

Robin Carnahan
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

Administrative Rules Stamp

COPY

RECEIVED

MAY 15 2006

SECRETARY OF STATE
ADMINISTRATIVE RULES

A "SEPARATE" rule transmittal sheet **MUST** be used for EACH individual rulemaking.

A. Rule Number 4 CSR 240-13.055

Diskette File Name Proposed Amendment 13.055

Name of person to call with questions about this rule:

Content Kevin Thompson Phone 573-751-6514 FAX 573-751-9285

E-mail address kevin.thompson@psc.mo.gov

Data entry Carla Schnieders Phone 573-522-9038 FAX 573-751-9285

E-mail address carla.schniders@psc.mo.gov

Interagency mailing address GOB, 200 Madison Street, 8th Floor Jefferson City, MO

Statutory Authority 386.250

Current RSMo date 2000

Date filed with the Joint Committee on Administrative Rules May 15, 2006

B. CHECKLIST guide for rule packets:

☒ This transmittal completed

☐ Forms, number of pages _____

☒ Cover letter

☒ Authority section with history of the rule

☒ Affidavit

☒ Public cost statement

☒ Small business impact statement

☒ Private cost statement

☒ Fiscal notes

☒ Hearing date

C. RULEMAKING ACTION TO BE TAKEN

☐ Emergency rulemaking (choose one) ☐ rule, ☐ amendment, ☐ rescission, or ☐ termination

MUST include effective date _____

☒ Proposed Rulemaking (choose one) ☐ rule, ☒ amendment, or ☐ rescission

☐ Order of Rulemaking (choose one) ☐ rule, ☐ amendment, ☐ rescission, or ☐ termination

MUST complete page 2 of this transmittal

☐ Withdrawal (choose one) ☐ rule, ☐ amendment, ☐ rescission or ☐ emergency)

☐ Rule action notice ☐ In addition ☐ Rule under consideration

D. SPECIFIC INSTRUCTIONS: Any additional information you may wish to provide to our staff _____

Small Business Regulatory
Fairness Board (DED) Stamp

JCAR Stamp

JOINT COMMITTEE ON

MAY 15 2006

ADMINISTRATIVE RULES

RULE TRANSMITTAL (PAGE 2)

E. ORDER OF RULEMAKING: Rule Number _____

1a. Effective Date for the Order

☐ Statutory 30 days

Specific date _____

1b. Does the Order of Rulemaking contain changes to the rule text?

☐ YES

☐ NO

1c. If the answer is YES, please complete section F.

If the answer is NO, **STOP** here.

- F. Please provide a complete list of the changes in the rule text for the order of rulemaking, indicating the specific section, subsection, paragraph, subparagraph, part, etc., where each change is found. It is especially important to identify the parts of the rule that are being deleted in this order of rulemaking. Give an explanation of each section, subsection, etc. which has been changed since the proposed rulemaking was published in the Register.

NOTE: ALL changes MUST be specified here in order for those changes to be made in the rule as published in the *Missouri Register* and the *Code of State Regulations*.
Add additional sheet(s), if more space is needed.



Commissioners

JEFF DAVIS
Chairman

CONNIE MURRAY

STEVE GAW

ROBERT M. CLAYTON III

LINWARD "LIN" APPLING

Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://www.psc.mo.gov>

WESS A. HENDERSON
Executive Director

DANA K. JOYCE
Director, Administration

ROBERT SCHALLENBERG
Director, Utility Services

WARREN WOOD
Director, Utility Operations

COLLEEN M. DALE
Secretary/Chief Regulatory Law Judge

KEVIN A. THOMPSON
General Counsel

May 15, 2006

Honorable Robin Carnahan
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, Missouri 65101

Dear Secretary Carnahan:

Re: Proposed Amendment to 4 CSR 240-13.055, Cold Weather Maintenance of Service: Provision of Heat-Related Utility Service During Cold Weather

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed amendment lawfully submitted by the Missouri Public Service Commission for filing on this 15th day of May 2006.

Statutory Authority: Sections 386.250 RSMo 2000.

Section 536.300 RSMo Supp. 2005 requires state agencies to "determine whether the proposed rulemaking affects small businesses and, if so, the availability and practicability of less-restrictive alternatives that could be implemented to achieve the same results of the proposed rule." A small business is defined to be "a for-profit enterprise consisting of fewer than one hundred full- or part-time employees." A proposed rule "affects" a small business if it "impose[s] any potential or actual requirement" that "will cause direct and significant economic burden upon a small business, or that is directly related to the formation, operation, or expansion of a small business."

The Proposed Amendment to 4 CSR 240-13.055 does not impose any requirement that "will cause direct and significant economic burden upon a small business, or that is directly related to the formation, operation, or expansion of a small business," and the Commission certifies that it has determined that the proposed rules will not have an economic impact on small businesses.

The Missouri Public Service Commission also certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017 RSMo 2000 and that this proposed rule does not constitute a taking of real property under relevant state and federal law.

If there are any questions, please contact: Kevin Thompson, General Counsel
Missouri Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, MO 65102
(573) 751-6514

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', is written over a horizontal line.

Colleen M. Dale
Secretary



Commissioners

JEFF DAVIS
Chairman

CONNIE MURRAY

STEVE GAW

ROBERT M. CLAYTON III

LINWARD "LIN" APPLING

Missouri Public Service Commission

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Director, Utility Operations

COLLEEN M. DALE
Secretary/Chief Regulatory Law Judge

KEVIN A. THOMPSON
General Counsel

May 11, 2006

Mr. Gregory A. Steinhoff, Director
Department of Economic Development
301 West High Street
Jefferson City, Missouri 65101

RE: Proposed Amendment to 4 CSR 240-13.055 Cold Weather Maintenance of Service: Provision of Heat-Related Utility Service During Cold Weather

Dear Mr. Steinhoff:

The Public Service Commission proposes to publish a Proposed Amendment to 4 CSR 240-13.055 Cold Weather Maintenance of Service: Provision of Heat-Related Utility Service During Cold Weather. This Amendment provides additional repayment plans for residential users of natural gas for heating purposes, and only applies to providers of natural gas services to residential customers. Other providers of heat-related utility services will continue to provide such service under the terms of sections (1) through (13) of this rule. The provisions of sections (1) through (13) of this rule continue to apply to providers of natural gas service except where inconsistent with the terms of this section.

Please find enclosed a copy of the Proposed Amendment, and a Public Entity Cost Affidavit for your signature. Please review and sign the Affidavit at your earliest convenience so that the Commission may proceed with publishing.

Executive Order 93-13 requires state agencies to undertake a "takings analysis" of each proposed rulemaking in light of the United States Supreme court decision in *Lucas v. South Carolina Coastal Council*, 112 S. Ct. 2886 (1992). Pursuant to that order, I have undertaken a "takings analysis" of the above-referenced proposed rulemaking. In *Lucas*, the Court held that state regulation depriving an owner of real property of all economically beneficial use of that property constitutes a "taking" under the Fifth and Fourteenth Amendments of the U.S. Constitution, for which the property owner must be compensated. Adopting the proposed rulemaking does not implicate the takings clause of the U.S. Constitution, because the proposed rulemaking does not involve the taking of real property.

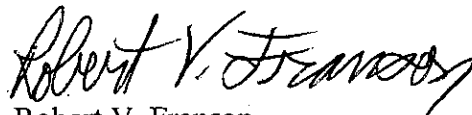
The Commission has performed the small business analysis required by Section 536.300, RSMo Supp. 2005 and plans to include the following language in the transmittal letter to the Secretary of State for the proposed rules:

Section 536.300 RSMo Supp. 2005 requires state agencies to "determine whether the proposed rulemaking affects small businesses and, if so, the availability and practicability of less-restrictive alternatives that could be implemented to achieve the same results of the proposed rule." A small business is defined to be "a for-profit enterprise consisting of fewer than one hundred full- or part-time employees." A proposed rule "affects" a small business if it "impose[s] any potential or actual requirement" that "will cause direct and significant economic burden upon a small business, or that is directly related to the formation, operation, or expansion of a small business."

The Proposed Amendment to 4 CSR 240-13.055 does not impose any requirement that "will cause direct and significant economic burden upon a small business, or that is directly related to the formation, operation, or expansion of a small business," and the Commission certifies that it has determined that the proposed rules will not have an economic impact on small businesses.

Please let me know if you have any questions concerning this proposed amendment.

Sincerely,



Robert V. Franson

Senior Counsel

(573) 751-6651 (Telephone)

(573) 751-9285 (Fax)

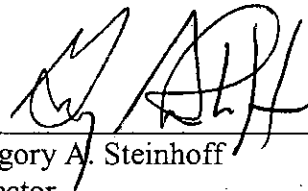
robert.franson@psc.mo.gov

Enclosure

AFFIDAVIT
(PUBLIC NO COST)

STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

I, Gregory A. Steinhoff, Director of the Department of Economic Development, first being duly sworn on my oath, state that it is my opinion that the cost of the Proposed Amendment to 4 CSR 240-13.055 is less than five hundred dollars in the aggregate to this agency, and any other agency of state government or any political subdivision thereof.



Gregory A. Steinhoff
Director
Department of Economic Development

Subscribed and sworn to before me this 12th day of May, 2006.
I am commissioned as a notary public within the County Cole, State of Missouri, and my
commission expires on 17 July 07.



NOTARY PUBLIC

<p style="text-align: center;">ANNETTE KEHNER Notary Public - Notary Seal STATE OF MISSOURI Cole County My Commission Expires: July 17, 2007</p>
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**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of Proposed Amendments to)
Commission Rule 4 CSR 240-13.055)

Case No. GX-2006-0434

NOTICE OF FINDING OF NECESSITY

Issue Date: May 15, 2006

The Staff of the Commission is proposing that the Commission adopt the following rule: 4 CSR 240-13.055. The subject rule is the Commission's rule pertaining to the cold weather maintenance of service, and is necessary to make permanent those changes made in a previous emergency amendment.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Dated at Jefferson City, Missouri,
on this 15th day of May, 2006.

Dale, Chief Regulatory Law Judge

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

In the Matter of Proposed Amendments)
to Commission Rule 4 CSR 240-13.055)

Case No. GX-2006-0434

DISSENTING OPINION OF COMMISSIONER CONNIE MURRAY

I said in my dissent from the most recent Order Finding Necessity to file an "emergency" amendment to the cold weather rule, that the amendment will eventually place an even heavier burden on ratepayers. I reasoned that those ratepayers who are already behind on their natural gas utility payments will get further behind as a result of the amendment. The resulting increase in utility bad debt accounts will hurt all Missouri ratepayers as they absorb those losses into their own rates. I stated that I am opposed to increasing the social obligation of Missouri ratepayers to subsidize those who cannot or will not pay their natural gas bills in a manner such as this that results in a hidden tax.

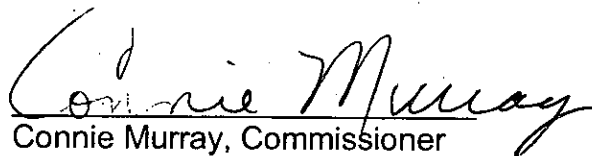
The Circuit Court of Cole County once again agreed with me on the other ground of my dissent—that the cost recovery mechanism in the rule was insufficient; but the Court did not issue a stay. Therefore, the emergency amendment was in effect last winter. Fortunately, however, my predictions of harm to the ratepayers were probably not realized because Missouri was blessed with an extremely warm winter.

Nevertheless, the majority has chosen to promulgate a permanent amendment to the cold weather rule that essentially has the same flaws as the "emergency" amendment, with the addition of perhaps a more sufficient cost-recovery mechanism. Not heeded was my suggestion that we establish a process to first determine the extent of need, and whether the current cold weather rule is sufficient to meet the need. If not,

we should then suggest that state and local governments come to the plate with ideas for explicit funding mechanisms to replace the hidden tax within utility rates.

Once again, I dissent to the Commission's Order of Rulemaking.

Respectfully submitted,


Connie Murray, Commissioner

Dated at Jefferson City, Missouri
on this 15th day of May, 2006.

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

**COPY
RECEIVED**

MAY 15 2006

SECRETARY OF STATE
ADMINISTRATIVE RULES

PROPOSED AMENDMENT

4 CSR 240-13.055 Cold Weather Maintenance of Service: Provision of Heat-Related Utility Service During Cold Weather

PURPOSE: This amendment provides additional repayment plans for residential users of natural gas for heating purposes.

14) This section only applies to providers of natural gas services to residential customers. Other providers of heat-related utility services will continue to provide such service under the terms of sections (1) through (13) of this rule. The provisions of sections (1) through (13) of this rule continue to apply to providers of natural gas service except where inconsistent with the terms of this section.

(A) From December 1 through March 31, notwithstanding section (10)(C)(2) of this rule to the contrary, a gas utility shall restore service upon initial payment of fifty (50) percent of the preexisting arrears, with the deferred balance to be paid as provided in Section 10(B). Any reconnection fee, trip fee, collection fee or other fee related to reconnection, disconnection or collection shall also be deferred. Between December 1 and April 1, any customer threatened with disconnection may retain service by entering into a payment plan as described in this paragraph. Any payment plan entered into under this paragraph shall remain in effect (as long as its terms are adhered to) for the term of the payment plan. However, a gas utility shall not be required to offer reconnection or retention of service under this section 14(A) more than once for any customer.

(B) Any customer who is not disconnected or in receipt of a disconnect notice shall, at the customer's request, be permitted to enroll immediately in a gas utility's equal payment, budget-billing or similar plan. Any current bill or existing arrearage at the time of enrollment shall be dealt with consistent with Section 10(B)(1) through 10(B)(4) of this rule, provided that the customer agrees to make the initial payment prescribed in Section 10(C)(1) or Section 14(A) as applicable.

(C) If a customer enters into a cold weather rule payment plan under this section:

- a. Late payment charges shall not be assessed except with respect to failure to make timely payments under the payment plan; and
- b. The gas utility shall not charge customers interest on the account balance for any deferral period.

JOINT COMMITTEE ON
MAY 15 '2006
ADMINISTRATIVE RULES

(D) Any customer who enters into a cold weather rule payment agreement under this section and fully complies with the terms of the payment plan shall be treated, going forward, as not having defaulted on any cold weather rule payment agreement.

(E) A gas utility shall describe the provisions of Section 14 in any notices or contacts with customers. In telephone contacts with customers expressing difficulty paying their gas bills, gas utilities shall inform those customers of their options under Section 14.

(F) A gas utility shall be permitted to recover the costs of complying with this section as follows:

a. The cost of compliance with this section shall include any reasonable costs incurred to comply with the notice requirements of this section.

b. No gas utility shall be permitted to recover costs under this section that would have been incurred in the absence of this section.

c. Any net cost resulting from this section as of June 30 each year shall accumulate interest at the utility's short-term borrowing rate until such times as it is recovered in rates.

d. No bad debts accrued prior to the effective date of this section may be included in the costs to be recovered under this section.

(G) A gas utility shall be permitted to recover the costs of complying with this rule through an Accounting Authority Order:

a. The Commission shall grant an Accounting Authority Order, as defined below, upon application of a gas utility, and the gas utility may book to Account 186 for review, audit and recovery all incremental expenses incurred and incremental revenues that are caused by this section. Any such Accounting Authority Order shall be effective until September 30, of each year for the preceding winter.

b. The Commission has adopted the Uniform System of Accounts in 4 CSR 240-4.040. Accounting Authority Orders are Commission orders that allow a utility to defer certain expenses to Account 186 under the Uniform System of Accounts for later recovery as determined by the Commission in a subsequent general rate case.

c. Although the Accounting Authority Order allows the gas utility to recover the reasonably incurred expenses only within the context of a general rate case, all such reasonably incurred expenses shall be recovered by the gas utility, together with interest thereon, as set forth above. The failure of a gas utility to be subject to a rate case within a specific period of time shall not in any way abrogate its rights to recover such reasonably incurred costs and interest in a subsequent general rate case.

*AUTHORITY: sections 386.250 and 393.140, RSMo 2000 and 393.130, RSMo Supp. 2003. * Original rule filed June 13, 1984, effective Nov. 15, 1984. Amended: Filed Dec. 30, 1992, effective Oct. 10, 1993. Amended: Filed March 10, 1995, effective Jan. 30, 1996. Emergency amendment filed Nov. 8, 2001, effective Nov. 18, 2001, expired March*

31, 2002. Amended: Filed Aug. 16, 2002, effective April 30, 2003. Amended: Filed April 9, 2004, effective Oct. 30, 2004. Emergency amendment filed December 16, 2005, effective December 26, 2005, expires March 31, 2006. Amended: Filed May 15, 2006.

PUBLIC COST: The proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate over the next five years.

PRIVATE COST: The commission estimates that this rule will have a fiscal impact on private entities of four million, five hundred-thousand dollars (\$4,500,000) in the aggregate over the next five years. See fiscal note.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Cully Dale, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register** and should include a reference to commission Case No. GX-2006-0434. Comments may also be submitted via a filing using the commission's electronic filing and information system and <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rule is scheduled for July 19, 2006, at 10:00 a.m. in Room 305 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

FISCAL NOTE PRIVATE ENTITY COST

I. RULE NUMBER

Rule Number and Name	4 CSR 240-13.055 Cold Weather Maintenance of Service: Provision of Residential Heat-Related Utility Service During Cold Weather
Type of Rulemaking	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classifications by type of the business entities which would likely be affected:	Estimated in the aggregate as to the cost of compliance with the rule by the affected entities:
Seven (7) Natural Gas Utilities	Missouri Public Service Commission Rate Regulated Natural Gas Utilities	\$410,000 the first year \$4,500,000 in subsequent years

III. WORKSHEET

1. The Missouri Public Service Commission (MoPSC) sent a draft of the proposed amended rule by email to all regulated natural gas utilities in the state asking for the fiscal impact of the proposed amended rule on their operations.
2. All regulated natural gas utilities, except for Missouri Gas Energy, Atmos Energy and Southern Missouri Gas, affected by the proposed rule responded to the request with numbers reflecting their estimated cost. Missouri Gas Energy, Atmos Energy and Southern Missouri Gas either refused or due to time constraints was unable to provide such information.

Natural Gas Utilities	Initial Implementation Cost	Ongoing Annual Cost
Laclede Gas Company	\$375,000	\$4,000,000
Missouri Gas Energy	Undetermined	Undetermined
AmerenUE	\$5,000	\$500,000
Aquila MPS and L&P	\$5,000	Unknown
Atmos Energy	Undetermined	Undetermined
Southern Missouri Gas	Undetermined	Undetermined
Fidelity Natural Gas	\$25,000	Unknown
Total	\$410,000	\$4,500,000

3. Fidelity Natural Gas has been purchased by Laclede Gas Company. However, it is still maintained as a separate system. Laclede provided separate information for Laclede Gas Company and Fidelity Natural Gas.

IV. ASSUMPTIONS

1. The life of the rule is estimated to be indefinite.
2. Staff estimated the aggregated private entity cost per utility to be \$410,000 the first year and \$4,500,000 in succeeding years.
3. FY 2007 dollars were used to estimate costs. No adjustment for inflation is applied.
4. Estimates assume utilities will use other debt collection options available to them.
5. The rule does not affect the creditor rights and remedies of a utility otherwise permitted by law.
6. The rule does not require a utility to commence service to an applicant engaged in name-switching to avoid payment of bills nor does it require commencement of service when there has been any other type of consumer fraud.
7. Affected entities are assumed to be in compliance with all other Missouri Public Service Commission rules and regulations and with all applicable Missouri statutes.
8. A level of un-collectibles is included in the revenue requirements for each regulated gas utility. The level may vary from year to year for many reasons other than the effects of this proposed amendment, including, for example: the economy, the level of unemployment in certain areas, the weather and the price of natural gas.
9. The dollar amount in section III above detail initial implementation cost and ongoing annual cost. The total dollar amounts for compliance with the rule are added together in section II above.
10. Although this note reflects a fiscal impact to gas utilities, the rule also establishes provisions whereby the gas utility shall be permitted to recover the cost of complying with the rule through an Accounting Authority Order (AAO). The AAO will allow recovery for all incremental expenses incurred and incremental reviews that are caused by this rule. The AAO allows the gas utility to recover the reasonably incurred expenses only within the context of a general rate case together with interest. The failure of a gas utility to be subject to a rate case within a specific period of time shall not in any way abrogate its rights to recover such reasonably incurred costs and interest in a subsequent general rate case.

MEMORANDUM

TO: Colleen M. Dale, Secretary

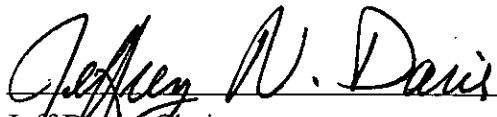
DATE: May 15, 2006

RE: Authorization to File Proposed Rulemaking with the Office of Secretary of State

CASE NO: GX-2006-0434

The undersigned Commissioners hereby authorize the Secretary of the Missouri Public Service Commission to file the following Proposed Rulemaking with the Office of the Secretary of State, to wit:

Amendment to 4 CSR 240-13.055 Cold Weather Maintenance of Service: Provision of Heat-Related Utility Service During Cold Weather



Jeff Davis, Chairman



Connie Murray, Commissioner



Steve Gaw, Commissioner



Robert M. Clayton III, Commissioner



Linward "Lin" Appling, Commissioner

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

**AFFIDAVIT IN SUPPORT OF AMENDMENT
TO 4 CSR 240-13.055**

STATE OF MISSOURI)
) ss
COUNTY OF COLE)

Comes now, Carol Gary Fred, Manager of the Consumer Services Department, of the Missouri Public Service Commission (as to paragraph 1) and David Sommerer, Manager of the Procurement Analysis Department, of the Missouri Public Service Commission (as to paragraph 2), both of lawful age and on oath state the following in support of an **Amendment to Rule 4 CSR 240-13.055 – Cold Weather Maintenance of Service: Provision of Residential Utility Service during Cold Weather:**

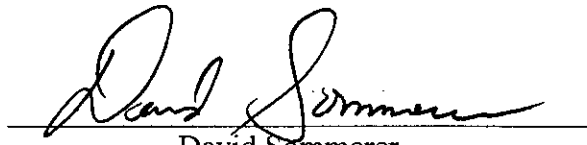
1. Low-income customers had difficulty meeting the high energy bills last heating season, even though weather was warmer than normal. Although additional LIHEAP funds have been made available, the need of low-income customers to catch-up and remain current on energy bills and to acquire services once terminated remains substantial. The terms of the current CWR do not adequately address the needs of customers and utilities to secure adequate heat during the period of November 1 through March 31, and amendments to it are necessary.

2. Natural gas prices remain high. The NYMEX futures for November through March average \$10.81 per MMBtu on May 8, 2006. Although spot market prices for natural gas are presently in the range of \$5.35 to \$5.50 for mid-continent gas and \$6.15 to \$6.70 for Gulf gas,

and somewhat lower than last year, futures prices for next winter remain high. Some forecasters foresee another very active Atlantic basin tropical cyclone season in 2006, and other forecasts have predicated significant parts of the country may have warmer-than-normal temperatures this summer.

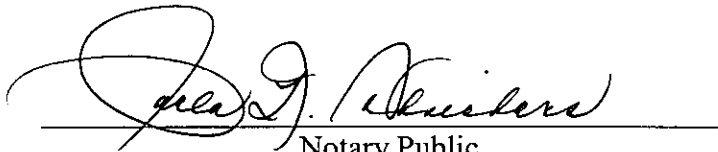

Carol Gay Fred

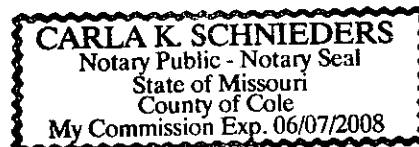
Manager, Consumer Services Department
Missouri Public Service Commission


David Sommerer

Manager, Procurement Analysis Department
Missouri Public Service Commission

Subscribed and sworn to before me this 10th day of May, 2006. I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on June 7, 2008.


Notary Public





OFFICE OF THE GOVERNOR

STATE OF MISSOURI
JEFFERSON CITY
(573) 751-3222
<http://go.missouri.gov>

MATT BLUNT
GOVERNOR

ROOM 216
STATE CAPITOL
65101

May12, 2006

Robert Franson
Missouri Public Service Commission
Governor's Office Building
200 Madison Street
Jefferson City, MO 65102

Mr. Franson,

I have reviewed proposed rule amendment **4 CSR 240-13.055 - Cold Weather Maintenance of Service: Provision of Heat-Related Utility Service During Cold Weather.**

It is my understanding that the Public Service Commission intends to file this proposed rule with the Secretary of State for publication in the *Missouri Register* within 30-days. This rule change is necessary to provide a mechanism to allow Missouri citizens facing financial difficulties to maintain heat in their homes during cold periods. The rule will also provide protection to gas providers that are required to continue service to the homes protected by the rule. As this rule is necessary to provide a necessary benefit to vulnerable citizens, the Public Service Commission should proceed with its plans to file this rule with the Secretary of State.

Sincerely,

Omar D. Davis
Deputy General Counsel