

RULE TRANSMITTAL

Rule Number 4 CSR 240-3.030

ADMINISTRATIVE RULES



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:

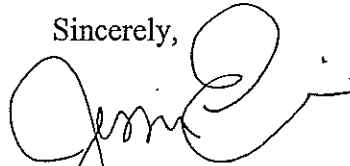
This office has received your Final Order of Rulemaking for the regulations listed below.

- 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,



Jessie Eiler
Deputy Counsel



Commissioners

RYAN A. SILVEY
Chairman

WILLIAM P. KENNEY

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Staff Director

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

Re: 4 CSR 240-3.030 Minimum Filing Requirements for Utility Company General Rate Increase Requests

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: section 386.250, RSMo 2016.

If there are any questions regarding the content of this order of rulemaking, please contact:

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Morris L. Woodruff
Chief Regulatory Law Judge

Enclosures

**Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240 – Public Service Commission
Chapter 3 – Filing and Reporting Requirements**

ORDER OF RULEMAKING

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

4 CSR 240-3.030 is amended.

A notice of proposed rulemaking containing the proposed amendment was published in the *Missouri Register* on December 17, 2018 (43 MoReg 3765-3766). 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 amendment 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 Swearngen & 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. It updates language to be consistent with the newly promulgated staff assisted rate case 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.

RESPONSE: The commission believes the utility size requirements in this rule should be updated to accurately reproduce the utility size requirements in the staff

assisted rate case rule. The proposed amendment does that. No change was made in response to this comment.

COMMENT #2: Ameren Missouri filed written comments and made comments at the hearing regarding changes to minimum filing requirements for utilities. Ameren Missouri suggested changes to more accurately reflect current practice. Ameren Missouri offered language to propose that utilities file information for general rate increases only through the commission's electronic filing information system, and that only one copy be emailed to OPC. At the hearing Ameren Missouri suggested that they would be open to compromise language that allowed for filing electronically or a hard copy, but not 14 copies which would be burdensome.

Staff stated that the requirement to file 14 copies with the commission is not necessary. Staff also noted that while not everyone files hard copies with the commission they want to preserve availability of filing a hard copy while giving the option to file electronically. Staff felt the language should be sufficiently vague to allow for either type of filing. Staff also indicated that it had talked with OPC who was not averse to receiving one copy instead of two, either a hard copy or electronic. Staff agreed with the commission that another way of accomplishing this would be to expressly state that both filing methods would be accepted.

OPC commented that the change proposed by staff sufficiently allow for electronic filing contrary to Ameren Missouri's concerns. OPC stated that Ameren's comment that only one copy be sent to OPC was a fair and reasonable change.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees that the filing requirement should be updated to more accurately reflect current practice of electronically filing documents. However, the commission recognizes that not everyone is capable of electronic filing. Accordingly, language will be added to explicitly state that electronic filing or filing a hard copy with the commission is sufficient. The commission will also reduce the number of copies to OPC from two copies to one copy or electronic copy.

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 240-3.030 Minimum Filing Requirements for Utility Company General Rate Increase Requests

(1) This rule applies to all electric utilities; to all gas utilities with more than ten thousand (10,000) customers; to all water utilities with more than eight thousand (8,000) customers; to all sewer utilities with more than eight thousand (8,000) customers; and to all steam heating utilities with more than one hundred (100) customers.

(3) At the time a tariff(s) is filed by any company or utility subject to this rule which contains a general rate increase request, an original or electronic copy of the following information shall be filed with the secretary of the commission and one (1) copy or electronic copy shall be provided to the Office of the Public Counsel: