

**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 TO ESTABLISH A DEADLINE FOR PARTICIPATION IN A VOLUNTARY  
ONE-MONTH CASE STUDY**

**COMES NOW** the Office of the Public Counsel (the “OPC”) and requests that the Public Service Commission of the State of Missouri (the “Commission”) issue an Order establishing a deadline for participation in a voluntary one-month case study meant to test the OPC’s attached Second Revised Proposed Rule. The OPC requests that the Commission establish the deadline as May 20, 2022. The OPC describes the proposed guidelines of its requested case study below. 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>1</sup> The OPC attached to its Motion for a Working Group a memorandum authored by Dr. Geoff Marke (the “Dr. Marke Memorandum”); a November 19, 2019 National Association of Regulatory Utility Commissioners’ (“NARUC”) Resolution (the “November 2019 NARUC Resolution”); a proposed rule (the “Initial Proposed Rule”); and a spreadsheet detailing discrepancies in the currently available public data. (*See*. Doc. 1 Apps A–C, OPC-1).

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<sup>1</sup> References to document numbers represent the document numbers assigned in the Electronic Filing Information System (“EFIS”).

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.” (Mot. for a Working Grp. 1, Doc. 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 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 requested that 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 (the “December 11, 2019 Order”). (Doc. 4). In that Order, the Commission scheduled a workshop to be held on March 26, 2020. (*Id.* 3). Further, the Commission stated that “[a]ny stakeholder wishing to submit written comments regarding the rule proposed by the Office of the Public Counsel, or the cost to comply with that rule, shall do so no later than February 14, 2020.” (*Id.*).

On February 14, 2020, in accordance with the Commission’s December 11, 2019 Order, 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>2</sup>—and Staff filed comments addressing the OPC’s proposed rule. (Docs. 7-12).

Due to the COVID-19 pandemic, the workshop the Commission originally scheduled for March 26, 2020, was held virtually on November 18, 2020 (the “First Virtual Workshop”). (*See* Doc. 23). Individuals representing the interests of at least eight investor-owned utilities—Ameren; Evergy;<sup>3</sup> Liberty;<sup>4</sup> Spire; Summit; MAWC; Central States Water Resources;<sup>5</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 First Virtual Workshop. During the workshop, Dr. Geoff Marke gave a presentation discussing the November 2019 NARUC Resolution and some of the information detailed in the Dr. Marke Memorandum. During his presentation, Dr. Marke noted that based on information available in the Annual Reports and the monthly Cold Weather Rule Reports “there does not appear to [be] an agreed-to standardization of data.” (Doc. 24 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 specifically highlighted several of the

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<sup>2</sup> Evergy Missouri Metro and Evergy Missouri West filed a joint response to the OPC’s proposed rule. (Doc. 12).

<sup>3</sup> Counsel did not specify whether the Evergy representatives participated on behalf of Evergy Missouri Metro and/or Evergy Missouri West.

<sup>4</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>5</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.

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 participants in the First Virtual Workshop discussed each of the thirteen definitions included in the OPC’s Initial Proposed Rule.

Based on the feedback it received during the First Virtual Workshop and the filed comments to the Initial Proposed Rule, the OPC made substantial edits to its Initial Proposed Rule. (*See* Doc. 29 App. B). The OPC then filed a Motion for Commission Order Providing Notice of Second Workshop (the “Motion for Second Workshop”) and requested that the Commission issue an Order providing notice of a second workshop. (Doc. 29). The OPC attached to the Motion for Second Workshop a revised proposed rule (the “First Revised Proposed Rule”) and a redline version of the First Revised Proposed Rule that showed the changes between the Initial Proposed Rule and the First Revised Proposed Rule. (Doc. 29 Apps. A & B).

After allowing responses, the Commission granted the Motion for Second Workshop and scheduled a second workshop for January 27, 2022. (Docs. 30, 33). However, due to the effects of COVID-19, the January 27, 2022 workshop was rescheduled for February 25, 2022 (the “Second Virtual Workshop”). (Doc. 37).

On February 25, 2022, the Commission held the Second Virtual Workshop. During the Second Virtual Workshop, the OPC gave a presentation detailing the history of this working group case, discussing the revisions the OPC made to its Initial Proposed Rule, and detailing its plans for the future of its proposed rule. Following the OPC’s presentation, the participants of the Second Virtual Workshop<sup>6</sup> discussed each section of the OPC’s First Revised Proposed Rule.

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<sup>6</sup> During the Second Virtual Workshop, representatives appeared from the OPC; Staff; each of the investor-owned electric and gas utilities that the Commission regulates; MAWC; Sierra Club; Renew Missouri; the State of Missouri Division of Energy; Consumer Counsel; and the Community Action Agency of St. Louis County, Inc.

Based on the feedback that it received during the Second Virtual Workshop, the OPC made further revisions to its First Revised Proposed Rule. Attached to this filing as Appendix A is the OPC's Second Revised Proposed Rule. A redline version showing the changes between the OPC's First Revised Proposed Rule and its Second Revised Proposed Rule is attached as Appendix B.

## **II. Request**

The OPC now requests that the Commission issue an Order establishing a May 20, 2022 deadline for interested stakeholders to respond to a voluntary one-month case study. The OPC describes the guidelines of its proposed case study below.

The OPC believes the Second Revised Proposed Rule as drafted accomplishes many of the goals expressed in the November 2019 NARUC Resolution and addresses many of the problems described in the Dr. Marke Memorandum, both of which the OPC attached to its Motion for a Working Group and which Dr. Marke discussed during the First Virtual Workshop. As discussed during the Second Virtual Workshop, the OPC intends to file a rulemaking petition to formally request that the Commission promulgate a version of the Second Revised Proposed Rule and make it a part of the Commission's current rules. *See* 20 CSR 4240-2.180(1) (stating that "[p]romulgation . . . of rules may be initiated . . . pursuant to a rulemaking petition filed with the commission.").

To ensure that the rule adequately serves the purposes for which the OPC proposed it, the OPC requests that the Commission establish a May 20, 2022 deadline for responses to a voluntary one-month case study. The objective of the case study is to ensure that when the OPC files the Petition for Rulemaking, the proposed rule meets the goals that began this working group, as expressed in the November 2019 NARUC Resolution and the Dr. Marke Memorandum. The OPC proposes the following guidelines for the case study:

- (1) Participation in the case study is open to those utilities that would be subject to the proposed rule as defined in the Second Revised Proposed Rule.<sup>7</sup>
- (2) Participation in the case study is strictly voluntary.
- (3) Any utility wishing to participate in the case study should submit data responsive to the Second Revised Propose Rule from the month of April 2022 only.
- (4) Responses to the case study should be sent to the OPC at [OPCSERVICE@opc.mo.gov](mailto:OPCSERVICE@opc.mo.gov) and the OPC will hold all such information as strictly confidential, as though submitted pursuant to 20 CSR 4240-2.135.
- (5) The OPC will use the strictly confidential information that it receives in response to the case study to either make further revisions to the Second Revised Proposed Rule or, if the responses show that the Second Revised Proposed Rule as drafted meets the goals, the OPC will file a rulemaking petition and propose the language of the current Second Revised Propose Rule.

The OPC has shared a copy of this motion with Counsel for Staff who represented that Staff does not object to the requested relief.

### **III. Conclusion**

WHEREFORE, the OPC respectfully requests the Commission issue an Order establishing May 20, 2022 as the deadline to participate in a voluntary case as outlined above. 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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<sup>7</sup> The Second Revised Proposed Rule applies to “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.” (See App. A).

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the forgoing have been mailed, emailed, or hand-delivered to all counsel of record this 4th day of March 2022.

/s/ Lindsay VanGerpen