

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

In the Matter of Union Electric Company d/b/a            )  
Ameren Missouri’s 2nd Filing to Implement            )        File No. EO-2015-0055  
Regulatory Changes in Furtherance of Energy        )  
Efficiency as Allowed by MEEIA.                        )

**APPLICATION FOR APPROVAL OF FLEX PAY PROGRAM PILOT  
AND REQUEST FOR ASSOCIATED VARIANCES**

COMES NOW Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri" or "Company"), and pursuant to 4 CSR 240-2.060, submits this *Application for Approval of Flex Pay Program Pilot and Request for Associated Variances*, ("*Application and Request*") which will allow the Company to implement an energy efficiency pilot program, the "Flex Pay Program Pilot" or "Pilot." Specifically, Ameren Missouri requests approval of its proposed Pilot tariff, which sets forth an energy efficiency behavioral program pilot pursuant to 4 CSR 240-20.094(4)(G), and approval of its requested variances from certain requirements of 4 CSR 240 Chapter 13, which are needed to allow the Company to implement the program pilot. In support of its request, Ameren Missouri states as follows:

**INTRODUCTION**

1. On December 22, 2014, Ameren Missouri filed its application in this case under the Missouri Energy Efficiency Investment Act (“MEEIA”) and the Commission’s MEEIA rules. On February 5, 2016, Ameren Missouri, together with several other parties, submitted to the Commission for approval a Unanimous Stipulation and Agreement ("*2016 Stipulation*") related to the Company's implementation of its 2016 – 2018 Energy Efficiency Plan ("MEEIA Cycle 2") demand-side management plan. The Commission issued an Order approving the *2016 Stipulation*

on February 10, 2016.<sup>1</sup>

2. The *2016 Stipulation* provided, at Paragraph 9.b., that Ameren Missouri "must seek and receive Commission approval prior to adding any new programs and their associated savings targets ..."<sup>2</sup> The Company therefore seeks the Commission's approval of its Flex Pay Program Pilot tariff, which sets forth an energy efficiency behavioral program pilot pursuant to 4 CSR 240-20.094(4)(G).

3. In support of its position and in compliance with 4 CSR 240-20.094(4)(G), 4 CSR 240-2.060(1), and 4 CSR 240-2.060(4), Ameren Missouri provides the required information in the following sections of this *Application and Request*:

- I. Proposed Flex Pay Program Pilot
- II. 4 CSR 240-2.060(1), (A) through (M)<sup>3</sup>
- III. Requested Variances to Facilitate Flex Pay Program Pilot

#### **I. Proposed Flex Pay Program Pilot**

4. The new tariff and associated existing tariff revisions necessary to implement the proposed Flex Pay Program Pilot have been filed contemporaneously with this pleading, and is described in more detail in the Direct Testimony and Schedules of William R. (Bill) Davis, filed in support of this *Application and Request*. In particular, please see Mr. Davis's Schedule WRD-DIR-1, the Residential Flex Pay Pilot Description, and Schedule WRD-DIR-2, the Flex Pay Pilot Tariff.

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<sup>1</sup> On February 23, 2016, the Commission issued an Order Nunc Pro Tunc correcting the Earnings Opportunity contained in the original order.

<sup>2</sup> Although Ameren Missouri consulted certain stakeholders in developing this program, it was not developed through the collaborative process. While this subparagraph specifically refers to new programs identified through the collaborative process, it is reasonable to assume that *any* newly proposed MEEIA Cycle 2 program would be subject to the same requirement of Commission approval.

<sup>3</sup> Those requesting variances pursuant to 4 CSR 2.060(4) must also provide the information required by 4 CSR 2.060(1).

5. In summary, the program is a voluntary program designed to encourage energy efficient behavior by increasing customers' awareness of trends in their electric energy usage and spending habits, and to guide them in making more efficient choices. This program will include enhanced communication and proactive interaction with customers, the provision of energy efficiency recommendations and tips, and the encouragement of greater utilization of other available energy efficiency programs. The Pilot will be available to no more than 1,000 total residential electric customers, with no more than 250 of those customers being classified as low income. The customers' usage information and account balances will be updated daily so that the customers can make decisions about the most efficient ways to use their energy. Additionally, participating customers will receive enhanced communications such as daily usage information, daily account balance, unusually high usage warnings, energy efficiency tips, posted payment details, and disconnections statuses.

6. One particular feature is the manner in which any disconnection notices will be provided and reconnection will be accomplished. Reconnection after any disconnection will be accomplished in an expedient and efficient manner, due to the remote connection enabling devices afforded to participating customers. These remote connection enabling devices will be capable of restoring service, under normal conditions, within an hour of any payment or resolution.

7. With respect to service disconnections, only certain customers will be subject to disconnection. Those customers will receive multiple notices via their preferred communication methods, with the option of rapid reconnection, as described in the previous paragraph. Specifically, low income customers will not be disconnected at all under the Pilot. Instead, after the 8 day grace period, they will be removed from the Pilot and restored to traditional billing on the 9<sup>th</sup> day. The other participating customers who are subject to

disconnection will receive notices two days before, one day before, and the day of an anticipated \$0 account balance, as well as a disconnection notice at 8 a.m. the day of the actual disconnection, indicating disconnections will begin after 11 a.m. that day, which allows sufficient time to post any payment and restore power. As with other disconnections, no account will be disconnected on weekends, after business hours, during holidays, or during weather moratoria, except as allowed by law.

## **II. 4 CSR 240-2.060(1), (A) through (M)**

### **Paragraph (A) – Applicant**

8. The Company is a Missouri corporation doing business under the fictitious name of Ameren Missouri, organized and existing under the laws of the State of Missouri, in good standing in all respects, with its principal office and place of business located at One Ameren Plaza, 1901 Chouteau Avenue, St. Louis, Missouri 63103. The Company is engaged in providing electric and gas utility services in portions of Missouri as a public utility under the jurisdiction of the Commission. The Company is a subsidiary of Ameren Corporation.

### **Paragraph (B) – Articles of Incorporation; Paragraph (E) – Fictitious Name; Paragraph (G) – Information Previously Submitted; Paragraph (H) – Character of Business<sup>4</sup>**

9. Ameren Missouri previously submitted to the Commission a certified copy of its Articles of Incorporation (See Case No. EA-87-105), as well as its Fictitious Name Registrations as filed with the Missouri Secretary of State's Office (See Case Nos. EN-2011-0069 and GN-2011-0070). The Company also recently submitted to the Commission a certified copy of its Certificate of Corporate Good Standing in File No. EO-2018-0051. These documents are incorporated by reference and made a part of this *Application and Request* for all purposes.

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<sup>4</sup> Paragraphs (C), (D), and (F) do not apply to Ameren Missouri.

**Paragraph I – Correspondence and Communication**

10. Correspondence and Communication -- Correspondence, communications, orders and decisions in regard to this *Application and Request* should be sent to the undersigned counsel and:

For the Company:

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Senior Director Regulatory Affairs  
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**Paragraph (K) – Actions, Judgments, and Decisions; Paragraph (L) – Fees<sup>5</sup>**

11. Ameren Missouri has no final unsatisfied judgments or decisions against it from any state or federal agency or court that involve customer service or rates that have occurred within three years of the date of this *Application and Request*. By the nature of its business, the Company has, from time-to-time, pending actions in state and federal agencies and courts involving customer service or rates. Company has no annual report or assessment fees overdue to this Commission.

**Paragraph (M) – Verification**

12. A verification in support of this *Application and Request* by an officer of the Company is included as Exhibit A.

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<sup>5</sup> Paragraph (J) does not apply to Ameren Missouri.

### **III. Requested Variances to Facilitate Flex Pay Program Pilot**

13. In addition to the requirements of 4 CSR 2.060(1), 4 CSR 2.060(4) requires an applicant for a variance to provide the following information:

- (A) Specific indication of the statute, rule, or tariff from which the variance or waiver is sought;
- (B) The reasons for the proposed variance or waiver and a complete justification setting out the good cause for granting the variance or waiver; and
- (C) The name of any public utility affected by the variance or waiver.

Because Missouri's existing laws do not contemplate the type of payment mechanism necessary to implement this behavioral program, numerous variances from the Commission's rules are required to implement the Flex Pay Program Pilot. Ameren Missouri is specifically requesting variances from each of the following regulations:

- 4 CSR 240-13.020(1), (9), and (12)
- 4 CSR 240-13.025(1)(C)
- 4 CSR 13.030(2)(C), (4)(C), and (4)(D)
- 4 CSR 240-13.045(1) and (7)
- 4 CSR 240-13.050(2)(F), (3), (4), (5), (6), (7)(B), (8), and (9)
- 4 CSR 240-13.055(1)(E), (3)(A), (3)(B), (3)(C), (3)(D), (3)(E), (5), (6)(B), and (10)

Each variance request is discussed in more detail in Exhibit B, Table of Requested Variances. No utility but Ameren Missouri will be affected by the requested variances.

**WHEREFORE**, Ameren Missouri respectfully requests that the Commission grant the requested variances, approved the Flex Pay Program Pilot tariff and modifications to other tariffs as reflected in the exemplar tariffs included with Mr. Davis' direct testimony, and allow implementation of the Flex Pay Program Pilot as a behavioral energy efficiency program under MEEIA.

Respectfully submitted,

/s/ Paula N. Johnson

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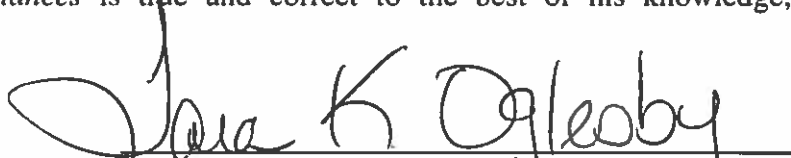
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ATTORNEYS FOR UNION ELECTRIC  
COMPANY d/b/a AMEREN MISSOURI


**EXHIBIT A**

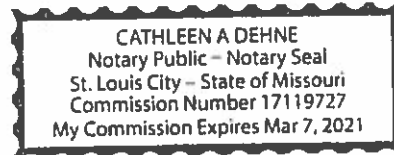
**VERIFICATION**

The undersigned, being first duly sworn and upon his oath, hereby states that the foregoing *Application and Request for Variances* is true and correct to the best of his knowledge, information, and belief.

  
Tara K. Oglesby, VP Customer Experience  
Union Electric Company d/b/a Ameren Missouri

Subscribed and sworn before me this 30<sup>th</sup> day of November, 2017.

  
Notary Public





**EXHIBIT B**  
**TABLE OF REQUESTED VARIANCES**

4 CSR 240-2.060(4) – Applications for Variances or Waivers

	Variance Requested <sup>1,2</sup>	Rationale <sup>3</sup>	Justification <sup>4</sup>
<b>4 CSR 240-13.020</b>  <b>Billing and Payment Standards</b>	(1) A utility shall normally render a bill for each billing period to every residential customer in accordance with commission rules and its approved tariff.	No bills will be issued for a billing period because of daily access to actual usage and cost information, intended to promote behavior change.	Additional issuance of a periodic bill would be redundant and untimely, and would likely cause confusion.
	(9) Every bill for residential utility service shall clearly state— *  *Full text omitted to conserve space.	Payment will be accomplished before usage occurs, and no bill will be rendered. Additionally, because bills are not rendered, and instead the service is paid in advance, advising the customer of an amount due and payment due dates are not feasible.	Payment due dates will be unnecessary. Information that remains relevant – account balance, taxes, and energy charges – will be available daily via the participant's selected communication methods.
	(12) During the billing period prior to any tariffed seasonal rate change, a utility shall notify each affected customer, on the bill or on a notice accompanying the bill, of the expected effect of the upcoming seasonal rate change on the customer's bill and the months during which the forthcoming seasonal rate will be in effect.	Payment will be accomplished before usage occurs, and no bill will be rendered.	This information will be proactively provided through outbound communications, along with seasonal efficiency tips and customers will have access to their usage and cost information on a daily basis.

<sup>1</sup> 4 CSR 240-2.060(4)(A) – The regulation from which the Company requests a waiver and/or variance in order to implement the pilot.

<sup>2</sup> 4 CSR 240-2.060(4)(C) – Ameren Missouri is the only public utility affected by this variance request.

<sup>3</sup> 4 CSR 240-2.060(4)(B) – The reason the waiver and/or variance is requested to accommodate the pilot.

<sup>4</sup> 4 CSR 240-2.060(4)(B) – The justification for the waiver/and or variance, e.g., why no one will be harmed, and may even benefit, from its waiver for the purposes of the pilot.

	Variance Requested <sup>1,2</sup>	Rationale <sup>3</sup>	Justification <sup>4</sup>
<b>4 CSR 240-13.025 Billing Adjustments</b>	<p>(1)(C) In the event of an undercharge, the utility shall offer the customer the option to pay the adjusted bill over a period at least double the period covered by the adjusted bill...</p>	<p>Three options will be available for undercharged amounts: 1) the undercharges will move to arrears, and 25% of the initial and all future payments will go towards the arrears until the amount is repaid; 2) The customer can pay the amount in full; or 3) participants can move back to traditional billing.</p>	<p>The customer will have the option to make payments on a different time schedule through the 25% arrearage payoff mechanism contemplated by the flex pay pilot in order to remain in the program. Otherwise, the customer may return to traditional billing and therefore have access once again to the typical payment agreement and its applicable time period for repayment.</p>
<b>4 CSR 240-13.030 Deposits</b>	<p>(2)(C) [The utility may require a deposit if the] customer has failed to pay an undisputed bill on or before the delinquent date for five (5) billing periods out of twelve (12) consecutive monthly billing periods, or two (2) quarters out of four (4) consecutive quarters. Prior to requiring a customer to post a deposit under this subsection, the utility shall send the customer a written notice explaining the utility's right to require a deposit or include such explanation with each written discontinuance notice. Notwithstanding the foregoing; a utility may not require a deposit from a customer if such customer [under certain specific circumstances.]*</p> <p>*Full text omitted to conserve space.</p> <p>(4)(C) Upon discontinuance or termination other than for a change of service address, [the deposit] shall be credited, with accrued interest, to the utility charges stated on the final bill and the balance, if any, shall be returned to the customer within twenty-one (21) days of the rendition of the final bill...</p>	<p>If for any reason the customer chooses to return or is removed from the pilot and returned to traditional pay before completing six months of pilot participation, the customer will be required to provide a deposit at that time or restore their prior deposit amount as if they had not participated in the flex pay program.</p> <p>Notwithstanding the foregoing, if the pilot program increased the customer's credit with the Company, that improved credit will be taken into consideration.</p> <p>The program anticipates using the deposit – as well as accrued interest – as a credit towards the participant's flex pay account so that it can be applied to pre-paid service or towards arrearages.</p>	<p>If customers who are deemed a credit risk are unsuccessful on the flex pay program, in that short timeframe, it is likely they still have the same issues with traditional billing that required the prior deposit. It is therefore reasonable to collect a deposit immediately on return to traditional payment status. The deposit could be paid in installments as necessary.</p> <p>The intent is to either restore the customer to the same deposit position they would be in were it not for participation in the pilot or, if the customer's credit with the Company actually improved through participation, allow that improvement to be taken into consideration.</p> <p>Because the program applies any existing deposit to flex pay, it is reasonable to also use the interest that has accrued to that deposit for the same purpose.</p>

	Variance Requested <sup>1,2</sup>	Rationale <sup>3</sup>	Justification <sup>4</sup>
<b>4 CSR 240-13.030 Deposits (Con't)</b>	<p>(4)(D) Upon satisfactory payment of all undisputed utility charges during the last twelve (12) billing months, it shall be promptly refunded or credited, with accrued interest, against charges stated on subsequent bills. Payment of a charge is satisfactory if received prior to the date upon which the charge becomes delinquent provided it is not in dispute. Payment of a disputed bill shall be satisfactory if made within ten (10) days of resolution or withdrawal of the dispute. A utility may withhold refund of a deposit pending the resolution of a dispute with respect to charges secured by the deposit...</p>	<p>The customer's participation in the pilot will not be counted against the customer in computing the time after which a deposit will be returned. For example, if a customer utilizes traditional payment methods for three months, participates in the pilot for four months, then reverts back to traditional billing and reinstates the deposit, the Company will be allowed to return the deposit after nine additional months, assuming all other conditions of the section are met.</p>	<p>This method of time calculation is intended to restore the customer to the same deposit position they would be in were it not for participation in the pilot.</p>

	Variance Requested <sup>1,2</sup>	Rationale <sup>3</sup>	Justification <sup>4</sup>
<p><b>4 CSR 240-13.045 Disputes</b></p>	<p>(1) A customer shall advise a utility that all or part of a charge is in dispute by written notice, in person, or by a telephone message directed to the utility during normal business hours. A dispute must be registered with the utility at least twenty-four (24) hours prior to the date of proposed discontinuance for a customer to avoid discontinuance of service as provided by these rules.</p>	<p>Because a customer dispute may be lodged shortly before the money in a flex pay account runs out and the services are automatically terminated, it will not always be possible for the participants to accomplish 24-hour advance notice to the company.</p> <p>That said, customers will receive, through the two channels of communication to which they agreed for participation in the pilot, notices 2 days before, 1 day before, and the day of an anticipated zero balance, with an additional final notice occurring at 8 am the date of disconnection (disconnection itself will not occur until after 11 am). Additionally, no disconnection will occur during non-business hours when Company personnel are unavailable.</p>	<p>Because of access to usage information on a daily basis, and because of the consistent notifications they will receive in advance of an anticipated zero account balance, customers should be able to more quickly raise and resolve any disputes. If they do not, however, it may not be possible – due to the automated nature of the process – for the Company to prevent disconnection of the service.</p> <p>If the customer disputes the charges after disconnection and the dispute is credible, service can be restored promptly. Importantly: 1) Low income customers will not be disconnected under this pilot, but instead will (as necessary) be shifted back to traditional payment; and 2) the meters of those participating in the flex pay program with remote connection enabling devices will be capable of restoring service, under normal conditions, within an hour of any payment or resolution.</p>

	Variance Requested <sup>1,2</sup>	Rationale <sup>3</sup>	Justification <sup>4</sup>
<p><b>4 CSR 240-13.045 Disputes (Cont'd)</b></p>	<p>(7) Failure of the customer to pay to the utility the amount not in dispute within four (4) working days from the date that the dispute is registered or by the delinquent date of the disputed bill, whichever is later, shall constitute a waiver of the customer's right to continuance of service and the utility may then proceed to discontinue service as provided in this rule.</p>	<p>There will not be a delinquent date of the disputed bill since the key factor is the date and time the participant reaches a zero balance.</p> <p>That said, customers will receive, through the two channels of communication to which they agreed for participation in the pilot, notices 2 days before, 1 day before, and the day of an anticipated zero balance, with an additional final notice occurring at 8 am the date of disconnection (disconnection itself will not occur until after 11 am). Additionally, no disconnection will occur during non-business hours when Company personnel are unavailable.</p> <p>Instead, if the Company receives sufficient notice of the dispute in advance of the disconnection, it will move the account to dispute status and delay the disconnection. Any arrearage accrued due to lack of disconnection will be paid off with 25% of each subsequent payment, pursuant to the process established in the pilot's tariff.</p>	<p>Because of access to usage information on a daily basis, customers should be able to more quickly raise and resolve any disputes. Additionally, the participant will be informed of the need to notify the Company as soon as possible of any dispute, or automated disconnection may be unavoidable.</p> <p>The multiple notices that, under normal circumstances, the customer receives before a zero balance and before disconnection should allow sufficient time to dispute any portion of a charge.</p> <p>Importantly: 1) Low income customers will not be disconnected under this pilot, but instead will (as necessary) be shifted back to traditional payment; and 2) the meters of those participating in the flex pay program with remote connection enabling devices will be capable of restoring service, under normal conditions, within an hour of any payment.</p>

	Variance Requested <sup>1,2</sup>	Rationale <sup>3</sup>	Justification <sup>4</sup>
<b>4 CSR 240-13.050 Discontinuance of Service</b>	<p>(2) (F) The failure to pay a bill correcting a previous underbilling, whenever the customer claims an inability to pay the corrected amount, unless a utility has offered the customer a payment arrangement equal to the period of underbilling.</p>	<p>Participants who have an inability to pay a previous underbilling will have two options: 1) The underbilling could be moved to arrears and paid off with 25% of each subsequent account payment; or 2) the customer could move or be moved back to traditional billing and go onto a payment arrangement contemplated in the rule, which anticipates a time period equal to the period of the underbilling.</p>	<p>The customer will have the option to make payments on a different time schedule – the 25% arrearage payoff mechanism contemplated by the flex pay pilot – in order to remain in the program. Otherwise, the customer may move, or be moved as may be appropriate, back to traditional billing and therefore have access once again to the typical payment agreement and its applicable time period for repayment.</p>
	<p>(3) On the date specified on the notice of discontinuance or within thirty (30) calendar days after that, and subject to the requirements of these rules, a utility may discontinue service to a residential customer between the hours of 8:00 a.m. and 4:00 p.m. Service shall not be discontinued on a day when utility personnel are not available to reconnect the customer’s service, or on a day immediately preceding such a day. After the thirty (30) calendar day effective period of the notice, all notice procedures required by this rule shall again be followed before the utility may discontinue service.</p>	<p>Rendering of a physical notice, particularly within the time periods established by the rule, is not practical given the nature of the program. Further, the date that the account reaches a zero balance is the date disconnection will occur.</p>	<p>The customer will have access to their daily account balance and usage data, as well as automated disconnection communications. The customer will have notice through the program agreement that this process is accomplished based on account balance.</p> <p>Importantly: 1) Low income customers will not be disconnected under this pilot, but instead will (as necessary) be shifted back to traditional payment; and 2) the meters of those participating in the flex pay program with remote connection enabling devices will be capable of restoring service, under normal conditions, within an hour of any payment.</p>

	Variance Requested <sup>1,2</sup>	Rationale <sup>3</sup>	Justification <sup>4</sup>
<p><b>4 CSR 240-13.050 Discontinuance of Service (Cont'd)</b></p>	<p>(4) The notice of discontinuance shall contain the following information:            (A) The name and address of the customer and the address, if different, where service is rendered;            (B) A statement of the reason for the proposed discontinuance of service and the cost for reconnection;            (C) The date on or after which service will be discontinued unless appropriate action is taken;            (D) How a customer may avoid the discontinuance;            (E) The possibility of a payment agreement if the claim is for a charge not in dispute and the customer is unable to pay the charge in full at one (1) time; and            (F) A telephone number the customer may call from the service location without incurring toll charges and the address of the utility prominently displayed where the customer may make an inquiry....</p>	<p>Program materials and resources clearly state that service is pre-paid, so that as long as the account balance stays above zero, no disconnection will occur. The program does not contemplate the possibility of a payment agreement.</p> <p>Additionally, in order to participate in the program, customers will execute an agreement specifically containing the information required for inclusion in a typical disconnect notice, such as contact information, how to avoid disconnection, etc.</p>	<p>Participants will still receive communications that contain the information required in (A) through (D) and (f), (or at a minimum, directions on where to find this information based on their communications preferences participants establish for their profile) via mobile app, text, email, telephone (IVR), and smartphone push notifications.</p> <p>Importantly: 1) Low income customers will not be disconnected under this pilot, but instead will (as necessary) be shifted back to traditional payment; and 2) the meters of those participating in the flex pay program with remote connection enabling devices will be capable of restoring service, under normal conditions, within an hour of any payment.</p>

	Variance Requested <sup>1,2</sup>	Rationale <sup>3</sup>	Justification <sup>4</sup>
<b>4 CSR 240-13.050 Discontinuance of Service (Cont'd)</b>	<p>(5) An electric, gas, or water utility shall not discontinue residential service pursuant to section (1) unless written notice by first class mail is sent to the customer at least ten (10) days prior to the date of the proposed discontinuance. Service of notice by mail is complete upon mailing. As an alternative, a utility may deliver a written notice in hand to the customer at least ninety-six (96) hours prior to discontinuance. ...</p>	<p>Rendering of a physical notice, particularly within the time periods established by the rule, is not practical given the nature of the program.</p>	<p>The customer will have access to their daily account balance and usage data, making such notices unnecessary.</p> <p>Additionally, customers will receive, through the two channels of communication to which they agreed for participation in the pilot, notices 2 days before, 1 day before, and the day of an anticipated zero balance, with an additional final notice occurring at 8 am the date of disconnection (disconnection itself will not occur until after 11 am).</p> <p>Importantly: 1) Low income customers will not be disconnected under this pilot, but instead will (as necessary) be shifted back to traditional payment; and 2) the meters of those participating in the flex pay program with remote connection enabling devices will be capable of restoring service, under normal conditions, within an hour of any payment..</p>
	<p>(6) A utility shall maintain an accurate record of the date of mailing or delivery....</p>	<p>Rendering of a physical notice, particularly within the time periods established by the rule, is not practical given the nature of the program. Therefore, it will not be possible to retain records of this specific type of disconnection notice.</p>	<p>Instead, both the customer and the Company will have electronic access to the account's balance history, history of charges, and communication history, which includes anticipated zero balance and disconnection notices.</p>



	Variance Requested <sup>1,2</sup>	Rationale <sup>3</sup>	Justification <sup>4</sup>
<b>4 CSR 240-13.050 Discontinuance of Service (Cont'd)</b>	<p>(7)(B) [Notice shall be provided] [a]t least ten (10) days prior to discontinuance of service for nonpayment of a bill or deposit at a multidwelling unit residential building where each unit is individually metered and for which a single customer is responsible for payment for service to all units in the building or at a residence in which the occupant using utility service is not the utility's customer, the utility shall give the occupant(s) written notice of the utility's intent to discontinue service; provided, however, that this notice shall not be required unless one (1) occupant has advised the utility or the utility is otherwise aware that s/he is not the customer...</p>	<p>It is unlikely that this situation will arise with a participant under this regulation, since it applies to one person being responsible for multiple metered units. Still, should such a customer participate in the program, the physical delivery of a disconnection notice, particularly within the time periods established by the rule, is not practical given the nature of the program.</p>	<p>Participating customers will have access to their daily account balance and usage data. The customer will also have notice through the program agreement that this process is accomplished based on account balance.</p> <p>Importantly: 1) Low income customers will not be disconnected under this pilot, but instead will (as necessary) be shifted back to traditional payment; and 2) the meters of those participating in the flex pay program with remote connection enabling devices will be capable of restoring service, under normal conditions, within an hour of any payment.</p>
	<p>(8) At least twenty-four (24) hours preceding discontinuance, a utility shall make reasonable efforts to contact the customer to advise the customer of the proposed discontinuance and what steps must be taken to avoid it. Reasonable efforts shall include either a written notice following the notice pursuant to section (4), a doorhanger or at least two (2) telephone call attempts reasonably calculated to reach the customer.</p>	<p>Because it is difficult to predict exactly when an account will reach a zero balance and whether the customer will make a payment before it reaches a zero balance, this level of customer contact is not practical or cost effective.</p> <p>That said, customers will receive, through the two channels of communication to which they agreed for participation in the pilot, notices 2 days before, 1 day before, and the day of an anticipated zero balance, with an additional final notice occurring at 8 am the date of disconnection (disconnection itself will not occur until after 11 am). Additionally, no disconnection will occur during non-business hours when Company personnel are unavailable.</p>	<p>The customer will have access to their daily account balance and usage data, as well as automated disconnection communications. The customer will also have notice through the program agreement that this process is accomplished based on account balance.</p> <p>Importantly: 1) Low income customers will not be disconnected under this pilot, but instead will (as necessary) be shifted back to traditional payment; and 2) the meters of those participating in the flex pay program with remote connection enabling devices will be capable of restoring service, under normal conditions, within an hour of any payment.</p>

	Variance Requested <sup>1,2</sup>	Rationale <sup>3</sup>	Justification <sup>4</sup>
<b>4 CSR 240-13.050 Discontinuance of Service (Cont'd)</b>	<p>(9) Immediately preceding the discontinuance of service, the employee of the utility designated to perform this function, except where the safety of the employee is endangered, shall make a reasonable effort to contact and identify him/herself to the customer or a responsible person then upon the premises and shall announce the purpose of his/her presence. When service is discontinued, the employee shall leave a notice upon the premises in a manner conspicuous to the customer that service has been discontinued and the address and telephone number of the utility where the customer may arrange to have service restored.</p>	<p>For a customer's first disconnection under the pilot, a Company representative will go to the residence to put on a collar. Subsequent disconnections, however, will be accomplished remotely and no Company employee will be deployed to physically disconnect service.</p> <p>That said, the customer will receive multiple notices before an anticipated zero account balance, including a final notice at 8 am the date of disconnection (disconnection itself will not occur until after 11 am).</p>	<p>The customer will have access to their daily account balance and usage data, as well as automated disconnection alerts as noted above. The customer will have notice through the program agreement that this process is accomplished based on account balance.</p> <p>Importantly: 1) Low income customers will not be disconnected under this pilot, but instead will (as necessary) be shifted back to traditional payment; and 2) the meters of those participating in the flex pay program with remote connection enabling devices will be capable of restoring service, under normal conditions, within an hour of any payment.</p>
<b>4 CSR 240-13.055 Cold Weather Rule</b>	<p>(1)(E) Low income registered elderly or disabled customer means a customer registered under the provisions of subsection (1)(C) of this rule whose household income is less than one hundred fifty percent (150%) of the federal poverty guidelines...</p>	<p>The program tariff – and LIHEAP – define "low income" as at or below 200% of the federal poverty level. The Company requests that the same apply to flex pay customers under the provisions of the CWR during the cold weather period.</p>	<p>This waiver will create more consistency between the program pilot's tariff and LIHEAP.</p>

	Variance Requested <sup>1,2</sup>	Rationale <sup>3</sup>	Justification <sup>4</sup>
<p><b>4 CSR 240-13.055 Cold Weather Rule (Con't)</b></p>	<p>(3)(A) [Notice Requirements. From November 1 through March 31, prior to discontinuance of service due to nonpayment, the utility shall...] Notify the customer, at least ten (10) days prior to the date of the proposed discontinuance, by first-class mail, and in the case of a registered elderly or handicapped customer the additional party listed on the customer's registration form of the utility's intent to discontinue service. The contact with the registered individual shall include initially two (2) or more telephone call attempts with the mailing of the notice...</p>	<p>Physical delivery of a disconnection notice, particularly within the time periods established by the rule, is not practical given the nature of the program.</p> <p>That said, customers will receive, through the two channels of communication to which they agreed for participation in the pilot, notices 2 days before, 1 day before, and the day of an anticipated zero balance, with an additional final notice occurring at 8 am the date of disconnection (disconnection itself will not occur until after 11 am). Additionally, no disconnection will occur during non-business hours when Company personnel are unavailable.</p>	<p>The customer will have access to their daily account balance and usage data, as well as automated disconnection communications. The customer will also have adequate metering capabilities, which will include a meter capable of monitoring a customer's individual residential space. The customer will have notice through the program agreement that this process is accomplished based on account balance. In the case of required personal contact (D), the emergency contact (if provided) will be notified.</p> <p>Importantly: 1) Low income customers will not be disconnected under this pilot, but instead will (as necessary) be shifted back to traditional payment; and 2) the meters of those participating in the flex pay program with remote connection enabling devices will be capable of restoring service, under normal conditions, within an hour of any payment.</p>

	Variance Requested <sup>1,2</sup>	Rationale <sup>3</sup>	Justification <sup>4</sup>
<p><b>4 CSR 240-13.055 Cold Weather Rule (Con't)</b></p>	<p>(3)(B) [Notice Requirements. From November 1 through March 31, prior to discontinuance of service due to nonpayment, the utility shall...] Make further attempts to contact the customer within ninety-six (96) hours preceding discontinuance of service either by a second written notice as in subsection (3)(A), sent by first class mail; or a door hanger; or at least two (2) telephone call attempts to the customer...</p>	<p>Physical delivery of a disconnection notice, particularly within the time periods established by the rule, is not practical given the nature of the program.</p> <p>That said, customers will receive, through the two channels of communication to which they agreed for participation in the pilot, notices 2 days before, 1 day before, and the day of an anticipated zero balance, with an additional final notice occurring at 8 am the date of disconnection (disconnection itself will not occur until after 11 am). Additionally, no disconnection will occur during non-business hours when Company personnel are unavailable.</p>	<p>The customer will have access to their daily account balance and usage data, as well as automated disconnection communications. The customer will also have adequate metering capabilities, which will include a meter capable of monitoring a customer's individual residential space. The customer will have notice through the program agreement that this process is accomplished based on account balance. In the case of required personal contact (D), the emergency contact (if provided) will be notified.</p> <p>Importantly: 1) Low income customers will not be disconnected under this pilot, but instead will (as necessary) be shifted back to traditional payment; and 2) the meters of those participating in the flex pay program with remote connection enabling devices will be capable of restoring service, under normal conditions, within an hour of any payment.</p>

	Variance Requested <sup>1,2</sup>	Rationale <sup>3</sup>	Justification <sup>4</sup>
<p><b>4 CSR 240-13.055 Cold Weather Rule (Con't)</b></p>	<p>(3)(C) [Notice Requirements. From November 1 through March 31, prior to discontinuance of service due to nonpayment, the utility shall...] Attempt to contact the customer at the time of the discontinuance of service in the manner specified by 4 CSR 240-13.050(8)...</p>	<p>Physical delivery of a disconnection notice, particularly within the time periods established by the rule, is not practical given the nature of the program.</p> <p>That said, customers will receive, through the two channels of communication to which they agreed for participation in the pilot, notices 2 days before, 1 day before, and the day of an anticipated zero balance, with an additional final notice occurring at 8 am the date of disconnection (disconnection itself will not occur until after 11 am). Additionally, no disconnection will occur during non-business hours when Company personnel are unavailable.</p>	<p>The customer will have access to their daily account balance and usage data, as well as automated disconnection communications. The customer will also have adequate metering capabilities, which will include a meter capable of monitoring a customer's individual residential space. The customer will have notice through the program agreement that this process is accomplished based on account balance. In the case of required personal contact (D), the emergency contact (if provided) will be notified.</p> <p>Importantly: 1) Low income customers will not be disconnected under this pilot, but instead will (as necessary) be shifted back to traditional payment; and 2) the meters of those participating in the flex pay program with remote connection enabling devices will be capable of restoring service, under normal conditions, within an hour of any payment.</p>

	Variance Requested <sup>1,2</sup>	Rationale <sup>3</sup>	Justification <sup>4</sup>
<p><b>4 CSR 240-13.055 Cold Weather Rule (Con't)</b></p>	<p>(3)(D) [Notice Requirements. From November 1 through March 31, prior to discontinuance of service due to nonpayment, the utility shall...] Make a personal contact on the premises with a registered elderly or handicapped customer or some member of the family above the age of fifteen (15) years, at the time of the discontinuance of service...</p>	<p>Physical delivery of a disconnection notice, particularly within the time periods established by the rule, is not practical given the nature of the program.</p> <p>That said, customers will receive, through the two channels of communication to which they agreed for participation in the pilot, notices 2 days before, 1 day before, and the day of an anticipated zero balance, with an additional final notice occurring at 8 am the date of disconnection (disconnection itself will not occur until after 11 am). Additionally, no disconnection will occur during non-business hours when Company personnel are unavailable.</p>	<p>The customer will have access to their daily account balance and usage data, as well as automated disconnection communications. The customer will also have adequate metering capabilities, which will include a meter capable of monitoring a customer's individual residential space. The customer will have notice through the program agreement that this process is accomplished based on account balance. In the case of required personal contact (D), the emergency contact (if provided) will be notified.</p> <p>Importantly: 1) Low income customers will not be disconnected under this pilot, but instead will (as necessary) be shifted back to traditional payment; and 2) the meters of those participating in the flex pay program with remote connection enabling devices will be capable of restoring service, under normal conditions, within an hour of any payment.</p>

	Variance Requested <sup>1,2</sup>	Rationale <sup>3</sup>	Justification <sup>4</sup>
<p><b>4 CSR 240-13.055 Cold Weather Rule (Con't)</b></p>	<p>(3)(E) [Notice Requirements. From November 1 through March 31, prior to discontinuance of service due to nonpayment, the utility shall...] Ensure that all of the notices and contacts required in this section shall describe the terms for provisions of service under this rule, including the method of calculating the required payments, the availability of financial assistance from the Division of Family Services and social service or charitable organizations that have notified the utility that they provide that assistance and the identity of those organizations.</p>	<p>The program clearly states that service is pre-paid, so that as long as the account balance stays above zero, no disconnection will occur.</p> <p>That said, customers will receive, through the two channels of communication to which they agreed for participation in the pilot, notices 2 days before, 1 day before, and the day of an anticipated zero balance, with an additional final notice occurring at 8 am the date of disconnection (disconnection itself will not occur until after 11 am). These notices will direct the customer to the location of additional information, including a toll-free contact number.</p>	<p>Participants will still receive alerts and other non-physically rendered communications that will either contain the required information, including the availability of financial assistance, or will direct customers to a location where this additional information is available (e.g., text and voice messages will reference links to websites and toll free numbers where the information will be provided).</p> <p>Importantly: 1) Low income customers will not be disconnected under this pilot, but instead will (as necessary) be shifted back to traditional payment; and 2) the meters of those participating in the flex pay program with remote connection enabling devices will be capable of restoring service, under normal conditions, within an hour of any payment.</p>
	<p>(5) Weather Provisions. Discontinuance of gas and electric service to all residential users, including all residential tenants of apartment buildings, for nonpayment of bills where gas or electricity is used as the source of space heating or to control or operate the only space heating equipment at the residence is prohibited [during specified periods].*</p> <p>*Full text omitted to conserve space.</p>	<p>Partial Waiver - The Company will not disconnect low income customers participating in the program during the cold weather period, although they may be removed from the program based on non-payment and reverted back to normal billing.</p>	<p>A waiver is only required insofar as a low income customer will not be disconnected for temporary issues of nonpayment. Should nonpayment continue and the low income participant be removed from the program and placed back on normal billing, this provision will apply.</p> <p>Importantly: 1) Low income customers will not be disconnected under this pilot, but instead will (as necessary) be shifted back to traditional payment; and 2) the meters of those participating in the flex pay program with remote connection enabling devices will be capable of restoring service, under normal conditions, within an hour of any payment.</p>

	Variance Requested <sup>1,2</sup>	Rationale <sup>3</sup>	Justification <sup>4</sup>
<b>4 CSR 240-13.055 Cold Weather Rule (Con't)</b>	<p>(6)(B) [Discontinuance of Service. From November 1 through March 31, a utility may not discontinue heat-related residential utility service due to nonpayment of a delinquent bill or account provided ...] The utility receives an initial payment and the customer enters into a payment agreement both of which are in compliance with section (10) of this rule...</p>	<p>CWR payment agreements that comply with 4 CSR 240-13.055(10) will not be available under the pilot, so instead, compliance with the flex pay arrearage payoff (25% of payments go to any arrearage) will apply. Payment Agreements will only be available if the participant reverts back to traditional billing.</p>	<p>The customer will have access to their daily account balance and usage data, as well as automated disconnection communications. The customer will have notice through the program agreement that this process is accomplished based on account balance.</p>
	<p>(10) Payment Agreements. The payment agreement for service under this rule shall comply with the following...*</p> <p>*Full text omitted to conserve space.</p>	<p>CWR payment agreements that comply with 4 CSR 240-13.055(10) will not be available under the pilot, so instead, compliance with the flex pay arrearage payoff (25% of payments go to any arrearage) will apply. Payment Agreements will only be available if the participant reverts back to traditional billing.</p>	<p>The customer will have access to their daily account balance and usage data, as well as automated disconnection communications. The customer will have notice through the program agreement that this process is accomplished based on account balance.</p>