



Barry Electric Cooperative

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Bill Shiveley, General Manager

December 12, 2003

The Missouri Public Service Commission
Dale Hardy Roberts, Secretary of the Commission
P.O. Box 360
Jefferson City, MO 65102

FILED

DEC 17 2003

**Missouri Public
Service Commission**

RE: Case Nos. EX-2003-0489 and EX 2003-0368

PLEASE NOTE: Comments pertaining to HCSR240-3.190 were erroneously filed in Case NO. EX-2003-0368 by letter dated December 4, 2003. Please disregard those previously filed comments. The comments below pertain only to Case No. EX-2003-0489

Dear Commissioners:

The following comments are in opposition to PSC Proposed Rule on Incident Reporting Requirements:

1. The notice of the rule contains a financial note indicating the rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate and will not cost private entities more than five hundred dollars (\$500) in the aggregate. This is incorrect in that the private entity reporting requirements and PSC handling and investigation costs will greatly exceed \$500. The estimated cost for Barry Electric Cooperative for training enough personnel to always have someone available to conduct accident investigations and file the reports is more than fifteen hundred dollars (\$1500). This does not include the actual cost of the investigation of an accident, (employee's time, overhead, filing, and follow up reporting).

Further the proposed rule does not contain an explanation of how the increased costs to the PSC for follow-up investigations and filing of reports will be funded.

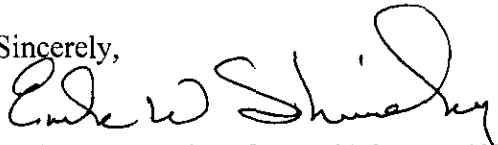
2. The PSC has given no reasoning for using the information to be reported that does not duplicate activities already being conducted by either the PSC, Missouri electric cooperatives or both. It has been suggested that if the PSC notice to warn of the type of incident. This would be a duplication of

activities already performed by the Association of Missouri Electric Cooperatives and its member systems.

3. The information required to be reported will not be used to improve safety. The National Electric Code has already been adopted by the PSC as Missouri law. Missouri electric cooperatives are required to have their systems inspected by a licensed engineer for safety issues and compliance with code. In addition cooperatives are regulated by RUS and are required by insurers to meet safety requirements. Additionally many of the states cooperatives participate in NRECA's safety accreditation program and all participate in the Missouri Electric Cooperative Insurance Plan safety audits. The information requested to be reported will not be used to improve any of these safety programs.
4. The time requirements of the rule are unrealistic and will cause limited cooperative resources to be drawn away from repair and remedy and instead be devoted to meaningless reporting. An example would be an automobile accident on Saturday night would require investigation immediately and delay restoration of service.
5. The information reported to the PSC would become public record and could be used in litigation against cooperatives to enhance damage claims. The PSC has not given an explanation on how the reporting requirements will be used to improve safety for the public or for utility employees. It appears that the new requirements will be a cost to cooperatives and a potential tool to be used against cooperatives with no benefit of any kind.

Barry Electric Cooperative is against the rule as presently proposed. Thank you for the opportunity to comment and to be heard.

Sincerely,



Earle W. Shiveley, General Manager/CEO
Barry Electric Cooperative