FILED
February 19, 2014
Data Center
Missouri Public
Service Commission

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 1—OFFICE OF ADMINISTRATION
Division 10—Commissioner of Administration
Chapter 7—Missouri Accountability Portal

ORDER OF RULEMAKING

By the authority vested in the Commissioner of the Office of Administration under section 33.087, RSMo Supp. 2013, the commissioner adopts a rule as follows:

1 CSR 10-7.010 Missouri Accountability Portal **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2013 (38 MoReg 1738–1741). No changes bave been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and Division of Personnel
Chapter 5—Working Hours, Holidays and Leaves of Absence

ORDER OF RULEMAKING

By the authority vested in the Personnel Advisory Board under section 36.060, RSMo Supp. 2013, and section 36.070, RSMo 2000, the board amends a rule as follows:

1 CSR 20-5.015 Definition of Terms **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2013 (38 MoReg 1608). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and Division of Personnel
Chapter 5—Working Hours, Holidays and Leaves of Absence

ORDER OF RULEMAKING

By the authority vested in the Personnel Advisory Board under section 36.070, RSMo 2000, the board amends a rule as follows:

1 CSR 20-5.020 Leaves of Absence **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2013 (38 MoReg 1608–1609). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250(6) and 393.140(11), RSMo 2000, the commission amends a rule as follows:

4 CSR 240-13.010 General Provisions **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 3, 2013 (38 MoReg 1363–1364). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 7, 2013, and the commission held a public hearing on the proposed amendment on October 10, 2013. The commission received timely written comments from Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Laclede Gas Company, Ameren Missouri, and The Empire District Electric Company (collectively the Missouri Utilities); the Office of the Public Counsel; Jacqueline Hutchinson, Vice President of Operations for People's Community Action Corporation in St. Louis

Missouri; AARP, the Consumers Council of Missouri, and Legal Services of Eastern Missouri, Inc. (collectively the AARP group); Missouri-American Water Company; and the staff of the Missouri Public Service Commission. In addition, the following people offered comments at the hearing: Rick Zucker, representing Laclede Gas Company and Missouri Gas Energy; Jim Fischer, representing Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Allison Erickson on behalf of Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Russ Mitten, representing The Empire District Electric Company; Sarah Giboney, representing Ameren Missouri; Kathy Hart on behalf of Ameren Missouri; Tim Luft, on behalf of Missouri-American Water Company; Marc Poston, representing the Office of the Public Counsel; John Coffman, representing AARP and Consumers Council of Missouri; Jacqueline Hutchinson on behalf of Community Action Corporation in St. Louis Missouri; Jackie Lingum, representing Legal Services of Eastern Missouri, Inc.; Akayla Jones, representing the staff of the Missouri Public Service Commission; and Gay Fred and Lisa Kremer on behalf of the staff of the Missouri Public Service Commission.

The commission considered this particular rule in conjunction with eleven (11) other rules within Chapter 13. Not all persons offering comments addressed this particular rule.

COMMENT #1: The commission's staff offered a written comment indicating that it continues to support the amendment as proposed.
RESPONSE: The commission thanks staff for its comment.

COMMENT #2: AARP, the Consumers Council of Missouri, Legal Services of Eastern Missouri, Inc., and the Office of the Public Counsel indicated their support for the provision that makes these rules applicable to sewer utilities in addition to electric, gas, and water utilities.
RESPONSE: The commission thanks the commenters for their comment.

COMMENT #3: The Office of the Public Counsel indicated its support for the amendment to section 13.010(4) that requires that utility tariff provisions must be consistent with the requirements of Chapter 13 of the commission's rules.
RESPONSE: The commission thanks Public Counsel for its comment.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250(6) and 393.140(11), RSMo 2000, the commission amends a rule as follows:

4 CSR 240-13.015 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 3, 2013 (38 MoReg 1364–1365). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 7, 2013, and the commission held a public hearing on the proposed amendment on October 10, 2013. The commission received timely written comments from Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Laclede Gas Company, Ameren Missouri, and The Empire District Electric Company (collectively the Missouri Utilities); the Office of the Public Counsel; Jacqueline Hutchinson, Vice President of Operations for People's Community Action Corporation in St. Louis Missouri; AARP, the Consumers Council of Missouri, and Legal Services of Eastern Missouri, Inc. (collectively the AARP group); Missouri-American Water Company; and the staff of the Missouri Public Service Commission. In addition, the following people offered comments at the hearing: Rick Zucker, representing Laclede Gas Company and Missouri Gas Energy; Jim Fischer, representing Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Allison Erickson on behalf of Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Russ Mitten, representing The Empire District Electric Company; Sarah Giboney, representing Ameren Missouri; Kathy Hart on behalf of Ameren Missouri; Tim Luft, on behalf of Missouri-American Water Company; Marc Poston, representing the Office of the Public Counsel; John Coffman, representing AARP and Consumers Council of Missouri; Jacqueline Hutchinson on behalf of Community Action Corporation in St. Louis Missouri; Jackie Lingum, representing Legal Services of Eastern Missouri, Inc.; Akayla Jones, representing the staff of the Missouri Public Service Commission; and Gay Fred and Lisa Kremer on behalf of the staff of the Missouri Public Service Commission.

The commission considered this particular rule in conjunction with eleven (11) other rules within Chapter 13. Not all persons offering comments addressed this particular rule.

COMMENT #1: The commission's staff offered a written comment indicating that it continues to support the amendment as proposed.
RESPONSE: The commission thanks staff for its comment.

COMMENT #2: The AARP group and the Office of the Public Counsel express concern about the proposed change to the definition of "applicant." The amendment would distinguish applicant, as a person who has applied to receive residential service, from a "customer." Under the definition, an "applicant" becomes a "customer" upon initiation of service.

The AARP group warns that the use of "applicant" and "customer" throughout the Chapter 13 rules is not always consistent with that dichotomy and advises the commission to carefully examine the entire chapter to be sure there are no unintended consequences of changing this definition. More particularly, the AARP group and Public Counsel are concerned that an existing customer might be relabeled as an applicant, and thereby lose some protections under the rule if their service is disconnected for a period. To remedy that concern, Public Counsel proposes that the rule clarify that a disconnected customer remains a customer rather than an applicant for one (1) year after the disconnection.

Missouri American Water Company also expresses concern about the last sentence of the definition and suggest that the commission add a definition of "initiation of service" to define the moment when an applicant becomes a customer.
RESPONSE AND EXPLANATION OF CHANGE: All of the comments raise valid concerns about the difference between an applicant and a customer. However, those concerns are beyond the scope of a simple definition of "applicant." The second sentence of that definition, which attempts to define the difference between "applicant" and "customer" and when that change takes place, is also beyond the scope of a definition. If that question is to be addressed it needs to be addressed as a substantive part of the regulations, not jammed into a definition. The commission will remove the second sentence of the definition of "applicant." That will also eliminate any need to define "initiation of service."

COMMENT #3: Rick Zucker, attorney for Laclede Gas Company, pointed out a problem with the definition of "bill." Mr. Zucker pointed out that a comma should be inserted after the words "electronic

demand" within the definition to make the sentence grammatically correct.
RESPONSE AND EXPLANATION OF CHANGE: Mr. Zucker is correct and the commission will add the comma to the definition.

COMMENT #4: Public Counsel is concerned that the new definition of "corrected bill" is vague and overly broad and might authorize a utility to re-bill a customer without adjusting the date payment is due. Public Counsel contends the commission's standard should be to ensure that customers shall receive a correct bill based on actual usage each billing period with only limited exception for circumstances beyond the utility's reasonable control. Public Counsel does not offer a specific alternative definition of "corrected bill."
RESPONSE: The commission certainly agrees with the standard described by Public Counsel. However, the simple definition of "corrected bill" does not override any consumer protections embodied elsewhere in the Chapter 13 regulations. There is no need to change the definition.

COMMENT #5: Public Counsel proposes that the words "the validity of" should be removed from the new definition of "in dispute." Public Counsel is concerned that a dispute may involve an invalid charge appearing on an otherwise valid bill. Rick Zucker, attorney for Laclede Gas Company contends "the validity of" should remain in the rule to clearly differentiate a dispute from an inquiry.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with the change proposed by Public Counsel. The phrase "the validity of" could inappropriately narrow the intended scope of the definition. Even with the change, the definition of "in dispute" is sufficiently different from "inquiry." The commission will remove the "the validity of" phrase from the definition.

COMMENT #6: Public Counsel is concerned that the new definition of "inquiry" would too narrowly limit the scope of what constitutes an inquiry. Public Counsel suggests that inquiry should be more broadly defined as "a question or request for information related to utility charges, services, practices, or procedures."

The AARP group also expresses concern that this definition will shrink consumer rights and suggests that a second sentence be added to the definition to indicate "An inquiry that expresses a concern or disagreement with a utility charge or utility service shall also be considered a complaint under these rules."
RESPONSE AND EXPLANATION OF CHANGE: The AARP group's concerns are unfounded. The definition of "inquiry" is intended to differentiate a customer inquiry from a customer complaint, recognizing that not all customer questions and requests for information are in fact complaints. The AARP groups' proposed language would eliminate the distinction the new definition is designed to recognize. The commission will not make the change proposed by the AARP group.

The change proposed by Public Counsel is well taken. In this circumstance a broader definition of inquiry is appropriate. The commission will adopt the revision proposed by Public Counsel.

COMMENT #7: The AARP group, Public Counsel, and the Missouri Utility Group all express concern about the new definition of "payment." The AARP group and Public Counsel want to ensure that all customers have the option to pay by cash or draft and that electronic payment is not made mandatory. The Missouri Utility Group is concerned that an insufficient funds check that is dishonored should not meet the definition of payment. To that end, that group recommends that the phrase "draft of good and sufficient funds" be added to the definition.
RESPONSE AND EXPLANATION OF CHANGE: The commission is mindful of the concern expressed by the AARP group and Public Counsel. The commission agrees that electronic payment should remain an option only and this definition does not change that position. The Missouri Utility Group's concern is more well-founded. No one believes that simply sending the utility a check that is dishonored should meet the definition of "payment." The commission will add the phrase "draft of good and sufficient funds" to the definition.

COMMENT #8: The AARP group and Public Counsel advise the commission to delete the new definition of "payment agreement." They are concerned that the definition is not necessary and is not a proper definition in that it attempts to limit such agreements to a twelve- (12-) month duration unless the customer and utility agree to a longer period. Public Counsel also suggests that the substantive limitations on payment agreement could better be placed in 4 CSR 240-13.060, the regulation dealing with payment agreements.
RESPONSE AND EXPLANATION OF CHANGE: Public Counsel is correct. The definition of "payment agreement" should not attempt to impose substantive limitations on such agreements. The commission will cut the phrase that imposes those substantive limitations from the definition and will move it to 4 CSR 240-13.060.

COMMENT #9: Public Counsel is concerned about the proposed amendment to the definition of "rendition of a bill." The proposed amendment is designed to recognize and allow for the electronic delivery of the bill to the customer. Public Counsel expresses concern that the phrases "posted electronically" and "otherwise sent to the customer" are potentially vague and subject to abuse.
RESPONSE: Public Counsel's concerns about the phrases "posted electronically" and "otherwise sent to the customer" are misplaced as neither phrase appears in the version of the proposed amendment that was published in the *Missouri Register*. The proposed amendment that appears in the *Missouri Register* does not have the problems described by Public Counsel and does not need to be changed.

COMMENT #10: Public Counsel claims that the proposed amendment of the definition of tariff is unnecessary and potentially misleading because it would exclude instances where the commission may prescribe tariff changes that were not filed by the utility.
RESPONSE: Public Counsel's criticism of the proposed definition of tariff is not persuasive. Contrary to that criticism, while the commission can order a utility to file a certain tariff, only a utility may actually file the tariff. Thus, the definition covers all means by which a tariff may become effective and does not need to be changed.

4 CSR 240-13.015 Definitions

(1) The following definitions shall apply to this chapter:

(A) Applicant means an individual(s) or other legal entity who has applied to receive residential service;

(B) Bill means a written demand, including, if agreed to by the customer and the utility, an electronic demand, for payment for service or equipment and the taxes, surcharges, and franchise fees;

(S) In dispute means to question and request examination of utility bills or services rendered;

(T) Inquiry means a question or request for information related to utility charges, services, practices, or procedures;

(V) Payment means cash, draft of good and sufficient funds, or electronic transfer;

(W) Payment agreement means a payment plan entered into by a customer and a utility;

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250(6) and 393.140(11), RSMo 2000, the commission amends a rule as follows:

4 CSR 240-13.020 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 3, 2013 (38 MoReg 1365–1366). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 7, 2013, and the commission held a public hearing on the proposed amendment on October 10, 2013. The commission received timely written comments from Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Laclede Gas Company, Ameren Missouri, and The Empire District Electric Company (collectively the Missouri Utilities); the Office of the Public Counsel; Jacqueline Hutchinson, Vice President of Operations for People's Community Action Corporation in St. Louis Missouri; AARP, the Consumers Council of Missouri, and Legal Services of Eastern Missouri, Inc. (collectively the AARP group); Missouri-American Water Company; and the staff of the Missouri Public Service Commission. In addition, the following people offered comments at the hearing: Rick Zucker, representing Laclede Gas Company and Missouri Gas Energy; Jim Fischer, representing Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Allison Erickson on behalf of Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Russ Mitten, representing The Empire District Electric Company; Sarah Giboney, representing Ameren Missouri; Kathy Hart on behalf of Ameren Missouri; Tim Luft, on behalf of Missouri-American Water Company; Marc Poston, representing the Office of the Public Counsel; John Coffman, representing AARP and Consumers Council of Missouri; Jacqueline Hutchinson on behalf of Community Action Corporation in St. Louis Missouri; Jackie Lingum, representing Legal Services of Eastern Missouri, Inc.; Akayla Jones, representing the staff of the Missouri Public Service Commission; and Gay Fred and Lisa Kremer on behalf of the staff of the Missouri Public Service Commission.

The commission considered this particular rule in conjunction with eleven (11) other rules within Chapter 13. Not all persons offering comments addressed this particular rule.

COMMENT #1: The commission's staff offered a written comment indicating that it continues to support the amendment as proposed.
RESPONSE: The commission thanks staff for its comment.

COMMENT #2: The AARP group, the Office of the Public Counsel, Jacqueline Hutchinson, Jackie Lingum, and John Coffmann all expressed a general concern that the commission's proposed rules should not allow for the expanded use by utilities of estimated bills. They believe it is an important consumer protection provision that bills for service be based on actual usage whenever possible. The utilities counter that sometimes an actual meter reading cannot be obtained and suggest that requirements that go too far in requiring an actual meter reading might unnecessarily drive up costs to all consumers.
RESPONSE: In considering the comments, the commission will attempt to strike a balance between the consumer's need for certainty regarding their bill and the need to reduce costs by allowing for the use of estimated bills in appropriate circumstances.

COMMENT #3: Public Counsel asks the commission to insert the phrase "commission rules and" before the words "approved tariff" in section (1). According to Public Counsel, the change would make it clear that the utility must also follow the billing requirements of the regulation. The AARP group also expresses concern about section (1), contending that all consumer protections should be in the rule rather than in utility tariffs that are more difficult for consumers to access.
RESPONSE AND EXPLANATION OF CHANGE: The change proposed by Public Counsel may not be necessary because the utilities are required to comply with these rules whether or not Public Counsel's statement is added to the rule. However, including the phrase does not do any harm, and would make the utilities' obligations more clear to a customer who is reading the regulations. The commission will add the phrase requested by Public Counsel.

The AARP group's concerns about the reference to utility tariffs are unwarranted. It would be impractical for the commission to establisb a one-size-fits-all billing procedure that would apply to all utilities through a regulation. Instead, consumer protections are establisbed by rule, while the utilities are allowed to establish their own procedures that are not inconsistent with those regulations by means of tariffs filed with the commission.

COMMENT #4: Public Counsel, the AARP group, and other consumers, are concerned that paragraphs (2)(A)3. through (2)(A)7. would have the effect of inappropriately expanding the ability of utilities to impose estimated bills on their customers. They contend that the new provisions would allow the utilities to send out an estimated bill anytime the utilities equipment fails and would provide the utility with little incentive to maintain and repair its equipment. They believe the utility, not its customers, should bear the burden if utility-owned equipment fails. The utilities that commented about the rule support those paragraphs as an appropriate recognition of modern technology.
RESPONSE: The paragraphs to which the consumer groups object do have the effect of expanding the ability of a utility to rely on estimated bills when, for reasons beyond the utility's control, it is unable to obtain an actual meter reading; for example in some circumstances where company equipment, such as an automated meter reading device has failed. Subsequent provisions of the rule establish standards for the utilities to follow when determining an estimated bill.

The commission is not persuaded by the arguments presented by the consumers. While utilities are obligated to bill their customers for actual usage whenever possible, sometimes, for reasons beyond their control, they are unable to do so. Technological advances, such as automated meter reading devices have reduced the need for utilities to rely on estimated bills and the number of estimated bills sent to consumers has, as a consequence, dropped. But those technological advances have also created new circumstances in which it may be necessary for a utility to send out an estimated bill. The rule changes proposed by staff reasonably balance the consumer's interest in receiving a bill based on actual usage and the need to allow utilities to send out estimated bills without requiring them to unreasonably spend ratepayer dollars to chase the last possible actual meter reading. The commission will not make the changes proposed by the consumer groups.

COMMENT #5: Public Counsel is concerned that the proposed changes to section (3) would eliminate the right of a customer to self-read their meter whenever the utility is otherwise unable to obtain an actual meter reading. The Missouri Utilities looked at the same section and argue that the change does not go far enough. The Missouri Utilities would add the phrase "upon mutual agreement of the utility and the customer" to emphasize that customers do not have a right to self-read their meters without the consent of the utility.
RESPONSE: In one (1) regard, the concern of Public Counsel is unfounded. The changes proposed and published in the *Missouri Register* merely improve the readability of the regulation and do not change its substance. Really, Public Counsel is concerned about the change proposed by the Missouri Utilities. It should be emphasized that under the current regulation, as well as the change proposed by the Missouri Utilities, customers do not have an unbridled right to self-read their meters. Rather, the current regulation requires the utility to notify the customer of the option to self-read their meter if for some reason the utility is unable to obtain an actual meter reading for three (3) consecutive billing periods. If the utility does not want to

allow the customer that option, their remedy is to obtain an actual meter reading. There is no need to add the proposed language about a mutual agreement between the utility and customer to proceed with self-reading of the meter. The commission will make no additional change to section (3).

COMMENT #6: The AARP group proposes two (2) changes to section (7) of the existing rule. The commission has not proposed any changes to that section. The regulation currently requires that monthly-billed customers be allowed at least twenty-one (21) days to pay a bill after it is rendered, while quarterly-billed customers are allowed sixteen (16) days to pay their bill. The AARP group contends quarterly-billed customers should also be allowed twenty-one (21) days to pay their bills.
RESPONSE: The AARP group has not shown sufficient reason to change the payment time for quarterly-billed customers and since the change was not included in the proposed rule filed in the *Missouri Register*, interested stakeholders who might be able to explain the reason for the shorter payment period for quarterly-billed customers have not had an opportunity to respond. The commission will not make the change proposed by the AARP group.

COMMENT #7: The other change to section (7) proposed by the AARP group is to require utilities to allow their customers to choose a preferred payment date. The AARP group reasons that customers may be better able to pay their monthly bill on time if they can choose a preferred payment date closely following their receipt of a paycheck or benefit payment.

Again, this proposed amendment was not published in the *Missouri Register*, so the utilities have not had a full opportunity to respond. In their response at the hearing, the utility representatives in attendance explained that a choose-your-own-payment-date would not be workable precisely because most people would choose a due date just after the 1st or 15th of a month. Billings must be more evenly divided throughout the month because of the sheer number of bills that must be sent out during a month. Furthermore, billing due dates must be spread out to smooth the utility's incoming cash flow as payments are made.
RESPONSE: Good management of the utilities' billing process requires that all bills cannot be sent out at times of the customers' choosing. Furthermore, every customer has twenty-one (21) days to pay their bill, so they already have significant flexibility in paying their bill. The commission will not make the allowance of a customer-chosen payment date mandatory.

COMMENT #8: The AARP group proposes a new section as follows: "A utility shall allow payment by mail, but may allow payment through telephone electronic transfer, or through a pay agent, pursuant to the customer's preference." The AARP group contends this provision will protect the right of consumers to pay their bill in any manner they choose.
RESPONSE: This amendment proposed by the AARP group was not published in the *Missouri Register* so interested persons have not had a full opportunity to comment. However, there is no reason to believe that customers are in any danger of not being allowed to pay their bills by mail. The commission will not add a provision to the rule simply to address speculation and fears about a phantom problem.

COMMENT #9: The AARP group proposes a new section as follows: "A utility may provide customers current bill status information via telephone, electronic transmission, or mail pursuant to the customer's preference." The AARP group's comment does not explain why this new section is needed.
RESPONSE: Again, the amendment proposed by the AARP group was not published in the *Missouri Register* so interested persons have not had a full opportunity to respond. The AARP group has not demonstrated a need for the amendment and the commission will not add the provision to the rule.

COMMENT #10: The AARP group proposes a new section as follows: No utility may enter into any formal pay agent relationship with pawnshops, auto title loan companies, payday loan companies, or other entities that are engaged in the business of making unsecured loans of five hundred dollars ($500) or less or that lend money where repayment is secured by the customer's postdated check.

The AARP group, and other consumer oriented commenters explain that this provision is needed to protect utility customers from predatory lenders who might convince a desperate customer to take out a predatory loan to avoid having their utility service shut off.

This proposed rule was not published in the *Missouri Register* so the opportunity to respond was limited. Kathy Hart, in her comments on behalf of Ameren Missouri said that Ameren Missouri sometimes makes billing arrangements with payday type lenders because that may be the only available retail location willing to be a pay agent in an isolated community.
RESPONSE: The commission is very concerned about the threat posed by predatory lending. However, this is a proposal that deserves full consideration and a fair opportunity for response before implementation. The commission denied a petition for rulemaking on this issue in 2011 (File No. AX-2010-0061), but the commission will direct its staff to bring this matter back to the commission for full consideration in a future rulemaking.

COMMENT #11: The AARP group proposes a new section to ensure that utilities do not charge extra fees or surcharges for rendering a bill or for issuing other essential billing information. This proposal was not published in the *Missouri Register*, so other interested stakeholders have not had an opportunity to respond.
RESPONSE: The AARP group has not demonstrated a need for the proposed section. There is no indication that any utility is contemplating such a surcharge and they could only do so by filing a tariff that the commission could suspend or reject. The commission will not add the provision to the rule.

4 CSR 240-13.020 Billing and Payment Standards

(1) A utility shall normally render a bill for each billing period to every residential customer in accordance with commission rules and its approved tariff.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250(6) and 393.140(11), RSMo 2000, the commission amends a rule as follows:

4 CSR 240-13.025 Billing Adjustments **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 3, 2013 (38 MoReg 1366–1367). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 7, 2013, and the commission held a public hearing on the proposed amendment on October 10, 2013. The commission received timely written comments from Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company;

Laclede Gas Company, Ameren Missouri, and The Empire District Electric Company (collectively the Missouri Utilities); the Office of the Public Counsel; Jacqueline Hutchinson, Vice President of Operations for People's Community Action Corporation in St. Louis Missouri; AARP, the Consumers Council of Missouri, and Legal Services of Eastern Missouri, Inc. (collectively the AARP group); Missouri-American Water Company; and the staff of the Missouri Public Service Commission. In addition, the following people offered comments at the hearing: Rick Zucker, representing Laclede Gas Company and Missouri Gas Energy; Jim Fischer, representing Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Allison Erickson on behalf of Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Russ Mitten, representing The Empire District Electric Company; Sarah Giboney, representing Ameren Missouri; Kathy Hart on behalf of Ameren Missouri; Tim Luft, on behalf of Missouri-American Water Company; Marc Poston, representing the Office of the Public Counsel; John Coffman, representing AARP and Consumers Council of Missouri; Jacqueline Hutchinson on behalf of Community Action Corporation in St. Louis Missouri; Jackie Lingum, representing Legal Services of Eastern Missouri, Inc.; Akayla Jones, representing the staff of the Missouri Public Service Commission; and Gay Fred and Lisa Kreiner on behalf of the staff of the Missouri Public Service Commission.

The commission considered this particular rule in conjunction with eleven (11) other rules within Chapter 13. Not all persons offering comments addressed this particular rule.

COMMENT #1: The commission's staff offered a written comment indicating that it continues to support the amendment as proposed.
RESPONSE: The commission thanks staff for its comment.

COMMENT #2: The AARP group proposes an amendment to subsection (1)(B), a subsection that the commission has not proposed to amend. That subsection currently allows a utility to bill for undercharges for up to twelve (12) monthly billing periods. The AARP group proposes to reduce that period to six (6) months, reasoning that a shorter look-back period would encourage the utility to avoid billing errors. Public Counsel proposes a similar shortening of the look-back period when the undercharge is attributed to the failure of a meter or an automatic meter reading device.

This proposal was not published in the *Missouri Register* so there has been no formal opportunity to comment. The utility representatives who commented at the hearing contend the current twelve (12)-month look-back period is appropriate.
RESPONSE: The twelve (12)-month look-back period for utility collection of undercharges is contrasted with the sixty (60)-month look-back period established in subsection (1)(B) for utility refunds to customers for overcharges. Seen in that light, the twelve (12)-month look-period for undercharges is a reasonable balancing of utility and consumer interests. The commission will not amend the subsection in the manner proposed.

COMMENT #3: The commission proposes to add a new subsection (1)(C) that allows a customer to repay an overcharge over a period at least twice as long as the period covered by the adjusted bill. So, if the undercharge was incurred over three (3) months, the customer could repay the undercharge over six (6) months. The AARP group would allow the customer to repay over twice the period covered by the adjusted bill or twelve (12) months, whichever is longer.

The Missouri Utilities would go the other direction and allow the customer only the length of time in which the undercharge was incurred to repay the undercharge. In addition, the Missouri Utilities would require the customer to enter into a formal repayment agreement to use even that amount of time to repay the undercharge.

Public Counsel supports the double repayment period contained in the rule as published in the *Missouri Register*.
RESPONSE: The proposed subsection published in the *Missouri Register* is a reasonable balancing of utility and consumer interests. There is insufficient reason to allow a minimum of twelve (12) months to repay an undercharge in all instances, even when the undercharge occurred in a single month. On the other hand, the utilities' proposal is unduly one (1)-sided and fails to protect the consumer interest. The commission will not change the language published in the *Missouri Register*.

COMMENT #4: Public Counsel proposes to add a section to require utilities to demonstrate that they have complied with the estimated billing requirement of these rules before they can collect an undercharge adjustment from their customers. To that end, Public Counsel proposes the following:

No undercharge adjustment shall be made for usage that was previously estimated and where the utility has not complied with 4 CSR 240-13.020 subsections (1), (2), (3), and (4), and adequately documented and retained records of such compliance.

This proposal was not published in the *Missouri Register*, so there has been only a limited opportunity for interested stakeholders to respond to Public Counsel's proposal.
RESPONSE: The commission certainly expects the utilities to comply with all its rules, but Public Counsel's documentation and retention requirements could impose an undue burden on the utilities and ultimately the ratepayers. The commission will not include the provision proposed by Public Counsel in the rule.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250(6) and 393.140(11), RSMo 2000, the commission amends a rule as follows:

4 CSR 240-13.030 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 3, 2013 (38 MoReg 1367–1368). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 7, 2013, and the commission held a public hearing on the proposed amendment on October 10, 2013. The commission received timely written comments from Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Laclede Gas Company, Ameren Missouri, and The Empire District Electric Company (collectively the Missouri Utilities); the Office of the Public Counsel; Jacqueline Hutchinson, Vice President of Operations for People's Community Action Corporation in St. Louis Missouri; AARP, the Consumers Council of Missouri, and Legal Services of Eastern Missouri, Inc. (collectively the AARP group); Missouri-American Water Company; and the staff of the Missouri Public Service Commission. In addition, the following people offered comments at the hearing: Rick Zucker, representing Laclede Gas Company and Missouri Gas Energy; Jim Fischer, representing Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Allison Erickson on behalf of Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Russ Mitten, representing The Empire District Electric Company; Sarah Giboney, representing Ameren Missouri; Kathy

Hart on behalf of Ameren Missouri; Tim Luft, on behalf of Missouri-American Water Company; Marc Poston, representing the Office of the Public Counsel; John Coffman, representing AARP and Consumers Conncil of Missouri; Jacqueline Hutchinson on behalf of Community Action Corporation in St. Louis Missouri; Jackie Lingum, representing Legal Services of Eastern Missouri, Inc.; Akayla Jones, representing the staff of the Missouri Public Service Commission; and Gay Fred and Lisa Kremer on behalf of the staff of the Missouri Public Service Commission.

The commission considered this particular rule in conjunction with eleven (11) other rules within Chapter 13. Not all persons offering comments addressed this particular rule.

COMMENT #1: The commission's staff offered a written comment indicating that it continues to support the amendment as proposed.
RESPONSE: The commission thanks staff for its comment.

COMMENT #2: Public Counsel proposes a slight change of language in subsection (1)(A). It would replace the words "an unpaid bill" with "a past-due bill." Public Counsel proposes that change so that it is clear that the utility can require a deposit because an applicant for service has a past-due bill, not just because the applicant has an unpaid bill that is not yet due.
RESPONSE AND EXPLANATION OF CHANGE: Public Counsel's proposed change is helpful and will be adopted.

COMMENT #3: The commission proposes to modify subsection (1)(C) in a way that would modify the utilities' ability to use an applicant's credit score when deciding whether to require the applicant to post a deposit before establishing utility service. The current rule allows a utility to establish an acceptable credit rating under standards contained in the utility's tariff. However, the rule also allows the applicant to *prima facia* establish an acceptable credit rating if he or she 1) owns or is purchasing a home; 2) is and has been regularly employed on a full-time basis for at least one (1) year; 3) has a regular source of income; or 4) can provide adequate credit references from a commercial credit source.

The amended rule as publisbed in the *Missouri Register* would retain the four (4) alternative criteria for establishing an acceptable credit rating, but would allow applicants the use of those criteria only if they have an insufficient credit history to determine a credit score. Applicants for whom the utility could obtain a credit score would be bound by that credit score with no alternative means of establishing an acceptable credit rating.

The utilities that require deposits from applicants for service prefer to use what they believe to be the more definite criteria of a credit score when deciding which applicants must post a deposit. They contend an applicant's credit score is a very reliable indicator of that applicant's likely willingness or ability to pay their utility bill. They argue that the *prima facia* indicators of credit worthiness as used in the existing rule are more subjective and less reliable indicators of willingness or ability to pay.

The utilities would modify the rule further by specifically recognizing a utility's right to use credit scoring to determine an acceptable credit rating. Under their proposal, applicants would be allowed to rely on the four (4) *prima facia* indicators of credit worthiness only if the utility has no tariffed standards. Applicants who have no credit score would be deemed to have failed to establish an acceptable credit rating and presumably would be required to post a deposit.

The AARP group, Public Counsel, and other consumer oriented commenters are opposed to the use of credit scoring in determining which applicants for utility service will be required to post a deposit. They are concerned that deposit requirements can make it very difficult for low income people to obtain utility service. Such applicants may be able to pay their monthly bills, but would have a great deal of difficulty in coming up with the extra cash to post a deposit. They worry that credit scores may be overly rigid and as a result may not present a true picture of an applicant's ability or willingness to pay their utility bills. In general, the consumer oriented commenters would prefer to err on the side of allowing people to obtain needed utility service without facing the barrier imposed by a deposit requirement.
RESPONSE: Utilities and their customers, who ultimately must pay for a utility's bad debt, have a legitimate interest in ensuring that new applicants for utility service are able and willing to pay for that service. One (1) way utilities can protect that interest is by requiring a deposit from those customers who may have difficulty in paying their utility bills. The use of a credit score to determine the need for such a deposit is a fair and objective means of making that determination. Other provisions of the rule place limits on the amount of those deposits and allow a customer to pay the deposit in installments. As a result, the requirement of a deposit should not be an insurmountable barrier to obtaining utility service. However, the *prima facia* indictors of credit worthiness contained in the rule should still be available for use by those few customers who do not have a credit score. For that reason, the commission will not modify the rule as proposed by the Missouri Utilities. The revisions as published in the *Missouri Register* will be retained.

COMMENT #4: Public Counsel also offers a more general comment about utility credit standards. Public Counsel explains that the current regulation allows utilities to establish their own acceptable credit rating within their own tariffs. Public Counsel suggests the commission should instead establish a uniform credit standard that would apply to all utilities and all ratepayers.
RESPONSE: While the regulation allows utilities to establish their own acceptable credit ratings within their tariffs, the commission still has authority to control the contents of those tariffs by suspending or rejecting proposed tariff changes. Nevertheless, Public Counsel's desire for a uniform standard may have merit. The commission cannot create such a standard on the fly at this stage of the rulemaking process. But, if Public Counsel, or any other interested person, is interested in further examining that possibility, they are welcome to file an appropriate petition for rulemaking to bring the matter before the commission.

COMMENT #5: Public Counsel questions the revised language of subsection (2)(C), complaining that the language is unclear. Rick Zucker, representing Laclede Gas Company agreed that the language was unclear, but pointed out that the intent of the new language was to mirror the language of a statute, section 393.152, RSMo (Supp. 2013). Zucker advised the commission to closely examine the statute to be sure the language of the regulation does indeed match that of the statute.
RESPONSE AND EXPLANATION OF CHANGE: The commission has examined the statute and confirms that the language of the regulation matches that of statute. The confusion comes from some missing context in the regulation. The first part of the subsection, the existing regulation, allows a utility to require a deposit from an existing customer that has failed to pay their bill in five (5) of the previous twelve (12) months. The statute creates an exception that forbids the utility to require a deposit if the customer has made partial payments on his or her bill during that period. That is the exception that the rule revision is attempting to incorporate.

The problem is some missing words after the phrase "notwithstanding the foregoing" that would make it clear that the new language is an exception to the utilities' right to impose a deposit on a customer. That problem can be corrected by inserting "a utility may not require a deposit from a customer if." The rule would then read "Notwithstanding the foregoing; a utility may not require a deposit from a customer if such customer has consistently made a payment ..."

COMMENT #6: The commission has proposed to modify subsection (4)(A). The current regulation limits an allowable deposit to an amount two (2) times the customer's highest bill. The revised regulation, as published in the *Missouri Register*, would add an alternative to allow

a utility to require a deposit in an amount four (4) times the customer's average bill. The utility would choose which measurement to apply in its tariff.

The AARP Group, Public Counsel and Jacqueline Hutchinson suggest that the regulation be modified to allow the utility to charge two (2) times the highest bill, or four (4) times the average bill, whichever results in a smaller deposit. In response, Rick Zucker, representing Laclede Gas Company, explained that the alternative language was added to the rule to accommodate the computer systems of different utilities. He indicated Laclede's computer could determine an amount four (4) times an average bill, but could not reliably determine a maximum bill. Another utility's computer might have the opposite weakness. As a result, the alternative measures are not meant to create a comparison between the two (2) to determine either a higher or lower deposit amount. Requiring such a comparison would, in fact, eliminate the reason for creating the alternative measures.

RESPONSE: The commission agrees with Mr. Zucker's explanation and will not modify the rule as proposed by the AARP Group, Public Counsel and Jacqueline Hutchinson.

COMMENT #7: Subsection (4)(G) establishes requirements for a utility to return a deposit to a customer even if the customer cannot produce an original receipt for the payment of the deposit. The proposed revision published in the *Missouri Register* would modify the language of the section to make it more readable and would impose a five (5)-year limitation on the requirement to refund a deposit to a customer who cannot produce an original receipt. Public Counsel objects to the five (5)-year limitation and would add an affirmative requirement that the utility make all reasonable efforts to return a deposit to its customer when the customer is entitled to the return of their deposit.

RESPONSE AND EXPLANATION OF CHANGE: The five (5)-year limitation contained in this subsection is quite narrow and in this context is reasonable. The five (5)-year limitation does not allow a utility to keep a deposit after five (5)-years in all circumstances. Instead, the five (5) year limitation applies only when the customer cannot produce a receipt for the payment of the deposit. The previous subsection of the rule, (4)(F) requires the utility to give its customer such a receipt unless the existence of a deposit is tracked on the customer's bill. Thus, the five (5)-year limitation comes into play only if the customer cannot produce a receipt and the deposit is not tracked on the customer's bill. In that circumstance, the five (5)-year limitation is a reasonable protection for the utility against unverifiable claims for the return of a deposit.

The second part of Public Counsel's comment is more persuasive. A review of the entire regulation reveals that there is no requirement placed on a utility to affirmatively attempt to return a deposit to a customer. Subsection (4)(G) is not the best place to impose such a requirement. Rather, subsection (4)(B) currently requires the utility to keep records of efforts to return deposits. The commission will insert a requirement that the utility make all reasonable efforts to return deposits to customers in subsection (4)(B).

COMMENT #8: Public Counsel indicated its opposition to any comment by the utilities that would ask the commission to modify the rule to allow the utilities to deny customers the ability to pay a required deposit in installments if the customer does not have an acceptable credit rating.

RESPONSE: No commenter offered such a proposal and the commission will not make such a modification.

4 CSR 240-13.030 Deposits and Guarantees of Payment

(1) A utility may require a deposit or other guarantee as a condition of new residential service if—

(A) The applicant has a past-due bill, which accrued within the last five (5) years and, at the time of the request for service, remains unpaid and not in dispute with a utility for the provision of the same type of service;

(2) A utility may require a deposit or guarantee as a condition of continuing or re-establishing residential service if—

(C) The customer has failed to pay an undisputed bill on or before the delinquent date for five (5) billing periods out of twelve (12) consecutive monthly billing periods, or two (2) quarters out of four (4) consecutive quarters. Prior to requiring a customer to post a deposit under this subsection, the utility shall send the customer a written notice explaining the utility's right to require a deposit or include such explanation with each written discontinuance notice. Notwithstanding the foregoing; a utility may not require a deposit from a customer if such customer has consistently made a payment for each month during the twelve (12) consecutive months, provided that each payment is made by the delinquent date; and each payment made is at least seventy-five dollars ($75) or twenty-five percent (25%) of the total outstanding balance, provided that the total outstanding balance is three hundred dollars ($300) or less. This provision shall not apply to any customer whose total outstanding balance exceeds three hundred dollars ($300) or to any customer making payments under a payment plan previously arranged with the utility.

(4) A deposit shall be subject to the following terms:

(B) It shall bear interest at a rate specified in the utility's commission-approved tariffs, which shall be credited annually to the account of the customer or paid upon the return of the deposit to the customer, whichever occurs first. Interest shall not accrue on any deposit after the date on which a reasonable effort has been made to return it to the customer. The utility shall make all reasonable efforts to return a deposit to its customer when the customer is entitled to the return of their deposit and shall keep records of efforts to return a deposit. This rule shall not preclude a utility from crediting interest to each service account during one (1) billing cycle annually;

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ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250(6) and 393.140(11), RSMo 2000, the commission amends a rule as follows:

4 CSR 240-13.035 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 3, 2013 (38 MoReg 1368–1369). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 7, 2013, and the commission held a public hearing on the proposed amendment on October 10, 2013. The commission received timely written comments from Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Laclede Gas Company, Ameren Missouri, and The Empire District Electric Company (collectively the Missouri Utilities); the Office of the Public Counsel; Jacqueline Hutchinson, Vice President of Operations for People's Community Action Corporation in St. Louis Missouri; AARP, the Consumers Council of Missouri, and Legal Services of Eastern Missouri, Inc. (collectively the AARP group);

Missouri-American Water Company; and the staff of the Missouri Public Service Commission. In addition, the following people offered comments at the hearing: Rick Zucker, representing Laclede Gas Company and Missouri Gas Energy; Jim Fischer, representing Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Allison Erickson on behalf of Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company (KCP&L and GMO); Russ Mitten, representing The Empire District Electric Company; Sarah Giboney, representing Ameren Missouri; Kathy Hart on behalf of Ameren Missouri; Tim Luft, on behalf of Missouri-American Water Company; Marc Poston, representing the Office of the Public Counsel; John Coffman, representing AARP and Consumers Council of Missouri; Jacqueline Hutchinson on behalf of Community Action Corporation in St. Louis Missouri; Jackie Lingum, representing Legal Services of Eastern Missouri, Inc.; Akayla Jones, representing the staff of the Missouri Public Service Commission; and Gay Fred and Lisa Kremer on behalf of the staff of the Missouri Public Service Commission.

The commission considered this particular rule in conjunction with eleven (11) other rules within Chapter 13. Not all persons offering comments addressed this particular rule.

COMMENT #1: The commission's staff offered a written comment indicating that it continues to support the amendment as proposed.
RESPONSE: The commission thanks staff for its comment.

COMMENT #2: The revised version of section (1) as published in the *Missouri Register* would add a requirement that when a utility refuses to provide service to an applicant it must inform the applicant of that decision "verbally, if recorded and retained, or written upon applicant request, unless otherwise specified." The AARP group urges the commission to require that all refusals to provide service be in writing. They believe that the existence of a written refusal will better inform applicants of their rights under these regulations. KCP&L and GMO, as well as Missouri-American Water Company, believe that requiring verbal denials to be recorded and retained would be unduly expensive and ask the commission to eliminate that requirement from the rule. Ameren Missouri also objects to requiring a written refusal, even when requested by the applicant, arguing such a requirement would be costly.
RESPONSE: The commission agrees with the AARP group, a denial of utility service is an important decision that can have dire consequences for an applicant. The applicant should be informed of such an important decision in writing so they can be better informed about their rights. The commission will adopt a slightly modified version of the language proposed by the AARP group to replace the language published in the *Missouri Register*.

COMMENT #3: The commission proposes to modify subsection (1)(A) to provide that a utility can refuse service to an applicant for failure to pay a delinquent utility charge for services provided by that utility or its affiliate that is not subject to dispute under 4 CSR 240-13.045, the commission regulation that governs disputes. The AARP group would eliminate the requirement that the disputed charge be the subject of a formal dispute under the commission's rules. According to the AARP group a simple statement by the applicant that they dispute the charge should be sufficient to prevent the utility from using that charge as a basis to deny service.

The Missouri Utilities contend the proposed regulation's simple reference to a dispute under the commission's rule on disputes is insufficient and would add specific references to the provisions of that rule on disputes to make it clear that the utility can still deny services based on its assertion that a dispute about a bill is frivolous.
RESPONSE AND EXPLANATION OF CHANGE: The AARP group's proposal would essentially allow an applicant to declare a delinquent utility charge to be subject to dispute simply by declaring it to be so. The utility could then not use that "disputed" charge as the basis for a denial of future service and the applicant would never have to establish the basis for their dispute. Obviously such a rule would be unfair to the utility and to those utility ratepayers who would have to pay those unpaid charges.

On the other hand, the Missouri Utilities' proposal would require the applicant to register its dispute twenty-four (24) hours before it makes a service request. Since this area of disagreement frequently arises when the utility attempts to deny service to an applicant for an unpaid charge incurred at some other location, and perhaps by another person, the Missouri Utilities proposal could require the applicant to register its dispute before he or she is even aware that the utility is claiming they owe a past due charge. Obviously, that is not reasonable.

Missouri Utilities also proposes that outside the Cold Weather Rule period, if a utility asserts a dispute is frivolous, it should be able to defer commencing service until a decision is rendered under rule 4 CSR 240-13.045(4). That is a procedure in the existing dispute rule that allows for an expedited review of the allegedly frivolous dispute by the commission's consumer services department. It is reasonable to allow the application of the same provision if the dispute rule is to be applied to the denial of service. The commission will add that provision to the amended rule as published in the *Missouri Register*.

COMMENT #4: Missouri-American Water Company expresses concern that the notice requirement in section (1) differs from the notice requirement in paragraph (1)(C)1.
RESPONSE: The notice requirements are different because they serve different purposes. The general notice requirement in section (1) applies when the utility denies service to an applicant for any reason. The more specific notice requirement in paragraph (1)(C)1. only applies when the utility has denied service because the applicant has failed to provide access to allow the utility to inspect, maintain, or replace utility equipment. The notice requirements are not inconsistent and the commission will not change the rule in response to Missouri-American's comment.

4 CSR 240-13.035 Denial of Service

(1) When the utility refuses to provide service to an applicant, it shall inform the applicant in writing, and shall maintain a record of the written notice. A utility may refuse to commence service to an applicant for any of the following reasons:

(A) Failure to pay a delinquent utility charge for services provided by that utility or by its regulated affiliate that is not subject to dispute under applicable dispute review provisions of 4 CSR 240-13.045. Outside of the Cold Weather Rule period, if the utility asserts that a dispute is frivolous, it may defer commencing service until a decision is rendered under 4 CSR 240-13.045(4).

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ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250(6) and 393.140(11), RSMo 2000, the commission amends a rule as follows:

4 CSR 240-13.040 Inquiries **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 3, 2013 (38 MoReg 1369–1370). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed

amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 7, 2013, and the commission held a public hearing on the proposed amendment on October 10, 2013. The commission received timely written comments from Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Laclede Gas Company, Ameren Missouri, and The Empire District Electric Company (collectively the Missouri Utilities); the Office of the Public Counsel; Jacqueline Hutchinson, Vice President of Operations for People's Community Action Corporation in St. Louis Missouri; AARP, the Consumers Council of Missouri, and Legal Services of Eastern Missouri, Inc. (collectively the AARP group); Missouri-American Water Company; and the staff of the Missouri Public Service Commission. In addition, the following people offered comments at the hearing: Rick Zucker, representing Laclede Gas Company and Missouri Gas Energy; Jim Fischer, representing Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Allison Erickson on behalf of Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company (KCP&L and GMO); Russ Mitten, representing The Empire District Electric Company; Sarah Giboney, representing Ameren Missouri; Kathy Hart on behalf of Ameren Missouri; Tim Luft, on behalf of Missouri-American Water Company; Marc Poston, representing the Office of the Public Counsel; John Coffman, representing AARP and Consumers Council of Missouri; Jacqueline Hutchinson on behalf of Community Action Corporation in St. Louis Missouri; Jackie Lingum, representing Legal Services of Eastern Missouri, Inc.; Akayla Jones, representing the staff of the Missouri Public Service Commission; and Gay Fred and Lisa Kremer on behalf of the staff of the Missouri Public Service Commission.

The commission considered this particular rule in conjunction with eleven (11) other rules within Chapter 13. Not all persons offering comments addressed this particular rule.

COMMENT: The commission's staff offered a written comment indicating that it continues to support the amendment as proposed.
RESPONSE: The commission thanks staff for its comment.

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ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250(6) and 393.140(11), RSMo 2000, the commission amends a rule as follows:

4 CSR 240-13.045 Disputes is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 3, 2013 (38 MoReg 1370–1371). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 7, 2013, and the commission held a public hearing on the proposed amendment on October 10, 2013. The commission received timely written comments from Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Laclede Gas Company, Ameren Missouri, and The Empire District Electric Company (collectively the Missouri Utilities); the Office of the Public Counsel; Jacqueline Hutchinson, Vice President of Operations for People's Community Action Corporation in St. Louis Missouri; AARP, the Consumers Council of Missouri, and Legal Services of Eastern Missouri, Inc. (collectively the AARP group); Missouri-American Water Company; and the staff of the Missouri Public Service Commission. In addition, the following people offered comments at the hearing: Rick Zucker, representing Laclede Gas Company and Missouri Gas Energy; Jim Fischer, representing Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Allison Erickson on behalf of Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company (KCP&L and GMO); Russ Mitten, representing The Empire District Electric Company; Sarah Giboney, representing Ameren Missouri; Kathy Hart on behalf of Ameren Missouri; Tim Luft, on behalf of Missouri-American Water Company; Marc Poston, representing the Office of the Public Counsel; John Coffman, representing AARP and Consumers Council of Missouri; Jacqueline Hutchinson on behalf of Community Action Corporation in St. Louis Missouri; Jackie Lingum, representing Legal Services of Eastern Missouri, Inc.; Akayla Jones, representing the staff of the Missouri Public Service Commission; and Gay Fred and Lisa Kremer on behalf of the staff of the Missouri Public Service Commission.

The commission considered this particular rule in conjunction with eleven (11) other rules within Chapter 13. Not all persons offering comments addressed this particular rule.

COMMENT #1: The commission's staff offered a written comment indicating that it continues to support the amendment as proposed.
RESPONSE: The commission thanks staff for its comment.

COMMENT #2: Section (6) in the current rule provides that when a customer and utility are unable to agree about the amount in dispute, the customer must pay to the utility, at the utility's option, up to half of the charge in dispute or an amount based on usage during a similar period that is not in dispute. The amendment published in the *Missouri Register* would remove the utility's option and instead require payment of the lesser amount. Missouri-American Water Company contends the current rule giving the utility the option of which amount is to be required is reasonable and should not be changed.
RESPONSE: The commission disagrees with Missouri-American's comment. Removing the utility's option about which amount a customer must pay more evenly balances the utility's interest against that of the consumer who is disputing a charge.

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ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250(6) and 393.140(11), RSMo 2000, the commission amends a rule as follows:

4 CSR 240-13.050 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 3, 2013 (38 MoReg 1371–1375). Those sections with changes are

reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 7, 2013, and the commission held a public hearing on the proposed amendment on October 10, 2013. The commission received timely written comments from Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Laclede Gas Company, Ameren Missouri, and The Empire District Electric Company (collectively the Missouri Utilities); the Office of the Public Counsel; Jacqueline Hutchinson, Vice President of Operations for People's Community Action Corporation in St. Louis Missouri; AARP, the Consumers Council of Missouri, and Legal Services of Eastern Missouri, Inc. (collectively the AARP group); Missouri-American Water Company; and the staff of the Missouri Public Service Commission. In addition, the following people offered comments at the hearing: Rick Zucker, representing Laclede Gas Company and Missouri Gas Energy; Jim Fischer, representing Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Allison Erickson on behalf of Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company (KCP&L and GMO); Russ Mitten, representing The Empire District Electric Company; Sarah Giboney, representing Ameren Missouri; Kathy Hart on behalf of Ameren Missouri; Tim Luft, on behalf of Missouri-American Water Company; Marc Poston, representing the Office of the Public Counsel; John Coffman, representing AARP and Consumers Council of Missouri; Jacqueline Hutchinson on behalf of Community Action Corporation in St. Louis Missouri; Jackie Lingum, representing Legal Services of Eastern Missouri, Inc.; Akayla Jones, representing the staff of the Missouri Public Service Commission; and Gay Fred and Lisa Kremer on behalf of the staff of the Missouri Public Service Commission.

The commission considered this particular rule in conjunction with eleven (11) other rules within Chapter 13. Not all persons offering comments addressed this particular rule.

COMMENT #1: The commission's staff offered a written comment indicating that it continues to support the amendment as proposed.
RESPONSE: The commission thanks staff for its comment.

COMMENT #2: The AARP group and Jacqueline Hutchinson oppose provision of subsections (1)(C) and section (6) that authorize a water utility to discontinue service to the water utility's customer for non-payment of a sewer charge by a sewer utility with which the water utility has a billing arrangement. The AARP group and Hutchinson are concerned that such an arrangement would be against the public interest because it would allow essential utility service to be shut off for non-payment of unrelated debts.

Missouri-American Water Company responds by pointing out that the shutoff of water service for non-payment of a sewer bill is specifically authorized by Missouri statute.
RESPONSE: Missouri-American is correct. The change in subsection (1)(C) and section (6) merely brings the commission's regulation into line with sections 393.015 and 393.016, RSMo (Supp. 2013). The commission will not change subsection (1)(C) and section (6) beyond the changes published in the *Missouri Register*.

COMMENT #3: The AARP group, supported by Public Counsel, would add a new subsection to section (2) to prohibit a utility from disconnecting service for "failure to pay estimated charges unless the customer has unreasonably hindered the utility's attempt to obtain an actual meter reading." The AARP group and Public Counsel contend the restriction would encourage utilities to make every effort to obtain an actual reading rather than rely on estimated charges.

Rick Zucker, representing Laclede Gas Company, counters that preventing disconnection based on an estimated bill would eliminate the value of an estimated bill; why go to the trouble of estimating a bill if the customer does not have to pay it. Furthermore, Zucker argues that prohibiting disconnection for an estimated bill would give the customer a strong incentive to do anything possible to prevent the utility from obtaining an actual meter reading.
RESPONSE: The proposed blanket prohibition on disconnection for an estimated billing is unnecessary. If a customer believes that an estimated bill is incorrect, he or she can avoid disconnection by disputing the charge. But completely banning disconnection for an estimated bill could make it difficult, if not impossible, for a utility to collect a legitimate debt and throw the burden of that debt on the utility's other customers, who will ultimately pay for the utility's bad debts. The commission will not add the provision sought by the AARP group to the rule.

COMMENT #4: The amendment to section (3) as published in the *Missouri Register* would allow a utility to disconnect service anytime between 7:00 a.m. and 7:00 p.m., so long as the utility is accessible to receive a reconnection request at least an hour after disconnection. The current rule forbids disconnection before 8:00 a.m. and after 4:00 p.m.

The AARP group, Public Counsel, and Jacqueline Hutchinson oppose expanding the time allowed for disconnection. They fear that an evening shutoff would occur too late for the customer to contact social welfare agencies in an attempt to get services restored as those agencies would likely close at 5:00 p.m.

Laclede and Ameren Missouri support expanded disconnect hours because doing so would allow them to operate more efficiently.
RESPONSE AND EXPLANATION OF CHANGE: The commission understands the consumer group's concern. An evening disconnection could make it harder for a customer to seek needed assistance to restore service before they face a cold, dark night without utility service. The commission will not change the 8:00 a.m. to 4:00 p.m. time allowed for disconnection.

COMMENT #5: The commission published a new section (4) in the *Missouri Register* that would allow a utility to replace some written and verbal notices to a customer with an electronic notice if the customer had previously agreed to receive billing and other notices electronically. The rule would still require at least one (1) written notice ninety-six (96) hours before discontinuance of service, or a phone call twenty-four (24) hours before discontinuance.

The AARP group opposes allowing electronic notice to replace written and oral notice, reasoning that a customer who is about to be disconnected may have already lost internet service and would fail to receive the notice of disconnection. The Missouri Utilities group and KCPL/GMO generally support the new section, but they would clarify the language published in the *Missouri Register* by requiring written notice to be hard copy and by creating a window for notice by requiring the hard copy notice to be given at least ninety-six (96) hours before disconnection or the phone call to be made at least twenty-four (24) hours before disconnection.
RESPONSE AND EXPLANATION OF CHANGE: The concerns of the AARP group are well founded. Internet access could be the first service lost to a customer facing economic difficulties and that could prevent the customer from being made aware of a pending disconnection until they get a phone call twenty-four (24) hours before they lose service. By then it might be too late for them to obtain help. The commission will not allow electronic service to be substituted for the written and verbal notice required elsewhere in the rule.

The AARP group suggested that section (4) could be amended to simply remove the words "in place of any written and verbal notices." However, since the utility will not be allowed to substitute electronic service for other means of service, and would still have to send out all other written and oral notice required by the regulations, there is no longer any need for the new section (4) and it will be removed from the rule in its entirety. All succeeding sections will be renumbered accordingly.

COMMENT #6: Section (8) of the current rule (renumbered as section (10) in the proposed rule as published in the *Missouri Register*) requires a utility employee who is actually disconnecting service to a

residence to first knock on the customer's door to announce their presence and to let the customer know that disconnection is proceeding. The rule does not require any actual contact with the customer, just that the door knock occur. The rule also allows the utility employee to skip the door knock if knocking on the door would endanger his or her safety. The commission has not proposed to change the door knock requirement.

The Missouri Utilities group and KCPL/GMO propose to eliminate the door knock requirement to protect the safety of their employees who do not always know what might be facing them when they knock on a door to tell the residents that their utility service is being disconnected.

The AARP group, Public Counsel, and Jacqueline Hutchinson strongly urge the commission to keep the door knock requirement in place. They believe a knock on the door will often reveal the presence of some person or circumstance that would make a disconnection of utility service a threat to the health or wellbeing of the resident. For example, the door knock might reveal that a resident has electronic medical equipment in use and would be harmed if service is disconnected. One (1) utility, Missouri-American Water Company expressed continued support for the existing door knock rule.

RESPONSE: The commission continues to agree with the consumer groups. The door knock requirement as it currently exists in the rule is a proper balancing of the interest of the safety of utility employees against the need to protect the health and welfare of vulnerable customers. The commission will not change the door knock rule.

COMMENT #7: The commission has proposed an extensive amendment to section (11), formerly section (9), which delays disconnection for twenty-one (21) days if the customer or someone in their home is facing a medical emergency that will be aggravated by the discontinuance of utility service. The commission's staff indicates the proposed expansion of the rule is designed to reduce the subjectivity of the rule and to provide more guidance to the utilities trying to comply with the rule.

The Missouri Utilities group and Missouri-American Water Company indicate they have no problem with the current rule and prefer that more study be done before the rule is changed. They also express concern that proposed changes to this section were not discussed with the utilities during the workshops prior to the publication of the proposed amendment. John Coffman, representing the AARP group, also suggested more study would be appropriate before changing the current rule.

The only commenter that supports a change in the rule is KCPL/GMO. That utility believes the changes are appropriate and necessary. They also propose several technical changes to various subsections of section (11) that they believe will improve operation of the rule.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees that more study of this section is needed before extensive changes are made. The commission will eliminate the changes to the section that were published in the *Missouri Register*.

COMMENT #8: The Missouri Utilities group proposes that section (13) be amended to eliminate any priority for reconnecting disconnected customers over customers who have applied for new service.

RESPONSE: The current rule's establishment of priority for reconnecting a disconnected customer is appropriate because such a customer is likely to be in more dire circumstances than an applicant waiting for service to be established at a new residence, as such applicant is likely to have a place to live while service in a new residence is established. In contrast, a customer who has been disconnected is likely sitting in the cold and dark while waiting for service to be restored. The commission will not make the change proposed by the Missouri Utilities group.

4 CSR 240-13.050 Discontinuance of Service

(3) On the date specified on the notice of discontinuance or within thirty (30) calendar days after that, and subject to the requirements of these rules, a utility may discontinue service to a residential customer between the hours of 8:00 a.m. and 4:00 p.m. Service shall not be discontinued on a day when utility personnel are not available to reconnect the customer's service, or on a day immediately preceding such a day. After the thirty (30) calendar day effective period of the notice, all notice procedures required by this rule shall again be followed before the utility may discontinue service.

(4) The notice of discontinuance shall contain the following information:

(A) The name and address of the customer and the address, if different, where service is rendered;

(B) A statement of the reason for the proposed discontinuance of service and the cost for reconnection;

(C) The date on or after which service will be discontinued unless appropriate action is taken;

(D) How a customer may avoid the discontinuance;

(E) The possibility of a payment agreement if the claim is for a charge not in dispute and the customer is unable to pay the charge in full at one (1) time; and

(F) A telephone number the customer may call from the service location without incurring toll charges and the address of the utility prominently displayed where the customer may make an inquiry. Charges for measured local service are not toll charges for purposes of this rule.

(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.

(6) A utility shall maintain an accurate record of the date of mailing or delivery. A notice of discontinuance of service shall not be issued as to that portion of a bill which is determined to be an amount in dispute pursuant to sections 4 CSR 240-13.045(5) or (6) that is currently the subject of a dispute pending with the utility or complaint before the commission, nor shall such a notice be issued as to any bill or portion of a bill which is the subject of a settlement agreement except after breach of a settlement agreement, unless the utility inadvertently issues the notice, in which case the utility shall take necessary steps to withdraw or cancel this notice.

(7) Notice shall be provided as follows:

(A) At least ten (10) days prior to discontinuance of service for nonpayment of a bill or deposit at a multidwelling unit residential building at which usage is measured by a single meter, notices of the company's intent to discontinue shall be conspicuously posted in public areas of the building; provided, however, that these notices shall not be required if the utility is not aware that the structure is a single-metered multidwelling unit residential building. The notices shall include the date on or after which discontinuance may occur and advise of tenant rights pursuant to section 441.650, RSMo. The utility shall not be required to provide notice in individual situations where safety of employees is a consideration.

(B) At least ten (10) days prior to discontinuance of service for nonpayment of a bill or deposit at a multidwelling unit residential building where each unit is individually metered and for which a single customer is responsible for payment for service to all units in the building or at a residence in which the occupant using utility service is not the utility's customer, the utility shall give the occupant(s) written notice of the utility's intent to discontinue service; provided, however, that this notice shall not be required unless one (1) occupant has advised the utility or the utility is otherwise aware that s/he is not the customer; and

(C) In the case of a multidwelling unit residential building where each unit is individually metered or in the case of a single family residence, the notice provided to the occupant of the unit about to be discontinued shall outline the procedure by which the occupant may apply in his/her name for service of the same character presently received through that meter.

(D) In the case of a multidwelling unit residential building where each unit is individually metered and the utility seeks to discontinue service for any lawful reason to at least one (1), but not all of the units in the building, and access to a meter that is subject to discontinuance is restricted, such as where the meter is located within the building, the utility may send written notice to the owner/landlord of the building, unit(s) or the owner/landlord's agent (owner) requesting the owner to make arrangements with the utility to provide the utility access to such meter(s). If within ten (10) days of receipt of the notice, the owner fails to make reasonable arrangements to provide the utility access to such meter(s) within thirty (30) days of the date of the notice, or if the owner fails to keep such arrangements, the utility shall have the right to gain access to its meter(s) for the purpose of discontinuing utility service at the owner's expense. Such expenses may include, but shall not be limited to, costs to pursue court-ordered access to the building, such as legal fees, court costs, sheriff's law enforcement fees, security costs, and locksmith charges. The utility's right to collect the costs for entry to its meter will not be permitted if the utility fails to meet the obligation to keep the access arrangements agreed upon between owner and the utility. Notice by the utility under this section shall inform owner (a) of the utility's need to gain access to its meter(s) to discontinue utility service to one (1) or more tenants in the building, and (b) of the owner's liability in the event that owner fails to make or keep access arrangements. The notice shall state the utility's normal business hours. The utility shall render one (1) or more statements to the owner for any amounts due to the utility under this section. Any such statement shall be payable by the delinquent date stated thereon, and shall be subject to late payment charges at the same rate provided in the utility's tariff pertaining to general residential service.

(8) At least twenty-four (24) hours preceding discontinuance, a utility shall make reasonable efforts to contact the customer to advise the customer of the proposed discontinuance and what steps must be taken to avoid it. Reasonable efforts shall include either a written notice following the notice pursuant to section (4), a doorhanger or at least two (2) telephone call attempts reasonably calculated to reach the customer.

(9) Immediately preceding the discontinuance of service, the employee of the utility designated to perform this function, except where the safety of the employee is endangered, shall make a reasonable effort to contact and identify him/herself to the customer or a responsible person then upon the premises and shall announce the purpose of his/her presence. When service is discontinued, the employee shall leave a notice upon the premises in a manner conspicuous to the customer that service has been discontinued and the address and telephone number of the utility where the customer may arrange to have service restored.

(10) Notwithstanding any other provision of this rule, a utility shall postpone a discontinuance for a time not in excess of twenty-one (21) days if the discontinuance will aggravate an existing medical emergency of the customer, a member of his/her family or other permanent resident of the premises where service is rendered. Any person who alleges a medical emergency, if requested, shall provide the utility with reasonable evidence of the necessity.

(11) Notwithstanding any other provision of this rule, a utility may discontinue residential service temporarily for reasons of maintenance, health, safety, or a state of emergency.

(12) Upon the customer's request, a utility shall restore service consistent with all other provisions of this chapter when the cause for discontinuance has been eliminated, applicable restoration charges have been paid and, if required, satisfactory credit arrangements have been made. At all times, a utility shall make reasonable effort to restore service upon the day service restoration is requested, and in any event, restoration shall be made not later than the next working day following the day requested by the customer. The utility may charge the customer a reasonable fee for restoration of service, if permitted in the utility's approved tariffs.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250(6) and 393.140(11), RSMo 2000, the commission amends a rule as follows:

4 CSR 240-13.055 Cold Weather Maintenance of Service: Provision of Residential Heat-Related Utility Service During Cold Weather **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 3, 2013 (38 MoReg 1375). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed

amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 7, 2013, and the commission held a public hearing on the proposed amendment on October 10, 2013. The commission received timely written comments from Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Laclede Gas Company, Ameren Missouri, and The Empire District Electric Company (collectively the Missouri Utilities); the Office of the Public Counsel; Jacqueline Hutchinson, Vice President of Operations for People's Community Action Corporation in St. Louis Missouri; AARP, the Consumers Council of Missouri, and Legal Services of Eastern Missouri, Inc. (collectively the AARP group); Missouri-American Water Company; and the staff of the Missouri Public Service Commission. In addition, the following people offered comments at the hearing: Rick Zucker, representing Laclede Gas Company and Missouri Gas Energy; Jim Fischer, representing Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Allison Erickson on behalf of Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company (KCP&L and GMO); Russ Mitten, representing The Empire District Electric Company; Sarah Giboney, representing Ameren Missouri; Kathy Hart on behalf of Ameren Missouri; Tim Luft, on behalf of Missouri-American Water Company; Marc Poston, representing the Office of the Public Counsel; John Coffman, representing AARP and Consumers Council of Missouri; Jacqueline Hutchinson on behalf of Community Action Corporation in St. Louis Missouri; Jackie Lingum, representing Legal Services of Eastern Missouri, Inc.; Akayla Jones, representing the staff of the Missouri Public Service Commission; and Gay Fred and Lisa Kremer on behalf of the staff of the Missouri Public Service Commission.

The commission considered this particular rule in conjunction with eleven (11) other rules within Chapter 13. Not all persons offering comments addressed this particular rule.

COMMENT #1: The commission's staff offered a written comment indicating that it continues to support the amendment as proposed.
RESPONSE: The commission thanks staff for its comment.

COMMENT #2: The commission did not propose any substantive changes to the cold weather rule. However, the AARP group and Public Counsel point to provisions in the rule that provide special protections to households that contain elderly or disabled persons who have registered their presence with the utility. The AARP group and Public Counsel propose that the commission add a provision to the rule to require the utilities to advertise the need for such customers to register to take advantage of those extra protections. Rick Zucker, representing Laclede Gas Company, indicated the rule change is not necessary as Laclede already provides notice about the requirements and protections of the cold weather rule to its customers and to social service agencies.
RESPONSE: The commission did not attempt to address the details of the cold weather rule for this rulemaking. This is a complex rule that requires further discussion in additional workshops before attempting to add a new provision that has not been discussed with interested stakeholders and that could have unintended consequences. The commission will not make the change proposed by the AARP group and Public Counsel.

COMMENT #3: The AARP group proposes a change to section (5), which prohibits disconnection on certain days during the cold weather period when the temperature is predicted to drop below thirty-two degrees (32°). The AARP group is concerned that sometimes the actual temperature drops below thirty-two degrees (32°) when the predicted temperature was above thirty-two degrees (32°). It would amend the rule to provide that disconnections cannot proceed when the actual temperature is below thirty-two degrees (32°).
RESPONSE: The commission did not attempt to address the details of the cold weather rule for this rulemaking. This is a complex rule that requires further discussion in additional workshops before attempting to add a new provision that has not been discussed with interested stakeholders and that could have unintended consequences. The commission will not make the change proposed by the AARP group.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250(6) and 393.140(11), RSMo 2000, the commission amends a rule as follows:

4 CSR 240-13.060 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 3, 2013 (38 MoReg 1375–1376). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 7, 2013, and the commission held a public hearing on the proposed amendment on October 10, 2013. The commission received timely written comments from Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Laclede Gas Company, Ameren Missouri, and The Empire District Electric Company (collectively the Missouri Utilities); the Office of the Public Counsel; Jacqueline Hutchinson, Vice President of Operations for People's Community Action Corporation in St. Louis Missouri; AARP, the Consumers Council of Missouri, and Legal Services of Eastern Missouri, Inc. (collectively the AARP group); Missouri-American Water Company; and the staff of the Missouri Public Service Commission. In addition, the following people offered comments at the hearing: Rick Zucker, representing Laclede Gas Company and Missouri Gas Energy; Jim Fischer, representing Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Allison Erickson on behalf of Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company (KCP&L and GMO); Russ Mitten, representing The Empire District Electric Company; Sarah Giboney, representing Ameren Missouri; Kathy Hart on behalf of Ameren Missouri; Tim Luft, on behalf of Missouri-American Water Company; Marc Poston, representing the Office of the Public Counsel; John Coffman, representing AARP and Consumers Council of Missouri; Jacqueline Hutchinson on behalf of Community Action Corporation in St. Louis Missouri; Jackie Lingum, representing Legal Services of Eastern Missouri, Inc.; Akayla Jones, representing the staff of the Missouri Public Service Commission; and Gay Fred and Lisa Kremer on behalf of the staff of the Missouri Public Service Commission.

The commission considered this particular rule in conjunction with eleven (11) other rules within Chapter 13. Not all persons offering comments addressed this particular rule.

COMMENT #1: The commission's staff offered a written comment indicating that it continues to support the amendment as proposed.
RESPONSE: The commission thanks staff for its comment.

COMMENT #2: In one of its comments to 4 CSR 240-13.015, Public Counsel objected to part of that rule's definition of "payment

agreement." The commission agreed with that objection and indicated it would move the objected to portion of the definition to this rule. The language in question limited the duration of such payment agreements to twelve (12) months unless the customer and utility agree to a longer period.
RESPONSE AND EXPLANATION OF CHANGE: The commission will insert that time limitation at the end of section (2).

COMMENT #3: Public Counsel objects to the proposed elimination of section (4), which authorizes the utility and its customer to enter into an extension agreement when the customer claims an inability to pay their bill on time.
RESPONSE: The amendment is not eliminating authority to enter into an agreement to extend time to pay a utility bill. Rather, it is eliminating the term "extension agreement" here, and in 4 CSR 240-13.015, as an unnecessary duplication of a "payment agreement." The commission will not make the change proposed by Public Counsel.

4 CSR 240-13.060 Settlement Agreement and Payment Agreement

(2) Every payment agreement resulting from the customer's inability to pay the outstanding bill in full shall provide that service will not be discontinued if the customer pays the amount of the outstanding bill specified in the agreement and agrees to pay a reasonable portion of the remaining outstanding balance in installments until the bill is paid. For purposes of determining reasonableness, the parties shall consider the following: the size of the delinquent account, the customer's ability to pay, the customer's payment history, the time that the debt has been outstanding, the reasons why the debt has been outstanding, and any other relevant factors relating to the customer's service. Such a payment agreement shall not exceed twelve (12) months duration, unless the customer and utility agree to a longer period.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250(6) and 393.140(11), RSMo 2000, the commission amends a rule as follows:

4 CSR 240-13.070 Commission Complaint Procedures **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 3, 2013 (38 MoReg 1376–1377). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 7, 2013, and the commission held a public hearing on the proposed amendment on October 10, 2013. The commission received timely written comments from Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Laclede Gas Company, Ameren Missouri, and The Empire District Electric Company (collectively the Missouri Utilities); the Office of the Public Counsel; Jacqueline Hutchinson, Vice President of Operations for People's Community Action Corporation in St. Louis Missouri; AARP, the Consumers Council of Missouri, and Legal Services of Eastern Missouri, Inc. (collectively the AARP group); Missouri-American Water Company; and the staff of the Missouri Public Service Commission. In addition, the following people offered comments at the hearing: Rick Zucker, representing Laclede Gas Company and Missouri Gas Energy; Jim Fischer, representing Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Allison Erickson on behalf of Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company (KCP&L and GMO); Russ Mitten, representing The Empire District Electric Company; Sarah Giboney, representing Ameren Missouri; Kathy Hart on behalf of Ameren Missouri; Tim Luft, on behalf of Missouri-American Water Company; Marc Poston, representing the Office of the Public Counsel; John Coffman, representing AARP and Consumers Council of Missouri; Jacqueline Hutchinson on behalf of Community Action Corporation in St. Louis Missouri; Jackie Lingum, representing Legal Services of Eastern Missouri, Inc.; Akayla Jones, representing the staff of the Missouri Public Service Commission; and Gay Fred and Lisa Kremer on behalf of the staff of the Missouri Public Service Commission.

The commission considered this particular rule in conjunction with eleven (11) other rules within Chapter 13. Not all persons offering comments addressed this particular rule.

COMMENT: The commission's staff offered a written comment indicating that it continues to support the amendment as proposed.
RESPONSE: The commission thanks staff for its comment.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 120—New Manufactured Homes

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040.5, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-120.065 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2013 (38 MoReg 1480). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 16, 2013, and the commission held a public hearing on the proposed amendment on October 25, 2013. The commission received timely written comments from the staff of the Missouri Public Service Commission. In addition, the following people offered comments at the hearing: Tom Hager, Director of the Missouri Manufactured Housing Association; Darrell Myers, New Castle Mobile Homes of Harrisonville, Missouri; and Natelle Dietrich, Blake Eastwood, and Ronnie Mann on behalf of the staff of the Missouri Public Service Commission.

The commission considered this particular rule in conjunction with eight (8) other rules affecting manufactured housing. Not all persons offering comments addressed this particular rule.

COMMENT #1: Tom Hager, speaking on behalf of the Missouri Manufactured Housing Association, indicated his organization supports the proposed amendments as published in the *Missouri Register*. He indicated that the association has worked with the commission's staff over the last four (4) years to craft these amendments.