

Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240 – Public Service Commission
Chapter 3 – Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.035 Minimum Filing Requirements For Formal Complaints Alleging Utility Overearnings

PURPOSE: This rule prescribes the information that the commission staff and the office of the public counsel must file with regard to formal complaints that allege overearnings on the part of any electric, gas, sewer, steam heating or water utility, or any local exchange telecommunications company subject to cost-of-service regulation. Requirements regarding the filing of formal complaints not covered by this rule, including rate complaints filed by entities other than the commission staff and the public counsel, and the processing of all formal complaints, are found in commission rule 4 CSR 240-2.070.

(1) A formal complaint filed by the commission staff or the office of the public counsel that alleges overearnings on the part of any electric, gas, sewer, steam heating or water utility, or any local exchange telecommunications company subject to cost-of-service regulation, must include the information required by 4 CSR 240-2.070(5), as applicable.

(2) In addition to the information required by section (1) of this rule, a formal complaint filed by the commission staff or the office of the public counsel that alleges overearnings on the part of any electric, gas, sewer, steam heating or water utility, or any local exchange telecommunications company subject to cost-of-service regulation, must include the following information:

(A) The annual aggregate dollar amount of the proposed revenue decrease, exclusive of applicable fees and taxes, and the resulting percentage change in revenues from current annual aggregate revenues;

(B) The annual aggregate dollar amount of any proposed revenue increase or decrease, and resulting percentage change in revenues from current revenues, for each general category of service and for each rate classification within each general category of service;

(C) The number of customers in each general category of service, and in each rate classification within each general category of service, that may be affected by any proposed revenue increase or decrease;

(D) The per customer average impact of the requested dollar amount of revenue increase or decrease, and resulting percentage change from current revenues, for each general category of service and for each rate classification within each general category of service;

(E) A listing of the counties and communities that may be affected by the proposed aggregate revenue decrease; and

(F) Copies of any press releases relative to the filing issued by the entity filing the complaint prior to or at the time of the filing.

(3) In addition to the information required by sections (1) and (2) of this rule, the commission staff or the office of the public counsel shall also file its direct testimony in support of its overearnings complaint at the time that it files the complaint.

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

In the Matter of a Proposed Rule 4 CSR)
240-3.035, Minimum Filing Requirements)
for Complaints Related to Earning Reviews)

Case No. AX-2004-0086

AFFIDAVIT OF DALE W. JOHANSEN

STATE OF MISSOURI)
) ss
COUNTY OF COLE)

Dale W. Johansen, of lawful age, on his oath states: that he has participated in the preparation of the foregoing Status Report, being presented in this case; that he has knowledge of the matters set forth in the Status Report, and that such matters are true and correct to the best of his knowledge and belief; and that he has participated in the drafting of the proposed rule that is subject of this case, and which is attached to the Status Report as Appendix A.


Dale W. Johansen

Subscribed and sworn to before me this 14th day of February 2005.



Notary Public
TONI M. CHARLTON
Notary Public - State of Missouri
My Commission Expires December 28, 2008
Cole County
Commission #04474301

My Commission Expires:

