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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

Rulemaking Hearing

Volume I

July 20, 2023

Jefferson City, Missouri

In the Matter of)
a Proposed Rulemaking to)
Promulgate a New Rule)
Regarding a Residential) File No. AX-2023-0175
Customer Disconnection Data)
Reporting Rule)

JOHN CLARK, Presiding
REGULATORY LAW JUDGE

REPORTED BY:
Shelley Bartels, CCR, RPR

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1 PROCEEDINGS

2 JUDGE CLARK: Good morning. It's now
3 nine o'clock, so let's go on the record. Today's
4 date is July 20th of 2023 and the current time
5 is 9:00 a.m.

6 We are conducting this Rulemaking Hearing
7 from room 310 of the Governor Office Building and
8 some parties will also be participating via Webex.

9 The Commission has set aside this time
10 for a rule comment hearing on the file captioned as,
11 In the matter of proposed rulemaking to promulgate a
12 new rule regarding a residential customer
13 disconnection data reporting rule. And that is file
14 number AX-2023-0175. These rules were published in
15 the Missouri Register on June 15th, 2023, volume 48
16 number 12 and those are pages 1025 and 1026.

17 The subject of this Rulemaking Hearing
18 is the proposed rule or Commission rule
19 20 CSR 4240-130.75, Service disconnection reporting
20 requirements for electric, gas, sewer, and water
21 utilities.

22 At this time I would remind the parties,
23 anybody who's speaking who's in the room here in
24 Jefferson City, to use the microphone and be sure
25 your microphone is on when you're speaking and off

1 when you're not. Likewise, if you're participating
2 via Webex, I would ask that you keep yourself muted
3 until such time as you are offering comments or need
4 to speak. If you are appearing via Webex, we --
5 everything that is being said is being taken down by
6 a court reporter and because that court reporter is
7 not familiar with everybody who is going to be on
8 Webex, I'm going to ask that if you're making Webex
9 comments, that you identify yourself before making
10 your comment.

11 My name is John Clark and I'm the
12 regulatory law judge overseeing this hearing today.
13 I'm going to begin by asking the attorneys who are
14 here to enter their appearance and I will start with
15 Commission staff.

16 MR. VANDERGRIFF: Eric Vandergriff with
17 Staff.

18 JUDGE CLARK: I don't think your
19 microphone's on.

20 MR. VANDERGRIFF: Eric Vandergriff with
21 Staff. The reporter already has my address.

22 JUDGE CLARK: Thank you, Mr. Vandergriff.
23 On behalf of OPC or the Office of Public Counsel.

24 MS. VANGERPEN: Lindsay VanGerpen on
25 behalf of the Office of the Public Counsel. And the

1 court reporter also has my address.

2 JUDGE CLARK: Thank you, Ms. VanGerpen.
3 On behalf of Missouri American Water Company.

4 MS. NIEMEIER: Good morning. Rachel
5 Niemeier on behalf of Missouri American Water
6 Company. The court reporter also has our
7 information.

8 JUDGE CLARK: Thank you. On behalf of
9 Ameren Missouri.

10 MS. GRUBBS: Good morning. Jermaine
11 Grubbs on behalf of Ameren Missouri. My business
12 address is 1901 Chouteau Avenue in St. Louis,
13 Missouri 63103. Thank you.

14 JUDGE CLARK: Thank you. What companies
15 have I missed?

16 MR. FISCHER: Judge on behalf of the
17 Evergy companies, my name is James Fischer with
18 the law firm of Fischer & Dority P.C. Our address
19 is 2081 Honeysuckle Lane, Jefferson City,
20 Missouri 65101. I'm sorry, 109.

21 JUDGE CLARK: Thank you, Mr. Fischer.

22 MS. CARTER: This is Diana Carter
23 appearing for the Empire District Electric Company,
24 the Empire District Gas Company, Liberty Utilities
25 Midstates Natural Gas Corp., and Liberty Utilities

1 Missouri Water, LLC, all of which do business as
2 Liberty.

3 JUDGE CLARK: Thank you, Ms. Carter. And
4 there are a couple of non-company entities who are
5 participating today. Mr. Coffman.

6 MR. COFFMAN: Good morning, your Honor.
7 John B. Coffman on behalf of Consumers Council of
8 Missouri. My address is 871 Tuxedo Boulevard,
9 St. Louis, Missouri 63119.

10 JUDGE CLARK: Thank you, Mr. Coffman.
11 Have I missed anyone? Okay. This is not a
12 contested -- go ahead, please.

13 MR. FRACICA: Philip Fracica. I'm here
14 representing Renew Missouri. We're at 915 East Ash
15 Street, Columbia, Missouri 65201 and my name is
16 spelled P-h-i-l-i-p F-r-a-c-i-c-a. Thank you.

17 JUDGE CLARK: Thank you. This is not a
18 contested case so there's no cross-examination from
19 the parties. The Commission or myself may ask
20 questions. If any commissioners have questions, I'm
21 not going to really pause to take questions, so just
22 let me know verbally that you have a question to ask
23 and we can go ahead and ask that, or just go ahead
24 and ask your question.

25 Now, as you're providing comments please

1 be sure to state your name and position.

2 Now, pursuant to Commission
3 rule 20 CSR 4240-2.1808D comments will be taken from
4 those supporting the proposed rule followed by those
5 opposing the proposed rule unless the presiding
6 officer says otherwise, which I don't.

7 So is there anybody, just so I have rough
8 feel for this, is there anybody here who's offering
9 comments today in opposition to this rule? Okay.
10 I -- nobody appears to be, so I will just take
11 comments. Why don't we start with -- I think
12 traditionally the Commission Staff has gone last. Is
13 that correct? Why don't we start with the Office of
14 Public Counsel.

15 DR. MARKE: Your Honor, would you like me
16 to go up to the stand?

17 JUDGE CLARK: Are you testifying or just
18 making comments?

19 DR. MARKE: Testifying.

20 JUDGE CLARK: If you're testifying, you
21 can -- you can come up to the witness box.

22 DR. MARKE: If you want, I'd be fine with
23 going up to the podium. Done that before for the
24 rulemaking.

25 JUDGE CLARK: That would be fine. If

1 you're more comfortable at the podium, I'm fine with
2 it.

3 DR. MARKE: Thank you. Good morning. My
4 name is Geoff Marke -- oh.

5 JUDGE CLARK: Do you swear or affirm that
6 the testimony you're about to give at this rulemaking
7 hearing is the truth?

8 DR. MARKE: It is.

9 JUDGE CLARK: Thank you. Please go
10 ahead.

11 DR. MARKE: Good morning. My name's
12 Geoff Marke. I'm chief economist with the Missouri
13 Office of Public Counsel. Thank everybody for
14 showing up today. This was a rulemaking initiative
15 instituted by the Office of Public Counsel 1,333 days
16 ago.

17 My comments today are going to be in four
18 parts just to level set for the audience that may not
19 have been present three and a half months ago -- or
20 three years and -- three and a half years ago how we
21 got here, part one. Part two, what we did in that
22 intermediate period. Part three, the current
23 economic status facing customers today. And finally
24 we're going to respond to some of the comments that
25 have been filed in EFIS.

1 So on November 25th, 2019 the Office of
2 Public Counsel fired -- filed a petition to go ahead
3 and open up a working docket to discuss data
4 disconnection standardization practices across our
5 utilities. Specifically I'm going to read the first
6 page.

7 The OPC attempted to answer a series of
8 questions that was posed to us by the National
9 Consumer Law Center or NCLC in anticipation of a
10 series of webinars hosted by the National Regulatory
11 Research Institute and the National Association of
12 Regulatory Utility Commissioners, a committee on
13 consumer and public interest regarding delinquencies
14 and disconnections. Those questions can be
15 summarized as follows: One, do utilities report the
16 number of involuntary disconnections. Two, is that
17 information publicly available. Three, have the
18 number of disconnects reported by the utilities
19 changed over time. And finally, if yes, how they
20 changed.

21 In an attempt to answer those four
22 mentioned questions and understand customer
23 disconnection numbers and patterns across Missouri
24 utilities and across time, the OPC reviewed and
25 consolidated each electric, gas, and large water

1 utility non-case related submissions of annual
2 reports in the Commission's EFIS as it pertains to
3 disconnections and bill assistance from 2009 to the
4 present. So ten years' worth of data.

5 Based on our research, OPC concluded that
6 the electric, gas -- the electric and gas utilities
7 but not water do report the number of disconnections
8 in at least two periodic filings with the Commission,
9 the annual report and the monthly cold weather
10 reports. However, the disconnect numbers were not
11 the same when examined on a year-to-year basis
12 across -- within the utilities and across utilities.

13 The utility disconnection information was
14 not easily accessible to the public and in some
15 cases, had been designated as confidential. The
16 number of disconnections had changed considerably
17 over time but reported number of disconnects depended
18 on the filing year and company varied considerably.
19 Based on the consolidated filing, there does not
20 appear to be an agreed-to standardization of data.
21 Consequently, despite over a decade of collected
22 data, no definitive statements about customer
23 disconnections can be made as it appears how a
24 disconnect is counted varies considerably across
25 utilities.

1 Public counsel opened up -- we had a
2 series of workshops with stakeholders from Ameren
3 Electric and Gas; Evergy Metro and West; Liberty Gas,
4 Electric, and Water; Spire East, Spire West; Summit
5 Natural Gas; Missouri American Water; Central States
6 Water Resources; and Raytown Water. The two
7 workshops were a collaborative process. I can say in
8 my career in this field, it was probably one of the
9 more cohesive events of herding cats that I've ever
10 experienced. Everybody recognized the problem and we
11 worked together as well as could be expected in the
12 middle of COVID remotely to try to come to agreed-to
13 outcomes. I think it's a testament to what you've
14 already heard today that no party is contesting these
15 rules.

16 We also instituted a voluntary one-month
17 case study which about more than half of the
18 utilities took up with our office, and we had
19 individual meetings and follow ups with utilities
20 based off of feedback that we received.

21 To provide -- this was also on a -- it
22 goes without saying there, was a resolution passed by
23 NARUC in 2019 that became the basis for the movement
24 within these rules.

25 To provide a little context on, finally,

1 on the economic status of what we're looking for, the
2 U.S. uses a number of different measures, whether
3 it's U.S. Census data, American Community Survey
4 data, a variety of different poverty measures that
5 exist, whether that's Amartya Sen's index, squared
6 poverty gap indexes, high frequency poverty measures,
7 there's one number that really -- that I like to rely
8 on to serve as a barometer of what we're looking at
9 in terms of the economy that I think is very telling.
10 And it's the Federal Reserves annual report on
11 economic well-being of U.S. households.

12 What the Fed does is they effectively do
13 a large-scale survey across the United States asking
14 if adults could cover \$400 of an emergency using cash
15 or an equivalent method. So \$400. In 2 -- the most
16 recent study suggests that 37 percent of adults could
17 not cover a \$400 expense. And these numbers are even
18 more pronounced across race and ethnicity. For
19 example, Asians, it's 18 percent; for Caucasian, 29
20 percent; for Hispanic, 53 percent; for African-
21 American, 57 percent. And perhaps not surprisingly,
22 it's more pronounced with adults with children.
23 Forty-three percent of adults with children could
24 not cover a \$400 emergency expense compared to 37
25 percent of adults that do not have children. The

1 rural/urban gap is also pronounced. Forty-five
2 percent of rural respondents could not cover a \$400
3 emergency whereas 36 percent of urban respondents
4 could not do that.

5 Following COVID and the influx of
6 subsidies that occurred to go ahead and prop up the
7 economy that are now dying out, including probably
8 most notably LIHWAP assistance for water which in
9 Missouri, applications ceased in June of this year
10 and funding is expected to cease in September of this
11 year.

12 The need to record and to effectively
13 have a canary in the coal mine to gauge the status
14 and health of our customers is all the more
15 important. This is coupled with year-over-year
16 increases in capital expenditures by utilities
17 through enabling legislation like PISA, ISRS, WSIRA
18 and volatile fuel costs that are taking place right
19 now.

20 Finally I'd point out that Americans have
21 nearly a trillion dollars in credit card debt which
22 is exacerbated at the moment with higher interest
23 rates and what's gotten a lot of -- a fair amount of
24 press, \$1.78 trillion in student debt.

25 For all of those reasons we believe it's

1 important to have measures in place to inform the
2 public and the stakeholders involved in being able to
3 allocate funds appropriately and to drive effective
4 public policy.

5 I'd like to comment finally on comments
6 that were filed in this case today. Effectively
7 followed a variety of different formats. In regards
8 to variance requests made by some utilities, we'd
9 point out that the Variance Rule already exists
10 within the commission rules. Putting in an
11 additional language within the section here would
12 just be redundant. On that note, to the extent the
13 Commission does grant a variance to a utility, we
14 recommend that it be on a very temporal basis or
15 short term. Requiring a variance, you know, from a
16 utility from this rule entirely would defeat the
17 purpose of being able to provide this information.

18 In regards to the Staff's request for
19 Cold Weather Rule to continue maintaining that data,
20 we don't object to that. It was not included in the
21 current drafted rules in part because of feedback
22 that we got from stakeholders that the information
23 would be redundant.

24 In terms of whether or not this would
25 require an undue burden on utilities or perhaps

1 that's -- I misspoke -- undue burden isn't the right
2 choice of words, but I think the example was given
3 that a full-time employee might need to be hired to
4 deal with this data. We would respectfully disagree.
5 We believe that, and based off of our experience with
6 working with the case studies with the utilities,
7 effectively a little bit of hand holding was needed
8 and familiarity with a process the first time around.
9 But effectively, after that's in place, it should be
10 fairly easy to implement or to at least follow
11 through thereafter.

12 There have been a number of comments
13 suggesting that the information be more finite in
14 nature. The first one would be distinguishing
15 between utility sections. So the example might be
16 Spire West versus Spire East and all the way down to
17 postal zip code data. On this note, as a general
18 rule and within a vacuum, we would absolutely agree
19 that more finite data's better, all things being
20 equal. Being able to know if a certain section of
21 the state is being negatively impacted is extremely
22 important from our perspective in terms of being able
23 to allocate funds and work with community action
24 agencies and other social service problems to direct
25 funding appropriately. There has been a concern, I

1 think from our office, in terms of potential privacy
2 issues and simplicity in nature of the utilities
3 being able to disseminate this information on the
4 commission's website.

5 To that end we would recommend that the
6 monthly disconnection data that these rules envision
7 putting on the commission's website be fairly simple.
8 That we limit it to voluntary and involuntary
9 disconnections, that additional information on a more
10 finite basis on postal data or zip code data be
11 information that we would not object to being filed
12 with the Commission. I think the issue comes down to
13 who would have access to that information. It does
14 very little for other intervenors like that -- that
15 are stakeholders for low income or low income
16 advocates not having access to that information.

17 To that end, you know, we would like to
18 hear the feedback from the other speakers today
19 before we reserve any additional comment, I think
20 maybe even later or hopefully take a second bite at
21 the apple during this public hearing. But we --
22 again, I would stress that on a whole, we appreciate
23 and understand the importance of it. I think the
24 issue just again comes down to privacy concerns where
25 hopefully we can find a path forward as far as that's

1 concerned. I'll pause here if anybody has any
2 questions.

3 JUDGE CLARK: I have just a couple for
4 you. You had mentioned that a variance was
5 unnecessary for this you felt. And without looking,
6 because I don't know off the top of my head, does
7 Chapter 13 already contain a variance in it?

8 DR. MARKE: I'd defer to my legal counsel
9 or Ms. Contessa King might now.

10 MS. VANGERPEN: Your Honor, Chapter 13
11 does not include general variance provisions, but it
12 is included in Chapter 2. And I apologize, I don't
13 have that exact rule with me. But it is a general
14 variance provision that says the Commission can grant
15 a variance or waiver from any commission rule.

16 JUDGE CLARK: Okay. Thank you very much.
17 Go ahead.

18 MS. KING: Contessa King,
19 C-o-n-t-e-s-s-a, last name King, K-i-n-g. I am the
20 manager of the customer experience department. And I
21 just wanted to mention that there is a section in
22 Chapter 13; it's 13.065, and it is called Variance.
23 Whenever a utility is requesting a variance from
24 anything in Chapter 13, this kind of lays out kind of
25 the provisions for that.

1 JUDGE CLARK: Thank you, Ms. King.

2 MS. KING: You're welcome.

3 JUDGE CLARK: My next question involves a
4 filing, Evergy's comments filed in this case. They
5 filed a proposed format for the information. Did you
6 have an opportunity to look at that?

7 DR. MARKE: We did.

8 JUDGE CLARK: And did OPC have anything
9 they wanted to say in regards to that formula? Is
10 that something -- or that format. Is that something
11 that would be -- that -- is that along the lines of
12 what Public Counsel envisioned?

13 DR. MARKE: It was not. And again, most
14 of our -- this was based off of feedback of trying to
15 appease multiple different utilities in terms of the
16 information that was provided. My understanding, and
17 my legal counsel might be able to expound on that if
18 need be, that we're -- at this stage of the game
19 after three and a half years, the feedback that we've
20 gotten was to move forward with what we had drafted.

21 JUDGE CLARK: Is there a particular
22 format contemplated?

23 MS. VANGERPEN: Judge Clark, if I could
24 jump in here, so the format that Evergy provided
25 which was just a simple -- I believe it was

1 originally given in an Excel format. I think that is
2 more -- that is close to what we've envisioning. The
3 rule specifies that the data should be provided in an
4 Excel format with any -- I'm just making sure -- in a
5 native electronic spreadsheet format with all links
6 and formulas intact.

7 And I think believe that is how it was
8 originally provided to us. So if we're just looking
9 at the format, I think that was something --

10 DR. MARKE: I stand corrected. If the
11 question is just the format, then yeah.

12 JUDGE CLARK: Okay. Thank you. And
13 you're going to hear me ask this next question a
14 lot. And that is rulemakings require that you submit
15 both a public and a private cost. And those
16 currently as it was submitted were estimated at zero
17 or below \$500. And that's -- that's total; that's
18 not annually. That's over the entire lifetime of the
19 rule.

20 You had indicated that you disagreed that
21 this would require that utilities hire an additional
22 person to manage this. Has Public Counsel got an
23 estimate or guess as to what the public and private
24 costs of this would be for utilities?

25 DR. MARKE: My understanding would be

1 under \$500. I mean, effectively the information is
2 already being collected by the utilities. Based off
3 of feedback and again, affirmation from the utilities
4 that they could provide the information in the format
5 that we saw, we looked at this as a job or a function
6 that would be allocated to existing personnel.

7 Again, utilities have been required to
8 file disconnection information in two separate
9 filings for the Commission for over a decade now.
10 The problem at hand here is that that information
11 really hadn't been checked and cross-checked and when
12 we did look at that information, it didn't make
13 sense. We couldn't -- we couldn't form any basis for
14 the wild fluctuations between the two sets of data
15 and within utilities over time. So it really is the
16 exact same function; it's just trying to standardized
17 how that's coming across and being reported to the
18 Commission.

19 JUDGE CLARK: So what you're telling me
20 is that this information is already collected by the
21 utility and broken down in the way that would be easy
22 to respond to this rule?

23 DR. MARKE: We believe so.

24 JUDGE CLARK: Okay. I have no further
25 questions. Thank you for your testimony.

1 DR. MARKE: Before I leave, I just wanted
2 to express my gratitude to, you know, all the parties
3 that participated in this. This is not an easy
4 process, especially with trying to execute this
5 through COVID, putting on a full workshop remotely
6 with, I think we had close to, you know, 65 people on
7 our first call. Trying to navigate the rules was
8 quite the endeavor and it really took a lot of
9 patience from the utilities, so hats off to them.
10 Thank you.

11 JUDGE CLARK: Thank you, Dr. Marke.
12 Missouri American Water Company, did you
13 have any comments today?

14 MS. NIEMEIER: Good morning, Judge.
15 Rachel Niemeier on behalf of Missouri American Water
16 Company. We filed our comments and we don't really
17 have anything further to add unless there are
18 questions from the bench or the commissioners. We
19 would add only that we support Liberty's proposal for
20 a delay between the adoption of the rule and the
21 implementation because it is something that we will
22 have to program and work with the Office of Public
23 Counsel and Staff to ensure that the formatting is
24 correct and we have to have the personnel to be able
25 to do that.

1 I would respond to Mr. Marke's comments
2 about the cost, that this information isn't being
3 collected in the way that it's being proposed to be
4 presented in this proceeding or I don't know that
5 there would be a need for this proceeding. And so
6 the specifics of that are unknown and the time that
7 it'll take are unknown, but it's certainly going to
8 take some time for somebody to pull that information,
9 gather it, go through it and make sure that the
10 personal information is removed and then filing the
11 documents. So we do not believe that it would not
12 exceed 500 for all the utilities to do that.

13 JUDGE CLARK: Would you say that last
14 line again?

15 MS. NIEMEIER: We do -- we do not
16 agree -- so we think it would exceed \$500 for all of
17 the utilities to implement this rule. What the
18 actual cost is we don't know at this time.

19 JUDGE CLARK: And I will note that
20 Dr. Marke had indicated that this information
21 appeared to be compiled by other utilities already,
22 but not so much by water utilities. Is that correct?

23 MS. NIEMEIER: That is correct.

24 JUDGE CLARK: Do you have any estimation
25 or even guess as to what the cost to Missouri

1 American Water Company would be?

2 MS. NIEMEIER: At this point we don't
3 have anything beyond what we included in our comments
4 because this would be a new report for us. And it's
5 not worth the cost for experimentation if it doesn't
6 get implemented and go through the formal process.
7 So we don't have any specific information to answer
8 that question at this time.

9 JUDGE CLARK: Do you think it would
10 require a full-time employee a full day of work?

11 MS. NIEMEIER: We think it is possible
12 that it would take a full-time employee or would add
13 to 25 percent or a hundred percent of someone's time,
14 especially if you add it to all the other reporting
15 that Missouri American does.

16 JUDGE CLARK: Okay. Thank you for your
17 comments.

18 MS. NIEMEIER: You're welcome. Thank you
19 for your time. We appreciate the opportunity to
20 participate.

21 JUDGE CLARK: Does Ameren Missouri have
22 any comments in regard to this rulemaking?

23 MS. GRUBBS: Yes, your Honor. Thank you.
24 Jermaine Grubbs appearing on behalf of Ameren
25 Missouri. I am joined by Aubrey Krcmar who is a

1 regulatory liaison for Ameren Missouri.

2 First off I want to express appreciation
3 on behalf of Ameren Missouri for the opportunity to
4 participate not only throughout the rulemaking
5 docket, but the prior working docket as well and echo
6 OPC's appreciation for everyone's efforts on this
7 important rulemaking.

8 So I would like to clarify a couple of
9 comments that were filed last week and I guess early
10 this week. So I would note Ameren Missouri supports
11 Liberty's point that delaying the comments between
12 the adoption of the new rule and the due date for the
13 submission of the first report under the new rule
14 will allow configuration of queries for the
15 reporting, making sure that we have the formatting
16 that OPC and others are expecting, those sorts of
17 things. And from Ameren's perspective, we're
18 estimating approximately 90 days would be sufficient
19 for that.

20 I would note that Ameren Missouri does
21 not support Staff's suggested addition to require the
22 duplicative types of reporting under the Cold Weather
23 Rule for the Cold Weather Rule reporting so that
24 basically you'd have the duplication of -- you'd have
25 similar but not necessarily apples-to-apples

1 comparable data under the Cold Weather Rule and then
2 a separate report under this new rule. So we would
3 not express support of that change.

4 Ameren Missouri also does not support, I
5 believe it was Sierra Club, Consumer Council of
6 Missouri, and Professor Konisky, and I apologize if I
7 mispronounce the professor's name, but they suggested
8 addition of another provision to provide some data by
9 zip code or -- I believe it was Professor Konisky's
10 proposal was to provide at the census-block level.
11 Ameren Missouri would have to try to develop, you
12 know, special analysis to provide any information by
13 zip code. And from what I understand from our
14 technical folks, we do not store data by census block
15 and there could be some concerns about the accuracy
16 of the geo-coordinates, especially in our more rural
17 areas that are served. It may not be great. So not
18 sure that by census block is workable or not, at
19 least, you know, to a level of accuracy that would
20 likely be expected.

21 I would also want to clarify I believe in
22 Dr. Marke's testimony earlier today, he did mention
23 or reference the annual report versus the monthly
24 cold weather reporting and may have described that as
25 there were inconsistencies or inaccuracies. I

1 believe Ameren Missouri in our initial comments in
2 the working docket did clarify that the annual report
3 includes a different slice of information. The
4 annual report includes disconnections for both
5 residential and nonresidential customers whereas the
6 Cold Weather Rule reporting only provides residential
7 disconnection information. So just wanted to clarify
8 that, again, for the record here.

9 And then on, I believe the question arose
10 about the public or private cost of the rule. I
11 would note that in Ameren's Missouri initial comments
12 filed in the AW -- the working docket that preceded
13 this, which we filed those comments on February 14th
14 of 2020, in there at that time based on that version
15 of the proposed rule, we estimated that the cost
16 would be between 8,000 and \$15,000. I don't have a
17 more updated estimate for you today, especially as we
18 try to figure out what the final rule is actually
19 going to look like, so we would continue to say at
20 least currently our estimate is between 8 and 15
21 thousand dollars.

22 It would really be -- the basis for that
23 is there are -- there's digital time or, you know, IT
24 to program the querying of the system, so that
25 programming time. So it would likely be more of an

1 up front cost and then there would be sort of a
2 monthly pulling of that some and time for employees
3 to do that.

4 So I appreciate the opportunity to make
5 these comments on behalf of Ameren Missouri, and
6 we'll try to address any questions.

7 JUDGE CLARK: Now, in regard to
8 that 8,000 to 15,000 that the company's estimating,
9 is that over the lifetime of the rule or is that an
10 annual cost? You indicated that the bulk of the cost
11 will be up front.

12 MS. GRUBBS: So I believe that the 8,000,
13 the lower end of the range, was that IT and kind of
14 the up front. And we're not sure what the monthly
15 expense would be for that and so kind of gave that
16 range, at least for that first year of
17 implementation, thought that the 8 to 15 captured it.
18 So not over the life of the rule, but probably that
19 first year at least.

20 JUDGE CLARK: What kind of employee time
21 do you believe would be necessary each year once
22 those up front IT concerns are -- well, the ability
23 to query the system as you said?

24 MS. GRUBBS: So then on that monthly
25 basis I believe there would be, you know, an

1 individual internally who would then run the queries.
2 There would then be a hand off for the actual
3 submission of the report. So if that, on a monthly
4 basis is -- I don't have a firm answer from the IT
5 group. I would estimate that it was less than --
6 less than ten hours. And so then if that was as a
7 monthly report so times 12, you know, I would suggest
8 it would likely be less than 120 hours a year, but
9 that -- I'm sorry, that's a very, very rough
10 estimates.

11 JUDGE CLARK: I believe that's all that's
12 required is an estimate, so thank you.

13 DR. MARKE: Judge, if I may, quick
14 response to that.

15 JUDGE CLARK: That would be fine.

16 DR. MARKE: I just -- not contesting
17 anything Ms. Grubbs said. Appreciate her insight
18 with this.

19 I would point out that Ameren was one of
20 the case studies that we worked with and was able to
21 produce the information to Public Counsel in a timely
22 fashion already.

23 JUDGE CLARK: Thank you. And are there
24 any questions for Ms. Grubbs from the Commission?
25 Ms. Grubbs, was Ms. Krcmar going to be -- Krcmar

1 going to be testifying today?

2 MS. GRUBBS: No, your Honor.

3 JUDGE CLARK: I have no further questions
4 for you. Thank you for your comments.

5 Are there any comments from Evergy
6 Missouri?

7 MR. FISCHER: Just briefly, Judge. This
8 is Jim Fischer, F-i-s-c-h-e-r. The Evergy companies
9 did participate in the workshops. Appreciated very
10 much the efforts of all the parties to work together
11 to come to a resolution of it. We filed comments on
12 July 14. I really don't have much to add there. In
13 those comments we indicated the companies could
14 comply with the proposed rule as long as they were
15 using a format like we had suggested. As I
16 understood Public Counsel's comments, they were okay
17 with that, although they wanted the Excel formulas
18 intact so they could do some analysis. We often
19 provide that as a part of discovery, so I don't think
20 that'll be a problem.

21 There were some comments filed regarding
22 providing the data by zip code. We didn't
23 specifically analyze all of that. In other context
24 we found that sometimes it is difficult to provide
25 some data along that line and by zip code, and I

1 think we'd be concerned if that was added to the
2 rule.

3 But with that, unless you have questions,
4 I don't have anything else.

5 JUDGE CLARK: Well, you've had an
6 opportunity so far to hear -- as I indicated, you'll
7 hear me ask about costs a lot. Does Evergy have an
8 estimation as to the cost of compliance with this
9 rule?

10 MR. FISCHER: I unfortunately don't have
11 that number. I can try to provide that to you at a
12 later date or not.

13 JUDGE CLARK: I don't know if that will
14 be necessary, but I will let you know. I think after
15 this hearing today, we're beyond the comment period,
16 so. Thank you, Mr. Fischer.

17 Are there any questions for Mr. Fischer
18 or for Evergy?

19 Does Liberty Missouri have any comments
20 regarding this rule?

21 MS. CARTER: Hi, Judge, thank you. This
22 is Diana Carter. We filed written comments on behalf
23 of the four Liberty utilities operating in Missouri.
24 And I'm available to answer any questions there may
25 be on those comments. And Hayley Sirmon, our

1 director of customer experience, is also available on
2 the line.

3 We're supportive of the rule with two
4 conditions, that utilities be able to obtain
5 variances when necessary for good cause shown. And
6 as Ms. King pointed out, there is the Chapter 13
7 provision on variances. There's also the Chapter 2
8 provision on variances, so I don't believe any
9 additional language is needed; we just wanted to note
10 that for the stakeholders and for the Commission.

11 And then we also think it will be
12 important that the first report, that there is a
13 delay between implementation of the rule and the due
14 date for the first report to allow the utilities to
15 gather the data and get the process going.

16 For Liberty we would give a rough
17 estimate, and that is truly a very rough estimate,
18 of \$5,000 possibly in up front costs. We know we
19 will have to write new reports to gather this data
20 and provide it across all of the Liberty utilities.

21 JUDGE CLARK: Okay. Thank you. Did your
22 witness want to testify today or just available to
23 answer questions?

24 MS. CARTER: Just available if necessary.
25 Thank you.

1 JUDGE CLARK: Okay. Thank you.

2 Ms. Carter, you've answered all my questions on
3 behalf of Liberty.

4 Are there any Commission questions for
5 Liberty?

6 Okay. Comments from Consumers Council of
7 Missouri.

8 MR. COFFMAN: Thank you, your Honor. Can
9 you hear me?

10 JUDGE CLARK: Yes, Mr. Coffman, go ahead.

11 MR. COFFMAN: Yes. Just briefly, we have
12 filed written comments, but I wanted to emphasize a
13 couple points. First of all, we believe that this
14 data is extremely important and is really at the core
15 of the public protections that the PSC is here for.

16 And we would point out that utility
17 disconnections can lead to serious health risks,
18 especially for seniors and people with disabilities.
19 Utility disconnections have been proven in multiple
20 studies to create barriers for children in
21 educational learning. Disconnections have been
22 proven to be linked to emergency room visits and
23 serious educational problem -- or serious health
24 issues as well as mobile -- mobility issues, all of
25 the social problems that are related to people being

1 forced out of their home. For many people, a
2 disconnection is also an eviction notice.

3 And so it's really at the -- at the
4 center of many issues that, as a society, we are
5 wrestling with. And that's why starting with the
6 good trustworthy data that is comparable from one
7 utility to the next and from one year to the next is
8 really important for the Commission to be able to
9 have informed decision making and to really have a
10 good gauge of how serious a problem is at any point.
11 So we very much support the rule and praise the Staff
12 and Office of the Public Counsel for working for
13 this.

14 This has been a goal of the Commission at
15 least since 1977 when the Cold Weather Rule was first
16 put into place. And it has been carefully documented
17 by OPC and Geoff Marke, the data really has not been
18 that useful unfortunately. And the reason is because
19 different utilities have interpreted it differently.
20 They have complied with a variety of different
21 formats. And the rule itself as currently written
22 and has been in place since 1977 is inadequate.

23 So we really think that the draft rule as
24 written will help and hopefully get this reporting to
25 a point where the Commission can get a good snapshot

1 of how, you know, how critical utility disconnection
2 data is and what's going on with that.

3 The second problem that this rule would
4 correct is that there has been a lot of confusion
5 about whether this is even public information.
6 Unfortunately because the current rule says that the
7 dat -- the Cold Weather Rule, that data is provided
8 to Staff and Public Counsel, there has been an
9 argument made that that is not necessarily public
10 information, could not be obtained through a Sunshine
11 request or through other means. It often finds its
12 way into the public data. So the fact that this data
13 would be posted on the Commission's website is good,
14 and we're really glad that that has been updated.

15 We have one more suggestion that we think
16 would be help -- especially if this rule is going to
17 be in effect for 10, 20, 30, 50 more years. We think
18 that the addition of zip code data is pretty
19 important. It has already become a granular feature
20 of much of the data that the major regulated
21 utilities in Missouri have done. I have no doubt
22 that utilities are able to produce information about
23 their customers on a zip code basis. We are
24 specifically asking that you do a five-digit zip
25 code, not a ten-digit zip code.

1 And that's because at some point if you
2 go to that level, the ten-digit postal code, that
3 sometimes are only one or two customers there. So we
4 think that doing it by the five-digit zip code will
5 keep the information from revealing any private
6 information, but give the kind of localized data that
7 the Commission I think would want to see so as to
8 know if there was a particular region or city or
9 neighborhood that was facing a problem. It would
10 help community action agencies, other agency in the
11 state begin to focus in on where there might be a
12 problem with poverty or with public health risks.

13 So we're hoping that the Commission at
14 least requires this data to be at the granular level
15 of five-digit zip codes. We have suggested one way
16 that that could be done in our comments, and so that
17 amendment, it would be only applied to the
18 subsections that deal with disconnections themselves
19 and not necessarily arrearages. But that is
20 something that I think the Commission will be glad
21 that they did a few years down the road, if not
22 decades down the road, so that we don't have another
23 generation of disagreeing and mismatched data and not
24 having the data that would really be helpful.

25 I agree with the utilities that it would

1 be good to have a little bit of lead time, a couple
2 of months or so to let them adapt to the new format.
3 That's not a problem.

4 We do have some concern about the idea
5 using variances. Obviously there's no need for a
6 variance procedure. There's one in Chapter 13 and
7 one in Chapter 2. But if the utilities are allowed
8 to get waivers from, you know, any particular
9 provision on an ongoing basis, it would defeat the
10 rule. So we do hope that the Commission will insist
11 that each of the utilities provide the data in a
12 consistent format so that we finally have a good,
13 official gauge of what's going on generally. So I
14 understand they have a right to ask for a variance,
15 but hopefully that would be very narrow and very
16 short in time if any such variance was granted.

17 So that is essentially our comments and
18 we thank the Commission for having this hearing.
19 I'll take any questions.

20 JUDGE CLARK: Thank you, Consumers
21 Council. I don't have any questions for you, but it
22 looks like Dr. Marke may have a comment that he wants
23 to make.

24 DR. MARKE: Thank you, Judge.

25 Mr. Coffman, I've got David Konisky has

1 contacted me that has a brief window to opine on
2 this, if that's acceptable. He's online right now.

3 JUDGE CLARK: Say that again please.

4 DR. MARKE: Dr. David Konisky from the
5 University of Indiana has contacted me just now and
6 asked -- he's got a brief window to speak up on this
7 rulemaking if that works for you.

8 JUDGE CLARK: Are there any objections
9 to -- I'm going to butcher his name --

10 DR. MARKE: I know. I butchered it too.

11 JUDGE CLARK: Is there any objection to
12 taking the professor's comments now?

13 MR. VANDERGRIFF: No objection -- no
14 objections from Staff, your Honor.

15 JUDGE CLARK: Okay. I see in here no
16 other objections. Professor, are you on the Webex?

17 DR. KONISKY: I am.

18 JUDGE CLARK: Would you please --

19 DR. KONISKY: Good morning.

20 JUDGE CLARK: Would you please state and
21 spell your name and then you may offer your comments.

22 DR. KONISKY: I will. Good morning.

23 Thank you, your Honor. My name is David Konisky,
24 K-o-n-i-s-k-y. I'm a professor at Indiana University
25 at the Paul H. O'Neill School of Public and

1 Environmental Affairs where I also codirect our
2 Energy Justice Lab. Thanks for the opportunity.
3 I'll keep my comments brief, and I am grateful for
4 your accommodating my schedule this morning.

5 First thing to say is I strongly endorse
6 this rule. We have been studying energy insecurity
7 in particular and the problem of utility
8 disconnections for many years. It is extremely
9 important and rulemakings like this go a long way to
10 helping us understand the nature of the problem and
11 who's most affected by these challenges.

12 I'll just make three very brief comments.
13 I filed comments for the record, so obviously happy
14 to answer any questions about those. I just wanted
15 to underscore three points.

16 First, in our work on energy insecurity,
17 we have learned that challenges people have paying
18 their energy bills, whether it's electricity, natural
19 gas, are quite ubiquitous. By the best data we have,
20 one of four families struggle every year paying their
21 energy bills and thereby are subject to risk utility
22 disconnections. This -- we know that this leads to
23 all sorts of difficulties, not just in terms of
24 material hardship, but also physical and mental
25 health effects as well.

1 Importantly, there are really
2 well-documented disparities in who experiences these
3 kinds of utility insecurity. We know people of
4 color, households of low income, families with
5 children, those who are medically compromised are all
6 more likely to experience this. So that's the first
7 thing to say.

8 The second thing to say is that currently
9 there is no nationally consistent data provided to
10 allow us to understand this problem. So rulemakings
11 like these are essential at the state level for
12 requiring utilities to disclose more about the
13 disconnections, arrearages, and other types of
14 challenges in this space. And as many, I'm sure
15 everybody in the room knows, we had more reporting
16 done during the COVID pandemic which is quite
17 helpful, but rulemakings like this will allow us to
18 better understand this data and better understand
19 these situations and there really is no substitute
20 for these kinds of disclosure requirements.

21 The last thing I want to quickly say is
22 that the rulemaking proposed here is very consistent
23 with what other places have done. Utilities have
24 been required in many other states, not just during
25 COVID, but going forward to report similar data. In

1 some cases, this is been done historically; in other
2 cases, this is a newer phenomenon. But this -- this
3 has been shown to be possible and quite informative.

4 I will -- I want to comment briefly on
5 the issue of geographic granularity. While it is
6 most common for disclosure requirements to be asked
7 for at the utility service territory level, it is
8 extremely important that we have more geographical
9 granular data to understand geographic and
10 socioeconomic patterns of arrearages and
11 disconnections. It is more challenging to collect
12 the information, but utilities do have the ability to
13 do this, in my opinion, and they can do so without
14 compromising the privacy, the real privacy concerns
15 that we have with protecting customer data. It does
16 require a little bit more work so that may speak to
17 some of the cost questions that you raised, but
18 having this information is the only way to truly
19 understand the disparities that occur with respect to
20 disconnections in energy and other forms of utility
21 insecurity.

22 So I would strongly recommend an
23 amendment to the rulemaking that would ask utilities
24 to report this information at the zip code level or
25 at the census block, group, or tract level to allow

1 some leverage on what the nature of sort of the
2 underlying patterns of these issues are across the
3 state of Missouri.

4 Thank you. Happy to answer any
5 questions.

6 JUDGE CLARK: Thank you very much. I do
7 have a question for you. You had indicated that
8 other states do, in fact, require the reporting of
9 some of this information. Do you -- I would say I
10 hate putting you on the spot, but that's kind of my
11 job. What states to your knowledge require that this
12 information be reported in a somewhat similar
13 fashion?

14 DR. KONISKY: Yeah. That's a great
15 question. So we have complied this information in
16 an online tool called UtilityDisconnections.org,
17 which you can find at utilitydisconnections.org. And
18 this -- there are about -- about two-thirds of the
19 states have required in some form disclosure around
20 utility disconnections in particular. Practices
21 around arrearages varies a little bit more than that,
22 a little more spotty. But this is a pretty common
23 practice in many parts of the country.

24 In some states, off the top of my head,
25 Illinois, Minnesota, New Jersey, California zip code

1 require -- data reporting is also common, so
2 utilities have been asked to do that over some time.
3 So that's a little bit less common, but frankly I
4 think becoming more and more accepted practice. So
5 reporting around disconnections in particular is not
6 everywhere, but for regulated utilities in those --
7 in these 30 or states, it is now pretty common
8 practice.

9 JUDGE CLARK: Okay. I have no further
10 questions. Thank you for your time today and thank
11 you for your comments.

12 DR. KONISKY: Thank you. I appreciate
13 the opportunity.

14 JUDGE CLARK: Does Renew Missouri have
15 any comments that they would like to offer today
16 regarding this rulemaking docket?

17 MR. LINHARES: Yes, thank you, Judge,
18 briefly.

19 JUDGE CLARK: Would you identify yourself
20 for the court reporter.

21 MR. LINHARES: Yes. Thank you very much.
22 My name is Andrew Linhares representing Renew
23 Missouri. I am the regional director and senior
24 counsel based in St. Louis.

25 My comments today mainly serve to echo

1 those of Dr. Marke for the Office of Public Counsel
2 and John Coffman for the Missouri Consumers Council.
3 I believe that this proposed rule, that the primary
4 values are standardization, transparency, and
5 timeliness of the disclosures.

6 And on the issue of waivers, I think that
7 waivers, when applied too broadly, can defeat these
8 broad purposes, if they're allowed to be too broad.
9 So I would echo the comments that waivers should be
10 tailored narrowly.

11 I would also like to echo the comments
12 from our previous speaker that the proposed rule's
13 consistent with rules in other states that have been
14 in existence or are currently being sought,
15 especially since the COVID pandemic.

16 And to sum up here, broadly, we don't
17 want Missouri to be an outlier in terms of its
18 disconnections for its electric, gas, and water
19 utilities. We want it to be within the realm of
20 what's consistent in the country or perhaps even a
21 leader. And in order to gauge that, we need
22 standardized data across the same periods of time and
23 data that's made easily available to the public.

24 So I would offer our support for the
25 proposed rule and make myself available for any

1 questions if there are any.

2 JUDGE CLARK: Thank you, Mr. Linhares. I
3 have no questions for Renew Missouri.

4 Are there any Commission questions for
5 Renew Missouri?

6 Thank you for your time.

7 MR. LINHARES: Thank you.

8 JUDGE CLARK: Now, before I get to
9 calling individuals because I know at least one
10 individual who would like to make a comment on the
11 rule, have I missed any entities that wanted to offer
12 comments on this rule? Okay. Hearing none, it is my
13 understanding that there is a Jenn DeRose who would
14 like to make comments. Ms. DeRose, are you available
15 for comments via Webex?

16 MS. DEROSE: Yes, I am. I am speaking on
17 behalf of Sierra Club.

18 JUDGE CLARK: Okay.

19 MS. DEROSE: May I go?

20 JUDGE CLARK: Please, go ahead.

21 MS. DEROSE: Sure, thank you so much.
22 Thank you all for this opportunity to speak. I am
23 mostly here to again echo the comments of my
24 colleagues at Consumers Council and the Office of
25 Public Counsel.

1 As this rule -- we support this rule, but
2 we think it could be further improved by adding a
3 requirement to break disconnection data down by zip
4 code. And again, the benefits of this are many as
5 outlined earlier, but I just wanted to add a little
6 more context which is that due to historic redlining,
7 communities of color across the country are subject
8 to hotter temperatures during the summer,
9 contributing to their household energy burden and
10 this may lead to a higher chance of disconnection.
11 So warmer temperatures are also linked to poor air
12 quality making groups vulnerable to disconnections
13 susceptible to negative health impacts that can come
14 with hot weather.

15 So if nonprofits focused on community
16 health and financial assistance would be able to use
17 that disconnection data broken down by zip code, we
18 could target their assistance programs to areas where
19 we know that folks are experiencing the most -- the
20 most chance of disconnection.

21 Additionally, standardized reporting data
22 would allow for fair analysis of how utilities
23 compare with one another when it comes to preventing
24 disconnections and that can help lead to better
25 company policies ultimately preventing disconnections

1 which is a goal I think we all agree is worth
2 pursuing.

3 So, yeah, again, I just want to echo the
4 comments of my colleagues and add those comments
5 which I also submitted online. Thank you so much for
6 the opportunity to speak. Do you have any questions?

7 JUDGE CLARK: Now, these are the comments
8 of Sierra Club, not testimony. Is that correct?

9 MS. DEROSE: This is my testimony in
10 addition to the comments from the Sierra Club.
11 Apologies.

12 JUDGE CLARK: Okay. Then I'm going to
13 swear you in at this time in regard to the comments
14 you just made.

15 MS. DEROSE: That's fine. Thank you very
16 much.

17 JUDGE CLARK: Do you swear or affirm that
18 the testimony you gave at this rulemaking hearing is
19 the truth?

20 MS. DEROSE: I do.

21 JUDGE CLARK: And the testimony you just
22 gave in regard to that, do you swear that that was
23 the truth?

24 MS. DEROSE: I do.

25 JUDGE CLARK: Thank you very much.

1 MS. DEROSE: Thank you very much.

2 JUDGE CLARK: Are there any other
3 individuals or entities at this time who would like
4 to offer comments in regards to this rulemaking or
5 testimony? Hearing none, Staff, are you ready to
6 make a respond -- comments in this rulemaking?

7 MR. VANDERGRIFF: Yes, your Honor.
8 Earlier we had comments about the Cold Weather Rule
9 and I think that it was said that there's similar
10 rules that mirror the Cold Weather Rule, but similar
11 is not the same. They're inherently different, and
12 we demonstrated this, the possibility on duplication,
13 by stating that we recommend keeping the rule, but
14 when the Cold Weather Rule occurs, we'd like the Cold
15 Weather Rule to be followed as prescribed. The Cold
16 Weather Rule is intending on collecting information
17 for the Cold Weather Rule and this disconnection rule
18 is for disconnections. They are not the same. And
19 that means they are not duplicative. If you'd like,
20 you know, further questions on that, well, we have
21 staff here to answer those. But that's what I have
22 today.

23 JUDGE CLARK: Actually I do. I would
24 like to hear from somebody in regard to that. Is
25 there somebody who can offer testimony on it?

1 MR. THOMASON: Yes. I am Tyrone
2 Thomason. I am a senior research data analyst with
3 the customer experience department.

4 JUDGE CLARK: Would you raise your right
5 hand to be sworn. Do you swear or affirm that the
6 testimony you're about to give at this ratemaking is
7 the truth?

8 MR. THOMASON: I do.

9 JUDGE CLARK: And I'm going to ask you to
10 maybe scoot the microphone just a little bit closer.
11 I was having a little difficulty hearing you.

12 And would you please state and spell your
13 name for the court reporter and the record. And then
14 you may offer your comments. Or you may offer your
15 testimony.

16 MR. THOMASON: Tyrone Thomason,
17 T-y-r-o-n-e, T-h-o-m-a-s-o-n.

18 JUDGE CLARK: Okay. I was looking at
19 this because Staff had filed this in EFIS and it
20 recommends the addition of bold language in
21 Subsection 3 where it says, Any utility that provides
22 a report pursuant to this rule need not provide
23 separate report pursuant to 20 CSR 4240-13.055(15).
24 And then Staff is recommending the addition of the
25 language, Outside the Commission's Cold Weather Rule

1 period. During Commission's designated Cold Weather
2 Rule period, November 1st through March 31st, each
3 utility providing heat-related utility service shall
4 file a report pursuant to 20 CSR 4240-13.055(15) no
5 later than the 20th day of the following month.

6 Mr. Vandergriff had indicated that this,
7 while similar, they are not the same. Why is a
8 second filing necessary?

9 MR. THOMASON: Staff believes that the
10 information that is being -- that will be requested
11 in the disconnect rule will kind of get at -- well,
12 there's multiple things. First, Staff believes that
13 they'll get -- the disconnect rule will get some of
14 the general data, but it's not going to get some of
15 the specifics. So, for example -- well, I have three
16 things, three general categories in particular.

17 First, the Cold Weather Rule specific
18 information that is in the Cold Weather Rule
19 reporting is not going to be picked up in the
20 disconnect rule reporting at all. So, give a
21 specific example. Sorry. So number 12 in our
22 comments says, Under proposed rule, utilities would
23 not report the number of customers who requested
24 reconnection under the Cold Weather Rule and were
25 refused.

1 So that's something that's specific to
2 the Cold Weather Rule that the disconnect rule does
3 not address at all. And there are three other
4 examples of Cold Weather Rule specific information
5 that would be excluded in the disconnect rule.

6 Second thing, there's going to be less
7 detail in the energy assistance and payment
8 agreement -- payment agreements that get set up and
9 their effectiveness if we just use the Cold -- the
10 disconnect rule reporting and do not use the Cold
11 Weather Rule reporting. So as an example for that,
12 if you look at number six and Staff's comments, well,
13 the attachments: Under the proposed rule, utilities
14 will no longer report data on reconnections and -- or
15 reconnections as a result of receiving energy
16 assistance.

17 So we would not be able to tell how
18 effective the energy assistance was in getting people
19 back reconnected after they've been disconnected for
20 nonpayment. And there are seven of those that have
21 counted that kind of fall in that category.

22 The third and final category, Will have
23 less detail on the circumstances, meaning why people
24 were disconnected in the first place, and outcomes of
25 that disconnection. So, for example, number 13 on

1 the -- on Staff's comments, Under the proposed rule
2 utilities would not report the number of customers
3 who did not receive energy assistance -- sorry.
4 Yeah. Under the proposed rule, utilities would not
5 report the number of customers who did receive energy
6 assistance but not enough to retain or restore
7 service.

8 So we would not know -- yeah. We would
9 not know if -- sorry. We would not know if those
10 customers who had been disconnected ever actually got
11 their service back on. I don't believe there's
12 anything in this disconnect rule reporting that
13 actually addresses reconnections per se.

14 Those are our three main concerns. To
15 summarize, it's just a matter of -- it's not only a
16 matter of what data is being collected; it's the
17 granular nature of that data. We lose a lot of
18 visibility if we just rely on the disconnect rule
19 with -- and get rid of the Cold Weather Rule. So
20 Staff just wants to make the Commission aware that if
21 we were to get rid of the Cold Weather Rule and just
22 go with the disconnect rule, that would be one of
23 the -- one of the consequences of that.

24 JUDGE CLARK: Thank you very much for
25 clarifying that for me. I don't have any additional

1 questions. And thank you, Staff, for letting me
2 interrupt your comments to ask that question.

3 MS. KING: Judge --

4 JUDGE CLARK: It appears Ms. King has
5 some comments that she would like to make.

6 MS. KING: Apologies for interrupting,
7 sir.

8 JUDGE CLARK: And are these going to
9 be -- is this going to be testimony or is this going
10 to be just a comment or clarification?

11 MS. KING: I just wanted to add to
12 Tyrone's comments if that's okay.

13 JUDGE CLARK: I'm going to go ahead and
14 treat that as testimony, so if you'd raise your right
15 hand and be sworn. Do you swear or affirm that the
16 testimony you're about to give at this rulemaking
17 hearing is the truth?

18 MS. KING: I do.

19 JUDGE CLARK: Go ahead.

20 MS. KING: Thank you, sir. I just wanted
21 to add that the Cold Weather reporting requires
22 utility companies to report the number of registered,
23 elderly, disabled that register under the Cold
24 Weather Rule. So that is currently being reported to
25 the Commission. Under the proposed rules we would no

1 longer receive that information, and I think it's
2 important for us to know that, you know, customers
3 that are submitting that information for that
4 registration, that the companies are accepting that.
5 So we do find that is valuable information to know
6 that the registered elderly, disabled, low-income
7 folks getting registered under the Cold Weather Rule,
8 we do actually track those numbers to ensure that
9 those folks are getting properly registered. And
10 there's an annual registration associated with that,
11 and I think it's October of every year, so we do --
12 we do look at that. Thank you.

13 JUDGE CLARK: Thank you for that
14 clarification.

15 MR. VANDERGRIFF: Your Honor, before we
16 move on from Staff, just one more comment to add.
17 Staff does not oppose collecting information in
18 regards to zip codes; however, if we are responsible
19 for going over the additional data that this proposed
20 rule may require, then Staff will likely need another
21 full-time employee. So that's another consideration.

22 JUDGE CLARK: And that would be addressed
23 in the public cost. Correct?

24 MR. VANDERGRIFF: Yes, your Honor.

25 JUDGE CLARK: Thank you. Hold on just a

1 second; I'm taking a note. Does Staff have any other
2 comments to offer today?

3 MR. VANDERGRIFF: No, your Honor.

4 JUDGE CLARK: Okay. I've got a few
5 questions. You addressed -- and thank you very much
6 for addressing that public cost comment; that was
7 actually one I wanted to ask about. Has Staff done
8 any analysis into the private cost to the individual
9 utilities of implementing or complying -- well, not
10 implementing but complying with this rule?

11 MR. VANDERGRIFF: No, your Honor.

12 JUDGE CLARK: There have been a couple of
13 entities that have offered comments indicating that
14 narrow -- that variances granted under the Chapter 13
15 or Chapter 2 variance should be narrowly tailored.
16 Is that Staff's position?

17 MR. VANDERGRIFF: Staff doesn't oppose
18 that position, but we're opting not to take a
19 position on the variances.

20 JUDGE CLARK: Okay. Thank you. Are
21 there any questions for Staff from the Commission?
22 Thank you.

23 Are there any other comments that anyone
24 wants to offer in regard to this rulemaking at this
25 time?

1 MS. VANGERPEN: Your Honor, Lindsay
2 VanGerpen for the OPC. I was wondering if I could
3 address one comment that came up in the written
4 comments.

5 JUDGE CLARK: Please, go ahead.

6 MS. VANGERPEN: Thank you, your Honor.
7 And this is in response to, I believe it was
8 Missouri American's suggestion on changing the time
9 that's specified in Subsections 2A and 2B of the
10 proposed rule. Now, those provisions are aimed at
11 trying to determine the number of residential meters
12 that are actively receiving service at the very first
13 part of a calendar month and the very end of a
14 calendar month. And so in order to do that, we've
15 specified 00:00, so the very beginning of that first
16 calendar day of the calendar month and then 24:00 of
17 the last calendar day of the calendar month. And I
18 believe the suggestion was to change those specific
19 times to something like the first calendar day of the
20 month and the last calendar day of the month.

21 And I just would like to point out for
22 the Commission that we had originally had something
23 closer to that, something a little more general in
24 our very first iteration of the rule back in 2019.
25 We had specified only the first day of the month and

1 the last day of the month. And then based on
2 feedback throughout both the workshops and the
3 voluntary case study, it came to our attention that
4 we might need a little bit more specificity than that
5 in order to make sure that this data was being
6 reported the same across all the utilities. We
7 learned that it might change based on the time of day
8 when certain reports were run and whether it was
9 based on a calendar month or a billing month.

10 And so that is why we've settled on those
11 specific times and those specific days and also
12 specifying the calendar month. So while we
13 understand it may be a little bit confusing, the use
14 of the military time there, we would ask that if the
15 Commission were to change that, to make sure that we
16 include that specific time so that we can have that
17 consistency across utilities.

18 JUDGE CLARK: And thank you, Public
19 Counsel, for bringing that up. That was actually
20 something that the Secretary of State's Office had
21 queried me about when looking at the version of the
22 rule submitted for the Register. And I had -- I had
23 mentioned it to you about it because I too was
24 initially thrown thinking that 00:00 and 24:00 were,
25 in fact, the same time and did find it confusing.

1 Would it be sufficient in this case to
2 just simply say, The first minute and the last minute
3 of the calendar day of each month? Would that be
4 clear?

5 DR. MARKE: I think so, yeah.

6 MS. VANGERPEN: Your Honor, I think that
7 would be fine as well, as long as it's clear, like
8 you said, the first minute of the first day and the
9 last minute of the last day. I think that would be
10 fine as well.

11 JUDGE CLARK: Okay. Dr. Marke.

12 DR. MARKE: Some more comments, your
13 Honor. One, there was a number of utilities that
14 responded that they may need some time to ramp up
15 their services to provide this, and we completely
16 understand that. You know, we wouldn't -- in fact,
17 we would imagine the first submission of this would
18 be a learning process for everybody. I mean, again,
19 we -- there was some hand holding, but even that hand
20 holding's now been, probably been a year, you know,
21 since -- or a little less, you know. You know, it's
22 varied between the utilities since we've had that.
23 So the intent of if the rules move forward and are
24 codified, having a two month or maybe three-month lag
25 in that reporting would not be unreasonable from our

1 opinion.

2 The second thing, just like briefly to
3 comment on Consumer Council's specific
4 recommendations about the zip code's information.
5 I'm speaking from experience. No doubt that adding
6 that additional level of information may increase
7 cost and complexibility of the rule itself. I am
8 confident that there would be a significant return on
9 investment for ratepayers as a result of that. My
10 experience with working with utilities, with
11 Commission Staff, the Department of Social Services
12 in trying to implement and facilitate funding through
13 federal funds through SAFHR and other funding streams
14 that came down was a challenge, in part because we
15 did not have the data. We did not have good
16 individual data on a granular basis.

17 I believe it would also complement many
18 of our existing low-income programs whether that's
19 weatherization or arrearage of payment programs. So
20 to that extent, again, just to reiterate, we do
21 believe that it would be a good return on investment,
22 especially long term. Thank you.

23 JUDGE CLARK: Thank you. And it's my
24 understanding that Mr. Coffman would like to make an
25 additional comment on behalf of Consumers Council.

1 Is that correct?

2 MR. COFFMAN: Yes, your Honor, just
3 briefly. On that last point, would certainly agree
4 with Dr. Marke and in that whatever the expense we're
5 talking about, even if it's the additional expense to
6 break down data by zip code, I've not heard, you
7 know, anything more than maybe, you know, \$18,000 or
8 something to that. Well, even if it's a full-time
9 employee for each utility, I think it would be
10 justified given that this data is going to help the
11 equitable distribution of millions of dollars every
12 year in low-income assistance, in various programs.

13 And I think that, you know, we saw, you
14 know, during the pandemic an actual difficulty in
15 getting the money spent out. And if we had better
16 locational data about where maybe a concentration of
17 struggling customers were, it would help other
18 agencies as well as the parties that appear before
19 the commission be able to more target that data.

20 The other thing I wanted to point out
21 again is relating to the transparency and public
22 information of this. We're really happy that the
23 proposed rule, the Commission's proposed rule does it
24 make clear in Subsection 2 that all information
25 provided here under this proposed rule would be

1 public information.

2 And unfortunately it wasn't written that
3 way in 1977. And this relates to the request to
4 not re -- you know, to not require it because there's
5 some data being provided under the Cold Weather Rule
6 currently. And we agree with Staff that those have
7 two -- those are two different purposes and two
8 different reporting requirements. And our concern
9 would be that this rule not be waived or deferred to
10 that other rule because as it's written, the current
11 cold weather reporting data is, in the minds of some
12 people, not public information. We would like to
13 clear that up for good because we believe this really
14 should be public information. That's all I have.

15 JUDGE CLARK: Thank you, Mr. Coffman. I
16 want to clarify one issue in regard to the five-digit
17 zip code reporting that you were talking about. When
18 you say worth the cost, are you indicating that you
19 believe that if a utility had to hire a full-time
20 employee to comply with this rule, you believe that
21 that would be money well spent if those costs were
22 distributed to the ratepayers? Is that correct?

23 MR. COFFMAN: Yes. I would agree with
24 that and I would -- even though I don't think it -- I
25 don't think that this reporting requirement actually

1 justifies a full-time employee, but if it did, I
2 think it would be clearly worthwhile. And yes, it's
3 my expectation that whatever compliance costs come
4 out of this, it would be included in rates going
5 forward. And there is language to that effect in the
6 Cold Weather Rule currently that is almost a
7 guarantee to the utilities of recovery.

8 And I would assume that any compliance
9 costs with Public Service Commission rules would be
10 considered a prudent expense. So yes. Definitely
11 not heard any claim that the cost here would be
12 beyond what would be justified I think in this very
13 important endeavor and would understand that to be
14 something that would be included in rates.

15 JUDGE CLARK: Thank you very much for
16 clarifying that for me. And thank you for your
17 further comments.

18 Are there any other comments at this time
19 in regard to this rulemaking?

20 DR. MARKE: One more, your Honor. Thank
21 you. Mr. Coffman piqued my memory on this. In
22 Section 6 and -- Section 5 and 6 there's references
23 to posting this information on the Commission's
24 website. Wanted to make that clear, if it wasn't
25 from our filing, that when we mean Commission

1 website, we didn't mean buried in EFIS. That was it.

2 JUDGE CLARK: And I believe it says
3 something to the effect of, On the Commission's main
4 internet page. Correct?

5 DR. MARKE: It does. Thank you.

6 JUDGE CLARK: Thank you. Any further
7 comments on this rulemaking at this time?

8 MS. KING: Judge, if I may.

9 JUDGE CLARK: Yes. And I'll remind you
10 you're still under oath, Ms. King.

11 MS. KING: I just wanted to respond to
12 Mr. Coffman's comments about the current cold weather
13 reporting not being public information. I can't
14 speak to how the public can access it in EFIS,
15 because my rights are certainly different, as a staff
16 member, I can get to everything in EFIS, but the way
17 Staff interprets the rule which is Section 15 under
18 the Cold Weather Rule, it does state that that
19 information is public information. So I just wanted
20 to point that out.

21 JUDGE CLARK: Thank you very much. Are
22 there any further comments in regard to this
23 rulemaking? Okay. Then we are done taking comments
24 about this rulemaking.

25 Are there any other issues or matters

1 that need to be addressed by the Commission at this
2 time? I hear none; I see none. With that, I will
3 adjourn this hearing and we will go off the record.

4 (Off the record at 10:21 a.m.)
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1 CERTIFICATE OF REPORTER

2 STATE OF MISSOURI)

3 COUNTY OF COLE)

4 I, Shelley L. Bartels, a Certified Court
5 Reporter, CCR No. 679, do hereby certify that I was
6 authorized to and did stenographically report the
7 transcript of proceedings; and that the foregoing
8 transcript, pages 1 through 64, is a true record of
9 my stenographic notes.

10 I FURTHER CERTIFY that I am not a relative,
11 employee, or attorney, or counsel of any of the
12 parties, nor am I a relative or employee of any of
13 the parties' attorney or counsel connected with the
14 action, nor am I financially interested in the
15 action.

16

17 DATED this 28th day of July, 2023.

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Shelley L. Bartels, CCR 679

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