were initially sent to the Secretary of State on June 14, 2007, for publication. The majority issued its Final Order of Rulemaking with a modified version of the rule, over this Commissioner's objection on October 11, 2007. Due to procedural problems, this rulemaking was initiated a second time on December 13, 2007, using the final product of the first proceeding.

³ Case Number ES-2008-0230. The proposed rule drafted by this Commissioner and former Commissioner Gaw addressing Reliability Standards and Reporting was delivered to the Missouri Department of Economic Development on August 2, 2007 for procedural and fiscal review. The proposed rule was not returned to the PSC until November 2007. The majority, over this Commissioner's objection, issued a new proposed rule on Reliability Standards on November 8, 2007, which was, again, delivered to the Missouri Department of Economic Development on the same day for procedural and fiscal review. The rule was not returned from DED until yesterday, January 14, 2008.

The proposed rules to be published by the Secretary of State will begin the process of setting very basic criteria for the collection and measurement of reliability data. These rules are starkly different from the version originally filed with the Department of Economic Development on August 2, 2007. That version as proposed by former Commissioner Gaw and this Commissioner is attached. The majority has rewritten the proposed reliability rule with a significant change in focus, a reduction in utility obligations and a lack of a number of consumer benefits. It is this Commissioner's hope that the rulemaking process will allow the Commission to rethink its position and strengthen the core of the plan for improved reliability in Missouri.

This Commissioner would urge the Commission to address a number of shortcomings in the proposed reliability rules. These rules do not go far enough in setting high standards to which Missouri customers deserve. The original version set a reliability goal of the top twenty-fifth percentile in nationwide comparisons while the new version ignores setting any standard. The current draft of the reliability rule lacks a number of reliability indices that need to be tracked for this Commission to have the information to evaluate reliability including metrics known as MAIFI (Momentary Average Interruption Event Frequency Index), CELID8 (Customers Experiencing Long Interruption Durations 8) and CEMI6 (Customers Experiencing Multiple Interruptions 6). Furthermore, the current version does not disaggregate the collected data to the circuit level which is critical in evaluating reliable service. The indices included in the rule including SAIDI (System Average Interruption Duration Index), SAIFI (System Average Interruption Frequency Index), CAIDI (Customer Average Interruption Duration Index) and CAIFI (Customer Average Interruption Frequency Index), as well as the above-mentioned

indices, should be calculated at the system-wide level, the district level or sub-system level and at the circuit level.

Additionally, the proposed rule is silent relating to benchmarks which must be met to avoid penalties. While this rule requires identification of the worst performing circuits which is an important element, it ignores circuits that are not the worst but are obviously performing at sub-standard levels of service. The original rule identified the worst performing circuits as those at the bottom 10 per cent while the new version reduces that amount to the lowest 5 per cent.

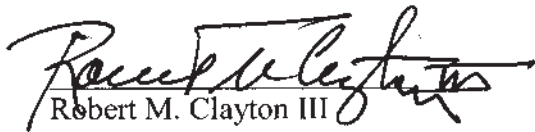
The proposed rule also lacks any reference to bill credits for customers who pay for electrical service only to face long periods of outages. Customers must be given an opportunity to be made whole if paying for substandard or non-existent service. Rather than working to find language to legally address this concern, the proposed rule completely ignores this consumer issue.

Lastly, this rule is silent with regard to penalties and fails to set clear guidelines for what the Commission demands for compliance with its rules and Orders. Benchmarks and high standards would provide objective criteria to impose penalties on a utility. The Commission must be prepared to impose penalties if a utility fails to meet those standards. This rule should identify the circumstances where it will act to force compliance.

This Commissioner supports opening this rulemaking because something must be done to improve reliability. However, this Commissioner believes that the rule needs to be strengthened to give consumers the safe and reliable service they deserve at just and reasonable prices.

For the foregoing reasons, this Commissioner concurs in part and dissents, in part.

Respectfully submitted,



Robert M. Clayton III
Commissioner

Dated at Jefferson City, Missouri,
on this 15th day of January 2008.

Exhibit 1**Proposed Reliability Standards and Reporting Rule**

DRAFT 08-02-07

Reliability Rule**4 CSR 240-23.010****(1) Purpose and Scope**

This rule sets forth requirements based on a uniform methodology for measuring reliability and ensuring quality of the electric distribution service that is being delivered to Missouri customers by electrical corporations operating in Missouri subject to the Commission's regulatory authority.

(2) Applicability

This rule, which include requirements for data maintenance, records retention and service interruption information, establishes standards to measure the reliability of service on an annual and as needed basis under all operating conditions. It is the general obligation of a regulated electrical corporation to provide sufficient resources in order to provide safe, adequate and proper service to its customers. The Commission may also consider other factors in determining whether or not an electric corporation has provided safe and adequate service.

Electric corporations are encouraged to explore the use of proven state of the art technology and to promote distribution reliability service improvements. Finally, this rule also sets forth requirements for the implementation and scope of outage management systems.

(3) Installation of New Lines

(A) To the greatest extent possible, consistent with utility easements and applicable law, electrical corporations shall locate all newly installed electrical corporation-owned distribution facilities in subdivisions underground.

(B) Conversion of existing overhead feeder line to underground shall not be required for those new buildings or multiple-occupancy buildings on lots that abut an existing overhead feeder line.

(4) Definitions

The following words and terms, as used in this rule, shall have the following meanings, unless the context clearly indicates otherwise.

- (A) "Answer" means that an electrical corporation representative, voice response unit, or automated operator system begins to process the call. An acknowledgement that the customer is waiting on the line does not constitute an answer.
- (B) "Average System Availability Index" (ASAI) is the ratio of time the system provided service to each customer. ASAI is expressed by the following formula:
- $$\text{ASAI} = \text{Total customer hours service was available} / \text{Total customer hours service was demanded.}$$
- (C) "Benchmark" means the top 25th percentile of CAIDI, CAIFI, SAIDI, SAIFI, and ASAI or a value determined by the Commission.
- (D) "Call" means a measurable effort by a customer to obtain a telephone connection whether the connection is completed or not.
- (E) "Call blockage factor" means the percentage of calls that do not get answered. The call blockage factor is calculated by multiplying the remainder obtained by subtracting the number of answers from the number of calls by 100 and then dividing that value by the total number of calls.
- (F) "Complaint response" or "response" means a communication from the electrical corporation to the customer that identifies the problem and a solution to the complaint.
- (G) "Complaint response factor" means the annual percentage of the complaints forwarded to an electrical corporation by the commission that are responded to within the time period prescribed by these rules.
- (H) "Corrective action" means the maintenance, repair, or replacement of electric corporation system components and structures to allow them to function safely and reliably.
- (I) "Customer Average Interruption Duration Index (CAIDI)" represents the average time in minutes required to restore service to those customers that experienced sustained interruptions during the reporting period. CAIDI is defined as follows:
- $$\text{CAIDI} = \text{Sum of customer interruption durations} / \text{Total number of customer interruptions.}$$
- (J) "Customer Average Interruption Frequency Index" (CAIFI) represents the average frequency of sustained interruptions for those customers experiencing sustained interruptions during the year. The customer is counted once regardless

of the number of times interrupted for this calculation. CAIFI is expressed by the following formula:

CAIFI = Total number of customer interruptions / Total number of customers interrupted.

- (K) “Customers Experiencing Long Interruption Durations⁸” (“CELID⁸”) represents the total number of customers that have experienced a cumulative total of more than eight hours of outages.
- (L) “Customers Experiencing Multiple Interruptions⁶” (“CEMI⁶”) is an index that represents the total number of customers that have experienced nine or more interruptions in a single reporting year. CEMI⁶ is expressed by the following formula:
- CEMI⁶: total number of customers that experienced more than six (6) sustained interruptions / total number of customers served.
- (M) “Distribution circuit” means a three phase set of conductors emanating from a distribution substation circuit breaker serving customers in a defined local distribution area. This includes three phase, two phase and single phase branches.
- (N) “Subdivision Distribution systems” refers to terminal poles, manholes, feeder lines, service lines, switchgear, pad-mounted or submersible transformers, and pedestals utilized to provide electric service to subdivisions.
- (O) “Electric corporation” means an electrical corporation as defined in § 386.020(15), RSMo. Cum. Supp. 2005.
- (P) “Electric distribution system” means that portion of an electric system which delivers electric energy from transformation points on the transmission system to points of connection at the customers’ premises.
- (Q) “Subdivision Feeder lines” are the portions of single-phase or three-phase circuits extending from terminal poles or manholes at or near the perimeter of the subdivision into and throughout the subdivision, used to provide service within the subdivision and from which the submersible or pad-mounted transformers are energized. Subdivision feeder lines also include that portion of the secondary circuit extending from a transformer to pedestals, but excluding service lines.
- (R) “Interruption” means the loss of electric service to one or more customers. See “outage” and “major event.” The types of interruption include momentary event, sustained and scheduled.
- (S) “Interruption, duration” means the period (measured in minutes, hours, or days) from the start of an interruption of electric service until service is restored to the customer. An interruption may require step-restoration tracking to provide reliable index calculations.

- (T) "Interruption, momentary event" means an interruption of electric service to one or more customers of duration limited to the period required to restore service by an interrupting device. Such switching operations by interrupting devices must be completed in five minutes or less. This includes all reclosing operations which occur within five minutes of the first interruption. For example, if a recloser or breaker operates two, three, or four times and then holds within five minutes, the event shall be considered one momentary event interruption.
- (U) "Interruption, scheduled" means an interruption of electric power that results when one or more components are deliberately taken out of service at a selected time, usually for the purposes of preventative maintenance, repair or construction.
1. This interruption does not apply to generation interruptions.
 2. To determine if the loss of electric service should be classified as a scheduled interruptions. If it is possible to defer the interruption, the interruption is a scheduled interruption. Scheduled interruptions shall not be included in the SAIDI, SAIFI, CAIDI, CAIFI, and ASAI calculations.
- (V) "Interruption, sustained" means an interruption of electric service to one or more customers which is longer than five minutes in duration.
- (W) "Interrupting device" means a device capable of being reclosed whose purpose includes interrupting fault currents, isolating faulted components, disconnecting loads and restoring service. These devices can be manual, automatic, or motor operated. Examples include transmission and distribution breakers, line reclosers, motor operated switches, fuses or other devices.
- (X) "Major event" means any of the following:
1. A sustained interruption of electric service resulting from conditions beyond the control of the electrical corporation. Causes may include, but are not limited to, thunderstorms, tornadoes, hurricanes, heat waves or snow and ice storms, which affect at least 10 percent of the customers in an operating area. The major event shall be deemed to extend to those other operating areas of that electrical corporation which provide assistance to the affected area(s). The Commission retains authority to examine the characterization of a major event;
 2. An unscheduled interruption, which affects one or more customers, of electric service resulting from an action:
 - a. Taken by an electrical corporation under the direction of an Independent System Operator;
 - b. Taken by the electrical corporation to prevent an uncontrolled or cascading interruption of electric service; or

- c. Taken by the electrical corporation to maintain the adequacy and security of the electric system, including emergency load control, emergency switching and energy conservation procedures;
 3. A sustained interruption occurring during an event which is outside the control of the electrical corporation and is of sufficient intensity to give rise to a state of emergency or disaster being declared by State government; and
 4. When an electrical corporation provides mutual aid to another electrical corporation or utility, the assisting electrical corporation may apply to the Commission for permission to exclude its sustained interruptions from its SAIDI, SAIFI, CAIDI, CAIFI, and ASAI calculations.
 - a. Interruptions occurring during a major event in one or more operating areas shall not be included in the electrical corporation's SAIDI, SAIFI, CAIDI, CAIFI, and ASAI calculations of those affected operating area(s). However, interruption data for major events shall be collected, according to the reporting requirements outlined in 4 CSR 240-23.010(11).
- (Y) "Minimum bill prorated on a daily basis" means the amount that results from dividing the customer's minimum bill amount by the number of days in the billing period and then by multiplying that quotient by the number of days during which the customer remained out of service.
- (Z) "Minimum reliability level" is defined as the minimum acceptable reliability as measured by SAIDI, SAIFI, CAIDI, CAIFI, and ASAI data and outlined in 4 CSR 240-23.010(9). Performance equal to or better than the minimum reliability level is acceptable. Performance worse than the minimum reliability level is unacceptable and may be subject to penalty as permitted under Missouri statutes.
- (AA) "Operating area" means a geographical subdivision of each electrical corporation's service area as defined by the electrical corporation. These areas may also be referred to as regions, divisions or districts.
- (BB) "Out-of-service" means the current operational status of a component that cannot perform its intended function due to its condition.
 1. An out-of-service component may or may not cause an interruption of electric service to customers, depending on system configuration.
 2. This definition does not apply to generation equipment.
- (CC) "Outage Management System" (OMS) as described under 4 CSR 240-23.010(18).

- (DD) "Power quality" means the characteristics of electric power received by the customer, with the exception of interruptions. Power quality characteristics include waveform irregularities and voltage variations--either prolonged or transient. Power quality problems include, but are not limited to, disturbances such as high or low voltage, voltage spikes or transients, flickers and voltage sags, surges and short-time overvoltages, as well as harmonics and noise.
- (EE) "Reliability" means providing safe, proper and adequate electric service is supplied to customers without interruption.
- (FF) "Same-circuit repetitive interruption" means a grouping of more than 10 customers on a distribution circuit who experience multiple interruptions under all conditions.
- (GG) "Service line" is that portion of the distribution circuit extending from a transformer or pole, directly to the point of delivery to the customer at the building or multiple-occupancy building.
- (HH) "Service restoration" means that the interruption condition has been corrected and that the interrupted customer(s) have regained normal electric service.
- (II) "Step restoration" means the restoration of service to blocks of customers in an area until the entire area or circuit is restored.
- (JJ) A "subdivision" is a lot, tract, or parcel of land divided into two or more lots, plots, sites, or other divisions for use for new residential buildings or on which is constructed new multiple-occupancy buildings pursuant to a recorded plat (if recording is required).
- (KK) "System Average Interruption Duration Index" (SAIDI) represents the average time each customer experiences a sustained interruption. SAIDI is expressed by the following formula:
- SAIDI = total number of customer sustained interruption durations / Total number of customers served.
- (LL) "System Average Interruption Frequency Index" (SAIFI) represents the average frequency of sustained interruptions per customer during the reporting period. SAIFI is expressed by the following formula:
- SAIFI = total number of customer sustained interruptions / total number of customer's served.
- (MM) "Total number of customers served" means the number of active metered accounts as of the last day of the prior year or the average of 12 months of active

monthly metered accounts. This number generally excludes all street lighting (dusk-to-dawn lighting, municipal street lighting, traffic lights) and sales to other electric utilities.

(5) Reliability performance levels

(A) An electrical corporation at year-end shall calculate SAIDI, SAIFI, ASAI, CAIDI, CAIFI, CELID8, and CEMI6 indices, with and without major events:

1. On a system wide basis;
2. For each operating area; and
3. For each distribution circuit.

(B) Data included in the above calculations shall include all interruptions associated with or related to high voltage components (above 600 volts).

(6) Service reliability

(A) Each electrical corporation shall have reasonable programs and procedures necessary to maintain the minimum reliability levels for its respective operating areas.

(B) The programs shall be designed to sustain reliability and, where appropriate, improve reliability. Each electrical corporation shall utilize appropriate and qualified resources to maintain at a minimum the minimum reliability levels for its respective operating areas.

(C) Interruptions shall not be reduced by unduly characterizing a sustained interruption as a series of momentary event interruptions. Electric service interruptions shall be reported to Commission staff in accordance with this rule.

(7) Power quality

(A) Each electrical corporation shall consider power quality in the design and maintenance of its distribution system components. Each electrical corporation shall mitigate, to the extent feasible and cost effective, power quality disturbances under its control that adversely affect customers' properly designed equipment.

(B) Each electrical corporation shall, as a minimum, maintain a power quality program that includes objectives and procedures. The program shall provide for prompt response to customer reports of power quality problems. The program shall prevent, mitigate or resolve power quality problems within the electrical corporation's control to the extent feasible and cost-effective.

(C) The electrical corporation's power quality program shall be filed with the Commission by January 31, 2008, and verified by an officer who has knowledge of the matters stated therein.

(8) Individual circuit reliability performance

- (A) Each electrical corporation shall maintain records of reliability performance levels for each circuit on its system. The SAIDI, SAIFI, CAIDI, CAIFI, and ASAI values shall be calculated for each circuit.
- (B) Each electrical corporation shall identify poor performing circuits. A poor performing circuit is one that serves ten or more customers that sustain a SAIDI, SAIFI, CAIDI, ASAI, or CAIFI value for a reporting year that is among the highest (worst) 10% of that EC's circuits each year.
- (C) Each electrical corporation shall maintain and operate its distribution system so that no distribution circuit during any two consecutive reporting years exceeds a SAIDI, SAIFI, CAIDI, CAIFI, or ASAI value for a reporting year by more than 300% greater than the electric corporation's total Missouri system wide average of all circuits, or exceed 1.5 times it's respective benchmark set for the system under 4 CSR 240-23.010(9).
- (D) Each electrical corporation shall identify and analyze poor performing circuit(s) in accordance with 4 CSR 240-23.010(10)(J).

(9) Establishment of benchmark service level values

- (A) An electrical corporation's reliability performance level is established as follows:
 - 1. The CAIDI benchmark for the operating areas and the total Missouri system wide area is the top 25th percentile of the best performing electrical corporations and rural electric cooperatives in the prior year's national average or a value determined by the Commission;
 - 2. The SAIDI benchmark for operating areas and the total Missouri system wide area is the top 25th percentile of the best performing electrical corporation and rural electric cooperatives in the prior year's national average or a value determined by the Commission;
 - 3. The SAIFI benchmark for operating areas and the total Missouri system wide area is the top 25th percentile of the best performing electrical corporation and rural electric cooperatives in the prior year's national average or a value determined by the Commission;
 - 4. The CAIFI benchmark for operating areas and the total Missouri system wide area is the top 25th percentile of the best performing electrical corporation and rural electric cooperatives in the prior year's national average or a value determined by the Commission;
 - 5. The ASAI benchmark for operating areas and the total Missouri system wide area is the top 25th percentile of the best performing electrical corporation and rural electric cooperatives in the prior year's national average or a value determined by the Commission.
- (B) When the CAIDI, SAIDI, SAIFI, ASAI, and CAIFI levels of an electrical corporation's operating areas and total Missouri system area do not meet the minimum reliability level, further review, analysis and corrective action are required to explain how to meet and implement the benchmark standard.

(C) The initial minimum reliability is:

1. Total Missouri system wide area CAIDI = 90 minutes, SAIDI = 100 minutes, SAIFI = 1.2 occurrences, and CAIFI = 1.9 occurrences.
2. Operating area CAIDI = 110 minutes, SAIDI = 150 minutes, SAIFI = 1.4 occurrences, and CAIFI = 2.2 occurrences.

(D) The minimum reliability level to be assigned to each operating area shall be reviewed and may be adjusted for subsequent years after consideration of various factors including:

1. A comparison of actual multi-year CAIDI, SAIDI, SAIFI, ASAI, and CAIFI;
2. Trends among indices;
3. The average high and low values of multi-year indices;
4. Local geography, weather and electric system design of an operating area;
5. The relative performance of an operating area in relation to other operating areas of a given electrical corporation's franchise area;
6. A comparison of the performance of all operating areas of all electrical corporation; and
7. A comparison of the performance of the electrical corporation to other states or industry statistics.

(10) Annual System Performance Report

(A) Each electrical corporation shall file with the Commission, on January 31st of each year, an Annual System Performance Report (the "Annual Report") verified by an officer who has knowledge of the matters stated therein.

(B) The Annual Report shall include the electric service reliability performance for the electric corporation's system, by operating area and distribution circuit, levels of SAIFI, SAIDI, CAIFI, CAIDI, and ASAI. The report filed on January 31st of each year shall cover the preceding operating year.

(C) The Annual Report shall include a summary of:

1. The electrical corporation's reliability programs, including inspection and maintenance programs;
2. Changes and exceptions to the electrical corporation's current program(s);
3. The electrical corporation's new reliability program(s);
4. The electrical corporation's power quality program
5. Technology initiatives to improve reliability;
6. The number of personnel (broken down by bargaining and non-bargaining unit) in each electrical corporation's operating area(s) and a summary statement referencing each electrical corporation's reliability enhancement training program; and

7. Verification by an officer of the electrical corporation that the electric corporation is funding and addressing, in its business plan, the reliability programs to achieve the benchmark reliability levels and as a minimum to maintain the minimum reliability levels for each operating area.
8. The call blockage factor. If the call blockage factor is more than 5%, then the annual report shall contain a detailed explanation of the steps that the electrical corporation is taking to bring its performance to at least that level.
9. The complaint response factor. If the complaint response factor is less than 90% within 3 business days, then the annual report shall contain a detailed explanation of the steps that the electrical corporation is taking to bring its performance to at least that level.
10. The average customer call answer time. If the average customer call time is 90 seconds or more, then the report shall contain a detailed explanation of the steps that the electrical corporation is taking to bring its performance to at least that level.
11. The service restoration factor for all conditions. If the service restoration factor is less than 90% of customers restored within 36 hours or less, then the report shall contain a detailed explanation of the steps that the electrical corporation is taking to bring its performance to at least that level.
12. The service restoration factor for normal conditions. If the service restoration factor is less than 90% of customers restored within 8 hours or less, then the report shall contain a detailed explanation of the steps that the electrical corporation is taking to bring its performance to at least that level.
13. The service restoration factor for major events. If the service restoration factor is less than 90% of customers restored within 60 hours or less, then the report shall contain a detailed explanation of the steps that the electrical corporation is taking to bring its performance to at least that level.
14. The same-circuit repetitive interruption factor. If the same circuit repetitive interruption factor is more than 5% of circuits experiencing 5 or more same-circuit repetitive interruptions within a 12-month period, then the report shall contain a detailed explanation of the steps that the electrical corporation is taking to bring its performance to at least that level.
15. Identify 2% of distribution feeders or 10 feeders, whichever is more, that have the poorest reliability. The electrical corporation shall identify the method used to determine the feeders with the poorest reliability and shall indicate any planned corrective actions to improve feeder performance and target dates for completion or explain why no action is required. The electrical corporation shall ensure that feeders, identified as having the poorest reliability, shall not appear in any two consecutive Performance Reports without corrective action.

- (D) The Annual Report shall also include statistical tables and charts as follows for electrical corporation reliability performance Statewide and by each operating area and circuit:
1. Current year and ten years of SAIDI, SAIFI, CAIDI, CAIFI, CEMI6, CELID8, and ASAI classified by system, operating area, and circuit; and
 2. Ten years of causes of interruptions.
- (E) The Annual Report shall provide the Commission with the ability to assess the electrical corporation's efforts to maintain reliable electric service to all customers in the State of Missouri. Such reporting shall include the following items:
1. Current year expenditures, labor resource hours, and progress measures for each capital and/or maintenance program designed to support reliable electric service, overall and broken down into the following components:
 - a. Transmission vegetation maintenance;
 - b. Transmission maintenance, excluding vegetation, by total, preventive, and corrective categories;
 - c. Transmission capital infrastructure improvements;
 - d. Distribution vegetation maintenance;
 - e. Distribution maintenance, excluding vegetation, by total, preventive and corrective categories;
 - f. Distribution capital infrastructure improvements; and
 - g. Any related process, practice or material improvements.
- (F) The Annual Report shall also include current operations management system (OMS) data to include:
1. Number of outages by outage type;
 2. Number of outages by outage cause;
 3. Total number of customers at year end;
 4. Total number of customers that experienced an outage; and
 5. Total customer minutes of outage time.
- (G) Causes of interruptions compared to the previous ten-year (10 year) performance. Example of categories to be evaluated include:
1. Ice;
 2. Wind;
 3. Rain;
 4. Customer equipment;
 5. Equipment failure;
 6. Animals;
 7. Human element;
 8. Lightning;
 9. Loss of supply;
 10. Major events;
 11. Scheduled outages;

12. Tree contacts; and
13. Unknown.

(H) The Annual Report shall include a summary of each major event.

(I) In the event that an electrical corporation's reliability performance in an operating area does not meet the minimum reliability level for the calendar year, the Annual Report shall include the following:

1. An analysis of the service interruption causes, patterns and trends;
2. A description of the corrective actions taken or to be taken by the electrical corporation and the target dates for completion; and
3. If no corrective actions are planned, an explanation shall be provided.

(J) Each annual report shall, at a minimum, provide the following information for each distribution circuit:

1. Circuit identification number;
2. The location of each distribution circuit;
3. The number of outages and their cause by distribution circuit;
4. The worst performing distribution circuits as set out in 4 CSR 240-23.010(8)(B); and
5. All the circuits that do not meet the standards set out in 4 CSR 240-23.010(8)(C).
 - a. For circuits identified under this rule, 4 CSR 240-23.010(10)(J)(4 & 5), the electrical corporation shall indicate any planned corrective action to improve circuit performance and target dates for completion.
 - b. The electrical corporation shall ensure that circuits, identified as having the poorest reliability, under either 4 CSR 240-23.010(8)(B) or (C), shall not appear in any two consecutive Annual System Performance Reports without initiated corrective action. If a circuit appears three or more times in any five year period then the Commission may seek penalties against the electric corporation.

(K) Each electrical corporation shall report the age, current conditions, reliability and performance of the jurisdictional entity's existing transmission, distribution facilities and circuits.

(L) Each electrical corporation shall, within 15 business days after filing the annual report, make it available to the public and the media. The electrical corporation shall also make the annual report available on its website.

(11) Major event report

(A) The electrical corporation shall, within 15 business days after the end of a major event, file a report to the Commission verified by an officer who has knowledge of the matters stated therein, which shall include the following:

1. The date and time when the electrical corporation's storm center opened and closed;
2. By operating area or distribution circuit, the total number of customers out of service over the course of the major event, by four hour intervals.
3. The date and time when 75%, 95% and 100% of customers affected by a major event were restored;
4. The total number of trouble assignments repaired by facility classifications (poles, miles of wire, transformers)
5. The number of trouble locations and classifications;
6. The total number of customers affected;
7. The location, substation and feeder identifiers of all affected facilities;
8. The total number of customer-minutes of the event (sum of the interruption durations times the number of customers affected)
9. The time at which the mutual aid and non-company contractor crews were requested, arrived for duty and were released, and the mutual aid and non-contractor response(s) to the request(s) for assistance;
10. A timeline profile of the number of company line crews, mutual aid crews, non-company contractor line and tree crews working on restoration activities during the duration of the major event; and
11. A timeline profile of the number of company crews sent to an affected operating area to assist in the restoration effort.

(B) The electrical corporation shall continue to cooperate with any Commission request for information before, during and after a major event.

(C) The electrical corporation is expected to restore service to customers as quickly and safely as permitted by major event conditions.

(12) Interruptions of service

(A) Each electrical corporation shall exercise reasonable diligence to avoid interruptions of service and, when such interruptions occur, service shall be restored promptly, in accordance with 4 CSR 240-23.010(13), consistent with safe

practice. Each electrical corporation shall keep a record for a period of three year of each reported interruption of service.

- (B) Records of the interruptions of service shall be kept in a manner suitable for analysis for the purpose of minimizing possible future interruptions and shall include the time, cause, and duration of the interruptions as well as the remedial action taken.
- (C) Interruptions to service made in accordance with provision in interruptible service contracts between the electrical corporation and its customers need not be reported.

(13) Prompt restoration standards

- (A) Electrical corporations shall begin the restoration of service to an affected operating area within two hours of notification by two or more customers of any loss of electric service affecting those customers served by the same affected distribution circuit protective device within the system. Beginning restoration of service shall be defined as dispatching an individual or crew to an affected area to begin the restoration process.
- (B) The electrical corporation shall meet the following restoration standards:
 - 1. Under normal conditions, an electrical corporation shall restore service within 8 hours of notification to not less than 90% of its customers experiencing service interruptions.
 - 2. In response to major events, an electrical corporation shall restore service within 60 hours of notification to not less than 90% of its customers experiencing service interruptions.
 - 3. In the aggregate when responding to both outages during normal conditions and major events, an electrical corporation shall restore service within 36 hours of notification to not less than 90% of its customers experiencing service interruptions.
 - 4. Considering data derived through the amalgamation of data from both normal and catastrophic conditions, an electrical corporation shall not experience not more than four (4) same circuit repetitive interruptions in a 12-month period on more than five percent (5%) of its circuits.
- (C) When possible, each electrical corporation shall place the highest priority on responding to emergency (safety) situations and high priority on restoring service to other facilities essential to the public welfare. These priority requests may come from police, fire, rescue, authorized emergency service providers or public facility operators.
- (D) In situations where it is not practicable to respond within two hours to a reported interruption (including but not limited to safety reasons, inaccessibility, multiple

simultaneous interruptions, storms or other system emergencies), the electrical corporation shall respond as soon as the situation permits.

(14) Service Quality Levels of Performance

(A) An electrical corporation shall meet the following service quality standards:

1. An average customer call time of less than 90 seconds.
2. A call blockage factor of 5% or less.
3. A complaint response factor of 90% or more within 3 business days.
4. An electrical corporation shall have a meter reading factor of 85% or more within the approved period, including customer reads.
5. Complete 90% or more of its is new service installations within 15 business days.

(15) Customer Credits for Failure to Restore Service Promptly (Major event)

(A) Unless an electrical corporation requests a waiver pursuant to (§____) of these rules, an electrical corporation that fails to restore service to a customer within 120 hours after an interruption that occurred during the course of a major event shall provide to any affected customer a bill credit on the customer's next bill. The amount of the credit provided to a residential customer shall be the greater of \$25.00 or the customer's monthly customer charge.

(16) Customer Credits for failure to restore service promptly (normal conditions)

(A) Unless an electrical corporation request a waiver pursuant to _____ of these rules, an electrical corporation that fails to restore service to a customer within 16 hours after an interruption that occurred during normal conditions shall provide to any affected customer that notifies the electrical corporation of the interruption a bill credit on the customer's next bill. The amount of the credit provided to a residential customer shall be the greater of \$25.00 or the customer's monthly customer charge. The amount of the credit provided to any other distribution customer shall be the customer's minimum bill prorated on a daily basis.

(17) Multiple Billing Credits allowed

(A) An electrical corporation's obligation to provide a customer with billing credit for one reason does not excuse the obligation to provide an additional billing credit in the same month for another reason.

(18) Credits for repetitive interruptions same circuit

(A) Unless an electrical corporation request a waiver from the Commission pursuant to _____, a customer of an electrical corporation that experiences and notifies the electrical corporation of more than 7 interruptions in a 12 month period due to a same-circuit repetitive interruption shall be entitled to a billing credit on the customer's next bill. The amount of the credit provided to a residential customer

shall be the greater of \$100.00 or the customer's monthly customer charge. The amount of the credit provided to any other distribution customer shall be the customer's minimum bill prorated on daily basis.

(B) Following provision of the billing credit to a customer experiencing more than 7 interruptions in a 12 month period due to a same-circuit repetitive interruption, the electrical corporation's interruption counter shall be reset to zero to ensure that another credit to the customer will be processed only after the occurrence of another 8 interruptions in a 12 month period.

(19) Outage management systems (OMS)

(A) Each electrical corporation shall substantially implement the outage management system as described in this section by December 31, 2008.

(B) At a minimum the outage management system shall consist of a fully integrated geographic information system (GIS), a voice response unit (VRU), a software driven outage assessment tool and an energy management system/supervisory control and data acquisition (EMS/ SCADA).

(C) When fully implemented the outage management system shall be able to digitally map the entire electric distribution system, group customers who are out of service to the most probable interrupting device that operated, associate customers with distribution facilities, generate street-map indicating outage locations, dispatch crews and/or troubleshooters via computer (mobile data terminals), the accurately identify the number of customers without electric service, accurately communicate the number of customers without electric service and estimate their expected restoration time, and accurately communicate the number and when customers were restored.

(20) Filing of an Emergency Operations Plan

(A) Emergency Operations Plan.

1. **Filing requirements.** By December 31, 2007, each electrical corporation shall file with the commission a general description of its emergency operations plan verified by an officer who has knowledge of the matters stated therein. The electrical corporation's senior operations officer shall verify that all relevant operating personnel within the electrical corporation are familiar with the plan, and will follow the plan and its provisions in the event of a system or local emergency. Each time an electrical corporation updates its plan, it shall file with the commission, a description of the updates to the plan at least 30 days before such changes take effect.
2. **Copy available for inspection.** A general description of the plan shall also be made available at the electrical corporation's main office for inspection by the public.
3. **Information to be included in the plan.** Each electrical corporation's emergency plan must include, but need not be limited to, the following:

- a. A registry of critical loads directly served by the electrical corporation. This registry shall be updated as necessary, but not less often than annually. The description of the plan filed with the commission shall include the location of the registry, how the electrical corporation ensures that it is maintaining an accurate registry, how the electrical corporation will provide assistance to critical load customers in the event of an unplanned outage, how the electrical corporation intends to communicate with the critical load customers, and how the electrical corporation is training its staff with respect to serving critical customers and loads
 - b. A communications plan that describes the procedures for contacting the media, customers and critical loads directly served by the electrical corporation as soon as reasonably possible either before or at the onset of an electrical emergency. The communications plan should also address how the electrical corporation's telephone system and complaint-handling procedures will be augmented during an emergency. Electrical corporations should make every reasonable effort to solicit help from cogenerators and independent power producers during times of generation shortages to prevent interruptions in service;
 - c. Curtailment priorities and procedures for shedding load and rotating black-outs;
 - d. Priorities for restoration of service;
 - e. A summary of power plant weatherization plans and procedures; and
4. A summary of the electrical corporation's alternative fuel and storage capacity.

(21) Penalties, Fines, Sanctions and/or Ratemaking Disallowances

(A) Failure to comply with any provision of this rule may subject the violator to penalties, fines, sanctions and /or ratemaking disallowances in accordance with the Commission's statutory authority. No penalties, fines, sanctions and/or ratemaking disallowances shall be imposed for violations of this rule for a period of six months from the effective date of this rule.

(B) An electrical corporation that violates this rule may be subject to a penalty of not less than one hundred dollars (\$100.00) and not more than two thousand dollars (\$2,000.00) per day per violation, for each day the violation occurs as permitted under Missouri Statutes. The Commission shall notify the electrical corporation of the violation(s) in writing. Upon receipt of the written notice of violation, the electrical corporation shall have five business days to correct the violation(s). Any failure to correct the violation may subject the electrical corporation to a penalty of not less than \$100.00 per day for each violation, calculated from the day such written notice was received by the electrical corporation.

(C) The Commission may consider violations of this rule as a relevant factor in setting rates for the electrical corporation in a case where the Commission is examining the propriety of the electrical corporation's rates.

(D) Penalties, fines, sanctions and/or ratemaking disallowances imposed for violations of

this rule are in addition to, not a replacement for, other penalties, fines and/or sanctions that apply under other State laws and regulations and under Federal laws and regulations.

(E) In determining the appropriate penalties, fines, sanctions and/or ratemaking disallowances for violation of this rule, the Commission shall consider the following criteria, and any other factors deemed appropriate and material to the electrical corporation's delay or failure to comply:

1. The good faith efforts, if any, of the electrical corporation in attempting to comply with this rule;
2. The gravity of the violation;
3. The number of past violations by the electrical corporation, including violations of this rule, as well as of other standards, guidelines and procedures adopted by the Commission;
4. The appropriateness of the sanction(s) in light of the size of the electrical corporation;
5. Events judged by the Commission to be beyond the control of the electrical corporation; and
6. Mitigating factors.

(22) Variances

A variance from a provision of this rule may be granted only for good cause shown.

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION
Division 50—Division of School Improvement
Chapter 270—Early Childhood Education**

ments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PROPOSED AMENDMENT

5 CSR 50-270.010 General Provisions Governing Programs Authorized Under the Early Childhood Development Act. The State Board of Education is proposing to amend subsection (1)(B) and the incorporated by reference material.

PURPOSE: This rule establishes policies and standards to administer a program of grants to local public school districts for the provision of early childhood screening, parent education and programs for developmentally delayed children. Revisions to the administrative guidelines include changes to the characteristics for high-needs families; approved screening instruments and hearing/vision procedures; and reimbursement clarification regarding group or personal visits.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) All programs and projects carried out by school districts under the Early Childhood Development Act (ECDA) shall be conducted in conformity with:

(B) The state "Early Childhood Development Act Program Guidelines and Administrative Manual," revised **January 2008**, which is incorporated by reference and made a part of this rule *[and which]* as published by the Department of Elementary and Secondary Education (DESE) and is available at the Early Childhood Education Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480, or on DESE's Internet. This rule does not incorporate any subsequent amendments or additions. The "Early Childhood Development Act Program Guidelines and Administrative Manual" interprets state statutory requirements for the programs and establishes program management procedures consistent with state law and practice.

AUTHORITY: sections 178.691–178.699, RSMo 2000 and section 161.092, RSMo Supp. [2002] 2007. Original rule filed April 4, 1985, effective Sept. 3, 1985. Rescinded and readopted: Filed Feb. 27, 1992, effective Sept. 6, 1992. Amended: Filed June 29, 1995, effective Jan. 30, 1996. Amended: Filed May 29, 1998, effective Dec. 30, 1998. Amended: Filed July 28, 2000, effective Feb. 28, 2001. Amended: Filed Oct. 29, 2002, effective April 30, 2003. Amended: Filed Jan. 16, 2008.

PUBLIC COST: This proposed amendment is estimated to cost the Department of Elementary and Secondary Education \$34,304,651 for Fiscal Year 2008, with the cost recurring annually over the life of the rule subject to appropriations.

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 Elementary and Secondary Education, ATTN: JoAnne Ralston, Director, Early Childhood Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, com-

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Title: 5 Department of Elementary and Secondary Education
 Division: 50 School Improvement
 Chapter: 270 Early Childhood Education
 Type of Rulemaking: Proposed Amendment
 Rule Number and Name: 5 CSR 50-270.010 General Provisions Governing Programs Authorized Under the Early Childhood Development Act

II. SUMMARY OF FISCAL IMPACT

| Affected Agency or Political Subdivision | Estimated Cost of Compliance in the Aggregate |
|---|--|
| Department of Elementary and Secondary Education (Reimburse Education Agencies) | \$34,304,651 estimated amount for FY2008 with the cost recurring annually over the life of the rule subject to appropriations. |

III. WORKSHEET

DISTRICT QUOTAS FOR FISCAL YEAR 2008 (2007-2008)

| | | | | |
|----------------------------------|--------------------------|----------|---------|-----------------|
| Parent Education | 0 TO 3 (P1) | FSEUs* | X \$250 | \$20,873,550.00 |
| Parent Education | 3 TO KE (P3) | BCUs** | X \$150 | \$5,246,120.00 |
| High Needs | 0 TO KE (HN) | Contacts | X \$ 55 | \$6,435,600.00 |
| Screening | 1 TO 3 (S1) 3 TO KE (S3) | Children | X \$ 25 | \$2,836,350.00 |
| <u>Incarcerated Parents (IP)</u> | | | | |
| Parent Education | 0 TO 3 (IPP1) | FSEUs* | X \$250 | \$94,500.00 |
| Parent Education | 3 TO KE (IPP3) | BCUs** | X \$150 | \$48,450.00 |
| High Needs | 0 TO KE (IPHN) | Contacts | X \$ 55 | \$170,225.00 |
| Group Meetings | 0 TO KE (IPGM) | Meetings | X \$ 75 | \$7,200.00 |

Each school district is provided with a quota based on the previous year's service and the amount of funds appropriated to the program. (Due to the increase in services to be provided in FY2008, quotas were set higher than the allocation amount because programs will be adjusting to the new service requirements which will impact their ability to fully meet their quotas for FY2008.)

Parent Education for Families with Children Ages Birth To Three (P1& IPP1)

FY2008 quotas are based on the number of services provided by the district in FY2007 or the FY2007 quota, whichever is the higher amount.

Parent Education for Families with Children Ages Three to Kindergarten Entry (P3 & IPP3)

FY2008 quotas are based on the number of families served in FY2007 or the FY2007 quota, whichever is the lesser amount.

Additional Services for Families with High Needs (HN & IPHN)

FY2008 quotas are based on the number of High Needs contacts provided in FY2007 or the FY2007 quota, whichever is the higher amount. Up to 50% of the High Needs Services may be used for families with children three to kindergarten entry provided a parent educator certified to use the three to kindergarten entry curriculum delivers the services.

Screening of Children Ages One and Two (S1)

FY2008 quotas are based on the number of services provided in FY2007 or the FY2007 S1 quota, whichever is the lesser amount.

Screening of Children Ages Three to Kindergarten Entry (S3)

FY2008 quotas are based on the number of services provided in FY2007 or the FY2007 S3 quota, whichever is the lesser amount.

Incarcerated Parents Group Meetings (IPGM)

FY2008 quotas are based on 2 group meetings a month for a 12 month period.

IV. ASSUMPTIONS

The rule incorporates by reference **The Early Childhood Development Act Program Guidelines and Administrative Manual**. Aid included under these programs is limited exclusively to school districts. Due to this limitation, the proposed amendment will not require an expenditure of money by or a reduction in income for any person, firm, corporation, association, partnership, proprietorship, or business entity.

*FSEU – Full Service Equivalent Unit

**BCU – Basic Contact Unit

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION**
Division 50—Division of School Improvement
**Chapter 340—School Improvement and [Accreditation]
Accountability**

PROPOSED AMENDMENT

5 CSR 50-340.050 Policies and Standards for Summer School Programs. The State Board of Education proposes to amend the chapter name, purpose, sections (1), (2), (4), (6)–(8), subsection (3)(A), delete section (5) and renumber to the end.

PURPOSE: The State Board's existing regulation, which has been in effect since 1995, must be amended to reflect the current school funding statutes and current processes.

PURPOSE: This rule establishes policies and standards for public school districts and charter schools which choose to conduct summer school programs that will qualify for state aid in accordance with [section 163.031] Chapter 163, RSMo.

(1) Summer school programs may be held any time between the close of the regular school term and the beginning of the next regular term and must be approved by the local school board. A summer school program shall consist of a planned schedule of course offerings for resident students at the elementary or high school level. An approved summer school program for *[nonhandicapped]* students **without disabilities** must be in session for at least one hundred twenty (120) clock hours. Summer school programs for *[handicapped]* students **with disabilities** must be in session for at least sixty (60) clock hours depending upon the hours needed to comply with the *[Individual] Individualized* Education Program (IEP).

(2) A school board may authorize the operation of summer school programs at the elementary or high school level, or both. Each approved summer school program shall have at least the required minimum clock hours of instruction. An elementary summer school program may include any combination of grades kindergarten through eight (K–8). A high school summer school program may include any combination of grades seven through twelve (7–12). *[Elementary and high school summer school programs may not be combined to meet the minimum clock-hour requirement.]* A school district or charter school may operate one (1) or more summer school programs at any level. Each summer school program that is operated separately with different opening and closing dates must meet the minimum clock hours of instruction requirements. **A variety of classes may be offered at either the elementary or secondary level which meet state guidelines and whose total hours of instruction equal at least one hundred twenty (120) clock hours. A second method of meeting the clock hour requirement is to offer a variety of classes at the elementary and secondary level whose combined hours total at least one hundred twenty (120). This method is commonly referred to as “stacking.” Under the “stacking” method, typically sixty (60) hours of instruction are offered at the elementary level with sixty (60) hours of instruction offered at the secondary level for a combined total of one hundred twenty (120) clock hours. The clock hours of regular summer school classes may be combined with the clock hours of special education extended school year programs to reach the one hundred twenty (120)-clock hour requirement. No individual course or segment of an approved summer school program, other than special education programs, may consist of less than thirty (30) clock hours of classroom instruction. Minimum time requirements exclude break time and lunch time.**

(A) Examples of acceptable combinations are as follows:

1. Sixty (60) hours in grades kindergarten through six (K–6) or kindergarten through eight (K–8) plus sixty (60) hours in

grades seven through eight (7–8) or nine through twelve (9–12) in an approved summer school;

2. Sixty (60) hours in a special education extended school year program plus sixty (60) hours in grades kindergarten through eight (K–8) or nine through twelve (9–12) in an approved summer school; or

3. Thirty (30) hours in grades kindergarten through six (K–6) plus thirty (30) hours in grades seven through eight (7–8) plus sixty (60) hours in grades nine through twelve (9–12) in an approved summer school.

(B) Title I summer school hours may not be used in the “stacking” method. The district or charter school must demonstrate compliance with the supplement not supplant requirement before federal programs funds may be used for summer services. Prior to obligating federal funds for summer services, the district must complete a Federal Program Proposed Summer School Plan.

(3) The curriculum in an approved summer school program at any level must include one (1) or more of the following academic areas as the major portion of the clock hours of instruction in the program: elementary school—language arts, mathematics, science, social studies; and high school—language arts, mathematics, science, social studies, practical arts.

(A) Any course which may be offered in the regular school term may be approved as part of the summer school *[program]* **with the exception of physical education hours that do not count as credit toward graduation for students in grades nine (9), ten (10), eleven (11) and twelve (12).** Special approval must be requested for summer school courses that would require special approval during the regular term.

(4) The attendance of resident *[pupils]* students between the ages of six and twenty (6–20) in grades one through twelve (1–12) and *[pupils five (5) years old attending kindergarten in approved summer school programs]* students who are eligible to attend kindergarten the next fall (must be five (5) before the first day of August of the school year beginning in that calendar year) may be counted for summer school state aid purposes in accordance with *[section 163.011] Chapter 163, RSMo.*

[(5) Individual school district's summer school average daily attendance (ADA) that does not exceed five percent (5%) of the ADA for the immediate preceding school year, the ADA shall be doubled for state aid purposes. A district's summer school ADA greater than five percent (5%) of the preceding school year ADA shall count once for state aid purposes.]

[(6)](5) Some high school courses may be offered for credit and some courses for no credit in an approved summer school program. High school *[pupils]* students may earn one-half (1/2) unit of high school credit for laboratory courses which meet at least seventy-five (75) clock hours and one-half (1/2) unit of high school credit for other courses which meet for sixty to seventy-five (60–75) clock hours. One-fourth (1/4) unit of high school credit may be granted for driver education classes which provide thirty (30) clock hours of classroom instruction, six (6) clock hours behind the wheel and twelve (12) clock hours as an observer in a driver education car. Minimum time requirements exclude any *[passing time,]* break time and lunch time.

[(7)](6) Summer school teachers *[shall]* **must** have valid Missouri teacher certification *[at the appropriate level in the area of service].*

[(8)](7) Transportation for *[handicapped]* summer school *[pupils]* students with disabilities is reimbursable as provided in 5 CSR *[4]30-261.040* Allowable Costs for State Transportation Aid.

[[9]](8) School food services for summer school *[pupils]* students are not required but may be provided.

[[10]](9) Facilities and equipment used for summer school shall be of a quality equal to that used during the regular term.

[[11]](10) Textbooks, library resources and other instructional materials and aids shall be of a quality equal to that used during the regular term.

[[12]](11) State Board of Education classification standards pertaining to class size are applicable to summer school programs.

[[13]](12) Department of Elementary and Secondary Education (DESE) staff will review applications for approval of summer school programs, consult with local school officials as needed and approve eligible summer school programs for state aid. Approved summer school programs will be visited and reviewed by *[department]* DESE staff.

[[14]](13) *[Local s]* School districts and charter schools must keep individual *[pupil]* student membership and attendance records for summer school programs. The summer school records shall be audited as required by law.

[[15]](14) Summer school program applications and reports shall be submitted in a form and at a time as may be required by *[the]* DESE.

AUTHORITY: sections 161.092(2), 163.011, 163.021(2) and 163.031, RSMo [1994] Supp. 2007. Original rule filed May 14, 1971, effective May 24, 1971. Rescinded and readopted: Filed Nov. 15, 1977, effective Feb. 15, 1978. Amended: Filed Aug. 12, 1983, effective Dec. 12, 1983. Amended: Filed May 11, 1995, effective Dec. 30, 1995. Amended: Filed Jan. 16, 2008.

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 TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, Attention: Becky Odneal, Coordinator, School Improvement and Accountability, PO Box 480, Jefferson City, MO 65102-0480. 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 4—Conditions of Recipient Participation,
Rights and Responsibilities**

PROPOSED RULE

13 CSR 70-4.120 Insure Missouri

PURPOSE: This rule establishes Insure Missouri, which is an initiative designed to provide health care coverage through the private health insurance market for Missouri's low income, working adult population who are custodial parents or caretaker relatives with incomes up to and including one hundred percent (100%) of the federal poverty level, as provided herein, using state funds and federal

funds available under Title XIX of the Social Security Act and the Deficit Reduction Act of 2005.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) The MO HealthNet Division (MHD) is designated as the agency to oversee the administration of Insure Missouri. For working parents and custodial relatives with incomes up to and including one hundred percent (100%) of the federal poverty level, as provided herein, the services covered and the limitation under which services are covered and the maximum payment for all covered services shall be included in the contract issued by the Office of Administration, Division of Purchasing and Materials Management, which is incorporated by reference and made a part of this rule as published by the Office of Administration at its website, www.oa.mo.gov/purch, February 15, 2008. Provider manuals and provider bulletins are incorporated by reference and made part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109 at its website, www.dss.mo.gov/mhd, February 15, 2008. This rule does not incorporate any subsequent amendments or additions.

(2) Custodial parents and caretaker relatives age nineteen (19) and above with family income up to and including one hundred percent (100%) of the federal poverty level are not eligible for Insure Missouri if they are eligible for MO HealthNet benefits as the result of 13 CSR 40-2.375.

(3) Coverage of custodial parents and caretaker relatives age nineteen (19) and above with family income up to and including one hundred percent (100%) of the federal poverty level, as provided herein, will be effective upon federal approval of the Title XIX state plan amendments or waivers, subject to state appropriation.

(4) The net income limits for custodial parents and caretaker relatives to be eligible for Insure Missouri are the July 16, 1996 Aid to Families with Dependent Children (AFDC) net income limit for the assistance group size.

(5) Eligibility requirements, including income standards and methodologies, for custodial parents and caretaker relatives to be eligible for Insure Missouri are those eligibility requirements, including income standards and methodologies pursuant to section 208.145, RSMo, and 13 CSR 40-2.375, except:

(A) An amount equal to the difference between the July 16, 1996 AFDC net income limit and one hundred percent (100%) of the federal poverty level is deducted from earned income; and

(B) The four (4)-month thirty dollars (\$30) plus one-third (1/3) of earned income disregard and the eight (8)-month thirty dollar (\$30) earned income disregard are not allowed.

(6) Custodial parents and caretaker relatives with incomes up to and including one hundred percent (100%) of the federal poverty level, as provided herein, and who qualify to participate in Insure Missouri must enroll with one (1) of the private health carriers that have been selected by competitive bid to provide health care plans to this group of Insure Missouri participants.

(7) The private health carrier contractors shall provide a medical service delivery system pursuant to the contract issued by the Office of

Administration, Division of Purchasing and Materials Management pursuant to a sealed bid.

(8) Where economically cost effective, the MO HealthNet Division will use the MHD's Health Insurance Premium Payment Program (HIPP) to obtain commercial insurance that may be available to the Insure Missouri participant. Those services included in the comprehensive benefit packages described herein, but not included in the commercial insurance service package, may be obtained through Insure Missouri as otherwise provided herein.

(9) The health carrier for custodial parents and caretaker relatives with incomes at or below one hundred percent (100%) of the federal poverty level, as provided herein, shall include the following services with the comprehensive benefit package:

- (A) Inpatient hospital services;
- (B) Outpatient hospital and ambulatory surgical center services;
- (C) Physician and advanced practice nurse services;
- (D) Federally qualified health center services;

(E) Emergency Care Services. Emergency medical/mental health services means covered inpatient and outpatient services that are furnished by a provider that is qualified to furnish these services and are needed to evaluate or stabilize an emergency medical condition.

1. An emergency medical condition means a medical or mental health condition manifesting itself by acute symptoms of sufficient severity (including severe pain) that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in—

- A. Placing the physical or mental health of the individual in serious jeopardy;
- B. Serious impairment to bodily functions;
- C. Serious dysfunction of any bodily organ or part;
- D. Serious harm to self or others due to an alcohol or drug abuse emergency;
- E. Injury to self or bodily harm to others; or
- F. Placing the physical health of an unborn child in serious jeopardy in the case of a pregnant woman.

2. Post-stabilization care services means covered services, related to an emergency medical condition that are provided after a participant is stabilized in order to maintain the stabilized conditions or to improve or resolve the participant's condition;

- (F) Laboratory, radiology, and other diagnostic services;
- (G) Prescription drugs;

(H) Mental Health and Substance Abuse Treatment. All participants shall receive all medically necessary mental health and substance abuse services included in the comprehensive benefit package. The state agency, in conjunction with the Department of Mental Health, has developed community-based services with an emphasis on the least restrictive setting. The health carrier shall consider, when appropriate, using such services in lieu of using an out-of-home placement setting for participants;

- (I) Home health services;
- (J) Durable medical equipment (including but not limited to: orthotic and prosthetic devices, respiratory equipment and oxygen, enteral and parenteral nutrition, wheelchairs and walkers, and diabetic supplies and equipment);

(K) Family Planning Services. If family planning services are sought out-of-network by a participant, the health carrier shall be financially liable for payment of those services in accordance with federal freedom of choice provisions;

- (L) Personal care services;
- (M) Emergency transportation (ground and air) services;
- (N) Hospice services;

(O) Services Provided by Local Public Health Agencies. The Department of Health and Senior Services (DHSS) and local public health agencies administer certain public health programs which are critical to the protection of the public's health and, therefore, must be made available to participants at local public health agencies

whether in-network or out-of-network. The health carrier shall reimburse the local public health agency according to the most current MO HealthNet program fee schedule in effect at the time of service, unless otherwise negotiated; and

(P) Transplant Related Services. The health carrier shall permit and authorize and shall be financially responsible for any inpatient, outpatient, physician, and related support services including presurgery assessment/evaluation prior to the date of the actual bone marrow/stem cell or solid organ transplant surgery. The bone marrow/stem cell or solid organ transplant will be prior authorized by the state agency and must be performed at a state agency approved transplant facility in accordance with the Insure Missouri participants' freedom of choice. The health carrier shall be responsible for pre-transplant and post-transplant follow-up care and immuno-suppressive pharmacy products prescribed after the inpatient transplant discharge. To ensure continuity of care, the health carrier shall permit and authorize follow-up services and the health carrier shall be responsible for the reimbursement of such services. The primary care provider shall be allowed to refer a transplant participant to the performing transplant facility for follow-up transplant care. Reimbursement to out-of-network providers of transplant support services shall be no less than the current MO HealthNet program rates in effect at the time of the services.

(10) Cost sharing requirements shall be as follows:

(A) For working parents and custodial relatives with incomes up to and including one hundred percent (100%) of the federal poverty level, as provided herein, the following co-payment shall apply:

- 1. Physician and advanced practice nurse services—one dollar (\$1.00);
- 2. Federally qualified health center—one dollar (\$1.00);
- 3. Rural health clinic—one dollar (\$1.00);
- 4. Independent laboratory—one dollar (\$1.00);
- 5. Independent x-ray service—one dollar (\$1.00);
- 6. Psychologist—two dollars (\$2.00);
- 7. Outpatient hospital—three dollars (\$3.00); and
- 8. Inpatient hospital—ten dollars (\$10.00).

A. Cost sharing will be applied to the first date of admission, except for emergency or transfer inpatient hospital admissions;

(B) For working parents and custodial relatives with incomes up to and including one hundred percent (100%) of the federal poverty level, as provided herein, the following participant portion of the pharmacy professional dispensing fee shall apply:

- 1. Ingredient cost of ten dollars (\$10.00) or less—fifty cents (\$.50);
- 2. Ingredient cost of ten dollars one cent (\$10.01) to twenty-five dollars (\$25.00)—one dollar (\$1.00); and
- 3. Ingredient cost of twenty-five dollars one cent (\$25.01) or more—two dollars (\$2.00);

(C) Providers shall not deny or reduce services to working parents and custodial relatives with incomes up to and including one hundred percent (100%) of the federal poverty level, as provided herein, solely on the basis of the participant's inability to pay the cost sharing when charged;

(D) The working parents' and custodial relatives', with incomes up to and including one hundred percent (100%) of the federal poverty level, as provided herein, inability to pay a required amount as due and charged when a service is delivered shall in no way extinguish the participant's liability to pay the amount due;

(E) Cost sharing requirements for working parents and custodial relatives with incomes up to and including one hundred percent (100%) of the federal poverty level, as provided herein, shall not exceed five percent (5%) of the individual's income.

(11) As required by federal law the Department of Social Services shall provide for granting an opportunity for a state fair hearing to any applicant or participant whose claim for benefits under Insure Missouri is denied.

AUTHORITY: section 208.201, RSMo Supp. 2007 and section 660.017, RSMo 2000. Original rule filed Jan. 16, 2008.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions \$51,500,000 in state fiscal year 2008. It will cost state agencies or political subdivisions \$239,194,740 in state fiscal year 2009.

PRIVATE COST: This proposed rule 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 rule with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, Missouri 65109. To be considered, comments must be received 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 4 - Conditions of Recipient Participation, Rights and Responsibilities**

| | |
|-----------------------|---------------------------------|
| Rule Number and Name: | 13 CSR 70-4.120 Insure Missouri |
| Type of Rulemaking: | Proposed Rule |

II. SUMMARY OF FISCAL IMPACT

| Affected Agency or Political Subdivision | Estimated Cost of Compliance in the Aggregate |
|--|--|
| Department of Social Services MO HealthNet Division | \$51,500,000 Total (SFY 2008) \$19,353,700 State Funds |
| Department of Social Services MO HealthNet Division | \$239,194,740 Total (SFY 2009) \$88,502,054 State Funds |

III. WORKSHEET

Start date of the Insure Missouri program is March 14, 2008. The public cost for the Insure Missouri Phase 1 is \$51,500,000 in SFY 2008. The cost is based on the number of eligibles (54,531) expected to enter the program.

The public cost for the Insure Missouri Phase 1 is \$239,194,740 in SFY 2009. The cost is based on the number of eligibles (59,075).

IV. ASSUMPTIONS

This cost covers care for the estimated number of custodial parents or caretaker relatives with incomes up to and including 100% of the federal poverty level who will enroll in the Insure Missouri program.

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

**Division 2030—Missouri Board for Architects,
Professional Engineers, Professional Land Surveyors,
and Landscape Architects
Chapter 6—Fees**

PROPOSED AMENDMENT

20 CSR 2030-6.015 Application, Renewal, Reinstatement, Relicensure and Miscellaneous Fees. The board is proposing to amend subsection (1)(M).

PURPOSE: Pursuant to section 327.431, RSMo, the board shall set the amount of the fees which this chapter authorizes and requires by rules and regulations promulgated pursuant to section 536.021, RSMo. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter. Therefore, the board is decreasing the fee for individual license renewal.

(1) The following fees are established by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects:

| | |
|---|-----------------------------|
| (M) Individual Renewal Fee | [/100] 60 |
| 1. For the renewal period between January 1, 2007, and December 31, 2008 | \$30 |
| 2. For the renewal period between January 1, 2008, and December 31, 2009 | \$30] |

AUTHORITY: section 327.041, RSMo Supp. [2003] 2007. This rule originally filed as 4 CSR 30-6.015. Emergency rule filed Aug. 12, 1981, effective Aug. 22, 1981, expired Dec. 10, 1981. Original rule filed Aug. 12, 1981, effective Nov. 12, 1981. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Jan. 15, 2008.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately eight hundred sixty thousand five hundred twenty dollars (\$860,520) biennially 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 eight hundred sixty thousand five hundred twenty dollars (\$860,520) biennially for the life of the rule. It is anticipated that the savings 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 for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, Jefferson City, MO 65102 or via email at moapels@pr.mo.gov. 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.

PUBLIC ENTITY FISCAL NOTE

I. RULE NUMBER

**Title 20 -Department of Insurance, Financial Institutions and Professional Registration
Division 2030 - Missouri Board of Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects**

Chapter 6 - Fees

Proposed Amendment - 20 CSR 2030-6.015 Application, Renewal, Reinstatement, Relicensure and Miscellaneous Fees

Prepared October 19, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

| Affected Agency or Political Subdivision | Estimated Loss of Revenue | |
|---|--|---------------------|
| Missouri Board of Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects | \$860,520.00 | |
| | Total Loss of Revenue Biennially for the Life of the Rule | \$860,520.00 |

III. WORKSHEET

1. The division is statutorily obligated to enforce and administer the provisions of sections 327.011-327.635, RSMo. Pursuant to Section 327.431, RSMo, the division shall by rule and regulation set the amount of fees authorized by sections 327.011-327.635, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 327.011-327.635, RSMo. The board estimates the projections calculated in the Private Entity Fiscal Notes will be total loss of revenue for the board.

IV. ASSUMPTION

1. It is anticipated that the loss of revenue will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions and Professional Registration
Division 2030 - Missouri Board of Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects

Chapter 6 - Fees

Proposed Amendment - 20 CSR 2030-6.015 Application, Renewal, Reinstatement, Relicensure and Miscellaneous Fees

Prepared October 19, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

| Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment: | Classification by type of the business entities which would likely be affected: | Estimated savings for compliance with the amendment by affected entities: |
|---|--|--|
| 21,513 | Individual Renewal Fee (renewal fee @ \$40 decrease) | \$860,520 |
| | Estimated Biennial Cost Savings for the Life of the Rule | \$860,520 |

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The figures reported above are based on 2007 actuals.
2. It is anticipated that the total saving will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The division is statutorily obligated to enforce and administer the provisions of sections 327.011-327.635, RSMo. Pursuant to Section 327.431, RSMo, the division shall by rule and regulation set the amount of fees authorized by sections 327.011-327.635, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 327.011-327.635, RSMo.

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

**Division 2030—Missouri Board for Architects,
Professional Engineers, Professional Land Surveyors,
and Landscape Architects
Chapter 11—Renewals**

PROPOSED RULE

20 CSR 2030-11.035 Continuing Education for Landscape Architects

PURPOSE: Pursuant to Senate Bill 72 of the 94th General Assembly this rule establishes continuing education requirements for landscape architects.

(1) Purpose.

(A) As a condition for renewal of a landscape architectural license issued pursuant to section 327.621, RSMo, a licensee shall have successfully completed twenty-four (24) continuing education units (CEUs), as defined by this regulation within the two (2) years immediately preceding the renewal date or be exempt from these continuing education requirements as provided in this rule.

1. At least sixteen (16) CEUs shall be related to health, safety, and welfare (HSW) acquired in structured educational activities. All twenty-four (24) units may be acquired in such HSW subjects and activities. Failure to comply with these requirements will result in nonrenewal of the landscape architect's license or other disciplinary action or both unless noted below.

2. Any licensee who completes more than twenty-four (24) CEUs within the preceding two (2) calendar years may apply the excess, not to exceed twelve (12) units, to the requirement for the next two (2)-year period.

3. This requirement goes into effect for landscape architects starting with their December 31, 2010 renewal period.

A. Every landscape architect originally licensed in an even year will need to start accumulating twenty-four (24) CEUs between January 1, 2009 and December 31, 2010 in order to renew their license prior to their next renewal deadline of December 31, 2010.

B. Every landscape architect originally licensed in an odd year will be required to have accumulated twenty-four (24) CEUs between January 1, 2010 and December 31, 2011.

(B) Continuing education is a requirement for every landscape architect who is actively licensed by the board, regardless of age, area of practice, or whether the licensee lives in-state or out-of-state pursuant to section 327.621, RSMo.

(C) Continuing education obtained by a licensee should maintain, improve, or expand skills and knowledge obtained for initial licensure, or develop skills and knowledge relevant to the practice of landscape architecture and necessary to safeguard life, health, property, and promote the public welfare.

(2) Definitions.

(A) Landscape Architectural Division. The three (3)-member division of the board that concerns itself with the profession of landscape architecture.

(B) Board. The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects.

(C) Contact hour. One (1) nominal contact hour of acceptable continuing education is equivalent to one (1) CEU.

(D) Continuing education unit (CEU). One (1) nominal contact hour of instruction or presentation. One (1) CEU shall represent a minimum of fifty (50) minutes of actual course time. No credit will be allowed for introductory remarks, meals, breaks, or administrative matters related to courses of study.

(E) Sponsor. An individual, organization, association, institution, or other entity that provides an educational activity for the purpose

of fulfilling the continuing education requirements of the board. A landscape architect is responsible for obtaining from the sponsor verification records such as certificates of attendance, signed attendance receipts, paid receipts, a copy of a listing of all attendees signed by a person in responsible charge of the activity, or other documentation verifying attendance.

(3) Initial Registration.

(A) A landscape architect who holds licensure in Missouri for less than twelve (12) months from the date of his/her initial licensure shall not be required to report continuing education hours at the first license renewal.

(4) Activities.

(A) The following suggested list may be used by all licensed landscape architects in determining the types of activities that may fulfill continuing education requirements:

1. Contact hours in attendance at short courses or seminars, dealing with landscape architectural, architectural, engineering or land surveying subjects, as appropriate to each discipline and sponsored by colleges or universities;

2. Contact hours in attendance at technical presentations on subjects which are held in conjunction with conventions or at seminars related to materials use and function. Such presentations as those sponsored by the Council of Landscape Architectural Registration Boards (CLARB), American Society of Landscape Architects (ASLA), or similar organizations devoted to landscape architectural, architectural, engineering, or land surveying education may qualify;

3. Contact hours in attendance at short courses or seminars, relating to business practice or new technology and offered by colleges, universities, professional organizations, or system suppliers;

4. Contact hours spent in self-study courses sponsored by the CLARB, ASLA or similar organizations;

5. Three (3) units preparing for each class hour spent teaching landscape architectural courses or seminars. College or university faculty may not claim credit for teaching regular curriculum courses;

6. Contact hours spent in landscape architectural research, which is published or formally presented to the profession or public;

7. College or university credit courses dealing with landscape architectural subjects or business practice. Each semester hour shall equal fifteen (15) CEUs;

8. Contact hours spent in professional service to the public that draws upon the licensee's professional expertise on boards or commissions, such as: serving on planning commissions, park boards, city council, county commissions or state registration boards; or

9. Contact hours spent in education tours of landscape architecturally significant projects, where the tour is sponsored by a college, university or professional organization.

(5) Exemptions.

(A) A licensed landscape architect shall be deemed to have complied with the foregoing continuing education requirements if the landscape architect attests in the required renewal that for not less than twenty-one (21) months of the preceding two (2)-year period of licensure, the landscape architect (one (1) of the following):

1. Is a resident of another state or district having continuing education requirements for licensure as a landscape architect and has complied with all requirements of that state or district for practice therein; or

2. Is a government employee working as a landscape architect and assigned to duty outside the United States.

(B) If the licensee served on full-time active duty in the military, the licensee may renew his/her license without completing the CEU requirement for any renewal period during which the licensee served.

(6) Reactivation—Retired or Inactive.

(A) Landscape architects, who so attest on their renewal that they

are retired from active practice or are not engaged in the active practice of landscape architecture, may place their license in an inactive status. Those doing so cannot practice but can still retain the title of landscape architect. Such landscape architect may, however, re-enter practice only after paying the required fee and satisfying the board of their proficiency. Proficiency may be established by any one (1) of the following:

1. Submitting verifiable evidence of compliance with the aggregate continuing education requirements for the reporting periods attested as retired from active practice or not engaged in active practice; or

2. Retake the landscape architectural registration examination; or

3. Fulfill alternative reentry requirements determined by the board, which serve to assure the board of the current competency of the landscape architect to engage in the practice of landscape architecture.

(7) Reciprocity.

(A) CEUs may be acquired at locations other than Missouri, so long as the content meets the requirements of this regulation.

(8) Forms.

(A) All renewal applications will require the submission of a continuing education form specified and supplied by the board. The licensee must certify and complete the attestation on the form, before submitting it with the renewal application and fee. Failure to fulfill the continuing education requirements, or to file the required reporting form, properly and completely signed, shall result in non-renewal of a licensee's license.

(9) Records.

(A) The responsibility of maintaining records, which can be used to support credits claimed, is the responsibility of the licensee. Each landscape architect shall complete and submit the required reporting form certifying that he/she has acquired the required continuing education hours. These records must be maintained for a period of four (4) years and copies must be furnished to the board for audit verification purposes, if requested. At its discretion, the board may randomly audit a portion of licensees each renewal period or a specific licensee if a complaint has been filed against the licensee. Any untrue or false statements or the use thereof with respect to course attendance or any other aspect of continuing education activity is fraud or misrepresentation and will subject the landscape architect to license revocation or other disciplinary action. If in the review, the board finds that the CEU is not acceptable, the board shall inform the licensee of the criteria that has not been adhered to. The licensee shall have three (3) months from the license renewal date in which to substantiate the original claim or to earn other credits to meet the minimum requirements.

AUTHORITY: section 327.041, RSMo Supp. 2007 and sections 41.946 and 327.171, RSMo 2000. Original rule filed Jan. 15, 2008.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately eighty-three dollars (\$83) 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 rule 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 rule with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, Jefferson City,

MO 65102 or via email at moapels@pr.mo.gov. 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.

PUBLIC ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions and Professional Registration
Division 2030 - Missouri Board of Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects
Chapter 11 - Renewals
Proposed Amendment - 20 CSR 2030-11.035 Continuing Education for Landscape Architects
 Prepared October 19, 2007 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

| Affected Agency or Political Subdivision | Estimated Cost of Compliance | |
|---|--|---------|
| Missouri Board of Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects | \$82.72 | |
| | Total Annual Cost of Compliance for the Life of the Rule | \$82.72 |

III. WORKSHEET

The Licensing Technician I and the Office Support Assistant will copy approximately one hundred and forty-one (141) continuing education reporting forms each year for the licensees. These will be included with renewal notices and mailed by the central processing unit for the division, therefore, no additional postage will be needed. The Licensure Technician I and the Office Support Assistant will also mail approximately fourteen (14) audit notices to randomly selected licensees and then will forward the information submitted in response to the audit to the Landscape Architectural Division of the Board for their review and approval. The letterhead and postage for this is considered below.

| STAFF | ANNUAL SALARY | SALARY TO INCLUDE FRINGE BENEFIT | HOURLY SALARY | COST PER MINUTE | TIME PER APPLICATION | TOTAL COST |
|--------------------------|---------------|----------------------------------|---------------|-----------------|----------------------|------------|
| Licensing Tech I | \$22,716 | \$33,821.85 | \$16.26 | \$0.27 | 2 hours | \$32.52 |
| Office Support Assistant | \$23,100 | \$34,393.59 | \$16.54 | \$0.28 | 2 hours | \$33.07 |

Total Annual Personal Services Cost for Reporting of CEUs \$65.59

Expense and Equipment Dollars for Mailing CEU Reporting Forms

| Item | Cost/Item | # of Items | Total Cost/Item |
|--|------------------|-------------------|----------------------------|
| Copy Paper | \$0.05 | 141 | \$7.05 |
| Letterhead | \$0.15 | 14 | \$2.10 |
| Envelopes | \$0.16 | 14 | \$2.24 |
| Postage | \$0.41 | 14 | \$5.74 |
| Total Annual Expense and Equipment Cost | | | \$17.13 |

IV. ASSUMPTION

1. Employee's salaries were calculated using the annual salary multiplied by 48.89% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute.
2. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the office, which includes personal service, expense, and equipment.

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

**Division 2030—Missouri Board for Architects,
Professional Engineers, Professional Land Surveyors,
and Landscape Architects**

Chapter 21—Professional Engineering

PROPOSED RULE

20 CSR 2030-21.020 Engineer of Record and Specialty Engineers

PURPOSE: In instances when there is more than one (1) engineer involved on a project, this rule will clarify what the responsibilities are of each engineer.

(1) The professional engineer who develops the design criteria and concept for a particular project and discipline, and who prepares or causes to be prepared under his/her immediate personal supervision the corresponding drawings, specifications, reports, or other documents, shall be designated the engineer of record for the project and discipline. A professional engineer who provides services for specific portions of the project within a particular discipline, but does not have a direct organizational contractual relationship with the corresponding engineer of record, shall be designated the specialty engineer.

(A) The engineer of record shall communicate in writing the extent of and complete design criteria, performance specifications and other requirements for the portion of the project delegated to the specialty engineer, which shall be limited to the same discipline as that of the engineer of record.

(B) The specialty engineer shall perform his/her services in strict accordance with the written requirements of the engineer of record, or shall clearly indicate in writing any exceptions taken to said requirements in his/her submittals to the engineer of record.

(C) The specialty engineer shall prepare or cause to be prepared under his/her immediate personal supervision the drawings, specifications, reports, or other documents that correspond to the portion of the project delegated by the engineer of record; shall seal, sign, and date them in accordance with 20 CSR 2030-3.060; and shall submit them to the engineer of record.

(D) The engineer of record shall review the drawings, specifications, reports, or other documents submitted by the specialty engineer and confirm in writing that they conform to his/her written requirements and are consistent with the intent of his/her drawings, specifications, reports, or other documents prepared for the project.

(E) An architect may delegate such engineering work as is incidental to the practice of architecture, provided that he/she follows the requirements for the engineer of record as described in this rule.

AUTHORITY: section 327.041, RSMo Supp. 2007. Original rule filed Jan. 15, 2008.

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

PRIVATE COST: This proposed rule 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 rule with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, Jefferson City, MO 65102 or via email at moapels@pr.mo.gov. 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.