

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

|                                      |   |                              |
|--------------------------------------|---|------------------------------|
| In the Matter of Proposed Amendments | ) |                              |
| to the Commission's Ex Parte and     | ) | <b>File No. AX-2017-0128</b> |
| Extra-Record Communications Rule     | ) |                              |

**MOTION TO STAY PROCEEDINGS AND  
MOTION FOR EXPEDITED TREATMENT**

COMES NOW the Office of the Public Counsel ("OPC" or "Public Counsel") and for its *Motion to Stay Proceedings and Motion for Expedited Treatment* on the above-captioned matter regarding the Missouri Public Service Commission's ("Commission") proposed changes to the *Ex Parte* and Extra-record Communications rules and states:

1. On November 30, 2016 the Commission issued its *Notice of Rulemaking Hearing* scheduling a rulemaking hearing for February 16, 2017 in Jefferson City, Missouri (Doc. No. 17). The aforementioned notice was served on the Commission's Staff Counsel Department and OPC.
2. On January 10, 2017, Governor Eric R. Greitens issued Executive Order 17-03 suspending all rulemaking until February 28, 2017, and only then pending consultation with the Office of the Governor. A copy of the Executive Order is attached as Appendix A.
3. This suspension will affect the Comment deadline of February 2, 2017 and the Rulemaking Hearing currently scheduled for February 16, 2017.
4. Notably the Executive Order 17-03 directed each agency to undertake a review of the regulations under its jurisdiction and to hold at least two public hearings to allow for public comment on any rules. Presently no local public hearings are scheduled for this rulemaking.
5. Prior to the issuance of Executive Order 17-03, OPC filed its *Motion for Local Public Hearings* on January 4, 2017 asking the Commission to schedule and hold four additional public

hearings at locations so that Missouri ratepayers will have the opportunity to speak directly to the Commissioners without having to travel to the Commission's offices in Jefferson City. This motion is currently pending approval by the Commission.

6. Affording members of the public the opportunity to speak directly to the Commission is a critical part of the ratemaking process and, in this case, the rulemaking process. If the rules are adopted as currently proposed utility representatives could convene unlimited and undisclosed private meetings with Commissioners with no notice, no record of the communication, and no invitation to Public Counsel to attend any meeting. The public deserves a reasonable opportunity at local public hearings to comment in person on the *ex parte* rule change.

7. Granting OPC's *Motion to Stay Proceedings* ensures compliance with the Governor's Executive Order to suspend all rulemaking until February 28, 2017. Furthermore a stay in proceedings will enable the Commission to schedule and conduct local public hearings as requested by OPC and as is consistent with the direction of Executive Order 17-3.

8. Pursuant to 4 CSR 240-2.080(14) Public Counsel requests expedited consideration of this motion and asks the Commission act on the *Motion to Stay Proceedings* no later than January 27, 2017. Acting on this motion in an expedited manner is necessary to ensure compliance with the Executive Order and for the Commission to schedule local public hearings to allow affected citizens to comment on the proposed rule change.

WHEREFORE Public Counsel respectfully requests that the Commission 1) grant OPC's request for expedited consideration and 2) stay the proceedings of the above-captioned matter until the suspension of rulemaking imposed by Executive Order 17-03 expires on or about February 28, 2017.

Respectfully,

OFFICE OF THE PUBLIC COUNSEL

By: /s/ Tim Opitz  
Tim Opitz  
Deputy Public Counsel  
Missouri Bar No. 65082  
PO Box 2230  
Jefferson City MO 65102  
(573) 751-5324  
(573) 751-5562 FAX  
Timothy.opitz@ded.mo.gov

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 25<sup>th</sup> day of January 2017:

/s/ Tim Opitz