

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

In the Matter of a Proposed Rulemaking to)	
Amend 4 CSR 240-13 Service and Billing)	Case No. AW-2011-0252
Practices for Residential Customers)	

**PUBLIC COUNSEL’S COMMENTS ON THE PROPOSED
REVISIONS TO 4 CSR 240-13.010 THROUGH 4 CSR 240-13.070**

COMES NOW the Office of the Public Counsel (OPC) and for its Comments on the proposed revisions to Chapter 13 of the Commission’s rules states as follows:

A. BACKGROUND

The proposed revisions to the Chapter 13 billing rules have been the subject of extensive discussion during the Consumer Services meetings for several years. Representatives from Ameren Missouri, AARP, Atmos Energy Corporation, Empire District Electric Company, Kansas City Power & Light, Laclede Gas Company, Missouri American Water Company, Missouri Gas Energy, and OPC attended the Consumer Services meetings consistently and provided feedback to the Staff as it drafted and redrafted Chapter 13 revisions. Since the majority of the entities involved were utility companies, many proposed revisions are a compromise between utility companies and are not supported by consumer groups. OPC offers the following comments on the proposed revision. OPC also proposes additional changes to Chapter 13 in areas where the rules do not provide sufficient consumer protections.

B. RULE 13.010 – GENERAL PROVISIONS

The first change in the proposed revision is to add *sewer companies* to the type of companies subject to the provisions of the Chapter 13 service and billing rules. OPC

agrees that sewer company customers should be protected by applicable service and billing rules of Chapter 13. To the extent that sewer companies argue a need to be exempted from certain billing rules such as metering rules, sewer companies may seek a variance of certain Chapter 13 rules pursuant to 4 CSR 240-13.065.

OPC also agrees with the clarification of 4 CSR 240-13.010(4) that the rules governing utility company relations with customers and applicants for service shall be part of a utility's tariffs and shall be consistent with Chapter 13.

C. RULE 13.015 – DEFINITIONS

The revisions propose to change the current definitions for the terms: *applicant*, *bill*, *delinquent charge*, *delinquent date*, *in dispute*, *rendition of bill*, *tariff*, and *utility*; and to add new definitions to define the terms: *corrected bill*, *credit score*, *final bill*, *initial bill*, *inquiry*, *payment*, and *payment agreement*. Properly defining terms used in the Commission's rules is extremely important to ensuring the purpose of the Commission's rules is followed. OPC offers the following comments on the proposed definitions.

1. Definition of *Applicant*

The revisions propose to amend the definitions to distinguish an *applicant* from a *customer* by adding a sentence that states, "Upon initiation of service, the applicant becomes a customer." OPC is concerned that the use of "customer" and "applicant" used throughout Chapter 13 may increase the cost and difficulty for a customer to reinstate service after being disconnected. Chapter 13 provides protections for customers that may be lost on a customer that is re-labeled as an applicant. The rule should clarify that a disconnected customer would be considered a customer rather than an applicant for some

reasonable period of time following service disconnection. OPC would support a change that established this reasonable amount of time to be one (1) year after disconnection.

2. Definition of *Corrected Bill*

The revision proposes adding the definition of *corrected bill*, and to define a corrected bill as “any bill issued for a previously rendered bill.” This new language is vague, applies too broadly, and would appear to authorize utilities to re-bill a customer without adjusting the date payment is due. The Commission’s standard should be to ensure that customers shall receive a correct bill based on actual usage each billing period with only limited exception for circumstances beyond a utility’s reasonable control.

3. Definition of *In Dispute*

The Commission proposes changing the definition of *in dispute* as follows:

Current Rule: any matter regarding a charge or service which is the subject of an unresolved inquiry.

Proposed Revision: to question and request examination of the validity of utility bills or services rendered.

The words “the validity of” should be deleted from the definition so that it reads, “to question and request examination of utility bills or services rendered.” This change ensures that a dispute would include instances where a customer disputes charges appearing on a bill, and not just whether the bill itself is valid. A dispute may involve an invalid charge appearing on an otherwise valid bill.

4. Definition of *Inquiry*

The revision proposes to add a definition for the word *inquiry* and to define it as “a question or request for information related to utility service, billing practices and procedures, payment, service or safety responsibilities.” OPC is concerned that this new

definition would unintentionally limit the scope of what constitutes an inquiry by excluding subjects that may not fall under “billing practices and procedures, payment, service, or safety responsibilities.” For example, it could be argued that a question regarding specific charges on a customer’s bill may not be an inquiry. OPC proposes expanding the definition to define inquiry as “a question or request for information related to utility charges, services, practices or procedures” or even more broadly, as “a question or request for information.” Customers should also be asked if their question is related to an informal or formal complaint regarding the service they receive.

5. Definition of *Payment*

The revision proposes to define *payment* as “*cash, draft or electronic transfer.*” The revision should make clear that customers shall, at a minimum, have the option of making payment by cash or draft. Electronic communication may not be available to all customers.

6. Definition of *Payment Agreement*

The revision proposes to define *payment agreement* as “a payment plan entered into by a customer and a utility which remains in effect as long as its terms are being adhered to for the term of the agreement, which shall not exceed twelve (12) months duration, unless the customer and utility agree to a longer period.” OPC opposes adding this definition because the proposed language does not adequately define *payment agreements*. Instead, the proposed language establishes two requirements for payment agreements: 1) effective until expired or violated; and 2) limited to twelve months unless otherwise agreed to. Simply defining a payment agreement as a “payment plan,” and then providing requirements for these plans, is not a proper definition.

In addition, a better place for payment agreement requirements would be in 4 CSR 240-13.060 Settlement Agreement and Extension Agreement. The Commission's revision proposes to replace the term "settlement agreement" with "payment agreement" in 4 CSR 240-13.060, and it makes sense to provide general agreement term and duration requirements in 4 CSR 240-13.060 rather than 4 CSR 240-13.015.

7. Definition of *Rendition of a Bill*

The current definition of the term *rendition of a bill* and the proposed definition of the same term are as follows:

Current Rule: *Rendition of a bill means the mailing or hand delivery of a bill by a utility to a customer.*

Proposed Revision: *Rendition of a bill occurs on the date mailed, posted electronically, delivered or otherwise sent to the customer.*

OPC is concerned with the open ended nature of the phrase "or otherwise sent to the customer" and would eliminate that phrase from the definition. Leaving the definition open-ended creates the potential for abuse. All forms of billing a customer would be covered by the terms "mailing, electronic posting, or hand delivery." OPC recommends maintaining the term "hand delivery" in the definition to allow the hand delivery of bills.

If the definition of *rendition of a bill* is changed to include "posted electronically," OPC proposes defining "posted electronically" in 4 CSR 240-13.015. The term alone does not explain whether it includes more than an e-mail message to the customer's e-mail account. Without definition, the term could allow a utility to render a bill simply by "posting" a general message on its website that bills are ready for payment without making any direct contact with the customer.

8. Definition of *Tariff*

OPC opposes this change because the current definition is clear without modification. The Commission proposes to modify the definition by adding the phrase “filed by a utility,” which would exclude instances where the Commission may prescribe tariff changes that were not filed by the utility.

D. RULE 13.020 – BILLING AND PAYMENT STANDARDS

The Commission’s Billing and Payment Standards Rule (4 CSR 240-13.020) establishes basic customer rights, such as the customer’s right to be billed monthly, and the customer’s right to have their bill based upon actual usage whenever possible. Certain changes proposed in the draft revision would erode these basic rights and should be rejected. The proposed changes to sections 4 CSR 240-13.020(2)(A)(3) to 13.020(A)(3), and the additions of subsections 4 CSR 240-13.020(2)(A)(4) to 13.020(A)(7), should be rejected because they diminish a utility’s responsibility for obtaining actual reads and billing based on actual reads.

1. OPC Opposes Expanding the Use of Estimated Bills

One important fundamental consumer protection in the current billing rules is the requirement that bills for service be based on actual usage whenever possible. The proposed revision would change this fundamental protection by expanding the use of estimated billing. The current Commission rule 4 CSR 240-13.020(2) prohibits the use of estimated bills except in three circumstances: 1) to seasonally billed customers; 2) when extreme weather, emergencies, labor agreements, or work stoppages prevent actual meter readings; or 3) when the utility is unable to gain access to the customer’s premises for the purpose of reading the meter. These rules indicate a Commission policy of

prohibiting estimated billing unless absolutely necessary, which the Commission determined occurs when the meter cannot be read, or where a seasonal customer agrees to an estimated bill. The revision proposes to change this policy by allowing bills to be estimated in situations where an actual physical meter reading is possible, but the utility would prefer to estimate the bill rather than obtain an actual reading.

OPC urges the Commission to reject this proposal and maintain the current protections that require actual meter reads when an actual meter reading is possible. OPC is not aware of any good reason to adopt the proposed change. Requiring actual reads where an Automatic Meter Reader (AMR) fails will reduce the instances where a customer receives a large catch-up bill because the bill was based on an estimate rather than an actual read. Billing adjustments resulting from failed AMRs have been a very contentious issue between Missouri's natural gas companies and Missouri's residential natural gas customers in the recent past. Revising the rule as proposed would lessen consumer protections, would increase the number of estimated bills, and would likely increase the number of complaints. OPC asks the Commission to reject this proposal and prevent this erosion of consumer protections. Consumers deserve the most accurate meter read possible. Preserving the requirement of basing billing on actual readings also provides an incentive for utilities to promptly fix faulty equipment. If the utility's AMR malfunctions, the utility should be required to either send someone to the premise to obtain a reading, or allow the customer to self-read the meter and report usage to the utility as the rules currently allow.

2. OPC Opposes Restricting the Use of Customer Supplied Meter Readings

The current rules protect consumers from estimated billing by requiring the utility to use customer-supplied readings when the utility does not obtain an actual reading. The proposed revision would lessen this by only requiring companies to use customer-supplied readings whenever “practical.” If approved, this change could effectively eliminate a customer’s ability to self-read and would increase the use of estimated billing. A utility may always consider customer-supplied readings to be “impractical” for the utility when compared to the ease of simply sending an estimated bill. A customer is entitled, whenever possible, to a bill based on actual usage, and a customer should be allowed to provide an actual meter reading to avoid estimated billing. OPC opposes this change and urges the Commission to keep the current consumer protection of requiring the company to base usage on the customer’s self-reporting, instead of estimating the bill, whenever *possible*.

3. OPC Proposal Regarding 13.020(1)

The revision proposes adding the word “approved” before the word “tariff” in 4 CSR 240-13.020(1), which currently states “A utility shall normally render a bill for each billing period to every residential customer in accordance with its tariff.” OPC suggests adding the term “Commission rules and” so that it reads, “A utility shall normally render a bill for each billing period to every residential customer in accordance with Commission rules and the utility’s approved tariff.” This change will make it clear the company needs to follow more billing requirements than just those appearing in the company’s tariff.

E. RULE 13.025 – BILLING ADJUSTMENTS

OPC supports changes to the Billing Adjustment Rule to address areas where the current rules have not adequately protected customers, especially customers that have been forced to pay large billing adjustments for reasons caused by the utility's equipment. The utilities, not customers, made the decision to switch from using human meter readers to using AMRs, and therefore, the utilities should be responsible for a greater share of the harm caused when AMR equipment fails or is inadequate to produce an actual read. The rules related to billing adjustments should be structured to protect consumers by: 1) preventing large billing adjustments when the company's equipment fails; 2) giving consumers more time to pay a billing adjustment; and 3) requiring utility companies to comply with estimated billing rules and document such compliance before adjusting usage that was estimated.

1. OPC Proposal to Shorten the Undercharge Adjustment Period to Six (6) Months When Company Meter or AMR Fails

OPC proposes an amendment to 4 CSR-240-13.025(1) to shorten the period of time a utility is allowed to re-bill customers for prior usage after a meter or AMR fails. Currently, utilities are allowed to re-bill customers for up to twelve (12) months, even in instances where the reason for the incorrect billing was due to a malfunction of company-owned equipment. Shortening this period to six (6) months for failed meters and automatic meter reading equipment will lessens the size of the adjustment for the consumer. Adding an entire year of past usage onto a customer's current bill can be an extremely difficult challenge for customers with limited income. These adjustments have been the subject of many complaints filed with the Commission. Lowering the adjustment to a maximum of six months should also give utilities an added incentive to

resolve faulty meter issues immediately. It also recognizes that the utility, not the customer, is responsible for keeping the meter functioning and accurate.

2. OPC Supports the Proposal to Expand the Repayment Period

The revision proposes to add a subsection that states “In the event of an undercharge, the utility shall offer the customer the option to pay the adjusted bill over a period of at least double the period covered by the adjusted bill.” For customers on a fixed and limited income, requiring a customer to pay an adjustment at the same time that the customer is paying for current service could be very difficult for many ratepayers to afford. OPC supports giving ratepayers a period of time that is twice the length of time covered by the billing adjustment. This would help reduce the burden on unfortunate ratepayers who receive a large undercharge adjustment due to the failure or inadequacy of the company’s metering equipment.

3. OPC Proposal to Require Estimated Billing Rule Compliance by the Utility Before the Utility Can Make an Undercharge Adjustment to Correct Estimated Usage

OPC proposes amending 4 CSR 240-13.025 to require utility companies to comply with subsections 4 CSR 240-13.020(1), (2), (3) and (4), and to adequately document and retain records of such compliance, before an undercharge adjustment can be made on a customer’s bill to correct estimated usage. The new language could state as follows:

(G) No undercharge adjustment shall be made for usage that was previously estimated and where the utility has not complied with 4 CSR 240-13.020 subsections (1), (2), (3), and (4), and adequately documented and retained records of such compliance.

OPC believes this change is necessary to protect consumers when the utility has not followed the rule requirements that protect ratepayers from estimated billing. If these

rules are not followed by the utility, there is no assurance that the customer was not unreasonably subject to estimated billing, and therefore, the utility should be prohibited from adjusting the customer's bill upward to correct the previously estimated bill.

F. RULE 13.030 – DEPOSITS AND GUARANTEES OF PAYMENT

1. Clarifying Language Needed in 4 CSR 13.030(1)(A)

The proposed changes to 4 CSR 240-13.030(1)(A) would keep in place the provision that allows a utility to require an applicant for new service to pay a deposit under certain circumstances. The first circumstance is if the customer has an unpaid past bill for the same type of utility service. It is not entirely clear from this section that the unpaid must be a delinquent bill, and not just a bill that is unpaid but not yet due. OPC proposes an additional change that replaces “an unpaid bill” with “a past-due bill,” so that the sentence states:

The applicant has a past-due bill, which accrued within the last five (5) years and, at the time of the request for service, remains unpaid and not in dispute with a utility for the provision of the same type of service.

2. OPC Opposes Proposals to Eliminate the *Prima Facie* Showing of an Acceptable Credit Rating

The current rules allow a utility company to assess a deposit on new accounts where the customer is unable to establish an acceptable credit rating. The rules also provide that new customers “shall be deemed *prima facie* to have established an acceptable credit rating” and avoid the burden of paying a deposit before initiating service if the new customer meets any one of the following criteria: 1) owns or is purchasing a home; 2) has been regularly employed full-time; 3) has a regular source of income; or 4) can provide adequate credit references. 4 CSR 240-13.030(1)(C). During the Chapter 13 Rulemaking discussions, some utility companies that wanted to eliminate

this consumer protection for utilities that use credit scoring. OPC opposes any such proposals made in comments to the Commission because the current rule provides a much-needed protection for customers that are a low credit risk but for a multitude of reasons may be unable to establish an acceptable credit rating. An applicant's ability to purchase a home, maintain a full-time job, receive a regular source of income, or obtain credit references should be maintained as a *prima facie* showing that the applicant has an acceptable credit rating. Credit ratings remain tied to individuals even after the reasons for a poor credit rating may have changed. Maintaining the *prima facie* showing will preserve the existing consumer protections that take changed circumstances into account.

The decision of whether to provide a monopoly controlled essential service such as utility service to an applicant should err on the side of making the service available. In the event service is extended and the customer fails to make timely payments of their bill, the company has many protections available to assist the utility, such as additional late fees and reconnection fees, the ability to disconnect service and in some cases the ability to demand a deposit prior to reconnecting service .

3. OPC Proposal to Minimize Deposit Amounts

The current Deposits and Guarantees of Payment Rule require that a deposit “shall not exceed two (2) times the highest bill.” 4 CSR 240-13.030(4)(A). The revision proposes to give the utility company the option of charging a deposit equal to two (2) times the highest bill as currently allowed, “or four times the average bill, whichever is stated in the utilities tariff.” OPC proposes that the rule establish a practice to be followed consistently by all utility companies that would assess a deposit of *the lesser of* two times the highest bill or four times the average bill. This would reduce an obstacle to

obtaining service by while still providing the utility a deposit that would likely cover several months of service.

4. OPC Opposes the Proposal to Limit the Time Period for Returning Deposits, and OPC Proposes a Change that Obligates the Utility to Make all Reasonable Efforts to Return a Deposit

The proposed revision at 4 CSR 240-13.030(4)(G) would require a utility to maintain a deposit due to be refunded to a customer for five (5) years. OPC opposes this restriction. Customers give deposits with the understanding that their deposit will be returned to them. OPC is not aware of any good policy reason to support this change since it would deprive consumers of money owed to them by their former utility.

In addition, OPC proposes a change to 4 CSR 240-13.030(4)(G) that would require the utility company to make all reasonable efforts to return deposits to customer once the customer is entitled to a refund of the deposit.

5. OPC Opposes Any Proposal to Deny a Customer's Ability to Pay a Deposit in Installments Where the Customer Does Not Have an Acceptable Credit Rating

The current Deposits and Guarantees of Payment Rule requires utility companies to allow customers owing a deposit to pay that deposit in installments unless the utility can show a likelihood that the customer does not intend to pay for the service. 4 CSR 240-13.030(4)(I). The revision proposes to add new reasons why a utility can deny an applicant the ability to pay a deposit in installments. During discussions among parties during the Chapter 13 Rulemaking meetings, certain parties proposed to change to rule to deny installment payments where the applicant is unable to establish an acceptable credit rating. Should it be proposed by another party, OPC opposes this reason for denying installment payments. Unless and until the Commission establishes rules for acceptable

credit scoring, customers should not be subjected to credit scoring as a determining factor in assessing deposits. Paying a large deposit could create a barrier to receiving service for a customer, and allowing the payment of that deposit in installments is a way around that barrier and enhances the ubiquitous availability of service. OPC does not oppose denying installments where the customer has in an unauthorized manner interfered with or diverted service, as proposed by the revision.

6. OPC Proposes to Make Credit Rating Standards Consistent Among Utilities

One purpose of the Denial of Service Rule, 4 CSR 240-13.035, is to establish “procedures to be followed by utilities to insure reasonable and uniform standards exist for denial of service.” The current rules, and the proposed revision, require utilities to follow the acceptable credit rating standards contained in each utility’s tariffs. As a result, there is no “reasonable and uniform standard” for what constitutes or should constitute an acceptable credit rating. OPC believes consumers would benefit if the Commission were to establish credit rating standards that apply equally to all utilities and all ratepayers, rather than a rule that allows credit rating standards to vary between utilities.

7. Proposed Changes to 4 CSR 240-13.030(2)(C) are Unclear

The purpose of the proposed revision to 4 CSR 240-13.030 (2)(C) is confusing and unclear. The new language attempts to modify the subsection that allows a utility to assess a deposit for continuing or re-establishing service whenever a customer has failed to pay an undisputed bill for five (5) consecutive billing periods. The new language states:

Notwithstanding the foregoing; that such customer has consistently made a payment for each month during the twelve (12) consecutive months, provided that each payment is made by the delinquent date; and each payment made is at least seventy-five dollars (\$75) or twenty-five percent (25%) of the total outstanding balance, provided that the total outstanding balance is three hundred dollars (\$300) or less. This provision shall not apply to any customer whose total outstanding balance exceeds three hundred dollars (\$300) or to any customer making payments under a payment plan previously arranged with the utility. [emphasis added]

The underlined portion of the above language appears to be an incomplete sentence. If the purpose of the underlined language is to make an exception to the when a utility may assess a deposit under 4 CSR 240-13.030(2)(C) by prohibiting a deposit from being assessed whenever a customer has made reasonable efforts towards paying their bill and has paid a substantial portion of their bill, OPC would support a change that clearly accomplishes that goal, so long as the language is clarified to avoid confusion. If the purpose is to serve another purpose, OPC cannot provide comments at this time because that intention is not clear from the proposed language.

G. RULE 13.050 – DISCONTINUANCE OF SERVICE

1. OPC Opposes the Proposal to Extend the Hours that Service May be Discontinued

The proposed revision would extend the hours a utility may discontinue service, as provided for in 4 CSR 240-13.050(3). Currently, a utility may discontinue service between the hours of 8:00 a.m. and 4:00 p.m. The proposed revision would extend the hours service may be discontinued to between the hours of 7:00 a.m. and 7:00 p.m. OPC opposes this proposed change because ratepayers should not have service disconnected in the evening hours when their ability to find other shelter would be limited as a result of a late day disconnection. Moreover, low-income customers may require payment assistance from social service agencies which are not open until 7:00 p.m., and therefore

maintaining a 4:00 p.m. discontinuance limit would still provide customers with a reasonable opportunity to find payment assistance the same day service is discontinued.

OPC agrees with the proposal that the utility be “accessible to receive a restoration of service request at least one (1) hour after the disconnect time frame.” However, this addition is unnecessary if the current discontinuance limitation stays at 4:00 p.m. since a 4:00 p.m. disconnection would still give ratepayers an opportunity to contact the utility during normal business hours to request a restoration of service.

2. OPC Opposes any Proposals to Remove the Requirement that Utility Companies Attempt to Contact Customers at the Time of Disconnection

The current rules, at 4 CSR 240-13.050(8), include a requirement that promotes the health and public safety by requiring an attempt at human contact prior to disconnection. This is an important safety precaution in that a knock on the door could help consumers by allowing them to quickly arrange to have service restored, and to quickly arrange to find shelter elsewhere should that become necessary. Otherwise, consumers may not be aware of the shut-off until the furnace stops working.

During the meetings discussion changes to Chapter 13, one or more utility companies proposed eliminating the door-knock requirement. The reason stated for this proposed change was the safety of company personnel. However, the current rule already protects company service personnel in that the company does not need to attempt to contact the customer at the time of disconnection “where the safety of the employee is endangered.” Any proposals to eliminate the door-knock requirement should be rejected by the Commission as unnecessary and against the public interest.

3. OPC Opposes Disconnecting Service Based on Non-Payment of Estimated Charges.

OPC encourages the Commission to add a provision to 4 CSR 240-13.050 that prohibits a utility from disconnecting service based upon the non-payment of estimated charges. As this Commission has seen on numerous occasions, utility companies, and in particular gas utility companies, have at times incurred a large number of estimated bills that are not based upon actual usage. Customer should not have service disconnected due to an estimated bill that is likely caused by the utility and not the customer, and that may later prove to be an overestimate. Moreover, by adding this prohibition to the rules, it will provide an additional incentive for utility companies to avoid estimated bills whenever possible.

H. Rule 13.055 – COLD WEATHER RULE

1. OPC Proposal to Better Educate Elderly and Disabled Customers of the Need to Register to Benefit from Certain Protections of the Cold Weather Rule

OPC proposes a revision to the CWR to decrease the chances that an elderly or disabled customer is disconnected during the CWR period of November 1 through March 31. The CWR currently requires utility companies to make a personal contact with elderly and disabled customers before disconnecting service during the CWR period. 4 CSR 240-13.055(3)(D). To be registered with the utility as an elderly or disabled customer, the customer must file with the utility a form approved by the utility attesting to the fact that the customer is elderly or disabled. 4 CSR 240-13.055(1)(D). OPC is concerned that qualifying elderly and disabled customers may not be aware of the need to file a form with their utility company to receive these additional protections. The rules do not include any notice requirements on the part of the utility. OPC proposes adding a

requirement that the utility periodically notify all customers that elderly and disabled customers can receive additional protections during cold weather by filing a form with the utility. Additionally, OPC proposes to allow consumers with serious medical conditions to also register with the utility and be contacted in the same manner as elderly and disabled customers.

I. RULE 13.060 – SETTLEMENT/EXTENSION AGREEMENTS

The revision proposes to delete 4 CSR 240-13.060(4) which states that “the utility may enter into an extension agreement upon a request of a customer who claims an inability to pay the bill in full.” Extension agreements protect consumers by giving the utility the option to give additional time to pay a bill. OPC opposes a rule change that would remove the utility’s ability to offer an extension agreement.

J. CONCLUSION

OPC urges the Commission not to eliminate any existing consumer protection, and to adopt OPC’s proposals to amend the rules where existing rules are inadequate to protect consumers from harm.

WHEREFORE, the Office of the Public Counsel respectfully offers these comments on the proposed revisions to Chapter 13 of the Commission’s rules.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

By: /s/ Marc D. Poston

Marc D. Poston (#45722)

Deputy Public Counsel

P. O. Box 2230

Jefferson City MO 65102

(573) 751-5558

(573) 751-5562 FAX

marc.poston@ded.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 7th day of October 2013.

/s/ Marc Poston