

John R. Ashcroft

Secretary of State
Administrative Rules Division

RULE TRANSMITTAL

Administrative Rules Stamp

Rule Number 20 CSR 4240-13.075

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:

Content John Clark Phone 573-522-4355 FAX 573-526-6010

Email address John.Clark@psc.mo.gov

Data Entry Kayla Kliethermes Phone 573-751-4256 FAX 573-526-6010

Email address Kayla.Kliethermes@psc.mo.gov

Interagency mailing address Public Service Commission, 9th Floor Gov. Office Bldg, JC, Mo

TYPE OF RULEMAKING ACTION TO BE TAKEN

Emergency Rulemaking Rule Amendment Rescission Termination

Effective Date for the Emergency _____

Proposed Rulemaking Rule Amendment Rescission

Rule Action Notice In Addition Rule Under Consideration

Request for Non-Substantive Change

Statement of Actual Cost

Order of Rulemaking Withdrawal Adopt Amendment Rescission

Effective Date for the Order _____

Statutory 30 days OR Specific date _____

Does the Order of Rulemaking contain changes to the rule text? NO

YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Small Business Regulatory
Fairness Board (DED) Stamp

SMALL BUSINESS
REGULATORY FAIRNESS BOARD

May 12 2023
RECEIVED

JCAR Stamp



Missouri Public Service Commission

MAIDA J. COLEMAN
Commissioner

VACANT
Commissioner

SCOTT T. RUPP
Chairman

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

JASON R. HOLSMAN
Commissioner

GLEN KOLKMEYER
Commissioner

May 12, 2023

John Ashcroft
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, Missouri 65101

Re: 20 CSR 4240-13.075 Service Disconnection Reporting Requirements for Electric, Gas, Sewer, and Water Utilities

Dear Secretary Ashcroft,

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rule lawfully submitted by the Missouri Public Service Commission.

The Public Service Commission further certifies it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo, that the proposed rule does not constitute a taking of real property under relevant state and federal law.

The Public Service Commission has determined and hereby also certifies that if the proposed rule does affect small business pursuant to sections 536.300 to 536.310, RSMo, a small business impact statement has been filed as required by those sections. If no small business impact statement has been filed the proposed rule either does not affect small business or the small business requirements do not apply pursuant to section 536.300.4, RSMo.

Statutory Authority: sections 386.250 and 393.140, RSMo

If there are any questions regarding the content of this proposed rule, please contact:

John Clark, Senior Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, MO 65102
(573) 522-4355
John.Clark@psc.mo.gov



Nancy Dippell

Nancy Dippell
Chief Regulatory Law Judge

Enclosures



Missouri Public Service Commission

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JASON R. HOLSMAN
Commissioner

GLEN KOLKMEYER
Commissioner

May 12, 2023

Sarah Schappe
Director
Joint Committee on Administration Rules
State Capitol, Room B8A
Jefferson City, Missouri 65101

Re: 20 CSR 4240-13.075 Service Disconnection Reporting Requirements for Electric, Gas, Sewer, and Water Utilities

Dear Director Schappe,

CERTIFICATION OF ADMINISTRATIVE RULE

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Nancy Dippell

Nancy Dippell
Chief Regulatory Law Judge

Enclosures



Michael L. Parson

GOVERNOR
STATE OF MISSOURI

March 3, 2023

Mr. Scott Rupp
Public Service Commission
200 Madison Street
PO Box 360
Jefferson City, MO 65102

Dear Scott:

This office has received your proposed rulemaking for the following regulations:

- 20 CSR 4240-18.010 Safety Standards for Electrical Corporations, Telecommunications Companies and Rural Electric Cooperatives
- 20 CSR 4240-13.075 Service Disconnection Reporting Requirements for Electric, Gas, Sewer, and Water Utilities

Executive Order 17-03 requires this office's approval before state agencies release proposed regulations for notice and comment, amend existing regulations, rescind regulations, or adopt new regulations. After our review, we approve the submission to the Joint Committee on Administrative Rules and the Secretary of State.

Sincerely,

A handwritten signature in blue ink, appearing to read "Clifton Davis".

Clifton Davis
Deputy Counsel

Title 20 – Department of Commerce and Insurance
Division 4240 – Public Service Commission
Chapter 13 – Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities

PROPOSED RULE

20 CSR 4240-13.075 Service Disconnection Reporting Requirements for Electric, Gas, Sewer, and Water Utilities

PURPOSE: This rule sets forth the requirement and standards for the submission of reports regarding and related to the cessation of services provided to customers by those investor owned electric, gas, sewer, and water utilities that serve more than 2,000 residential customers and that are subject to the jurisdiction of the commission.

- (1) For purposes of this rule:
 - (A) Residential meter(s) means a device or devices, owned by a utility, used for measuring the volume of services of a customer’s electric, gas, sewer, or water consumption for residential service at a single point of delivery.
 - (B) Average customer arrearage means the mean average of the total of all delinquent charges, late payment charges, and reconnection fees per residential meter. This shall be calculated as the sum of all delinquent charges, late payment charges, and reconnection fees associated with all residential meters as of 24:00 on the last calendar day of the calendar month, divided by the total number of residential meters with delinquent charges, late fees, or reconnection fees as of 24:00 on the last calendar day of the calendar month.
- (2) Each utility, as that term is defined in 20 CSR 4240-13.015(1)(FF), serving more than 2,000 residential customers shall separately provide a report in the commission’s electronic filing information system (“EFIS”) within twenty (20) days of the end of each calendar month. For those utilities that provide more than one type of utility service, individual reports must be provided for each type of utility service. The utility shall provide an electronic copy of each report to the Office of the Public Counsel. All information provided shall be considered public information; however, no customer-specific information shall be reported or made public. All information shall be provided in a native electronic spreadsheet format with all links and formulas intact. Each utility shall report the following information as it relates to the immediately preceding calendar month:
 - (A) the total number of residential meters actively receiving service as of 00:00 on the first calendar day of the calendar month;
 - (B) the total number of residential meters actively receiving service as of 24:00 on the last calendar day of the calendar month;
 - (C) the total number of residential meters for which there was a termination of service, as that term is defined in 20 CSR 4240-13.015(1)(EE), during the calendar month;

- (D) the total number of residential meters for which there was a discontinuance of service, as that term is used in 20 CSR 4240-13.050(1)(A), (B), (C), and (E), during the calendar month;
 - (E) the total number of residential meters that did not receive service as of 00:00 on the first calendar day of the calendar month and began receiving service before 24:00 on the last calendar day of the calendar month;
 - (F) the total number of residential meters for which at least one delinquent charge, as that term is defined in 20 CSR 4240-13.015(1)(I), exists as of 24:00 on the last calendar day of the calendar month;
 - (G) the average customer arrearage;
 - (H) the total dollar value of any monies received from the Low-Income Home Energy Assistance Program, Low-Income Household Water Assistance Program, or Energy Crisis Intervention Program to pay for a residential meter's delinquent charge, as that term is defined in 20 CSR 4240-13.015(1)(I), during the calendar month;
 - (I) the total dollar value of any monies received from any assistance program other than those referred to in subsection (2)(H) to pay for a residential meter's delinquent charge, as that term is defined in 20 CSR 4240-13.015(1)(I), during the calendar month;
 - (J) the total number of residential meters for which payment is made for utility services under a payment agreement, as that term is defined in 20 CSR 4240-13.015(1)(W); settlement agreement, as that term is defined in 20 CSR 4240-13.015(1)(CC); or payment agreement, as that term is used in 20 CSR 4240-13.055(10), as of 24:00 on the last calendar day of the calendar month;
 - (K) the mean average volume of services billed to each residential meter recorded during the calendar month in kilowatt-hours for electric services, centum cubic feet for gas services, and thousand gallons of water for water services; and
 - (L) any other information the commission orders the utility to provide.
- (3) Any utility that provides a report pursuant to this rule, 20 CSR 4240-13.075, need not provide a separate report pursuant to 20 CSR 4240-13.055(15).
 - (4) If the commission finds that any deficiency exists in the report provided by a utility as required by subsection (2) of this rule, the commission may direct its staff to issue a notice to the utility identifying the deficiency. Any utility that receives a notice from the commission stating that deficiencies exist in its report shall respond to that notice within twenty (20) days after the date said notice is issued and shall provide all information necessary to cure the deficiency identified in said notice in its response. Both the notice and the response shall be included in EFIS by the staff of the commission.
 - (5) Each report provided by a utility as required under subsection (2) of this rule shall be made publicly available for access through a hyperlink found on the commission's official website's home page.
 - (6) The staff of the commission shall produce an *Annual Residential Customer Disconnection Report* within forty-five (45) days of the end of each calendar year that shall aggregate all

of the reports provided by all of the utilities as required under subsection (2) of this rule during the course of the previous year. This *Annual Residential Customer Disconnection Report* shall be made publicly available for access through a hyperlink found on the commission's official website's home page. All information included in the *Annual Residential Customer Disconnection Report* shall be considered public information; however, no customer-specific information shall be reported or made public.

- (7) The receipt by the commission or commission staff of reports prescribed by this rule shall not bind the commission or commission staff to the approval or acceptance of, or agreement with, any matter contained in the reports for the purpose of fixing rates or in determining any other issue that may come before the commission.

AUTHORITY: sections 386.250 and 393.140 RSMo, 2016

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed rescission with the Missouri Public Service Commission, Nancy Dippell, Secretary of the Commission, 200 Madison Street, P.O. Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 15, 2023, and should include a reference to Commission Case No. AX-2013-0175. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for Thursday, July 20, 2023 at 9:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829- 7541.

Small Business Regulatory Fairness Board Small Business Impact Statement

Date: **May 12, 2023**

Rule Number: **20 CSR 4240-13.075**

Name of Agency Preparing Statement: **Office of the Public Counsel**

Name of Persons Preparing Statement: **Lindsay VanGerpen, Associate Counsel**

Phone Number: **(573) 751-5565** Email: **lindsay.vangerpen@opc.mo.gov**

Name of Persons Approving Statement: **Marc Poston, Public Counsel**

Please describe the methods your agency considered or used to reduce the impact on small businesses (*examples: consolidation, simplification, differing compliance, differing reporting requirements, less stringent deadlines, performance rather than design standards, exemption, or any other mitigating technique*).

The proposed rule requires only certain Missouri investor owned utilities to submit monthly reports to the Missouri Public Service Commission. It then requires the Staff of the Missouri Public Service Commission to compile the information contained in those reports into an Annual Report. This proposed rule will have no impact on small businesses.

Please explain how your agency has involved small businesses in the development of the proposed rule.

Because the proposed rule will have no impact on small businesses, the Public Service Commission has not directly involved small businesses in the development of the proposed rule. However, this proposed rule results from a nearly three-year long working group docket before the Public Service Commission. Throughout the course of the working group, the Office of the Public Counsel held two open workshops. Although the Public Service Commission gave broad notice of the workshops, no small businesses attended them.

Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the moneys will be used.

The proposed rule requires only that certain investor-owned utilities submit monthly reports into the Public Service Commission's electronic filing information system. It then requires the Staff of the Public Service Commission to compile the

data contained in those reports into an annual report. Likely, there will be no monetary costs or benefits to any agency. The proposed rule also includes no imposed fees. Rather, the Public Service Commission will be able to use the information gleaned from these reports as it considers the cases before it.

Please describe small businesses that will be required to comply with the proposed rule and how they may be adversely affected.

No small businesses will be required to comply with the proposed rule.

Please list direct and indirect costs (in dollars amounts) associated with compliance.

The proposed rule requires only that certain investor-owned utilities submit monthly reports in the Public Service Commission's electronic filing information system. It then requires the Staff of the Public Service Commission to compile the data contained in those reports into an annual report. As a part of the working group docket before the Public Service Commission many of the utilities that will be subject to the rule participated in a voluntary case study and submitted a report as if the rule were effective. Though the costs of compliance have not yet been quantified, because the proposed rule requires only electronic reports of information currently available, the costs are not likely to exceed five hundred dollars in the aggregate.

Please list types of business that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.

The proposed rule requires investor owned electric, gas, sewer, and water utilities that serve more than 2,000 residential customers and that are subject to the jurisdiction of the Public Service Commission to submit monthly reports in the Public Service Commission's electronic filing information system. Because the proposed rule will ensure that the Public Service Commission has more accurate and readily available information regarding customer disconnections and the cessation of utility service, the Public Service Commission and the customers of the utilities subject to the proposed rule will benefit from the proposed rule.

Does the proposed rule include provisions that are more stringent than those mandated by comparable or related federal, state, or county standards?

Yes___ No x__

If yes, please explain the reason for imposing a more stringent standard.

For further guidance in the completion of this statement, please see §536.300, RSMo.