

FILED³

JUL 15 2005

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Missouri Public
Service Commission

In the Matter of a New Proposed
Rule 4 CSR 240-2.071

) Case No. AX-2005-0364
)

JOINT COMMENTS OF MISSOURI ENERGY UTILITIES

COMES NOW Kansas City Power & Light Co. ("KCPL"), Missouri Gas Energy ("MGE"), Aquila, Laclede Gas Company, Ameren UE, Empire District Electric Co., Atmos Energy, hereinafter referred to as Missouri Energy Utilities to file its comments regarding proposed rule 4 CSR 240-2.071.

1. Missouri Energy Utilities are electric and gas corporations and public utilities subject to the jurisdiction of the Missouri Public Service Commission pursuant to Chapters 386 and 393 RSMo. 2000.

2. Missouri Energy Utilities appreciate the opportunity to submit comments regarding proposed rule 4 CSR 240-2.071.

3. Missouri Energy Utilities are generally supportive of procedures to resolve complaints quickly and efficiently. Missouri Energy Utilities have the following suggestions intended to clarify the propose rule 4 CSR 240-2.071.

4. Currently, 4 CSR 240-2.070 allows aggrieved parties to file an informal complaint and then a formal complaint if the complainant is not satisfied with the outcome of the informal complaint. Missouri Energy Utilities believe 4 CSR 240-2.071 is not intended to and should not replace either the informal or formal complaint process. Missouri Energy Utilities suggest that the informal complaint procedure remain the initial forum for resolution of all complaints. If either party is not satisfied with the outcome of the informal complaint, that party

could select to file an expedited small complaint procedure or a formal complaint. If either party is not satisfied with the outcome of the expedited small complaint procedure, they should be allowed to have the complaint addressed before the full Commission. Accordingly, Missouri Energy Utilities suggest that the proposed rule should be revised to clearly provide that any resolution reached through the expedited small complaint procedure proposed in rule 4 CSR 240-2.071 does not constitute an order or decision of the Commission. Missouri Energy Utilities suggest that the expedited small complaint procedure in proposed rule 4 CSR 240-2.071 be incorporated within 4 CSR 240-2.070 for clarity.

5. Missouri Energy Utilities recommend that the Commission clarify the definition of "individual" identified in the proposed rule 4 CSR 240-2.071. Specifically, the Commission should define "individual" to include only those customers who are classified as residential pursuant to Chapter 13, the Commission's Billing Practices Rule.

6. Missouri Energy Utilities suggest clarifying in the proposed rule 4 CSR 240-2.071 a section (2)(G) by stating, "The measures taken by the complainant to resolve the complaint." This is the same language as 4 CSR 240-2.070(2)(F) for the informal complaint.


7. Missouri Energy Utilities suggest adding to the proposed rule 4 CSR 240-2.071 section (4): (1) some opportunity for discovery; (2) some opportunity for voluntary or involuntary dismissal by the Commission or parties; and (3) some opportunity for direct, cross, and redirect examination. Missouri Energy Utilities believe that this will bring some structure to the small complaint process to the benefit of the finder of fact, without overburdening its purpose.

8. Missouri Energy Utilities suggest revising the second sentence of section (4)(D) of the proposed rule 4 CSR 240-2.071 to read, "They may conduct a neutral investigation of the matter and present their findings prior to the hearing."

9. Missouri Energy Utilities suggest replacing the last two sentences of section (5) with the following, "If either of those parties believes the determination is wrong, then that party shall have the right upon written application within (10) ten days of the regulatory law judge's determination to have the complaint addressed by the Commission in accordance with the formal complaint process."

WHEREFORE, Missouri Energy Utilities respectfully requests that the Commission consider its comments, and thanks the Commission for the opportunity to present its views.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent via first class mail,
postage prepaid on this 5th day of July, 2005, to the following:

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