

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

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

MOTION FOR LOCAL PUBLIC HEARINGS

COMES NOW the Office of the Public Counsel ("OPC" of "Public Counsel") and moves the Missouri Public Service Commission ("Commission") to schedule local public hearings to receive comment from Missouri ratepayers on the Commission's proposed changes to the *Ex Parte* and Extra-record Communications rules as follows:

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 December 30, 2016 the Commission filed the *Proposed Rule as Published in the Missouri Register* (Doc. No. 18). The date of the Missouri Register containing the proposed rule is January 3, 2017 Volume 42, Number 1.¹
3. The proposed rules relax notice and disclosure requirements in order to encourage unlimited, private, and undisclosed meetings at which Commissioners will discuss issues with utility representatives. Because the proposed rules significantly alter and relax the communication standards, OPC requests the Commission 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. OPC suggests the additional hearings be held in Joplin, Kansas City, St. Louis, and Cape

¹ Available at <http://www.sos.mo.gov/adrules/moreg/moreg>, last accessed Jan. 3, 2017.

Girardeau at times designed to reasonably ensure public participation in appropriate locations to accommodate the rate paying public. These are areas of the State where multiple investor-owned utilities have service territories.

4. 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.

5. Scheduling the additional hearings at convenient locations to let the public speak directly to the Commission is particularly appropriate because the Commission has undertaken this rulemaking to make it easier for utility representatives to speak directly to Commissioners about their official business. It is clear the rule change is not undertaken to facilitate communication with the public. In discussing its intent to relax the *ex parte* standards, the Commission has not mentioned a desire to interact more with ratepayers to hear their concerns but only to get more information from utility representatives. OPC does not envision, and has not suggested, that the Commission begin giving members of the public equal time for private meetings as utility representatives would receive – only that any meetings that do occur be publicly broadcast and recorded. As a step in the process, the public deserves a reasonable audience – one which does not require them to travel to Jefferson City – to comment in person on the *ex parte* rule change.

6. The current *ex parte* rules constitute reasonable standards and processes to ensure the Commission remains unbiased and impartial when conducting its official business. Since the Commission has decided to pursue relaxing its *ex parte* communications rules, OPC requests it

schedule additional public hearings so that members of the public can speak directly with the Commission about the proposal.

WHEREFORE Public Counsel moves the Commission to schedule and convene additional local public hearings in Joplin, Kansas City, St. Louis, and Cape Girardeau at times and locations designed to reasonably ensure public participation.

Respectfully,

OFFICE OF THE PUBLIC COUNSEL

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 4th day of January 2017:

/s/ Tim Opitz