




Rulemaking – The Process

Presented by Tom Imhoff




The beginning . . .


A concept or problem is encountered that would require a new rule, or modification of an existing rule. In this case, the rules related to electric, and possibly natural gas, integrated resource planning.




The issue is identified and communicated to the appropriate Division Director through a rule issue paper that is presented by the Director to the other Division Directors.




If the Division Directors approve the rule issue paper's proposed approach for the new rule or modification of an existing rule, the appropriate Director appoints a Staff member to lead the rulemaking process.




The assigned Staff member develops the rule issue paper into an agenda prediscussion form regarding the proposed rulemaking and places the matter on the Commission's Agenda. Upon Commission approval, a Motion for Necessity of Rulemaking is filed by Staff. This Motion will typically result in a Notice Finding Necessity for Rulemaking Order by the Commission, which establishes the case number.




In this case, the Staff would propose that collaborative meetings be scheduled with the industry and other interested parties starting soon after Commission issuance of a Necessity of Rulemaking Order.




Upon conclusion of the collaborative meetings, the Staff would present to the Commission draft rules, or proposed amendments to existing rules, that address as many of the different parties' concerns as was reasonably achievable in the collaborative process within a reasonable amount of time. In that Agenda, the Staff would request that the draft rules or proposed amendments be submitted to the Department of Economic Development (DED) for approval.




The Staff would prepare a formal fiscal note, a small business analysis, a takings analysis, and the appropriate affidavits for the Director of Economic Development's signature. The rulemaking packet would then be sent to DED for its approval.



After DED approval, the Staff would request, in a Commission Agenda session, that the draft rules or proposed amendments be sent to the Secretary of State for publication in the Missouri Register.



Publication in the Missouri Register would typically start a 90 day clock to receive comments regarding the draft rules or proposed amendments. At the end of the public comment period, a hearing would be held to receive oral testimony regarding the draft rules or proposed amendments.



After the hearing, the Staff would prepare a Final Order of Rulemaking that describes all of the comments received during the public comment period and hearing and the Commission's responses to each of these comments. The Final Order of Rulemaking also details the Commission's approved final form of the rules to be published by the Secretary of State. This Order must be issued within 90 days of the hearing.



Thirty days after the rules are published in the Missouri Register, they become part of the rules and regulations of the Missouri Public Service Commission.