

**John R. Ashcroft**

Secretary of State  
Administrative Rules Division

**RULE TRANSMITTAL**

Administrative Rules Stamp

RECEIVED

NOV 07 2018

SECRETARY OF STATE  
ADMINISTRATIVE RULES

Rule Number 4 CSR 240-13.055

**COPY**

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:

Content John Clark Phone 573-522-4355 FAX 573-526-6010

Email address John.Clark@psc.mo.gov

Data Entry Christine Koenigsfeld Phone 573-751-4256 FAX 573-526-6010

Email address Christine.Koenigsfeld@psc.mo.gov

Interagency mailing address Public Service Commission, 9<sup>th</sup> Floor Gov. Office Bldg, JC, Mo

TYPE OF RULEMAKING ACTION TO BE TAKEN

Emergency Rulemaking  Rule  Amendment  Rescission  Termination

Effective Date for the Emergency \_\_\_\_\_

Proposed Rulemaking  Rule  Amendment  Rescission

Rule Action Notice  In Addition  Rule Under Consideration

Request for Non-Substantive Change

Statement of Actual Cost

Order of Rulemaking  Withdrawal  Adopt  Amendment  Rescission

Effective Date for the Order \_\_\_\_\_

Statutory 30 days OR Specific date \_\_\_\_\_

Does the Order of Rulemaking contain changes to the rule text?  NO

YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Section (3), and adding (15)

Small Business Regulatory  
Fairness Board (DED) Stamp

SMALL BUSINESS  
REGULATORY FAIRNESS BOARD

NOV 07 2018

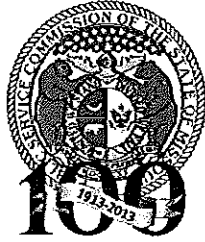
RECEIVED

JCAR Stamp

JOINT COMMITTEE ON

NOV 07 2018

ADMINISTRATIVE RULES



Commissioners

RYAN A. SILVEY  
Chairman

WILLIAM P. KENNEY

DANIEL Y. HALL

SCOTT T. RUPP

MAIDA J. COLEMAN

## *Missouri Public Service Commission*

POST OFFICE BOX 360  
JEFFERSON CITY, MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://psc.mo.gov>

SHELLEY BRUEGGEMANN  
General Counsel

MORRIS WOODRUFF  
Secretary

LOYD WILSON  
Director of Administration

NATELLE DIETRICH  
Staff Director

November 7, 2018

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

Re: 4 CSR 240-13.055 Cold Weather Maintenance of Service: Provision of Residential Heat-Related Utility Service During Cold Weather

Dear Secretary Ashcroft,

### CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed amendment lawfully submitted by the Missouri Public Service Commission.

The Public Service Commission has determined and hereby certifies that this proposed amendment will not have an economic impact on small businesses. The Public Service Commission further certifies that it has conducted an analysis of whether there has been a taking of real property pursuant to section 536.017, RSMo, that the proposed amendment does not constitute a taking of real property under relevant state and federal law, and that the proposed amendment conforms to the requirements of 1.310, RSMo, regarding user fees.

The Public Service Commission has determined and hereby also certifies that this proposed amendment complies with the small business requirements of 1.310, RSMo, in that it does not have an adverse impact on small businesses consisting of fewer than fifty full or part-time employees or it is necessary to protect the life, health, or safety of the public, or that this rulemaking complies with 1.310, RSMo, by exempting any small business consisting of fewer than fifty full or part-time employees from its coverage, by implementing a federal mandate, or by implementing a federal program administered by the state or an act of the general assembly.

Statutory Authority: sections 386.250, 393.130, and 393.140, RSMo

If there are any questions regarding the content of this proposed amendment, please contact:

John Clark, Regulatory Law Judge  
Missouri Public Service Commission  
200 Madison Street  
P.O. Box 360  
Jefferson City, MO 65102  
(573) 522-4355  
John.Clark@psc.mo.gov

A handwritten signature in cursive script, reading "Morris L. Woodruff".

Morris L. Woodruff  
Chief Regulatory Law Judge

Enclosures

STATE CAPITOL  
201 W. CAPITOL AVENUE, ROOM 216  
JEFFERSON CITY, MISSOURI 65101



(573) 751-3222  
WWW.GOVERNOR.MO.GOV

*Michael L. Parson*

GOVERNOR  
STATE OF MISSOURI

September 26, 2018

Mr. Daniel Hall  
Public Service Commission  
200 Madison Street  
PO Box 360  
Jefferson City, MO 65102

RE: *Proposed Rulemaking*

Dear Daniel:

This office has received your proposed amendments, and rules for the regulations listed below.

- 4 CSR 240-3.010 – General Definitions (proposed amendment)
- 4 CSR 240-13.050 – Discontinuance of Service (proposed amendment)
- 4 CSR 240-13-055 – Cold Weather Maintenance of Service: Provision of Residential Heat-Related Utility Service During Cold Weather (proposed amendment)
- 4 CSR 240-40-085 – Filing Requirements for Gas Utility Rate Schedules (proposed rule)
- 4 CSR 240-40.090 – Submission Requirements for Gas Utility Depreciation Studies (proposed rule)
- 4 CSR 240-80.020 – Uniform System of Accounts – Heating Companies (proposed amendment)
- 4 CSR 240-80.025 – Filing Requirements for Steam Heating Utility Rate Schedules (proposed rule)

Executive Order 17-03 requires this office's approval before state agencies release proposed regulations for notice and comment, amend existing regulations, rescind regulations, or adopt new regulations. After our review of this rulemaking, we approve the submission of these amendments, rules and rescissions to the Joint Committee on Administrative Rules and the Secretary of State.

Sincerely,

A handwritten signature in black ink that reads "Jessie Eiler".

Jessie Eiler  
Deputy Counsel





RECEIVED

NOV 07 2018

SECRETARY OF STATE  
ADMINISTRATIVE RULES

**Title 4—DEPARTMENT OF  
ECONOMIC DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 13—Service and Billing Practices for  
Residential Customers of Electric, Gas, Sewer, and Water Utilities**

**COPY**

**PROPOSED AMENDMENT**

**4 CSR 240-13.055 Cold Weather Maintenance of Service: Provision of Residential Heat-Related Utility Service During Cold Weather.**

*PURPOSE: This amendment is to correct a rule reference error and streamlines provisions formerly in Chapter 3.*

(3) Notice Requirements. From November 1 through March 31, prior to discontinuance of service due to nonpayment, the utility shall—

(C) Attempt to contact the customer at the time of the discontinuance of service in the manner specified by 4 CSR 240-13.050(/8/ 9);

(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 (20<sup>th</sup>) day of the following month. The utility shall provide a copy of each report to the Office of the Public Counsel. 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 4 CSR 240-13.055, and the utility shall separately report on the information listed below for customers receiving energy assistance and customers who are affected by 4 CSR 240-13.055 and not known to be receiving energy assistance. All information submitted shall be considered public information; however, no customer-specific information shall be re-reported or made public. Utilities providing both electric and gas service shall report the following information separately for their gas-only territory:

(A) 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; and
3. Of those discontinued during the period, how many customers were restored to service during the period.

(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.

(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 serves known to the utilities.
2. How much energy assistance was provided by—

JOINT COMMITTEE ON

NOV 07 2018

ADMINISTRATIVE RULES

- A. LIHEAP;
- B. ECIP;
- C. Other sources known to the utility; and
- D. Customer.

(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.

(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.

(F) How many customers were registered under 4 CSR 240-13.055(1)(D) 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.

(G) For how many customers during the period did the utility receive—

- 1. LIHEAP;
- 2. ECIP; and
- 3. Other assistance known to the utility.

(H) 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.

(I) How many customers who requested reconnection under terms of this rule were refused service pursuant to section 4 CSR 240-13.055(11).

(J) How many customers received energy assistance insufficient in amount to retain or restore service.

(K) The number of customers who agreed to pay for their heat-related utility service under a payment agreement in accordance with 4 CSR 240-13.055.

*AUTHORITY: sections 386.250 and 393.140, RSMo 2000, and section 393.130, RSMo Supp. 2013. \* Original rule filed June 13, 1984, effective Nov. 15, 1984. Amended: Filed Dec. 30, 1992, effective Oct. 10, 1993. Amended: Filed March 10, 1995, effective Jan. 30, 1996. Emergency amendment filed Nov. 8, 2001, effective Nov. 18, 2001, expired March 31, 2002. Amended: Filed Aug. 16, 2002, effective April 30, 2003. Amended: Filed April 9, 2004, effective Oct. 30, 2004. Emergency amendment filed Dec. 16, 2005, effective Dec. 26, 2005, expired March 31, 2006. Amended: Filed May 15, 2006, effective Nov. 1, 2006. Amended: Filed Aug. 1, 2013, effective March 30, 2014.*

*\*Original authority: 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 393.130, RSMo 1939, amended 1949, 1967, 1969, 2002; and 393.140, RSMo 1939, amended 1949, 1967.*

*PUBLIC COST: These proposed amendments will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: These proposed amendments will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, P.O. Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before January 18, 2019, and should include a reference to Commission Case No. AX-2018-0395. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for January 29, 2019 at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions. Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*



# Small Business Regulator Fairness Board

## Small Business Impact Statement

Date: May 29, 2018

**Rule Number: 4 CSR 240 13.055 Cold Weather Maintenance of Service: Provision of Residential Heat Related Utility Service During Cold Weather.**

**Name of Agency Preparing Statement: Missouri Public Service Commission**

**Name of Person Preparing Statement: Jamie Myers**

**Phone Number: 573-526-6036      Email: jamie.myers@psc.mo.gov**

**Name of Person Approving Statement: Natelle Dietrich**

**Please describe the methods your agency considered or used to reduce the impact on small businesses** (*examples: consolidation, simplification, differing compliance, differing reporting requirements, less stringent deadlines, performance rather than design standards, exemption, or any other mitigating technique*).

This proposed amendment corrects a rule reference and consolidates and streamlines some of the filing requirements formerly in Chapter 3.

**Please explain how your agency has involved small businesses in the development of the proposed rule.**

The Commission opened held a workshop and two public hearings.

**Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the moneys will be used.**

It is anticipated the proposed rule will not have any monetary costs or benefits.

**Please describe small businesses that will be required to comply with the proposed rule and how they may be adversely affected.**

This proposed amendment corrects the rule and streamlines the filing requirements. Utilities are already required to submit a cold weather report. This simplified the requirements and consolidates it here. No adverse impact is expected.

**Please list direct and indirect costs (in dollars amounts) associated with compliance.**

None identified.

**Please list types of business that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.**

Utilities regulated by the Commission, business owners that are ratepayers of those utilities.

**Does the proposed rule include provisions that are more stringent than those mandated by comparable or related federal, state, or county standards?**

Yes  No

**If yes, please explain the reason for imposing a more stringent standard.**

*For further guidance in the completion of this statement, please see §536.300, RSMo.*