

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

CHARLES HARTER, )  
COMPLAINANT )  
In the Matter of a Proposed Amendment to ) AX-2023-0287  
Commission Rule 20 CSR 4240-13.050  
Regarding Discontinuance of Service )

AMENDED PETITION TO AMEND RULE  
TO ELUCIDATE (5)

COMES NOW Petitioner by 20 CSR 4240-2.180(2) and Prays that the second sentence of Regulation 20 CSR 4240-13.050(5) which now reads “Service of notice by mail is complete upon mailing” be amended by adding the words “postmarked by the United States Postal Service.” and for his Petition states as follows:

- 1) Petitioner is Charles Harter, street and mailing address of 827 S. Sappington, St. Louis, Mo 63126.
- 2) The current existing regulation 20 CSR 4240-13.050(5) without an amendment reads as follows, with the sentence requested to be amended in bold italic and underlined:

(5) An electric, gas, or water utility shall not discontinue residential service pursuant to section (1) unless written notice by first class mail is sent to the customer at least ten (10) days prior to the date of the proposed discontinuance. ***Service of notice by mail is complete upon mailing.*** As an alternative, a utility may deliver a written notice in hand to the customer at

least ninety-six (96) hours prior to discontinuance. Except, a water utility shall not be required to provide notice when discontinuing water service for nonpayment of sewer bill by the terms of a contract between the water utility and any sewer provider, when the sewer provider has duly issued notice of discontinuance of service to its customer. A sewer utility shall not discontinue residential sewer service pursuant to section (1) unless written notice by certified mail return receipt requested is sent to the customer at least thirty (30) days prior to the date of the proposed discontinuance; except: (A) A water utility that is also a sewer utility and issues combined water and sewer billing may discontinue residential water service for nonpayment of the portion of a bill that is for residential sewer service after sending notice by first class mail at least ten (10) days prior to the date of the proposed water discontinuance, or hand-delivered notice at least ninety-six (96) hours prior to the proposed water discontinuance, as provided above, in lieu of providing specific notice of discontinuance of sewer service; (B) A water utility may discontinue residential water service for nonpayment of a bill for residential sewer service from any sewer provider, by the terms of a contract between the water utility and any sewer provider, if the water utility issues sewer billing on behalf of the sewer provider combined with its water billing, after providing notice by first class mail at least ten (10) days prior to the date of the proposed water discontinuance, or hand delivered notice at least ninety-six (96) hours prior to the proposed water discontinuance, as provided above, in lieu of the sewer provider sending any notice to the customer; (C) A sewer utility may discontinue residential sewer service by arranging for discontinuance of water service with any water provider, by the terms of a contract between the sewer utility and the water provider, if the water provider issues combined water and sewer billing, after the water provider provides notice by first class mail at least ten (10) days prior to the date of the proposed water discontinuance, or hand-delivered notice at least ninety-six (96) hours prior to the proposed water discontinuance, as provided above, in lieu of the sewer utility sending any notice to the customer.

3) The full text of the proposed amendment with the sentence to be amended

highlighted by bold, italic and underlining:

(5) An electric, gas, or water utility shall not discontinue residential service pursuant to section (1) unless written notice by first class mail is sent to the customer at least ten (10) days prior to the date of the proposed discontinuance. ***Service of notice by mail is complete upon mailing***

**postmarked by the United States Postal Service.** As an alternative, a utility may deliver a written notice in hand to the customer at least ninety-six (96) hours prior to discontinuance. Except, a water utility shall not be required to provide notice when discontinuing water service for nonpayment of sewer bill by the terms of a contract between the water utility and any sewer provider, when the sewer provider has duly issued notice of discontinuance of service to its customer. A sewer utility shall not discontinue residential sewer service pursuant to section (1) unless written notice by certified mail return receipt requested is sent to the customer at least thirty (30) days prior to the date of the proposed discontinuance; except: (A) A water utility that is also a sewer utility and issues combined water and sewer billing may discontinue residential water service for nonpayment of the portion of a bill that is for residential sewer service after sending notice by first class mail at least ten (10) days prior to the date of the proposed water discontinuance, or hand-delivered notice at least ninety-six (96) hours prior to the proposed water discontinuance, as provided above, in lieu of providing specific notice of discontinuance of sewer service; (B) A water utility may discontinue residential water service for nonpayment of a bill for residential sewer service from any sewer provider, by the terms of a contract between the water utility and any sewer provider, if the water utility issues sewer billing on behalf of the sewer provider combined with its water billing, after providing notice by first class mail at least ten (10) days prior to the date of the proposed water discontinuance, or hand delivered notice at least ninety-six (96) hours prior to the proposed water discontinuance, as provided above, in lieu of the sewer provider sending any notice to the customer; (C) A sewer utility may discontinue residential sewer service by arranging for discontinuance of water service with any water provider, by the terms of a contract between the sewer utility and the water provider, if the water provider issues combined water and sewer billing, after the water provider provides notice by first class mail at least ten (10) days prior to the date of the proposed water discontinuance, or hand-delivered notice at least ninety-six (96) hours prior to the proposed water discontinuance, as provided above, in lieu of the sewer utility sending any notice to the customer.

- 4) Some of the reasons petitioner supports said amendment are that he is given to understand that in the past, all mail was postmarked and the rules and regulations of the Public Service Commission relied on this independent

third party dating system to document the ten day notice requirements with little dispute, but when the post office in recent years allowed entities including utilities to post bulk mail without postmark, this independent resource was lost. Petitioner is currently the complainant in several complaints before this commission in which he received a notice of discontinuance of service on Saturday more than halfway through the ten day period even though he believes mail in St. Louis has overnight local delivery ability, and even though the letter inside of the utility's un-post-marked envelope carried a claimed date of the Monday before the Saturday received, petitioner further is concerned that when a notice to discontinue service to a vital utility like gas, electricity or water arrives on Saturday, there can be no ability to speak to a human customer service representative at the utility until the next Monday when those answering the utility phones can be overwhelmed by volume built up over the weekend, which burns off another two or three days further depleting the supposed right to and protection of ten (10) day notice which, if these facts are correct and common among customers, is decimated if not ameliorated by much to most of its ten days without this independent third party dating postmark.

- 5) Petitioner's estimation of the effect of the rulemaking on private persons or entities with respect to required expenditures of money or reductions in

income, are that to his understanding the postmark of the United States Postal Service is free and without cost upon request of the mailing party, in this case the utility, and each utility should have sufficient salaried personnel already in place to transport any bulk mail to the post office each day, further that petitioner welcomes as part of any investigation or hearing any exploration of cost of postmark as post office regulations require fees for subpoenae response by postal officials to testify which this commission could probably secure at minimal cost;

And petitioner believes there would be no reduction of income to individuals or utilities but instead the benefit of a full return to the ten days of notice before discontinuance without cost to individuals and to utilities a correction to the structure such that they may always act in the right without error.

- 6) Petitioner asserts this amendment would return everyone's status back to that when the post office postmarked all mail and restore the protections and benefits, to both the utilities and consumers, of the ten day notice provision contained in 20 CSR 4240-13.050(5) of their regulations.

WHEREFORE complainant prays that this Honorable Commission hear this cause pursuant to 20 CSR 4240-2.180(8) and thereafter to grant the amendment to 20 CSR 4240 13.050(5) as set out herein pursuant to 20 CSR

4240-2.180(9)(A), and for such other and further orders as are proper in the premises.

Respectfully submitted

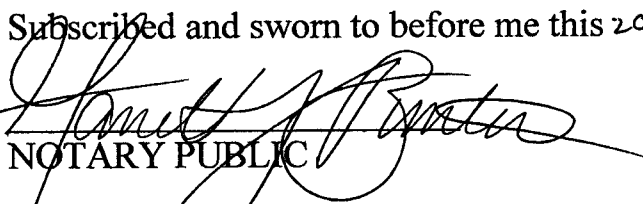
The facts and matters set forth above are true and correct according to the best of his information, knowledge and belief



Charles A. Harter mbe 28059

Petitioner, Attorney for Petitioner  
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Subscribed and sworn to before me this 20 day of March, 2023

  
NOTARY PUBLIC

My commission expires: 02-07-25

