

**John R. Ashcroft**

Secretary of State  
Administrative Rules Division

**RULE TRANSMITTAL**

Administrative Rules Stamp

Rule Number 4 CSR 240-13.055

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:

Content John Clark Phone 573-522-4355 FAX 573-526-6010

Email address John.Clark@psc.mo.gov

Data Entry Christine Koenigsfeld Phone 573-751-4256 FAX 573-526-6010

Email address Christine.Koenigsfeld@psc.mo.gov

Interagency mailing address Public Service Commission, 9<sup>th</sup> Floor Gov. Office Bldg, JC, Mo

TYPE OF RULEMAKING ACTION TO BE TAKEN

☐ Emergency Rulemaking ☐ Rule ☐ Amendment ☐ Rescission ☐ Termination

Effective Date for the Emergency \_\_\_\_\_

☐ Proposed Rulemaking ☐ Rule ☐ Amendment ☐ Rescission

☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration

☐ Request for Non-Substantive Change

☐ Statement of Actual Cost

☒ Order of Rulemaking ☐ Withdrawal ☐ Adopt ☒ Amendment ☐ Rescission

Effective Date for the Order \_\_\_\_\_

☐ Statutory 30 days OR Specific date \_\_\_\_\_

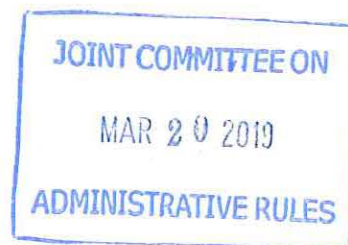
Does the Order of Rulemaking contain changes to the rule text? ☐ NO

☒ YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Section (3)(C)

Small Business Regulatory  
Fairness Board (DED) Stamp

JCAR Stamp





*Michael L. Parson*

GOVERNOR  
STATE OF MISSOURI

March 15, 2019

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

RE: *Final Order of Rulemaking*

Dear Ryan:

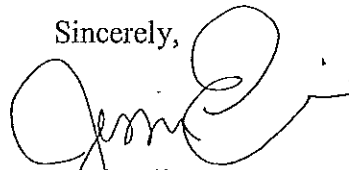
This office has received your Final Order of Rulemaking for the regulations listed below.

- 4 CSR 240-13.055 Cold Weather Maintenance of Service: Provision of Residential Heat-Related Utility Service During Cold Weather (amendment)
- 4 CSR 240-13.070 Commission Complaint Procedure (amendment)
- 4 CSR 240-13.050 Discontinuance of Service (amendment)
- 4 CSR 240-13.030 Deposits and Guarantees of Payment (amendment)
- 4 CSR 240-13.025 Billing Adjustments (amendment)
- 4 CSR 240-13.020 Billing and Payment Standards (amendment)
- 4 CSR 240-13.015 Definitions (amendment)
- 4 CSR 240-13.010 General Provisions (amendment)
- 4 CSR 240-10.040 Service and Billing Practices for Commercial and Industrial Customers of Electric, Gas, Water and Steam Heat Utilities (amendment)
- 4 CSR 240-10.020 Income on Depreciation Fund Investments (amendment)
- 4 CSR 240-3.250 Submission of Gas Utility Residential Heat-Related Cold Weather Report (rescission)
- 4 CSR 240-3.180 Submission of Electric Utility Residential Heat-Related Service Cold Weather Report (rescission)
- 4 CSR 240-3.030 Minimum Filing Requirements for Utility Company General Rate Increase Requests (amendment)
- 4 CSR 240-3.025 Utility Company Tariff Filings Which Create Cases (rescission)

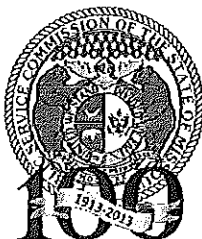
- 4 CSR 240-3.020 Filing Requirements Regarding Utility Company Name Changes (rescission)
- 4 CSR 240-3.015 Filing Requirements for Utility Company Applications for Waivers or Variances (rescission)
- 4 CSR 240-3.010 General Definitions (amendment)
- 4 CSR 240-2.205 Variance or Waiver (rule)
- 4 CSR 240-2.120 Presiding Officers (amendment)
- 4 CSR 240-2.070 Complaints (amendment)
- 4 CSR 240-2.010 Definitions (amendment)

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 these rulemakings, we approve their submission to the Joint Committee on Administrative Rules and the Secretary of State.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jessie Eiler', with a large, stylized initial 'J' and a long horizontal flourish extending to the right.

Jessie Eiler  
Deputy Counsel



Commissioners

RYAN A. SILVEY  
Chairman

WILLIAM P. KENNEY

DANIEL Y. HALL

SCOTT T. RUPP

MAIDA J. COLEMAN

*Missouri Public Service Commission*

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NATELLE DIETRICH  
Staff Director

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

Re: 4 CSR 240-13.055 Cold Weather Maintenance of Service: Provision of Residential Heat-Related Utility Service During Cold Weather

Dear Secretary Ashcroft,

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the order of rulemaking lawfully submitted by the Missouri Public Service Commission.

Statutory Authority: sections 386.250, 393.140, and 393.130, RSMo 2016.

If there are any questions regarding the content of this order of rulemaking, 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](mailto:John.Clark@psc.mo.gov)

Morris L. Woodruff  
Chief Regulatory Law Judge

Enclosures

**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**

**ORDER OF RULEMAKING**

By the authority vested in the Public Service Commission under sections 386.250, 393.140, and 393.130, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-13.055 is amended.

A notice of proposed rulemaking containing the proposed amendment was published in the *Missouri Register* on December 17, 2018 (43 MoReg 3773-3774). Changes to the proposed amendment are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended January 16, 2019, and the commission held a public hearing on the proposed amendment on January 29, 2019. The commission received timely written comments in support of the rescission from Travis J. Pringle, Legal Counsel, on behalf of the staff of the commission. Additional written comments suggesting changes were received from Paula N. Johnson, Senior Corporate Counsel, on behalf of Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri"). Written comments in support of Ameren Missouri's comments were received from Diana C. Carter, Brydon Swearengen & England, PC, on behalf of Spire Missouri ("Spire"). The commission received comments at the hearing regarding the amendment from Jamie Myers, Commission Staff Deputy Director, on behalf of the staff of the commission ("staff"), Caleb Hall, Attorney, on behalf of the Office of the Public Counsel ("OPC"), and Jim Fischer, Fischer & Dority, PC, on behalf of Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company (collectively referred to as "KCP&L/GMO").

COMMENT #1: Staff filed written comments supporting this amendment stating that the update corrects an improper rule reference and consolidates the reporting requirements from chapter 3. Staff stated that this rulemaking was undertaken in response to Executive Order 17-03 and is being proposed in order to streamline, simplify and improve the user-friendliness of the commission's regulations. Staff supports the proposed rescission.



RESPONSE: The commission believes that consolidating duplicative filing requirements simplifies the commission's rules. No change was made as a result of this comment.

COMMENT #2: Ameren Missouri filed written comments stating that it appreciated consolidating the separate but nearly identical provisions of Chapter 3, into the cold weather rule. However, Ameren Missouri favors these required filings being non-case filings to decrease traceability. No explanation of traceability was offered.

RESPONSE: No change was made as a result of this comment.

COMMENT #3: Ameren Missouri commented that references to 4 CSR 240-13.055 in (3)(C) and (15) are unnecessary and can be changed to "this regulation." Staff agreed with this change.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees that changing references to 4 CSR 240-13.055 to "this regulation" simplifies the rule. The commission will change references to 4 CSR 240-13.055 to "this regulation."

COMMENT #4: OPC commented that subsection (15)(C)1, contains a spelling error where "serves" should be "services."

RESPONSE: OPC may be correct as to the copy of the proposed rule it was provided. However, the spelling error does not appear in the version printed in the Missouri Register. No change was made as a result of this comment.

COMMENT #5: KCP&L/GMO, commented at the hearing that KCP&L/GMO agreed with Ameren Missouri's comments. Spire Missouri submitted written comments that it concurred with Ameren Missouri's written comments.

RESPONSE: No change was made as a result of this comment.

#### **4 CSR 240-13.055 Cold Weather Maintenance of Service: Provision of Residential Heat-Related Utility Service During Cold Weather.**

(3) Notice Requirements. From November 1 through March 31, prior to discontinuance of service due to nonpayment, the utility shall—

(C) Attempt to contact the customer at the time of the discontinuance of service in the manner specified by 4 CSR 240-13.050(9);



(15) Each utility providing heat-related utility service shall submit as a non-case related filing a report with the commission for each calendar month no later than the twentieth (20<sup>th</sup>) day of the following month. The utility shall provide a copy of each report to the Office of the Public Counsel. The utility shall report for each operational district into which the utility has divided its Missouri service territory the number of days it was permitted to discontinue service under this regulation, and the utility shall separately report on the information listed below for customers receiving energy assistance and customers who are affected by this regulation and not known to be receiving energy assistance. All information submitted shall be considered public information; however, no customer-specific information shall be re-reported or made public. Utilities providing both electric and gas service shall report the following information separately for their gas-only territory:

(A) How many customers were—

1. Disconnected, at the end of the period;
2. Of those disconnected, how many customers had service discontinued for nonpayment during the period; and
3. Of those discontinued during the period, how many customers were restored to service during the period.

(B) Of customers reported as disconnected at the end of the period—

1. How many had broken a cold weather rule pay agreement;
2. How many had broken a non-cold weather rule pay agreement; and
3. How many had not been on a pay agreement.

(C) Of those customers reconnected during the period—

1. How many customers received energy assistance (pledged or paid) from—
  - A. Low Income Home Energy Assistance Program (LIHEAP);
  - B. Energy Crisis Intervention Program (ECIP); and
  - C. Other services known to the utilities.
2. How much energy assistance was provided by—
  - A. LIHEAP;
  - B. ECIP;
  - C. Other sources known to the utility; and
  - D. Customer.

(D) Of customers restored to service during the period—

1. How many were put on a cold weather rule pay agreement; and
2. How many were put on a non-cold weather rule pay agreement.

(E) How much was owed by those disconnected at the end of the period—

1. How much was owed by those disconnected during the period; and
2. How much was owed by those reconnected during the period.

(F) How many customers were registered under this regulation at the end of the period—

1. How many customers registered during the period; and
2. How many of such registered customers had service discontinued during the period.

(G) For how many customers during the period did the utility receive—

1. LIHEAP;
2. ECIP; and

3. Other assistance known to the utility.

(H) How much cash did the utility receive on behalf of customers during the period from—

1. LIHEAP;

2. ECIP; and

3. Others known to the utility.

(I) How many customers who requested reconnection under terms of this rule were refused service pursuant to this regulation

(J) How many customers received energy assistance insufficient in amount to retain or restore service.

(K) The number of customers who agreed to pay for their heat-related utility service under a payment agreement in accordance with this regulation.