

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

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

**IN ADDITION**

**4 CSR 240-20.100 Electric Utility Renewable Energy Standard  
Requirements**

On January 26, 2011, the Office of the Secretary of State, Administrative Rules Division received an order from the Public Service Commission relating to 4 CSR 240-20.100. The Public Service Commission ordered that subsection (2)(A) and paragraph (2)(B)2. of 4 CSR 240-20.100 not be published by the secretary of state. Previously, on July 6, 2010, the Public Service Commission filed a final order of rulemaking with the secretary of state for 4 CSR 240-20.100 that contained subsection (2)(A) and paragraph (2)(B)2. with a letter requesting that subsection (2)(A) and paragraph (2)(B)2. not be published with the rest of the order. Additionally, the Joint Committee on Administrative Rules (JCAR) on July 1, 2010, forwarded a letter to the secretary of state indicating that subsection (2)(A) and paragraph (2)(B)2. were disapproved and should not be published. Subsection (2)(A) and paragraph (2)(B)2. were not published in the order of rulemaking which appeared in the August 31, 2010 *Code of State Regulations* and were shown as reserved. Subsection (2)(A) and paragraph (2)(B)2. will not now be published and will remain reserved. The order filed by the Public Service Commission on January 26, 2011, appears below. The action of the general assembly and governor relating to subsection (2)(A) and paragraph (2)(B)2. of 4 CSR 240-20.100 are noted in a separate filing following this filing.

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a session of the Public Service  
Commission held at its office  
in Jefferson City on the 26th  
day of January, 2011.

In the Matter of a Proposed Rulemaking Regarding ) File No. EX-2010-0169  
Electric Utility Renewable Energy Standard Requirements. )

**ORDER WITHDRAWING GEOGRAPHIC SOURCING PROVISIONS (2)(A)  
AND (2)(B)2 OF 4 CSR 240-20.100 PURSUANT TO THE ACTIONS OF JCAR**

Issue Date: January 26, 2011

Effective Date: January 26, 2011

By this order, the Public Service Commission withdraws subsection (2)(A) and paragraph (2)(B)2. of 4 CSR 240-20.100 pursuant to the disapproval of the Joint Committee on Administrative Rules(JCAR) under Section 536.021, RSMo Supp. 2009. A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 16, 2010 (35 MoReg 365). The Order of Rulemaking was published in the *Missouri Register* on August 16, 2010 (35 MoReg 1183). With the exception of the two provisions being withdrawn by this order, the final rule was published in the *Code of State Regulations* on August 31, 2010, and became effective on September 30, 2010.

Subsection (2)(A) and paragraph (2)(B)2. of 4 CSR 240-20.100 were not published in the *Code of State Regulations* because of the disapproval of those provisions on July 1, 2010, by JCAR. The Commission is therefore withdrawing those provisions in compliance with this action.

The Commission has not presented the disapproved provisions to the Secretary of State for publication and will not do so in the future. On July 6, 2010, the Commission submitted a letter to the Secretary of State<sup>1</sup> in which it explained that even though the Order of Rulemaking included the disapproved portions, because of the Joint Committee on Administrative Rules' action the Commission was not filing those provisions for publication. The Commission is withdrawing those provisions and again requests that subsection (2)(A) and paragraph (2)(B)2. of 4 CSR 240-20.100 not be published or become effective.

**THE COMMISSION ORDERS THAT:**

1. Subsection (2)(A) and paragraph (2)(B)2. of 4 CSR 240-20.100 relating to geographic sourcing are withdrawn.
2. Any implied request for publication of subsection (2)(A) and paragraph (2)(B)2. of 4 CSR 240-20.100 as a part of this rulemaking is withdrawn.
3. This order shall become effective upon issuance.

**BY THE COMMISSION**



Steven C. Reed  
Secretary

( S E A L )

Clayton, Chm., Gunn and Kenney, CC., concur.  
Davis, C., dissents in part, concurs in part,  
with separate opinion to follow.  
Jarrett, C., dissents, with separate dissenting  
opinion attached.

Dippell, Deputy Chief Regulatory Law Judge

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<sup>1</sup> Attached hereto as Attachment A.



**Commissioners**  
**ROBERT M. CLAYTON III**  
Chairman  
**JEFF DAVIS**  
**TERRY M. JARRETT**  
**KEVIN GUNN**  
**ROBERT S. KENNEY**

**Missouri Public Service Commission**

POST OFFICE BOX 360  
JEFFERSON CITY MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://www.psc.mo.gov>

**WESS A. HENDERSON**  
Executive Director  
**DANA K. JOYCE**  
Director, Administration and  
Regulatory Policy  
**ROBERT SCHALLENBERG**  
Director, Utility Services  
**NATELLE DIETRICH**  
Director, Utility Operations  
**STEVEN C. REED**  
Secretary/General Counsel  
**KEVIN A. THOMPSON**  
Chief Staff Counsel

July 6, 2010

Robin Carnahan  
Secretary of State  
Administrative Rules Division  
600 West Main Street  
Jefferson City, Missouri 65101

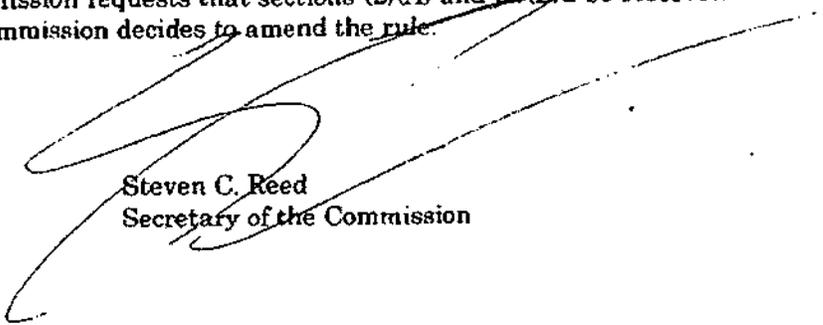
Re: *4 CSR 240-20.100 Electric Utility Renewable Energy Standard Requirements*

Dear Secretary Carnahan,

On July 1, 2010, the Public Service Commission voted to submit a Revised Order of Rulemaking for publication. Later on July 1, the Joint Committee on Administrative Rules voted to disapprove sections (2)(A) and (2)(B)2 of that rule, which contain provisions regarding geographic sourcing. JCAR approved the other portions of the rule and waived any further time JCAR may have to conduct hearings on the rule.

At its agenda meeting on July 6, 2010, the majority of the Commission voted to submit the Revised Order of Rulemaking for publication. This rule includes the portions disapproved by JCAR but, in accordance with section 536.073.8, the Commission is not filing those sections for publication. Rather, the Commission expects that the disapproved portions of the rule will be held in abeyance by JCAR and continue to work through the process set forth in Chapter 536 for the General Assembly to act.

The Public Service Commission requests that sections (2)(A) and (2)(B)2 be reserved for later use in the event the Commission decides to amend the rule.

  
Steven C. Reed  
Secretary of the Commission

**Attachment A**

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the Matter of a Proposed Rulemaking )  
Regarding Electric Utility Renewable ) File No. EX-2010-0169  
Energy Standard Requirements )

**DISSENTING OPINION OF**  
**COMMISSIONER TERRY M. JARRETT**

The law is not a thing to be skirted, diverted or maneuvered; instead, it must be followed. In issuing the "Order Withdrawing Geographic Sourcing Provisions (2)(A) and (2)(B)2 of 4 CSR 240-20.100 Pursuant to the Actions Of JCAR," the majority of this Commission has side-stepped the law and acted without legal authority. The law provides that the time for this Commission to withdraw two provisions of a rule it has adopted expired six months ago. The only lawful way for the Commission to "withdraw" the two rule provisions which are being held in abeyance by the Joint Committee on Administrative Rules ("JCAR") is to initiate a subsequent Order of Rulemaking that is first published as a proposed rule, permitted to be commented on by the public, and is published as adopted in a Final Order of Rulemaking in the Missouri Register.

Section 536.021.5, RSMo 2000, is clear that withdrawing a rule must be done within a certain window of time:

Within ninety days after the expiration of the time for filing statements in support of or in opposition to the proposed rulemaking, or within ninety days after the hearing on such proposed rulemaking if a hearing is held thereon, the state agency proposing the rule shall file with the secretary of state a final order of rulemaking either adopting the proposed rule, with or without further changes, or withdrawing the proposed rule, which order of rulemaking shall be published in the Missouri Register. Such ninety days shall be tolled for the time period any rule is held under abeyance pursuant to an executive order. If the state agency

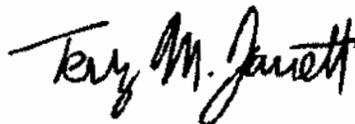
fails to file the order of rulemaking as indicated in this subsection, the proposed rule shall lapse and shall be null, void and unenforceable.

(emphasis added).

The Commission held its hearing on the proposed rule on April 6, 2010, meaning that the ninety day window to withdraw expired on July 6, 2010. On July 7, 2010, the Commission filed with the Secretary of State its final Order of Rulemaking adopting 4 CSR 240-20.100, including the two provisions at issue. Once the Commission issued the final Order of Rulemaking adopting the rule, the Commission lost any authority to withdraw the rule or provisions of the rule that have been adopted. Verbal representations by other agency personnel that we have such authority are not the law. As I made clear during the agenda discussion on the Order of Withdrawal, the only legal way to "withdraw" at that point is to initiate a new rule making process.

An agency cannot unilaterally repeal provisions of a regulation merely by declaring that the portions are withdrawn. While I believe the Order issued by the Commission today is void, what that Order seems to be doing is promulgating a new rule, without any notice, opportunity for comment or other due process protections contained in Chapter 536. I agree with the majority's position that the provisions should be repealed. However, it must be done in accordance with the requirements of Chapter 536 so that the law is followed and due process is ensured to all interested persons.

Sincerely,



Terry M. Jarrett  
Commissioner

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

**IN ADDITION**

**4 CSR 240-20.100 Electric Utility Renewable Energy Standard  
Requirements**

On January 24, 2011, Senate Concurrent Resolution No. 1 regarding 4 CSR 240-20.100 was adopted by the Senate and was concurred in by the House of Representatives on February 1, 2011. On February 16, 2011, the governor sent a letter to the speaker of the Missouri House of Representatives and the president pro tem of the Missouri Senate serving as notice of his action on the resolution.

This concurrent resolution upheld a ruling issued by the Joint Committee on Administrative Rules on July 1, 2010, disapproving subsection (2)(A) and paragraph (2)(B)2. of 4 CSR 240-20.100. The concurrent resolution permanently disapproves and suspends the final order of rulemaking for the proposed amendment to the above stated subsection and paragraph.

Subsection (2)(A) and paragraph (2)(B)2. will both continue to appear as “Reserved” in the *Code of State Regulations*.

A copy of the letter issued by the governor and a copy of Senate Concurrent Resolution No. 1 is published below.



GOVERNOR OF MISSOURI

JEFFERSON CITY  
65102

P.O. Box 720  
(573) 751-3222

JEREMIAH W. (JAY) NIXON  
GOVERNOR

February 16, 2011

Honorable Robert N. Mayer  
Senate President Pro Tem  
State Capitol, Room 326  
Jefferson City, MO 65101

Honorable Steven Tilley  
Speaker of the House  
State Capitol, Room 308  
Jefferson City, MO 65101

Honorable Victor Callahan  
Senate Minority Floor Leader  
State Capitol, Room 333  
Jefferson City, MO 65101

Honorable Mike Talbot  
House Minority Floor Leader  
State Capitol, Room 204  
Jefferson City, MO 65101

Dear Gentlemen:

This letter shall serve as notice of my action on Senate Concurrent Resolution No. 1.

On January 26, 2011, the Public Service Commission approved an order withdrawing 4 CSR 240-20.100 (2)(A) and 4 CSR 240-20.100(2)(B)2 pertaining to geographic sourcing. Twelve days later, on February 7, 2011, I was presented with Senate Concurrent Resolution No. 1 which purports to disapprove those same regulations. The action of the Public Service Commission approving an order to withdraw the relevant regulations renders Senate Concurrent Resolution No. 1 moot and therefore makes the approval or disapproval of Senate Concurrent Resolution No. 1 unnecessary.<sup>1</sup>

Sincerely,

A handwritten signature in black ink, appearing to read "Jeremiah W. (Jay) Nixon".

Jeremiah W. (Jay) Nixon  
Governor

c: Terry Spieler, Secretary of the Senate  
D. Adam Crumbliss, Chief Clerk / House Administrator

<sup>1</sup> I am cognizant of the argument asserted by two members of the Public Service Commission that the Commission lacked authority to withdraw these regulations. I disagree with that view and find that the Public Service Commission was clearly vested with the necessary power to issue its January 26, 2011 order. While I am not approving this legislative resolution rendered unnecessary by mootness, I recognize that my action will allow Senate Concurrent Resolution No. 1 to become effective through Article III, Section 31 of the Missouri Constitution. This approach will not change the inevitable result – the relevant rules being withdrawn – but will eliminate future uncertainty surrounding the status of these rules and appropriately return our collective focus to developing a vibrant renewable energy industry in Missouri.

**SENATE CONCURRENT RESOLUTION NO. 1**

Relating to disapproval under Article IV, Section 8 of the Missouri Constitution the final order of rulemaking for the proposed amendment to 4 CSR 240-20.100(2)(A) and 4 CSR 240-20.100(2)(B)2 regarding the Electric Utility Renewable Energy Standard Requirements.

**WHEREAS**, the Public Service Commission filed a proposed amendment for 4 CSR 240-20.100 on January 8, 2010, and filed the order of rulemaking with the Joint Committee on Administrative Rules on June 2, 2010 and filed an amended order of rulemaking with the Joint Committee on Administrative Rules on July 1, 2010; and

**WHEREAS**, the Joint Committee on Administrative Rules held hearings on June 24, June 30, and July 1, 2010, and has found 4 CSR 240-20.100(2)(A) and 4 CSR 240-20.100(2)(B)2, lacking in compliance with the provisions of Chapter 536, RSMo:

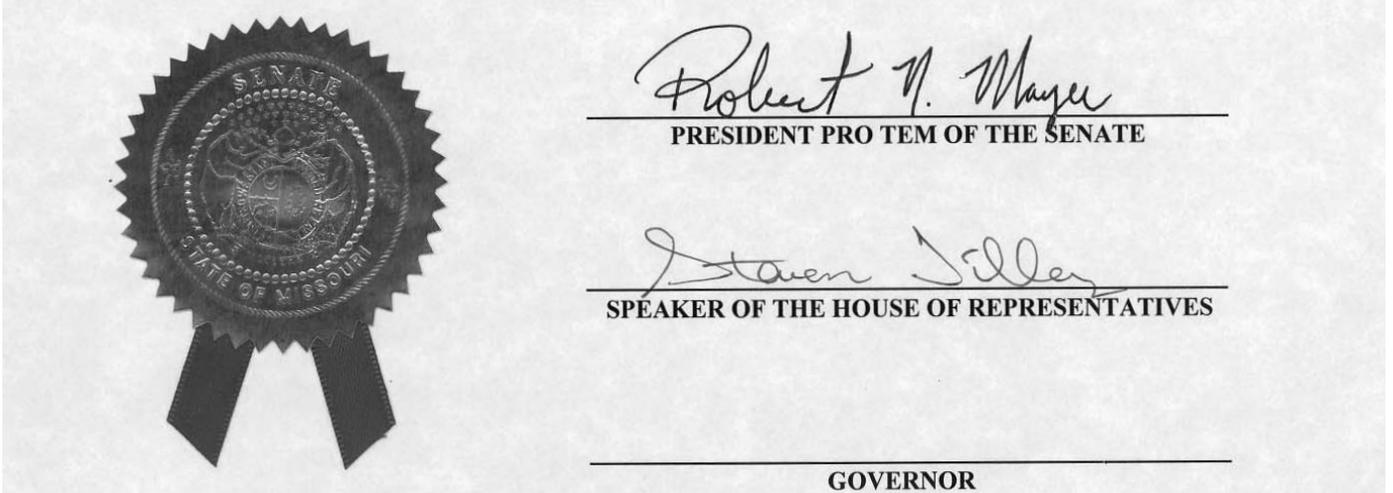
**NOW THEREFORE BE IT RESOLVED** that the General Assembly finds that the Public Service Commission has violated the provisions of Chapter 536, RSMo, when it failed to comply with the provisions of section 536.014, RSMo; and

**BE IT FURTHER RESOLVED** that the Ninety-sixth General Assembly, upon concurrence of a majority of the members of the Senate and a majority of the members of the House of Representatives, hereby permanently disapproves and suspends the final order of rulemaking for the proposed amendment to 4 CSR 240-20.100(2)(A) and 4 CSR 240-20.100(2)(B)2, Electric Utility Renewable Energy Standard Requirements; and

**BE IT FURTHER RESOLVED** that a copy of the foregoing be submitted to the Secretary of State so that the Secretary of State may publish in the Missouri Register, as soon as practicable, notice of the disapproval of the final order of rulemaking for the proposed amendment to 4 CSR 240-20.100(2)(A) and 4 CSR 240-20.100(2)(B)2, upon this resolution having been signed by the Governor or having been approved by two-thirds of each house of the Ninety-sixth General Assembly, First Regular Session, after veto by the Governor as provided in Article III, Sections 31 and 32, and Article IV, Section 8 of the Missouri Constitution; and

**BE IT FURTHER RESOLVED** that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor in accordance with Article IV, Section 8 of the Missouri Constitution.

**Terry L. Spieler, Secretary of the Senate, and D. Adam Crumbliss, Chief Clerk of the House**, do hereby certify that the aforementioned is a true and correct copy of Senate Concurrent Resolution No. 1, adopted by the Senate on January 24, 2011, and concurred in by the House on February 1, 2010.



*Robert W. Mager*

**PRESIDENT PRO TEM OF THE SENATE**

*Steven Tilley*

**SPEAKER OF THE HOUSE OF REPRESENTATIVES**

**GOVERNOR**

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 60—Missouri Health Facilities Review  
Committee  
Chapter 50—Certificate of Need Program**

**NOTIFICATION OF REVIEW:  
APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated review of the expedited applications listed below. A decision is tentatively scheduled for April 21, 2011. These applications are available for public inspection at the address shown below.

**Date Filed**

**Project Number:** Project Name  
City (County)  
Cost, Description

**03/01/11**

**#4575 HT:** Mari de Villa Retirement Center  
Town and Country (St. Louis County)  
\$973,000, Renovate/modernize long-term care facility

**03/10/11**

**#4643 HS:** Barnes-Jewish West County Hospital  
Creve Coeur (St. Louis County)  
\$1,668,104, Replace magnetic resonance imaging unit (MRI)

**#4626 HT:** Kindred Hospital St. Louis  
St. Louis (St. Louis City)  
\$2,436,714, Renovate/modernize long-term care hospital

**#4640 HT:** Saint Louis University Hospital  
St. Louis (St. Louis City)  
\$2,210,094, Replace MRI

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect which must be received by April 11, 2011. All written requests and comments should be sent to:

Chairman  
Missouri Health Facilities Review Committee  
c/o Certificate of Need Program  
3418 Knipp Drive, Suite F  
Post Office Box 570  
Jefferson City, MO 65102

For additional information, contact  
Donna Schuessler, (573) 751-6403.

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

**NOTICE OF DISSOLUTION TO ALL CREDITORS OF  
AND CLAIMANTS AGAINST  
QUACKENBUSH ENGINEERING SOLUTIONS AND TECHNOLOGIES LLC**

Effective February 18, 2011, Quackenbush Engineering Solutions and Technologies LLC, a Missouri limited liability company (the "Company"), the principal office of which is located at 2000 US Highway 63 South, Moberly, Missouri 65270, was voluntarily dissolved.

All claims against the Company should be presented in accordance with this notice. Claims should be in writing and sent to the Company at this mailing address: Orscheln Management Co., Attn: Linda Mustoe, 2000 US Highway 63 South, Moberly, Missouri 65270.

The claim must contain: (1) the name, address and telephone number of the claimants; (2) the amount of the claim or other relief demanded; (3) the basis of the claim and any documents related to the claim; and (4) the date(s) as of which the event(s) on which the claim is based occurred. Any and all claims against Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the last filing or publication of this Notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY  
TO ALL CREDITORS OF AND CLAIMANTS AGAINST  
NU-FORGE TOOL, LLC**

On February 16, 2011, Nu-Forge Tool, LLC, a Missouri limited liability company (the "Company"), filed a Notice of Winding Up with the Missouri Secretary of State. Claims against the Company may be mailed to Nu-Forge Tool, LLC, 705-B Melody Lane #338, Lee's Summit, MO 64063. Claims must include the name and address of the claimant, amount of the claim, the date on which the claim arose, basis for the claim, and documentation in support of the claim. All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after this publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY  
TO ALL CREDITORS OF AND CLAIMANTS AGAINST  
FIRST STAR HOME SOLUTIONS, LLC**

On January 26, 2011, First Star Home Solutions, LLC, a Missouri limited liability company (the "Company"), filed a Notice of Winding Up with the Missouri Secretary of State. Claims against the Company may be mailed to Scott Devouton, Devouton, LLC, 230 SW Main Street, Suite 214, Lee's Summit, MO 64063. Claims must include the name and address of the claimant, amount of the claim, the date on which the claim arose, basis for the claim, and documentation in support of the claim. All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after this publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY  
TO ALL CREDITORS OF AND CLAIMANTS AGAINST  
FIRST STAR FINANCIAL GROUP, LLC**

On January 26, 2011, First Star Financial Group, LLC, a Missouri limited liability company (the "Company"), filed a Notice of Winding Up with the Missouri Secretary of State. Claims against the Company may be mailed to Scott Devouton, Devouton, LLC, 230 SW Main Street, Suite 214, Lee's Summit, MO 64063. Claims must include the name and address of the claimant, amount of the claim, the date on which the claim arose, basis for the claim, and documentation in support of the claim. All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after this publication of this notice.