

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

In the Matter of the Establishment of a Working Case )  
Regarding a Commission Rule Governing Revenue ) **File No. AW-2021-XXXX**  
Stabilization Mechanisms )

**STAFF MOTION TO ESTABLISH WORKING CASE**

**COMES NOW** the Staff of the Missouri Public Service Commission (“Staff”), by and through Staff Counsel’s Office, and moves the Commission to establish a working case for a review and consideration of creating two new Commission rules governing revenue stabilization mechanisms (RSM) for electric and gas utilities, located within Chapter 20 and Chapter 40, respectively. In support of its motion Staff states as follows:

1. Subsection 3 of Section 386.266 RSMo. allows for any gas or electric corporation to make “an application to the commission to approve rate schedules authorizing periodic rate adjustments outside of general rate proceedings to adjust rates of customers in eligible customer classes to account for the impact on utility revenues of increases or decreases in residential and commercial customer usage due to variations in either weather, conservation, or both.”

2. Currently, there are no separate filing requirements specifically governing the structure, content and operation of such mechanisms, and the procedure for the submission, frequency, examination, hearing, and approval of rate adjustments pursuant to such mechanisms. Although the lack of a rule may not be a legal impediment to the establishment of any mechanism under Section 386.266.3, RSMo., this working case would explore the potential benefits of separate and clear filing requirements and other procedural rules regarding RSMs.

3. Section 386.040, RSMo., establishes the Commission and grants it authority to promulgate any such rules necessary and proper to effectuate its purpose.<sup>1</sup>

Furthermore, Section 386.250, RSMo, more specifically outlays the Commission's power, allowing for:

the adoption of rules as are supported by evidence as to reasonableness and which prescribe the conditions of rendering public utility service, disconnecting or refusing to reconnect public utility service and billing for public utility service. All such proposed rules shall be filed with the secretary of state and published in the Missouri Register as provided in chapter 536, and a hearing shall be held at which affected parties may present evidence as to the reasonableness of any proposed rule;<sup>2</sup>

4. Therefore, the Staff requests the Commission open a working case to explore the creation of rules, under its statutorily derived authority, governing the structure, content and operation of RSMs, and the procedure for the submission, frequency, examination, hearing, and approval of rate adjustments pursuant to such mechanisms.

5. The Staff requests that the Commission serve its Order Establishing Working Case on all counsel of record for electrical corporations and gas corporations regulated by the Commission, the Public Counsel, and if possible, all interveners in the most recent rate cases of these electric and gas companies.

6. The Staff is in the process of drafting a rule, and would be assisted by any initial input from stakeholders as to concepts or provisions to include. Therefore, Staff requests any initial feedback from stakeholders by October 12, 2020.

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<sup>1</sup> A "Public Service Commission" is hereby created and established, which said public service commission shall be vested with and possessed of the powers and duties in this chapter specified, and also all powers necessary or proper to enable it to carry out fully and effectually all the purposes of this chapter.

<sup>2</sup> Mo. Ann. Stat. § 386.250 (West).

**WHEREFORE** Staff prays the Commission will establish a working case, serve notice on all interested stakeholders, and grant such other and further relief it deems necessary in the circumstances.

Respectfully submitted,

**/s/ Nicole Mers**

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or First Class United States Postal Mail, postage prepaid, on this 15<sup>th</sup> day of September 2020, to all counsel of record.

**/s/ Nicole Mers**