

ADMINISTRATIVE RULES



Commissioners

RYAN A. SILVEY
Chairman

WILLIAM P. KENNEY

DANIEL Y. HALL

SCOTT T. RUPP

MAIDA J. COLEMAN

Missouri Public Service Commission

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

SHELLEY BRUEGGEMANN
General Counsel

MORRIS WOODRUFF
Secretary

LOYD WILSON
Director of Administration

NATELLE DIETRICH
Staff Director

November 7, 2018

John Ashcroft
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, Missouri 65101

Re: 4 CSR 240-13.050 Discontinuance of Service

Dear Secretary Ashcroft,

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.

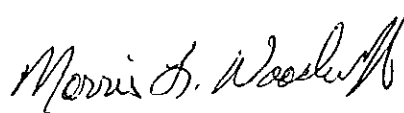
The Public Service Commission has determined and hereby certifies that this proposed amendment will not have an economic impact on small businesses. The Public Service Commission further certifies that it has conducted an analysis of whether there has been a taking of real property pursuant to section 536.017, RSMo, that the proposed amendment does not constitute a taking of real property under relevant state and federal law, and that the proposed amendment conforms to the requirements of 1.310, RSMo, regarding user fees.

The Public Service Commission has determined and hereby also certifies that this proposed amendment complies with the small business requirements of 1.310, RSMo, in that it does not have an adverse impact on small businesses consisting of fewer than fifty full or part-time employees or it is necessary to protect the life, health, or safety of the public, or that this rulemaking complies with 1.310, RSMo, by exempting any small business consisting of fewer than fifty full or part-time employees from its coverage, by implementing a federal mandate, or by implementing a federal program administered by the state or an act of the general assembly.

Statutory Authority: sections 386.250 and 393.140, RSMo

If there are any questions regarding the content of this proposed amendment, please contact:

John Clark, Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, MO 65102
(573) 522-4355
John.Clark@psc.mo.gov

A handwritten signature in cursive script, appearing to read "Morris L. Woodruff".

Morris L. Woodruff
Chief Regulatory Law Judge

Enclosures

STATE CAPITOL
201 W. CAPITOL AVENUE, ROOM 216
JEFFERSON CITY, MISSOURI 65101



(573) 751-3222
WWW.GOVERNOR.MO.GOV

Michael L. Parson

GOVERNOR
STATE OF MISSOURI

September 26, 2018

Mr. Daniel Hall
Public Service Commission
200 Madison Street
PO Box 360
Jefferson City, MO 65102

RE: *Proposed Rulemaking*

Dear Daniel:

This office has received your proposed amendments, and rules for the regulations listed below.

- 4 CSR 240-3.010 – General Definitions (proposed amendment)
- 4 CSR 240-13.050 – Discontinuance of Service (proposed amendment)
- 4 CSR 240-13-055 – Cold Weather Maintenance of Service: Provision of Residential Heat-Related Utility Service During Cold Weather (proposed amendment)
- 4 CSR 240-40-085 – Filing Requirements for Gas Utility Rate Schedules (proposed rule)
- 4 CSR 240-40.090 – Submission Requirements for Gas Utility Depreciation Studies (proposed rule)
- 4 CSR 240-80.020 – Uniform System of Accounts – Heating Companies (proposed amendment)
- 4 CSR 240-80.025 – Filing Requirements for Steam Heating Utility Rate Schedules (proposed rule)

Executive Order 17-03 requires this office's approval before state agencies release proposed regulations for notice and comment, amend existing regulations, rescind regulations, or adopt new regulations. After our review of this rulemaking, we approve the submission of these amendments, rules and rescissions to the Joint Committee on Administrative Rules and the Secretary of State.

Sincerely,


A handwritten signature in black ink, appearing to read "Jessie Eiler".

Jessie Eiler
Deputy Counsel

**AFFIDAVIT
PUBLIC COST**

STATE OF MISSOURI)
)
COUNTY OF COLE)

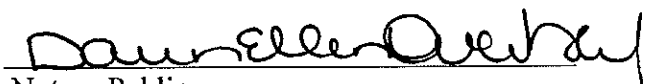
I, Rob Dixon, Director of the Department of Economic Development, first being duly sworn, on my oath, state that it is my opinion that the cost of proposed amendment to rule, 4 CSR 240-13.050, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.


Rob Dixon
Director
Department of Economic Development

Subscribed and sworn to before me this 19th day of October, 2018 I am
commissioned as a notary public within the County of Moniteau State of
Missouri, and my commission expires on Dec. 13, 2019



DAWN ELLEN OVERBEY
My Commission Expires
December 13, 2019
Moniteau County
Commission #15456865


Notary Public

RECEIVED

NOV 07 2018

SECRETARY OF STATE
ADMINISTRATIVE RULES

**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**

PROPOSED AMENDMENT

4 CSR 240-13.050 Discontinuance of Service.

COPY

PURPOSE: This removes the actual physician's certificate of medical need for utility service.

(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.

[PHYSICIAN'S CERTIFICATE OF MEDICAL NEED FOR UTILITY SERVICE]

The Missouri Public Service Commission requires utilities under its jurisdiction to honor physician's certificates, or a physician's letter on the physician's letterhead, which attests to the fact that a utility customer or any permanent resident of the household has a serious medical condition, and clearly states that the discontinuance of that utility's service would rapidly either give rise to a substantial risk of death or gravely impair the health of the customer or another permanent household resident.

A licensed physician or other licensed health care professional providing health care services to the patient may initially notify the utility of the serious medical condition and substantial risk of death or grave impairment of health resulting from discontinuance of utility service. However, the notice must be followed within fourteen (14) days by the certificate or letter referenced above. The certificate is valid for at least twenty-eight (28) days from the date of first notice.

You are being asked to verify that the stated medical condition exists. This certificate allows the utility customer time to secure payment for utility service or to make alternate arrangements for care of the patient.

Thank you for your cooperation.

To: (Name of Utility)

Date:

I certify that loss of (electric / gas / water/ sewer) utility service would rapidly either give rise to a substantial risk of death or gravely impair the health of my patient, _____, who lives at _____.

The nature of the serious medical condition is (fill in) _____.

The effect of loss of the selected utility service would be (fill in) _____.

I am licensed to practice medicine by the Missouri State Medical Board or a comparable licensing authority in the State of _____.

JOINT COMMITTEE ON

NOV 07 2018

ADMINISTRATIVE RULES

Physician's Signature

Physician Name (Please Print)

Address

Phone Number]

*AUTHORITY: sections 386.250(6) and 393.140(11), RSMo 2000. * Original rule filed Dec. 19, 1975, effective Dec. 30, 1975. Amended: Filed Oct. 14, 1977, effective Jan. 13, 1978. Emergency amendment filed Jan. 30, 1984, effective Feb. 9, 1984, expired April 1, 1984. Rescinded and readopted: Filed Sept. 22, 1993, effective July 10, 1994. Amended: Filed Aug. 1, 2013, effective March 30, 2014.*

**Original authority: 386.250(6), RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991 and 393.140(11) 1939, amended 1949, 1967.*

PUBLIC COST: These proposed amendments will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: These proposed amendments will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, P.O. Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before January 18, 2019, and should include a reference to Commission Case No. AX-2018-0395. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for January 29, 2019 at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., 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 amendment, 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.

Small Business Regulator Fairness Board Small Business Impact Statement

Date: May 29, 2018

Rule Number: 4 CSR 240 13.050 Discontinuance of Service.

Name of Agency Preparing Statement: Missouri Public Service Commission

Name of Person Preparing Statement: Jamie Myers

Phone Number: 573-526-6036

Email: jamie.myers@psc.mo.gov

Name of Person Approving Statement: Natelle Dietrich

Please describe the methods your agency considered or used to reduce the impact on small businesses *(examples: consolidation, simplification, differing compliance, differing reporting requirements, less stringent deadlines, performance rather than design standards, exemption, or any other mitigating technique).*

This proposed amendment removes the actual physician's note from the rule.

Please explain how your agency has involved small businesses in the development of the proposed rule.

The Commission opened held a workshop and two public hearings.

Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the moneys will be used.

It is anticipated the proposed rule will not have any monetary costs or benefits.

Please describe small businesses that will be required to comply with the proposed rule and how they may be adversely affected.

This proposed amendment simplifies the rule by removing the physician's note; no adverse impact is expected.

Please list direct and indirect costs (in dollars amounts) associated with compliance.

None identified.

Please list types of business that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.

Utilities regulated by the Commission, business owners that are ratepayers of those utilities.

Does the proposed rule include provisions that are more stringent than those mandated by comparable or related federal, state, or county standards?

Yes ☐ No ☒

If yes, please explain the reason for imposing a more stringent standard.

For further guidance in the completion of this statement, please see §536.300, RSMo.