

Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240 – Public Service Commission
Chapter 20 – Electric Utilities

4 CSR 240-20.093 Electric Utility Demand-Side Programs

PURPOSE: This rule sets forth the definitions, requirements and procedures for filing and processing applications for approval, modification, and discontinuance of electric utility demand-side programs. This rule also sets forth requirements and procedures related to customer opt-out, tax credits, monitoring customer incentives and collaborative guidelines for demand-side programs.

(1) As used in this rule, the following terms mean:

(A) Annual demand-side savings goals means incremental annual energy savings goals and incremental annual demand savings goals established by the commission in 4 CSR 240-20.093(2) as demonstration that an electric utility's demand-side programs are expected to achieve all cost-effective demand-side savings.

~~(A)(B)~~ Annual demand savings target means the amount of annual demand savings from a utility's approved demand-side programs as established by the commission in a utility's general rate proceeding for the purpose of determining a utility's demand-side programs performance level in a subsequent general rate proceeding of the utility.

~~(A)(C)~~ Annual energy savings target means the amount of annual energy savings from a utility's approved demand-side programs as established by the commission in a utility's general rate proceeding for the purpose of determining a utility's demand-side programs performance level in a subsequent general rate proceeding of the utility.

~~(A)(D)~~ Customer means any person, firm, partnership, corporation, municipality, cooperative, organization, governmental agency, etc., that accepts financial and other responsibilities in exchange for services provided by one (1) or more public utilities.

~~(A)(E)~~ Customer coincident demand means a customer's coincident highest billing demand of the customer's individual accounts during a 12-month period.

~~(A)(F)~~ Customer class means major customer rate groupings such as residential, small general service, large general service and large power service. Non-residential classes may further be defined as commercial and industrial.

~~(A)(G)~~ Demand means the rate of electric power use measured in kilowatts (kW).

~~(A)(H)~~ Demand-side program means any program conducted by the utility to modify the net consumption of electricity on the retail customer's side of the meter including, but not limited to, energy efficiency measures, load management, demand response, and interruptible or curtailable load.

~~(A)(I)~~ Electric utility or utility means any electric corporation as defined in section 386.020, RSMo which is subject to the jurisdiction of the commission.

~~(A)(J)~~ Energy means the total amount of electric power that is used over a specified interval of time measured in kilowatt-hours (kWh).

~~(A)(K)~~ Evaluation, measurement and verification or EM&V means the performance of studies and activities intended to evaluate the process of and to estimate the energy and demand savings and other effects from demand-side programs.

~~(A)(L)~~ Preferred resource plan means the utility's resource plan that is contained in the resource acquisition strategy most recently adopted by the utility's decision makers in accordance with 4 CSR 240-22.

~~(A)(M)~~ Total resource cost test means the test that compares the sum of avoided utility cost plus avoided probable environmental costs to the sum of all incremental costs of end-use measures that are implemented due to the program (including both utility and participant contributions), plus utility costs to administer, deliver and evaluate each demand-side program to quantify the net savings obtained by substituting the demand-side programs for supply-side resources.

(2) The commission shall use the greater of the maximum achievable energy savings and demand savings as determined through a utility market potential study or the following incremental annual demand-side savings goals as demonstration that an electric utility's demand-side programs are expected to achieve all cost-effective demand-side savings.

(A) By 2012: 0.7% of total annual kWh sales and 1.0% of total peak demand;

~~(A)(B)~~ By 2013: 0.9% of total annual kWh sales and 1.0% of total peak demand;

~~(A)(C)~~ By 2014: 1.1% of total annual kWh sales and 1.0% of total peak demand;

~~(A)(D)~~ By 2015: 1.3% of total annual kWh sales and 1.0% of total peak demand;

~~(A)(E)~~ By 2016: 1.5% of total annual kWh sales and 1.0% of total peak demand;

~~(A)(F)~~ By 2017: 1.7% of total annual kWh sales and 1.0% of total peak demand;

~~(A)(G)~~ By 2018: 1.9% of total annual kWh sales and 1.0% of total peak demand;

and

~~(A)(H)~~ By 2019 and for subsequent years: 2.0% of total annual kWh sales and 1.0% of total peak demand each year.

Savings Goals-

NRDC- Mirror the targets adopted in several Midwestern states. I.e. OH, IN but there is also a 2011 goal of .3%. Intended to represent reasonable progress towards all cost effective savings given what other states in Midwest are doing and what is being achieved elsewhere in the country.

AUE- These are unacceptable. Goals in themselves are not unacceptable, but should have a basis of primary market study in a utility's territory. All cost effective savings is ambiguous. NAPEE and ACEEE speak in terms of load growth, which is very different than this. In some of the states that were mentioned, most come with 1.5-2% rate caps. There are some gross net things involved in sales. MN .5% of goals can be met through infrastructure.

Rich- Would an alternative set of numbers be viable?

AUE- Open to the concept, but the numbers that should be in a rule are Missouri specific, utility specific and based upon some type of a study.

NRDC- The other states didn't pull the numbers out of the air. Based upon what the utility's are achieving. No rate cap in OH and IN. All cost effective energy savings is a different policy decision.

AUE- MA and Green Communities Act, 3 year plan to get to 2.4% load reduction, will cost \$1.7 billion. There is dollars involved. Want to make sure that everyone understands the implications of this.

Renew MO- MA have already done the programs that are low hanging fruit, so their programs are going to cost more to do. These goals are still useful and provide a stable mechanism to achieve the energy efficiency savings goals.

OPC- The greater of the maximum achievable or these targets. Does it set them up for failure if we expect something greater than maximum achievable?

AUE- Does the commission have the authority to require these targets by rule when the legislation does not have that?

DNR- The advantage of these targets is that they are unambiguous, whereas, many of the results of the market potential studies are.

NRDC- Having targets is an attempt to simplify the concept of what is reasonable progress of achieving all cost effective. There is no consequence to having met or not meet the target.

Rich- There is always the variance provision. It is whatever makes sense.

Janet Wheeler- Asked the parties that advocate for this to provide detail regarding where this detail was modeled from when they make filings in this case.

MIEC- Doesn't understand the logic of the greater of the maximum achievable or target. Why would you put something in the rule if it doesn't make sense just to use the variance? Thinks it should be realistic achievable not maximum achievable. Largely echoes AUE comments. What makes sense in other states doesn't mean it makes sense in MO. These cumulative goals exceed what AUE says is the maximum achievable goal. Has to be utility specific.

Dan- Should there be interim goals until you get a market potential study? Transitional issue. The numbers could be a way to move things forward until we get better market information.

AUE- Doesn't think it is good policy to have a rule that sets out requirements and then rely on a variance provision.

Energy Solutions- The high note is what is all cost effective. The state and utilities may have different ideas. Are the utilities required to use the same tests? How many years payback are we talking about?

Rich- Statute implies TRC test is a preferred test and not a number of years for payback.

KCPL- Understand the benefit of having goals, but not clear of the benefit of having the goals stated in the rules themselves.

OPC- Recently on the gas side, commissioners have set energy efficiency goals for utilities in rate cases. OPC is not completely comfortable with those goals because they are expressed in terms of expenditures rather than load reductions. Obviously, Missouri commissioners have expressed some interest in setting goals and may have set some type of generic policy of Missouri.

NRDC- In Indiana, by commission, Illinois and Ohio by statute and Iowa is already at 1.5% annually. The notion that we can't learn from other states or that it is irrelevant to achieving all cost effective savings, she isn't buying.

NRDC and AUE- Will get Janet the information she requested.

AUE- Iowa requires the utility to run a scenario of 1.5%. Wants everyone to get the right information.

DNR- Not a mandate, but need to see an accomplishment of a goal in order to get performance incentives.

(3) Applications for approval of electric utility demand-side programs. Pursuant to the provisions of this rule, 4 CSR 240-2.060, and section 393.1075, RSMo, an electric utility may file an application with the commission for approval of demand-side programs by filing information and documentation required by 4 CSR 240-3.164(2). The commission shall approve, approve with modification or reject such applications for approval of individual demand-side programs within 30 days of the filing of an application under this section only after providing the opportunity for a hearing. In the case of a utility filing an application for approval of multiple demand-side programs, the commission shall approve, approve with modification or reject such applications within 60 days of the filing of an application under this section only after providing the opportunity for a hearing.

Individual Programs vs. Portfolio-

OPC- Incentives that are enabled by SB 376 should be coupled with the utilities achieving the goals in SB 376. Doesn't think you get there without analyzing the whole portfolio. Thinks this is one of the most important shortcomings of the rule.

DNR- Agrees with OPC. Have to look at holistically to get to the goals.

Rich- Utility perspective?

KCPL- Preference would be to have a portfolio approach with the flexibility to add some additional programs later.

Rich- Perhaps in modifications section.

NRDC- Portfolio, but should have process for making modifications. Also, has a reaction to 30 days is that this would be hard to meet. If portfolio, 60 days is doable, but is fast.

OPC- Thinks 30 and 60 days is extremely short for reviewing individual or multiple programs. Not sure what last sentence (hearing) means. Could be done in a shorter amount of time if done through the stakeholder process.

Rich- 60 days would be hard.

KCPL- Relationship to IRP has another impact on the amount of time required. If portfolio is from IRP, it could be quicker. Maybe the rule could differentiate here.

OPC- That is something that could be a consideration. At the same time you are reviewing portfolio, should also be figuring out the cost recovery and incentives at the same time. Thinks alternative accounting in current rule is a mechanism that could be looked at and then effective in the next rate case.

(A) The commission shall approve demand-side programs, associated tariff sheets, annual demand savings targets and annual energy savings targets for demand-side programs provided it finds that the demand-side programs have total resource cost test ratios greater than one (1.0) and:

1. Are consistent with a goal of achieving all cost-effective demand-side savings;
- ~~1.2.~~ Have reliable evaluation, measurement and verification plans;
- ~~1.3.~~ Are likely to result in energy or demand savings as demonstrated through a pilot program or a similar established program at a utility of like size;

1.4. Are estimated to be beneficial to all customers in the customer class in which the program is proposed, regardless of whether the program is utilized by all customers; and

1.5. Are included in the electric utility's preferred plan or have been analyzed through the integration process required by 4 CSR 240-22.060 to determine the impact of the demand-side programs on the net present value of revenue requirements of the electric utility.

Rich- If innovation strikes and is ready to be deployed at scale, this suggests that you hold back and must pilot first. Most demonstrate in some way that it is a good idea first.

OPC- Haven't seen the circumstance that is being alluded to.

Rich- Could be a community based program or something that comes out of the collaborative. This seems to preclude that.

Dan- May be some new technology comes along and it could be implemented at scale and doesn't need to wait on a pilot. For some statewide programs, there is really no way to pilot.

OPC- Seems that these types of situations would be rare enough in which to use the waiver provisions.

Noranda- Questions sub 4. Inserted estimated to be... otherwise is verbatim with statute. Why was this change made?

Staff- This gets to having to be measured and verified before approved and most don't like that. In implementation it is estimated.

Noranda- Thinks it is a big deal to show that the programs are cost effective for the non-participants. This is a requirement of the law.

DNR- Is the statute saying it has to be beneficial to all customers even those that opt out?

Noranda- Good point.

DNR- Doesn't think it needs to go through integration analysis. Thinks this will slow down the process.

DNR- Paragraph 1- Would actually be looking at combined programs that are assessed in meeting all cost effective. May want to make some working changes that clarifies that the commission will be looking at the whole portfolio when making this determination.

KCPL- Maybe we can define the minimum acceptable evaluation period. Can introduce a pilot program outside the portfolio and then minimum evaluation criteria.

Rich- May not want to put more requirements on pilots since they are inherently experimental.

(B) The commission shall approve demand-side programs and their associated tariff sheets for programs having a total resource cost test less than one (1.0) for demand-side programs targeted to low-income customers or general education campaigns, if the commission determines that the programs or campaigns are in the public interest, and meet the requirements as stated in subsection (A)2.-5.

1. If the program is targeted to low-income customers, the electric utility must also state how the electric utility will assess the effect of the program on customer arrearages and disconnections.

(C) The commission shall approve demand-side programs and their associated tariff sheets which have a total resource cost test less than one (1.0), if the costs of such programs above the level determined to be cost-effective are funded by the customers

participating in the programs or through tax or other governmental credits or incentives specifically designed for that purpose and meet the requirements as stated in subsection (A)2.-5

(4) Applications for approval of modifications to electric utility demand-side programs. Pursuant to the provisions of this rule, 4 CSR 240-2.060, and section 393.1075, RSMo, an electric utility may file an application with the commission for modification of demand-side programs by filing information and documentation required by 4 CSR 240-3.164(3). The commission shall approve, approve with modification or reject such applications for approval of modification of demand-side programs within 30 days of the filing of an application under this section only after providing the opportunity for a hearing.

(A) Relationship to 4 CSR 240-22 Electric Utility Resource Planning. Each demand-side programs proposed by the electric utility to be modified shall be analyzed through the integration process required by 4 CSR 240-22.060 to determine the impact on the net present value of the revenue requirements of the electric utility.

Rich- Modification section does not have a trigger. Trigger in previous drafts was criticized to be too small. Staff would still like some detail on this point.

OPC- Broader issue with section and how word shall is used such as in 3 and 3A. Enabling legislation in terms of the commission approving a lot of things: programs, mechanisms. The commission may interpret this to mean that they shall approve things only as they appear in the original application and that the commission doesn't have any discretion.

Henry Robertson- Applications to file, modify and discontinue individual programs and annual report and surveillance monitoring report. Creates the potential for a lot of cases. Thinks that everything should flow from the approval of the portfolio and then everything after that is in the same docket.

Rich- Does the rule need to say this?

Henry Robertson- Yes, thinks it needs to be spelled out.

NRDC- On trigger, recalled discussing 20% of budget. Thought we were close to consensus on this issue. Would support that. Again, 30 days here is pretty quick and would recommend that this be longer.

Rich- Often times the timeframe for modification is quick, but often times it is responding to some type of market condition.

Staff- That is just modifying the budget, but there is a lot of other things that can be changed. That is the concern with just putting in the 20%. Was envisioning that this program isn't working, so shifting the funds for this program into another program. Incentives, delivery mechanisms, etc. can be changed.

Rich- What often is noticed is money change, if other changes, commission may just wish to be on notice.

AUE- Back to "shall" that OPC was talking about—If commission can impose modifications, the utilities would have legal and practical concerns because it would be more like to commission managing the programs.

Wal-Mart- Shall is directive, but if you look at requirements there is a substantial amount of discretion given here.

(5) Applications for approval to discontinue electric utility demand-side programs. Pursuant to the provisions of this rule, 4 CSR 240-2.060, and section 393.1075, RSMo, an electric utility may file an application with the commission to discontinue demand-side programs by filing information and documentation required by 4 CSR 240-3.164(4). The commission shall approve, approve with modification or reject such applications for discontinuation of utility demand-side programs within 30 days of the filing of an application under this section only after providing an opportunity for a full hearing.

(A) Relationship to 4 CSR 240-22 Electric Utility Resource Planning. Each demand-side programs proposed by the electric utility to be discontinued shall be analyzed through the integration process required by 4 CSR 240-22.060 to determine the impact of discontinuing the demand-side programs on the net present value of the revenue requirements of the electric utility.

(6) Provisions for customers to opt-out of participation in utility demand-side programs.

(A) Any customer meeting one or more of the following criteria shall be eligible to opt-out of participation in utility offered demand-side programs:

1. The customer has one or more accounts within the service territory of the electric utility that has a demand of the individual accounts of five thousand (5,000) kW or more in the previous twelve months;

A. For utilities with automated meter reading and/or advanced metering infrastructure capability, the measure of demand is the highest coincident billing demand of the individual accounts during the twelve (12) months preceding the opt-out notification.

2. The customer operates an interstate pipeline pumping station, regardless of size; or

~~2.3.~~ The customer has accounts within the service territory of the electric utility that have, in aggregate, a coincident demand across accounts of two thousand five hundred (2,500) kW or more in the previous twelve months, and the customer has a comprehensive demand-side or energy efficiency program and can demonstrate an achievement of savings at least equal to those expected from utility-provided programs.

A. For utilities with automated meter reading and/or advanced metering infrastructure capability, the measure of demand is the customer coincident highest billing demand of the individual accounts during the twelve (12) months preceding the opt-out notification.

(B) Written notification of opt-out from customer to the utility serving the customer shall include at a minimum:

1. Customer's name;

~~1.2.~~ Identification of location(s) and utility account number(s) of accounts for which the customer is requesting to opt-out from demand-side programs benefits and costs; and

~~1.3.~~ Demonstration that the customer qualifies for opt-out.

(C) Utility notification of acknowledgement or plan to dispute a customer's notification to opt-out of participation in demand-side programs shall be delivered in

writing to the customer and to the commission within ten (10) days of when the utility received the written notification of opt-out from the customer.

~~(C)(D)~~ Timing and effect of opt-out provisions. A customer notice shall be received by the utility no sooner than October 1 and not later than November 30 to be effective for the following calendar year. For that calendar year and each such calendar year until the customer revokes the notice pursuant to subsection (F), none of the costs of approved demand-side programs of an electric utility offered pursuant to 4 CSR 240-20.092 or by other authority and no other charges implemented in accordance with this rule shall be assigned to any account of the customer, including its affiliates and subsidiaries listed on the customer's written notification of opt-out.

~~(C)(E)~~ Dispute notices. If the utility provides notice it disputes the opt-out due to the customer not meeting the criteria to qualify for opt-out, the customer has a right to file an appeal with the commission. The commission shall provide notice and an opportunity for a hearing to resolve any dispute.

~~(C)(F)~~ Revocation. A customer may revoke an opt-out by providing written notice to the utility and commission not less than twelve (12) months in advance of the calendar year for which it will become eligible for the utility's demand-side programs costs and benefits.

~~(C)(G)~~ A customer who participates in demand-side programs initiated after August 1, 2009 shall be required to participate in program funding for a period of three (3) years following the last date when the customer received an incentive or a service.

Opt-Out

Rich- No significant criteria for commission to evaluate those that come through.

OPC- Do you mean for the utility to evaluate? Has a concern with this, doesn't think it is their job to do this. If the utility disputed someone's right to opt-out, the customer could seek relief from the commission. You are asking the utilities to enforce the law. They are the market participant and this is putting them in the position to enforce the law.

Wal-mart- Articulates that you have to show that you can do at least what the utility's energy efficiency and demand programs would have done. But, doesn't think the utility is the one to evaluate this. Thinks it should go to the commission or someone at the commission to determine whether the customer has met the criteria. Too difficult to evaluate for this to be an objective analysis. Some things are going to be deemed savings and some things are not.

KCPL- Doesn't appear to be what the statute intended... statute says to notify utility.

Rich- But, the statute is silent on who makes the determination.

Wal-mart- There is a provision for dispute, but thinks this will keep the commission busy.

NRDC- Thinks similar position at the commission as the person to audit the utility savings could also verify the opt-out applications too. The rule should say that the savings claimed by the opt-out customers has to be independently verified.

Rich- Back to what does the word demonstration mean?

Wal-Mart- If utility and customer can't agree maybe that they could get an independent arbitrator.

Rich- I think it is the compare to what problem.

AUE- One thing to think about, the customer may have to prove that it has used decision criteria that it has spent money on things that have 2 year payback period- prove to the

commission. Already letting customers who are much bigger than them that have not invested in a 2 year or greater payback, ie. Criteria 1 and 2.

Wal-mart- Seems like a reasonable start. Would need a provision that customer specific information would be held proprietary.

OPC- The only way if any dispute gets any light is if the utility disagrees with a customer. What about OPC or staff? There may be very disputable self certifications that the utilities don't want to get into. There ought to be a better mechanism than whether a utility wants to fight with the customer.

Rich- What do you think about NRDC recommendation- independent evaluation at commission?

OPC- This may be helpful, but not sure of what the cost of that could be. There is a tradeoff here.

KCPL- Perhaps, between the utility and the customer and then end result is submitted to the commission. So, it would be there if anyone wants to look at it, but not the cost of a consultant.

Rich- Requested any suggested language.

MIEC- Finding new language in 6A and 1A hard to read. How should he interpret that and what is the objective? Doesn't think this is needed for category 1 customers, just for category 3 customers. Thinks plural confuses the eligibility. As long as I have one account that exceeds that amount, they are all able to opt-out.

KCPL- Just because we have automated meters, doesn't mean we collect that data for every customers. This criteria wouldn't necessarily work because may not have historical data, could do it on a going forward basis.

Staff- This gets to what is a customer. Are they getting one bill, or more than one bill.

MIEC- A customer is one of more accounts.

KCPL- But when we are counting them it would count as 2.

MIEC- But since affiliates are included in 1, doesn't think it matters. Not sure if references are correct. What does it mean when it refers to this rule? Should apply to everything that comes out of SB 376.

(7) Tax credits and monetary incentives.

(A) Any customer of an electric utility who has received a state tax credit under sections 135.350 through 135.362, RSMo, or under sections 253.545 through 253.561, RSMo, is not eligible for participation in any demand-side program offered by a utility if such program offers the customer a monetary incentive to participate.

~~(A)~~(B) As a condition of participation in any demand-side program offered by an electric utility under this section, when such program offers a monetary incentive to the customer, the customer shall attest to non-receipt of any tax credit listed in subsection (A) and acknowledge that the penalty for a customer who provides false documentation is a class A misdemeanor.

~~(A)~~(C) The electric utility shall maintain a database of participants of all demand-side programs offered by the utility when such programs offer a monetary incentive to the customer including the following information:

1. The name of the participant;

~~1.2.~~ The service property address; and

~~1.3.~~ The date of and amount of the monetary incentive received.

(D) Upon request by the commission, the utility shall disclose participant information in subsection (7)(C) to the commission.

- (8) Collaborative guidelines. Each electric utility and its stakeholders are encouraged to form a collaborative for the design, implementation and review of demand-side programs. This collaborative process may take place simultaneously with the collaborative process related to demand-side programs for 4 CSR 240-22 and are encouraged to occur no less frequently than once each quarter.

Statewide vs. Utility Collaborative

NRDC- Statewide collaborative. Forum for shared learning. Utilities with smaller staffs can benefit from larger utilities. Provides a forum to discuss statewide policy matters and bringing all stakeholders up to speed on new program designs. For stakeholders with less resources, it makes better use of their time. Charge and role should be: recommend new programs and review program designs prior to filings. Review program performance, review budget shifts, exploring joint programs among utilities and monitoring work of evaluators. Will submit this in writing.

DNR- Agrees with NRDC. Hoping to have one statewide collaborative and all of the individual ones go away or have break out groups.

NRDC- Even if there are utility collaboratives, the same roles and responsibilities could be assigned.

AUE- Doesn't have a strong feeling one way or another. Sees benefits to focusing on specific issues, so are worried about losing focus on implementing real stuff.

Staff- If we went to a statewide collaborative, would you want to keep the individual collaboratives?

AUE- In the interest of efficiency, might see what overlaps. Don't eliminate individual collaboratives, but could make them shorter. Don't want to just double the meetings.

NRDC- Statewide may want to meet more frequently than quarterly depending on what is going on. The agenda wouldn't just be driven by the utility, but by a facilitator who works with all stakeholders. Creates some ownership.

OPC- Sees some value to statewide meetings. Doesn't see them as a complete replacement. There are things to be accomplished in utility collaboratives, such as getting into the level of detail that may not be efficient in statewide. But, should consider the benefits. MO hasn't considered many statewide/joint delivery programs. Can look at best practices, what types of programs are being looked at. At a minimum, should have a statewide collaborative scheduled a month after we get the different annual reports from the utilities.

Dan- Statewide could be policy oriented and utility specific could focus more on implementation.

DNR- A statewide collaborative that is properly structured would provide an opportunity for certain people to spin off and focus on specific issues. Also thinks it would be beneficial to develop common evaluation standards. Would provide support for individual utility collaboratives.

DNR- Focus of individual collaboratives would change if there was a statewide collaborative.

AUE- If specific function for statewide, such as after annual reports are filed and get an external review of what is going on in the rest of the country. They would be okay with that. Not sure if they would be every month. Would be concerned about policy collaboratives that meet more than implementation collaboratives.

NRDC- Thinks one of the most important aspects of statewide collaboratives is to compare evaluations across utilities and work these lessons into program planning, so wouldn't just be a policy meeting.

AUE- Is okay with that. Again, doesn't want to do every month.

KCPL- Likes most of the suggestions heard so far. The benefit of CPAG is that it is specific to their programs and doesn't want to lose that. Perhaps could consider an annual summit after annual report.

Rich- Not suggesting that it hashes out in rule, but allows the flexibility for us to do this if we want.

AUE- Fine with language that says statewide collaborative, would be fine with including a budget for bringing in speakers to make it really valuable, etc.

(9) Variances. Upon request and for good cause shown, the commission may grant a variance from any provision of this rule.

(10) Rule review. The commission shall review the effectiveness of this rule by no later than December 31, 2014, and may, if it deems necessary, initiate rulemaking proceedings to revise this rule.