

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

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

STAFF’S COMMENTS REGARDING POTENTIALLY DUPLICATED REQUIREMENTS

COMES NOW, Staff of the Missouri Public Service Commission (“Staff”), by and through the undersigned counsel, and for its response to the Commission’s *Notice of Rulemaking Hearing*, respectfully comments:

1. On March 29, 2023, the Missouri Public Service Commission (“Commission”) issued a *Notice of Finding of Necessity and Directing Proposed Rule 20 CSR 4240-13.075 Be Filed for Publication*. The proposed rule included the Commission’s proposed adoption of a rule regarding service disconnection for electric, gas, sewer, and water utilities, 20 CSR 4240-13.075.

2. Staff has concerns that the language as-is in paragraph two (2) of the proposed rule could lead to some utilities failing to distinguish between operating units.

3. Additionally, the proposed rule currently holds that any utility that provides a report pursuant to this rule, 20 CSR 4240-13.075, need not provide a separate report pursuant to 20 CSR 4240-13.055(15).

4. Staff recommends adding the language in **bold**:

(3) Any utility that provides a report pursuant to this rule, 20 CSR 4240-13.075, need not provide a separate report pursuant to 20 CSR 4240-13.055(15) **outside the Commission’s Cold Weather Rule period. During the Commission’s designated Cold Weather**

Rule period, November 1 through March 31, each utility providing heat-related utility service shall file a report pursuant to 20 CSR 4240-13.055(15) no later than the twentieth (20) day of the following month.

5. Staff offers further information in its attachment to support preserving the Cold Weather Rule's reporting requirements as-is.

WHEREFORE, Staff files these comment for the Commission's information and consideration.

Respectfully submitted,

/s/ Eric Vandergriff

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered, transmitted by facsimile or electronically mailed to all parties and/or counsel of record on this 14th day of July, 2023.

/s/ Eric Vandergriff

- 1. A utility company with multiple operational districts within Missouri, such as Spire Missouri, would not be required to submit separate data for each operational district under the current wording of the proposed rule.**

(Proposed Rule) 20 CSR 4240-13.075(2) *“Each electric corporation, gas corporation, sewer corporation, and water corporation, as those terms are defined in § 386.020 RSMo. serving more than 2,000 residential customers shall separately provide a report in the commission’s electronic filing information system (“EFIS”) within twenty (20) days of the end of each calendar month. For those utilities that provide more than one type of utility service, individual reports must be provided for each type of utility service.”*

(Cold Weather Rule) 20 CSR 4240-13.055(15): *“Each utility providing heat-related utility service shall submit as a non-case related filing a report with the commission for each calendar month no later than the twentieth (20th) day of the following month.... The utility shall report for each operational district into which the utility has divided its Missouri service territory...”*

- 2. Under the proposed rule, utilities would no longer report how many days they were permitted to discontinue service under the Cold Weather Rule.**

20 CSR 4240-13.075: N/A

20 CSR 4240-13.055(15): *“The utility shall report for each operational district into which the utility has divided its Missouri service territory the number of days it was permitted to discontinue service under this regulation and the utility shall separately report on the information listed below for customers receiving energy assistance and customers who are affected by this regulation and not known to be receiving energy assistance.”*

3. Under the proposed rule, utilities would no longer differentiate between customers receiving energy assistance and those who were not for any of the data provided.

20 CSR 4240-13.075: N/A

20 CSR 4240-13.055(15): *“the utility shall separately report on the information listed below for customers receiving energy assistance and customers who are affected by this regulation and not known to be receiving energy assistance.”*

4. Under the proposed rule, it will no longer be possible to discern how many customers had their service restored after being subject to discontinuance.

20 CSR 4240-13.075(2)(D)&(E):

- (A) *the total number of residential meters for which there was a discontinuance of service, as that term is used in 20 CSR 4240-13.050(1)(A), (B), (C), and (E), during the calendar month;*
- (B) *the total number of residential meters that did not receive service as of 00:00 on the first calendar day of the calendar month and began receiving service before 24:00 on the last calendar day of the calendar month;*

20 CSR 4240-13.055(A)(3): *“Of those discontinued during the period, how many customers were restored to service during the period”*

5. Under the proposed rule, it will no longer be possible to distinguish between discontinuances affecting customers who had a payment agreement and discontinuances affecting customers who did not have a payment agreement.

20 CSR 4240-13.075(2)(D): *“the total number of residential meters for which there was a discontinuance of service, as that term is used in 20 CSR 4240-13.050(1)(A), (B), (C), and (E), during the calendar month;”*

20 CSR 4240-13.055(B): *“Of customers reported as disconnected at the end of the period— 1. How many had broken a cold weather rule pay agreement; 2. How many had broken a non-cold weather rule pay agreement; and 3. How many had not been on a pay agreement;”*

- 6. Under the proposed rule, utilities would no longer report data on reconnections or reconnections as a result of receiving energy assistance.**

20 CSR 4240-13.075(2)(E): *“the total number of residential meters that did not receive service as of 00:00 on the first calendar day of the calendar month and began receiving service before 24:00 on the last calendar day of the calendar month;”*

20 CSR 4240-13.055(C): *“Of those customers reconnected during the period— 1. How many customers received energy assistance (pledged or paid) from— A. Low Income Home Energy Assistance Program (LIHEAP); B. Energy Crisis Intervention Program (ECIP); and C. Other services known to the utilities; 2. How much energy assistance was provided by— A. LIHEAP; B. ECIP; C. Other sources known to the utility; and D. Customer”*

- 7. The proposed rule requires utilities to report the total number of meters under a payment agreement for each month, but not how many new payment agreements were put in place for the month in order to restore service.**

20 CSR 4240-13.075(2)(J): *“the total number of residential meters for which payment is made for utility services under a payment agreement, as that term is defined in 20 CSR 4240-13.015(1)(W); settlement agreement, as that term is defined in 20 CSR 4240-13.015(1)(CC); or payment agreement, as that term is used in 20 CSR 4240-13.055(10), as of 24:00 on the last calendar day of the calendar month;”*

20 CSR 4240-13.055(D): *“Of customers restored to service during the period— 1. How many were put on a cold weather rule pay agreement; and 2. How many were put on a non-cold weather rule pay agreement;”*

- 8. Under the proposed rule, utilities would be required to report total assistance monies provided by various programs. However, they would not be required to detail how much money came from each source.**

20 CSR 4240-13.075(2)(H): *“the total dollar value of any monies received from the Low-Income Home Energy Assistance Program, Low-Income Household Water Assistance Program, or Energy Crisis Intervention Program to pay for a residential meter’s delinquent charge, as that term is defined in 20 CSR 4240-13.015(1)(I), during the calendar month;”*

20 CSR 4240-13.055(G): *“For how many customers during the period did the utility receive—1. LIHEAP; 2. ECIP; and 3. Other assistance known to the utility;”*

- 9. Under the proposed rule, utilities would report the average customer arrearage (as defined by 20 CSR 4240-13.075(1)(B)) but not the total amounts owed by those disconnected and reconnected.**

20 CSR 4240-13.075(2)(G): *“the average customer arrearage;”*

20 CSR 4240-13.055(E): *“How much was owed by those disconnected at the end of the period— 1. How much was owed by those disconnected during the period; and 2. How much was owed by those reconnected during the period;”*

- 10. Under the proposed rule, utilities would no longer report how many customers became registered under the Cold Weather Rule regulation and how many such customers were disconnected.**

20 CSR 4240-13.075: N/A

20 CSR 4240-13.055(F): *“How many customers were registered under this regulation at the end of the period— 1. How many customers registered during the period; and 2. How many of such registered customers had service discontinued during the period;”*

11. Under the proposed rule, utilities would report the total amount of money received from energy assistance, but it would not be possible to determine the number of customers who received money from each source. It would also not be possible to distinguish between types of energy assistance.

20 CSR 4240-13.075(2)(H)&(I):

“the total dollar value of any monies received from the Low-Income Home Energy Assistance Program, Low-Income Household Water Assistance Program, or Energy Crisis Intervention Program to pay for a residential meter’s delinquent charge, as that term is defined in 20 CSR 4240-13.015(1)(I), during the calendar month;”

“the total dollar value of any monies received from any assistance program other than those referred to in subsection (2)(H) to pay for a residential meter’s delinquent charge, as that term is defined in 20 CSR 4240-13.015(1)(I), during the calendar month;”

20 CSR 4240-13.055(G)&(H):

“For how many customers during the period did the utility receive—1. LIHEAP; 2. ECIP; and 3. Other assistance known to the utility;”

“How much cash did the utility receive on behalf of customers during the period from— 1. LIHEAP; 2. ECIP; and 3. Others known to the utility;”

12. Under the proposed rule, utilities would not report the number of customers who requested reconnection under the Cold Weather Rule and were refused.

20 CSR 4240-13.075: N/A

20 CSR 4240-13.055(I): *“How many customers who requested reconnection under terms of this rule were refused service pursuant to this regulation;”*

13. Under the proposed rule, utilities would not report the number of customers who did receive energy assistance but not enough to retain or restore service

20 CSR 4240-13.075: N/A

20 CSR 4240-13.055(J): *“How many customers received energy assistance insufficient in amount to retain or restore service;”*

14. Under the proposed rule, utilities companies would report the total number of payment and settlement agreements, but would not distinguish between Cold Weather Rule and non-Cold Weather Rule payment agreements in their reporting.

20 CSR 4240-13.075(2)(J): *“the total number of residential meters for which payment is made for utility services under a payment agreement, as that term is defined in 20 CSR 4240-13.015(1)(W); settlement agreement, as that term is defined in 20 CSR 4240-13.015(1)(CC); or payment agreement, as that term is used in 20 CSR 4240-13.055(10), as of 24:00 on the last calendar day of the calendar month;”*

20 CSR 4240-13.055(K): *“The number of customers who agreed to pay for their heat-related utility service under a payment agreement in accordance with this regulation.”*

15. “Disconnection” under the proposed rule will now automatically exclude disconnections due to unauthorized use, refusal for inspection, maintenance and meter reading, misrepresenting identity, and violation of utility rules. It will no longer be possible to infer the number of disconnections that were not due to non-payment.

20 CSR 4240-13.075(2)(D): *“the total number of residential meters for which there was a discontinuance of service, as that term is used in 20 CSR 4240-13.050(1)(A), (B), (C), and (E), during the calendar month;”*

20 CSR 4240-13.055(15)(A)(1)&(2): *“How many customers were— 1. Disconnected, at the end of the period; 2. Of those disconnected, how many customers had service discontinued for nonpayment during the period;”*