

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

In the Matter of Proposed Amendments to Commission )  
Rule 4 CSR 240-13.055 )

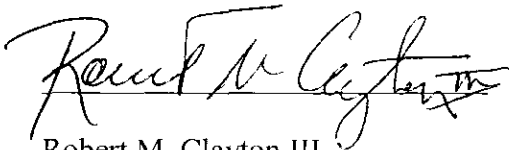
Case No. GX-2006-0434

**CONCURRING OPINION OF COMMISSIONERS ROBERT M. CLAYTON III AND**  
**STEVE GAW**

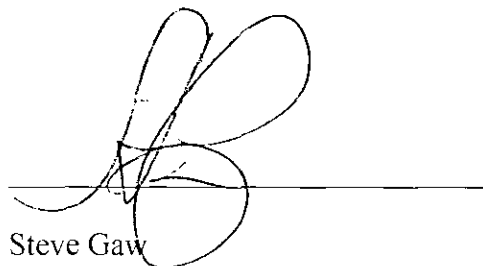
As previously noted in the concurrence filed in the above entitled rulemaking, we are disappointed that the Commission did not go further in providing protections against heat being shut off this winter to our most vulnerable Missourians. While we agree with several of the points raised by the Office of the Public Counsel and AARP in their respective motions for rehearing, it is clear that only two votes exist to reconsider the Commission's adopted rule to try to strengthen this rule for consumers in time for this year's winter season. Furthermore, the Chief Regulatory Judge for the Public Service Commission has represented that granting a rehearing would delay the implementation of any changes to the rule with the incremental consumer protections from the anticipated November 1, 2006 start date.

Under these circumstances we cannot in good conscience vote to rehear the final order.

Respectfully submitted,



Robert M. Clayton III  
Commissioner



Steve Gaw  
Commissioner

Dated at Jefferson City, Missouri,  
on this 31<sup>st</sup> day of August, 2006.