

### Administrative Rules Stamp

Rule Number 4 CSR 240-2.070

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:

Small Business Regulatory  
Fairness Board (DED) Stamp

JCAR Stamp

JOINT COMMITTEE ON

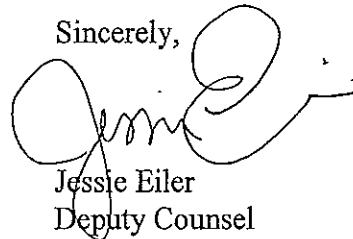
MAR 20 2019

## ADMINISTRATIVE RULES

- 4 CSR 240-3.020 Filing Requirements Regarding Utility Company Name Changes (rescission)
- 4 CSR 240-3.015 Filing Requirements for Utility Company Applications for Waivers or Variances (rescission)
- 4 CSR 240-3.010 General Definitions (amendment)
- 4 CSR 240-2.205 Variance or Waiver (rule)
- 4 CSR 240-2.120 Presiding Officers (amendment)
- 4 CSR 240-2.070 Complaints (amendment)
- 4 CSR 240-2.010 Definitions (amendment)

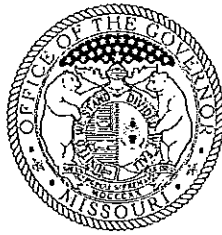
Executive Order 17-03 requires this office's approval before state agencies release proposed regulations for notice and comment, amend existing regulations, rescind regulations, or adopt new regulations. After our review of these rulemakings, we approve their submission to the Joint Committee on Administrative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

Sincerely,

A handwritten signature in black ink, appearing to read 'Jessie Eiler', with a large, stylized initial 'J' and a long, sweeping horizontal stroke extending to the right.

Jessie Eiler  
Deputy Counsel

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



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*Michael L. Parson*

GOVERNOR  
STATE OF MISSOURI

March 15, 2019

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

RE: *Final Order of Rulemaking*

Dear Ryan:

This office has received your Final Order of Rulemaking for the regulations listed below.

- 4 CSR 240-13.055 Cold Weather Maintenance of Service: Provision of Residential Heat-Related Utility Service During Cold Weather (amendment)
- 4 CSR 240-13.070 Commission Complaint Procedure (amendment)
- 4 CSR 240-13.050 Discontinuance of Service (amendment)
- 4 CSR 240-13.030 Deposits and Guarantees of Payment (amendment)
- 4 CSR 240-13.025 Billing Adjustments (amendment)
- 4 CSR 240-13.020 Billing and Payment Standards (amendment)
- 4 CSR 240-13.015 Definitions (amendment)
- 4 CSR 240-13.010 General Provisions (amendment)
- 4 CSR 240-10.040 Service and Billing Practices for Commercial and Industrial Customers of Electric, Gas, Water and Steam Heat Utilities (amendment)
- 4 CSR 240-10.020 Income on Depreciation Fund Investments (amendment)
- 4 CSR 240-3.250 Submission of Gas Utility Residential Heat-Related Cold Weather Report (rescission)
- 4 CSR 240-3.180 Submission of Electric Utility Residential Heat-Related Service Cold Weather Report (rescission)
- 4 CSR 240-3.030 Minimum Filing Requirements for Utility Company General Rate Increase Requests (amendment)
- 4 CSR 240-3.025 Utility Company Tariff Filings Which Create Cases (rescission)



**Commissioners**

**RYAN A. SILVEY**  
Chairman

**WILLIAM P. KENNEY**

**DANIEL Y. HALL**

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***Missouri Public Service Commission***

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**MORRIS WOODRUFF**  
Secretary

**LOYD WILSON**  
Director of Administration

**NATELLE DIETRICH**  
Staff Director

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

Re: 4 CSR 240-2.070 Complaints

Dear Secretary Ashcroft,

**CERTIFICATION OF ADMINISTRATIVE RULE**

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

Statutory Authority: section 386.410, RSMo 2016.

If there are any questions regarding the content of this order of rulemaking, 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](mailto:John.Clark@psc.mo.gov)

Morris L. Woodruff  
Chief Regulatory Law Judge

Enclosures

**Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240 – Public Service Commission  
Chapter 2 – Practice and Procedure**

**ORDER OF RULEMAKING**

By the authority vested in the Public Service Commission under section 386.410, RSMo 2016, the commission amends a rule as follows:

**4 CSR 240-2.070 Complaints is amended.**

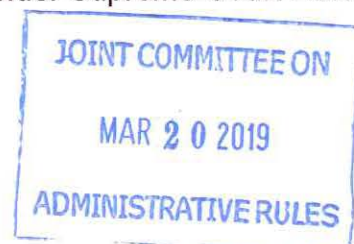
A notice of proposed rulemaking containing the proposed rule amendment was published in the *Missouri Register* on December 17, 2018 (43 MoReg 3762-3763). No changes have been made in the proposed amendment so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the Code of State Regulations.

**SUMMARY OF COMMENTS:** The public comment period ended January 16, 2019, and the commission held a public hearing on the proposed rule on January 29, 2019. The commission received timely written comments in support of the amendment from Travis J. Pringle, Legal Counsel, on behalf of the staff of the commission. Additional written comments suggesting changes were received from Paula N. Johnson, Senior Corporate Counsel, on behalf of Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri"). Written comments in support of Ameren Missouri's comments were received from Diana C. Carter, Brydon Swearngen & England, PC, on behalf of Spire Missouri ("Spire"). The commission received comments at the hearing in regarding the amendment from Jamie Myers, Commission Staff Deputy Director, on behalf of the staff of the commission ("staff"), Caleb Hall, Attorney, on behalf of the Office of the Public Counsel ("OPC"), and Jim Fischer, Fischer & Dority, PC, on behalf of Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company (collectively referred to as "KCP&L/GMO").

**COMMENT #1:** Staff made written comments supporting the amendment of this rule indicating that this amendment clarifies proper service and clarifies staff's role in small complaints. Staff stated that this rulemaking was undertaken in response to Executive Order 17-03 and is being proposed in order to streamline, simplify, and improve the user-friendliness of the commission's regulations.

**RESPONSE:** No change was made as a result of this comment.

**COMMENT #2:** At the hearing Staff commented that the proposed amendment attempted to simplify the service language tying it to service acceptable under Supreme Court Rule 54.





RESPONSE: The commission feels that service which would withstand the scrutiny of a reviewing court is a necessary component of due process. No change was made as a result of this comment.

COMMENT #3: Ameren Missouri filed written comments and made comments at the hearing regarding changes to subsection (8). Ameren Missouri suggests that for regulated utilities, notification through the commission's electronic filing information system, or email notification of a complaint filing would be a sufficient and more expedient form of service upon regulated utility respondents.

RESPONSE: Some regulated utilities or individuals subject to commission jurisdiction may not utilize email. So the proposed alteration of the rule is inappropriate. No change was made as a result of this comment.

COMMENT #4: Staff offered comments at the hearing regarding subsection (15)(D) which removed language stating staff shall not advocate a position in small formal complaint cases. Staff comments indicated a reluctance on its part to offer recommendations to the commission due to the existing language. Staff commented that removal of this language would allow them to make recommendations to the commission based upon staff's investigation. Staff indicated that removal of the language does not change staff's position as a neutral party.

Ameren Missouri also filed written comments and made comments at the hearing regarding changes to subsection (15)(D). Ameren Missouri opposes removal of language stating that staff should not advocate a position. Ameren Missouri indicated concern that in the past staff has advocated for particular complainants. Ameren Missouri points out that if OPC does not have the resources to intervene, and staff wants to advocate a position it can follow existing procedures to change the complaint status. Ameren Missouri does not believe the existing language prevents staff from offering a recommendation to the commission. Ameren Missouri also proposed limiting staff to reporting the results of an investigation and making a recommendation.

OPC commented that staff is advocating a position when it takes a position regarding whether a complaint should proceed. OPC finds the amendment fair and understandable.

RESPONSE: The commission would be greatly assisted by staff filing recommendations in small complaint cases. The commission believes that the proposed amendment accomplishes this ends without compromising staffs position as a neutral party, No change was made as a result of this comment.

COMMENT #5: KCP&L/GMO, commented that KCP&L/GMO agreed with Ameren Missouri's comments. Spire Missouri submitted written comments that it concurred with Ameren Missouri's written comments.

RESPONSE: No change was made as a result of this comment.