

**Rules of**  
**Department of Economic**  
**Development**  
**Division 240—Public Service Commission**  
**Chapter 45—Certification of Energy Sellers**

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**Title 4—DEPARTMENT OF  
ECONOMIC DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 45—Certification of Energy  
Sellers**

**4 CSR 240-45.010 Certification of Energy  
Sellers**

*PURPOSE: This rule establishes the procedure for certification of energy sellers pursuant to sections 393.297 through 393.301, RSMo.*

(1) “Energy seller” is any person who uses, leases, or controls the distribution system of a distributor or a political subdivision or any part thereof to sell energy services at retail within a political subdivision, other than a distributor or a political subdivision.

(2) Each energy seller, including natural gas sellers, seeking certification shall submit an agreement containing only the following, pursuant to section 393.299, RSMo:

(A) Its agreement to pay all applicable business license taxes, or its proportionate share of the franchise fee or payment in lieu of taxes (PILOT) in each political subdivision in which it sells energy;

(B) A statement that it waives its right to challenge the validity of the agreement;

(C) A statement that it waives its right to the refund of any amounts paid pursuant to the agreement; and

(D) Its agreement to make its records available to the commission and the political subdivision with the right to audit the records.

(3) Each energy seller seeking certification shall also provide the following information to the commission:

(A) Its name, address, telephone number, and the name of a person(s) to contact regarding certification, location of records and business operations in Missouri; and

(B) A list of each political subdivision in which it sells energy.

(4) The application for certification shall be in the form prescribed by the commission.

*AUTHORITY: section 393.299, RSMo Supp. 1998.\* Emergency rule filed Aug. 4, 1998, effective Aug. 14, 1998, expired Feb. 25, 1999. Original rule filed March 23, 1999, effective Sept. 30, 1999.*

*\*Original authority 393.299, RSMo 1998.*