

Missouri Code of State Regulations <small>Currentness</small>
Title 4 - Department of Economic Development
Division 240 - Public Service Commission
Chapter 4 - Standards of Conduct

4 Mo. Code of State Regulations 240-4.015

4 CSR 240-4.015 General Definitions

PURPOSE: This rule sets forth the definitions of certain terms used in rules 4 CSR 240-4.017 through 4 CSR 240-4.050.

(1) Case—Any matter filed before the commission for its determination except working dockets, rulemaking dockets, and investigatory dockets.

(2) Commission—Means the Missouri Public Service Commission as created by Chapter 386, RSMo.

(3) Commissioner—Means one (1) of the members of the Missouri Public Service Commission.

(4) Commission staff—Commission employees who report to the Staff Director.

(5) Discussed case—A case or noticed case that includes, or will likely include, substantive issues that are the subject of an *ex parte* or extra-record communication regulated under this rule.

(6) *Ex parte* communication—Any communication outside of the case process between a member of the office of the commission and any party, or the agent or representative of a party, regarding any substantive issue in, or likely to be in, a case or noticed case. *Ex parte* communications shall not include a communication regarding general regulatory policy allowed under section 386.210.4, RSMo, communications listed in 4 CSR 240-4.040, communications made thirty (30) days or more after the commission issues a final determination in a case, or communications that are *de minimis* or immaterial.

(7) Extra-record communication—Any communication outside of the case process between a member of the office of the commission and any person not a party to a case or noticed case regarding any substantive issue in, or likely to be in, that case or noticed case. Extra-record communications shall not include communications regarding general regulatory policy allowed under section 386.210.4, RSMo, communications with members of the general assembly or other government official allowed under section 386.210.5, RSMo, communications listed in 4 CSR 240-4.040, communications made thirty (30) days or more after the commission issues a final determination in a case, communications between the office of the commission and

commission employees who are not commission staff, or communications that are *de minimis* or immaterial.

(8) Final determination—A decision of the commission that resolves a case, including all applications for rehearing and reconsideration.

(9) Noticed case—Any case for which a notice of a case has been filed in compliance with [4 CSR 240-4.017](#).

(10) Office of the commission—Commissioners, a commissioner, a member of the commission’s advisory staff, or the commission’s regulatory law judges.

(11) Party—Any applicant, complainant, petitioner, respondent, intervenor, or person with an application to intervene pending in a case or noticed case before the commission. Commission staff and the public counsel are also parties unless they file a notice of their intention not to participate in the relevant proceeding within the period of time established for interventions by commission rule or order.

(12) Person—Any individual, partnership, company, corporation, cooperative, association, political subdivision, or any other entity or body.

(13) Public counsel—Shall have the same meaning as in [section 386.700, RSMo](#).

(14) Substantive issue—Merits of specific facts, evidence, claims, or positions specific to a case or noticed case that have been or are likely to be presented or taken in that case. The term substantive issue does not include procedural issues, unless those procedural issues are contested or likely to materially impact the outcome of a case.

AUTHORITY: [section 386.410, RSMo 2016](#) [FNa] *Original rule filed Nov. 28, 2016, effective July 30, 2017.*
[FNa]

. *Original authority:* [386.410, RSMo 1939](#), amended 1947, 1977, 1996.

Current through February 28, 2019

4 Mo. Code of State Regulations 240-4.015, 4 MO ADC 240-4.015
