

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

In the matter of Proposed Emergency)
Amendment to Commission Rule 4 CSR)
240-13.055)

Case No. GX-2006-0181

**PUBLIC COUNSEL'S ALTERNATIVE PROPOSAL FOR ITS PROPOSED
EMERGENCY AMENDMENT TO COMMISSION RULE 4 CSR 240-13.055**

COMES NOW the Office of the Public Counsel and in response to the Commission's Order Directing Filing and Scheduling Hearing in the above-captioned case states as follows:

1) Public Counsel petitioned the commission to open the above-captioned case on October 21, 2005.

2) On October 25, 2005, the Commission issued a Notice Opening Case and Opportunity to File Written Comments. The Commission's notice stated that "any interested party may file comments on whether a necessity exists such that the commission should pursue the amendments sought in the Petition on or before November 5, 2005."

3) On November 4, 2005, the Commission ordered that a technical conference be held among all interested parties at 10:00am on November 10, 2005. Such technical conference was held on November 10 involving representatives of Commission Staff, Public Counsel and several Missouri gas utilities.

4) Since November 10, 2005, Staff, Public Counsel and Missouri gas utilities have met numerous times to discuss the proposed emergency rule. In addition, Missouri

Attorney General's office has also participated in discussions about the proposed emergency rule.

5) On November 29, 2005, the Commission issued an order directing that "interested persons shall file alternative proposed amendments to the 'Cold Weather Rule' no later than 3:00 p.m., December 2, 2005."

6) As a result of the meetings between Public Counsel, Staff and the Missouri Gas Utilities, both Public Counsel and representatives of the Missouri Gas Utilities altered their initial positions substantially in response to the concerns of interested parties. Additionally, initial positions have been altered to reflect concerns expressed by Staff. Although, Public Counsel believes it was nearing an agreement with the major Missouri gas utilities on the provisions of the emergency rule, we were unable to reach a final agreement in the time allotted.

7) Nevertheless, as a result of the discussions between Public Counsel, Staff and the Missouri gas utilities, Public Counsel submits the attached alternative proposal for an emergency amendment to Commission Rule 4 CSR 240-13.055.

8) In summary the alternative proposal provides as follows:

- Residential customers may avoid disconnection or get reconnected by making an initial payment of 50% of preexisting arrears even if they have defaulted on a prior cold weather rule payment plan. No residential customer may use this option more than once.
- Late payment charges and interest charges will be waived provided the residential customer complies with the terms of the payment plan.

- Customers who enter into cold weather agreement plans and make all required payments will be given a clean slate by the gas utility.
- Gas utilities will inform their customers of their options under the emergency rule in disconnect notices and during telephone inquiries.
- Gas utilities may recover their costs of complying with the emergency rule in one of two ways. They may recover certain costs earlier through a direct charge to residential customers if they individually track any incremental bad debt costs created by each customer who takes advantage of the emergency rule. Alternatively, they may recover their costs through an Accounting Authority Order as provided for in Public Counsel's initial proposal.

9) Public Counsel reiterates its statements in Public Counsel's Motion to Open a New Case and for a Finding of Necessity for Rulemaking, filed on October 21, 2005, regarding the nature of the emergency and the Commission's rulemaking authority.

WHEREFORE, Public Counsel respectfully files the attached alternative proposed emergency amendment to Commission Rule 4 CSR 240-13.055 and requests that this alternative proposal be deemed a replacement and substitute for the attachment filed with Public Counsel's initial petition in this matter. In addition, Public Counsel reiterates its initial request that the Commission find that the proposed emergency rulemaking is necessary to maintain the availability of residential gas service to Missourians in the coming winter months.

Respectfully submitted,

Office of the Public Counsel

/s/ Eric A. Martin

By:_____

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 2nd day of December, 2005.

/s/ Eric A. Martin
