

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:

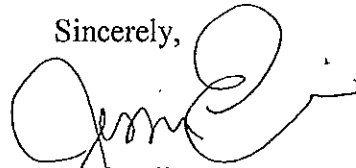
This office has received your Final Order of Rulemaking for the regulations listed below.

- 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, sweeping horizontal stroke 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

POST OFFICE BOX 360
JEFFERSON CITY, MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://psc.mo.gov>

SHELLEY BRUEGGEMANN
General Counsel

MORRIS WOODRUFF
Secretary

LOYD WILSON
Director of Administration

NATELLE DIETRICH
Staff Director

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

Re: 4 CSR 240-13.030 Deposits and Guarantees of Payment

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(6) and 393.140(11), 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

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(6) and 393.140(11), RSMo 2016, the commission amends a rule as follows:

4 CSR 240-13.030 is amended.

A notice of proposed rulemaking containing the proposed amendment was published in the *Missouri Register* on December 17, 2018 (43 MoReg 3770). 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 Swearingen & 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 to clarify the rule. 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: No change was made as a result of this comment.



COMMENT #2: Ameren Missouri filed written comments regarding the proposed amendment to subsection (3) indicating that as it reads now to qualify under this rule the customer must have both gas and electric service. Ameren Missouri proposed that changing “and” to “or” as a clarification.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees that changing “and” to “or” would clarify who qualifies to pay installments over time. The commission will change the rule to read gas or electric service.

COMMENT #3: Ameren Missouri commented that, as currently phrased, a deposit assessed during the months of November, December, and January are subject to installment payments. Ameren Missouri states the proposed amendment could imply that a customer assessed a deposit at any time could pay in installments if unable to pay the installment in November, December or January. OPC commented that from a customer standpoint it was fine with that implication.

RESPONSE: The commission believes that the proposed language is sufficiently clear to avoid confusion as to which deposits are applicable. No change was made as a result of this comment.

COMMENT #4: Ameren Missouri commented that it believed additional clarity should be added to avoid confusion with the cold weather rule’s provisions regarding deposits and offered language to that effect. OPC agreed that citing to the cold weather rule to avoid conflict was fair.

Staff commented that instead of citing a specific rule the language should say instead “Unless prohibited by this Chapter.” OPC agreed that a reference to chapter 13 would also be sufficient.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees that tying the proposed changes to the cold weather rule adds clarity and avoids confusion with other provisions of this rule. The commission will start the proposed rule with “Unless prohibited by chapter 13”

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 240-13.030 Deposits and Guarantees of Payment.

(3) Unless prohibited by Chapter 13, if the customer is unable to pay the entire deposit assessed under the provisions of subsection (2)(A) or (C) of this rule during the months of November, December, and January, the deposit for gas or electric service may be paid by installments over a six (6)-month period.