

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

In The Matter Of A Working Case To )  
Consider A Proposed Residential Customer )  
Disconnection Data Reporting Rule )  
)

Case No. AW-2020-0148

**MOTION FOR COMMISSION ORDER PROVIDING NOTICE OF SECOND  
WORKSHOP**

**COMES NOW** the Office of the Public Counsel (the “OPC”) and requests that the Missouri Public Service Commission (the “Commission”) issue an Order providing Notice of a Second Workshop. The OPC proposes that the second workshop be held in the Governor Office Building, Conference Room 450 (Ballroom), Jefferson City, Missouri, 65102, on Tuesday, January 25, 2022, starting at 10:00 a.m. and continuing until approximately 2:00 p.m.<sup>1</sup> In support of its Motion, the OPC states:

**I. Background**

On November 25, 2019, the OPC filed a Motion to Open a Working Group Docket Regarding a Proposed Residential Customer Disconnection Data Reporting Rule (the “Motion for a Working Group”). (Doc. 1).<sup>2</sup> In the Motion for a Working Group, the OPC explained that “[b]ased on extensive investigation, the OPC has determined that there presently exists significant problems with the data related to customer disconnections that is currently available for nearly all major public utility providers in the State of Missouri.” (*Id.* 1). Further, the OPC recognized that

[m]any of the problems identified by the OPC are issues that were also identified in the *Resolution on Best Practices in Data Collection Reporting for Utility Services Delinquencies in Payments and Disconnections of Service* passed by the National Association of Regulatory Utility Commissioners’ Committees on

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<sup>1</sup> The OPC has discussed this date and time with Counsel for the Staff of the Commission (“Staff”).

<sup>2</sup> References to document numbers represent the document numbers assigned in the Electronic Filing Information System (“EFIS”).

Consumers and the Public Interest and Adopted by the National Association of Regulatory Utility Commissioners' Board of Directors on November 19, 2019.

(*Id.* 1-2). The OPC attached a proposed rule to address these concerns to the Motion for a Working Group. (*See id.* App. C). The OPC requested the Commission open a working group docket “to review the OPC’s proposed rule and discuss any other concerns related to the collection and aggregation of customer disconnection data.” (*Id.* 3).

The next day, the Commission ordered the Staff of the Commission (“Staff”) to respond to the Motion for a Working Group. (Doc. 2). On December 5, 2019, Staff filed its response, stating that it “recommend[ed] the Commission consider, in this working docket, promulgation of a rule to standardize the residential disconnection of services reporting requirements of investor owned utilities subject to Commission jurisdiction.” (Doc. 3 1).

On December 11, 2019, the Commission issued an Order Opening a Working Case to Consider a Proposed Residential Customer Disconnection Data Reporting Rule. (Doc. 4). In that Order, the Commission directed its Data Center to provide a copy of the order to “all Missouri investor-owned electric, gas, water, sewer, and steam heating utilities” and its Public Policy and Outreach Department to “make notice of this order available to the members of the Missouri General Assembly, and to the news media serving the state of Missouri.” (*Id.* 3). Further, the Commission scheduled a workshop to be held on March 26, 2020. (*Id.*).

On February 14, 2020, five utilities—Union Electric Company d/b/a Ameren Missouri (“Ameren”); Spire Missouri, Inc. (“Spire”); Missouri-American Water Company (“MAWC”); Summit Natural Gas of Missouri, Inc. (“Summit”); Evergy Metro, Inc. d/b/a Evergy Missouri Metro; and Evergy Missouri West, Inc. d/b/a Evergy Missouri West (collectively, “Evergy”)<sup>3</sup>—and Staff filed comments addressing the OPC’s proposed rule. (Docs. 7-12).

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<sup>3</sup> Evergy Missouri Metro and Evergy Missouri West filed a joint response to the OPC’s proposed rule. (Doc. 12).

Due to the COVID-19 pandemic, the workshop the Commission originally scheduled for March 26, 2020, was held virtually on November 18, 2020. (*See* Doc. 23). Individuals representing the interests of at least eight investor-owned utilities—Ameren; Evergy;<sup>4</sup> Liberty;<sup>5</sup> Spire; Summit; MAWC; Central States Water Resources;<sup>6</sup> and Raytown Water Company—four interested parties—Sierra Club; the Missouri Division of Energy; the National Housing Trust; and Renew Missouri—Staff; and the OPC attended the November 18, 2020 workshop. During the workshop, Dr. Geoff Marke gave a presentation detailing the discrepancies in the information utilities reported regarding residential customers’ disconnections and the National Association of Regulatory Utility Commissioners’ Resolution that gave rise to the OPC’s proposed rule. (*See* Doc. 24, Attachs. A, B). During his presentation, Dr. Marke noted that based on the information available in Annual Reports and monthly Cold Weather Rule Reports “there does not appear to [be] an agreed-to standardization of data.” (*Id.* slide 13). Further, Dr. Marke pointed out that “[q]uality, accessible, timely and reliable data is needed to help with the measurement of sound utility performance[]” and “[w]ithout agreed to standardizations, widely different conclusions can be drawn, and inappropriate policy responses may arise.” (*Id.* slide 14). Dr. Marke then highlighted several of the discrepancies in the information available from Annual Reports and monthly Cold Weather Rule Reports. (*Id.* slides 19-22, 24-32). Following Dr. Marke’s presentation, the participating parties discussed each of the thirteen proposed definitions in the OPC’s proposed rule.

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<sup>4</sup> Counsel did not specify whether the Evergy representatives participated on behalf of Evergy Missouri Metro or Evergy Missouri West.

<sup>5</sup> Counsel stated that she appeared for the Liberty companies in Missouri, including The Empire District Electric Company; The Empire District Gas Company; Liberty Utilities (Midstates Natural Gas Corp.); and Liberty Utilities (water).

<sup>6</sup> The representative stated that she appeared on behalf of Confluence Rivers Utility Operating Company, Inc.; Elm Hills Utility Operating Company, Inc.; Hillcrest Utility Operating Company, Inc.; Indian Hills Utility Operating Company, Inc.; Osage Utility Operating Company, Inc.; and Raccoon Creek Utility Operating Company, Inc.

## **II. Request**

The OPC now requests that the Commission issue a Notice for a Second Workshop to be held in the Governor Office Building, Conference Room 450 (Ballroom), Jefferson City, Missouri, 65102, on Tuesday, January 25, 2022, starting at 10:00 a.m. and continuing until approximately 2:00 p.m.

The OPC has considered the feedback it received from the parties who filed comments to the proposed rule and the feedback it received during the November 18, 2020 workshop. The OPC has made substantial edits to its proposed rule based on this feedback. For instance, the OPC now proposes to file the proposed rule in Chapter 13 of Title 20, Division 4240 of the Code of State Regulations. Based on this change, the OPC proposes only two new definitions in its updated proposed rule and relies on the definitions set forth in 20 CSR 4240-13.015 for the remaining definitions. Attached as Appendix A is a clean copy of the updated proposed rule. Attached as Appendix B is a redline version of the proposed rule showing the changes the OPC made from its initial proposed rule.

The meeting on January 25, 2022, is intended to be open to the public unless it is necessary to discuss confidential information during a portion of the workshop. If it is necessary to discuss confidential information that part of the workshop must be briefly closed to exclude those who are not authorized to have access to such protected information. *See generally* 20 CSR 4240-2.135.

The OPC requests that the Commission provide notice of the second workshop to all Missouri investor-owned electric, water, sewer, and steam heating utilities. Further, the OPC requests that the Commission provide notice of the second workshop to the members of the Missouri General Assembly and to the news media serving the State of Missouri.

### **III. Conclusion**

WHEREFORE, the OPC respectfully requests the Commission issue an Order providing Notice of a Second Workshop to be held on Tuesday, January 25, 2022, from 10:00 a.m. to approximately 2:00 p.m. in Room 450 (Ballroom) of the Governor Office Building at 200 Madison Street, Jefferson City, Missouri 65102. The OPC requests that the Commission send the Notice to all Missouri investor-owned electric, water, sewer, and steam heating utilities, as well as to members of the Missouri General Assembly and the news media serving the State of Missouri. The OPC also requests that the Commission grant such other and further relief as it considers just.

Respectfully submitted,

/s/ Lindsay VanGerpen  
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### **CERTIFICATE OF SERVICE**

I hereby certify that copies of the forgoing have been mailed, emailed, or hand-delivered to all counsel of record this 7th day of December 2021.

/s/ Lindsay VanGerpen