

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

In the Matter of the Proposed Amendment    )  
of the Commission’s Rule 20 CSR 4240-    )  
3.190 Reporting Requirements for Electric    )  
Utilities and Rural Electric Cooperatives    )

Case No. EX-2025-0034

**PUBLIC COUNSEL’S RESPONSE TO PROPOSED AMENDMENTS TO THE  
COMMISSION’S RULE 20 CSR 4240-3.190 REPORTING REQUIREMENTS FOR  
ELECTRIC UTILITIES AND RURAL ELECTRIC COOPERATIVES. RULES**

COMES NOW the Office of Public Counsel (Public Counsel) and responds to the Commission’s proposed amendments to its rule 20 CSR 4240-3.190 *Reporting Requirements for Electric Utilities and Rural Electric Cooperatives* as follows:

1. It is apparent to Public Counsel that the Commission initiated this rulemaking to update the reporting requirements of rule 20 CSR 4240-3.190 to address changes that have occurred since the Commission last addressed the substance of the rule in 2010.

2. Public Counsel generally agrees with the Commission’s proposed amendments, but has suggestions that it believes will further improve the rule by adding clarity, adding reporting related to energy and capacity markets created since 2010, and adding reporting for generation technologies that have become commercially feasible at utility scale since 2010.

3. In its attachment to this pleading Public Counsel is presenting those suggestions through proposed revisions to the proposed amendment the Commission published. Public Counsel’s proposed revisions are shown by accepting the strikeout bracketed amendments the Commission proposed, then making proposed further additions with underlined blue text and proposed further deletions with strikethrough blue text as shown. Rationales for changes which may not be obvious are provided by comments in the attachment.

**Wherefore**, Public Counsel provides its comments to the proposed amendments to rule 20 CSR 4240-3.190 *Reporting Requirements for Electric Utilities and Rural Electric Cooperatives*.

Respectfully,

/s/ Nathan Williams

Nathan Williams  
Chief Deputy Public Counsel  
Missouri Bar No. 35512

Office of the Public Counsel  
Post Office Box 2230  
Jefferson City, MO 65102  
(573) 526-4975 (Voice)  
(573) 751-5562 (FAX)  
[Nathan.Williams@ded.mo.gov](mailto:Nathan.Williams@ded.mo.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 3<sup>rd</sup> day of October 2024.

/s/ Nathan Williams

## ATTACHMENT

### 20 CSR 4240-3.190 Reporting Requirements for Electric Utilities and Rural Electric Cooperatives

*PURPOSE: This rule prescribes requirements and procedures for the reporting of certain events by electric utilities to the commission to inform the commission of developments that may affect the rendering of safe and adequate service and to enable the commission to thoroughly and fairly investigate certain accidents and events that may have an impact in future electric rate proceedings at the time and in the context in which those events occur. This rule also includes electrical facilities accident and event reporting requirements for rural electric cooperatives.*

(1) Definitions. The following definitions shall apply to this rule:

(A) Facility is a site at which electric generating unit(s), and/or equipment for converting mechanical, chemical, and/or nuclear energy into electric energy are situated. A facility may contain more than one generating unit of either the same or different type;

Commented [ML1]: Definitions for clarity

(B) Generating unit is an individual electric generator and its associated plant and apparatus whose electrical output is capable of being separately identified and metered.

(2) Every electric utility shall accumulate the following information and submit it monthly in the commission's electronic filing and information system (EFIS) by the last day of the month following the month to be reported:

(A) Monthly as-burned fuel report for each carbon-based fuel generating unit, including the amount of each type of fuel consumed, the British thermal unit (Btu) value of each fuel consumed, and the blending percentages (if applicable);

(B) Capacity purchases, regardless of longer than seven (7) days duration;

(C) Schedule of planned outages of power production facilities and battery storage facilities;

(D) Schedule of thermal generating unit planned fuel test burns, ~~unit~~ heat-rate tests.

(E) Documentation of the results of all accreditation runs, fuel test burns, and heat-rate tests with provided as a heat-rate curve included in heat-rate test documentation, ~~and accreditation runs with documentation of the results of all tests and runs;~~

Commented [ML2]: Split Staff's (D). OPC propose that (D) require scheduling information and (E) require results

~~(F)~~ Citations or notices of violation and copies of the electric utility response, or a statement that no such citations or notices were received, related to power production facilities received from any state or federal utility regulatory agency or environmental agency including, but not limited to, the Federal Energy Regulatory Commission (FERC), the North American Electric Reliability Corporation (NERC), the Nuclear Regulatory Commission (NRC), the Environmental Protection Agency (EPA), the Department of Natural Resources (DNR), and the Department of Energy (DOE);

(G) Penalties incurred under a Regional Transmission Organization or an Independent System Operator Open Access Transmission Tariff, the reason for the penalty, and the expected remediation steps;

Commented [ML3]: Update rule to include notification of RTO/ISO penalties

## ATTACHMENT

~~(H)~~ The terms of new contracts or existing contracts which will be booked to Accounts 310–346, ~~or~~ Accounts 502–546, or Accounts 548-554 of the FERC’s Uniform System of Accounts requiring the expenditure by the electric utility of more than two hundred thousand dollars (\$200,000) including, but not limited to, contracts for engineering, consulting, repairs, and modifications or additions to an electric plant; and

**Commented [ML4]:** These accounts apply to non-steam generation similar to the 502-546 for steam generation.

~~(32)~~ Monthly reporting of hourly data.

**Commented [ML5]:** Moved language from subsection (B) below to differentiate this data from (2)

~~(A)~~ Every electric utility shall accumulate and report in an electronic format from which the data can be easily extracted for analysis in spreadsheet or database software using the templates provided by the commission the information described below and submit it monthly in EFIS ~~on~~ by the last day of the month following the month to be reported;

~~1(A)~~ —All generating unit outages and derates for all units regardless of size, dispatchability, fuel type, or ownership share;

(B) All outages and derates of battery storage facilities;

~~(C)2.~~ —Net system input for the electric utility;

~~(D)3.~~ —Hourly generation for each generating unit both including and excluding hourly station use;

~~(E)4.~~ —Hourly day-ahead cleared generation, hourly real-time generation, and ancillary services for each generating unit;

~~(F)5.~~ Hourly day-ahead load and real-time load and price at each load node;

(G) Hourly day-ahead and real-time price for each generation node;

(H) Hourly charge and discharge amounts of battery storage facilities;

(I) Hourly charge cost and discharge revenue of battery storage facilities;

~~(J)6.~~ Total megawatt-hour load for each hour by:

~~1A.~~ Wholesale load;

~~2B.~~ Sale for resale load; and

~~3C.~~ Retail load by:

~~A.(H)~~ Rate code if customers taking service on a rate code are metered at a consistent voltage; or

~~B.(H)~~ Rate schedule for each voltage of service offered within each rate schedule; and

~~(K)7.~~ Megawatt amount and delivery prices of hourly purchases and sales of electricity from or to other electrical services providers, independent power producers, or cogenerators and small power producers, including any party to the purchase or sale, and the terms of the purchase or sale.

## ATTACHMENT

1A. If adjustments are made to the price of hourly purchases after the purchase is made, provide the amount of the adjustment and the time period over which the adjustment was made.

(L) Any additional information that the commission has ordered the electric utility to provide in its monthly report.

~~(B) The information in this section shall be provided in an electronic format from which the data can be easily extracted for analysis in spreadsheet or database software using the templates provided by the commission.~~

(4G) If a utility provides notice of a generating unit retirement to a Regional Transmission Organization or an Independent System Operator, notice shall be provided to the commission in the applicable reporting month within ten (10) business days of the notice to the Regional Transmission Organization or Independent System Operator.

### (35) Incident Reporting.

(A) Every electric utility shall report through EFIS by the end of the first business day following discovery of an incident, the information described below:

1. Details of any accident or event at any facilitypower plant involving serious physical injury or death or property damage in excess of two hundred thousand dollars (\$200,000);
2. Forced outages of any nuclear generating unit(s) that could reasonably be anticipated to last longer than three (3) days;
3. Forced outages of any fossil-fuel fired generating unit(s) with an accredited capacity of greater than one hundred (100) megawatts that reasonably could be anticipated to last longer than three (3) days, when the unit(s) is forced out due to a common or unforeseen occurrence;
4. Forced outages of wind and solar generating facilitiesplants when there is a loss of at least thirty percent (30%) of total installed capacity that reasonably could be anticipated to last longer than three (3) days, when the cause is due to a common or unforeseen occurrence;
5. Reductions of eThe coal inventory at a coal generating facility inventoryisfalls below a thirty (30)-day burn supply, and reductions of oil inventory at an oil facility falling below fifty percent (50%) of the storage capacity of that oil facility; and
6. Loss of transmission capability that could limit the output of a generating plant or the transfer capability into or out of the electric utility's system.

**Commented [ML6]:** This will allow parties to ask for information on new technologies without requiring a change to the rule.

This is the same language used in the FAC monthly reporting rule

**Commented [ML7]:** Not a monthly requirement but not an incident either. Just a requirement to provide notice in EFIS

## ATTACHMENT

(B) The electric utility shall submit, through EFIS within five (5) business days following the discovery, an update of the incident including any details not available at the time of the initial report.

(C) Incidents under subsection (53)(A)1. require a detailed investigative report which shall be submitted through EFIS within one hundred twenty (120) days.

(64) Electrical Contact Reporting. Electrical contact reporting shall be made through EFIS, in writing using the Missouri Public Service Commission Electrical Contact Reporting Form, incorporated by reference, as provided on the commission website (psc.mo.gov), or by phone to the commission personnel designated on the form.

**Commented [ML8]:** There are two version of this report available through search. There needs to be only one form available

(A) Every electric utility and rural electric cooperative shall notify ~~designated the~~ commission personnel by telephone or in writing by the end of the first business day following the discovery of any electrical contact, provided the electric utility or rural electric cooperative first has received proper notice or has actual knowledge of the electrical contact, described below:

**Commented [ML9]:** Not needed if language is added to (6)

1. Electrical contact, arc, or flash with its energized electrical supply facilities or at locations it supplies power that results in admission to a hospital or the fatality of any person even when the source of the electric current is believed to have originated on the customer's side of the meter; or
2. Courtesy notifications may be provided regarding any other electrical contact, arc, or flash considered significant by the electric utility or rural electric cooperative.

(B) The electric utility or rural electric cooperative shall submit to designated commission personnel within ten (10) business days following the initial notification a written report consisting of any details not available at the time of the initial notification including information relevant to the circumstances of the incident. Relevant information may include the number of persons injured, type and extent of injuries, cause (if known), extent of any resulting outages, identification of the physical equipment of such electric utility or cooperative, a description of work being performed at the location, weather conditions, and the land use surrounding the scene of the incident.

~~(C) Electrical contact reporting may be made through EFIS or using the Missouri Public Service Commission Electrical Contact Reporting Form, incorporated by reference, as provided on the commission website (psc.mo.gov).~~

~~(D) Contact information for designated commission personnel is included on the electrical contact reporting form, incorporated by reference, as provided on the commission website (psc.mo.gov).~~

**Commented [ML10]:** Moved to (6)

~~(E)~~ Neither the initial notification or written report nor the public availability of either shall be deemed to be an admission or waiver of any privilege of the notifying or reporting electric utility or rural electric cooperative.

## ATTACHMENT

- (76) All reports and information submitted by electric utilities and rural electric cooperatives pursuant to this rule shall be subscribed by an authorized representative of the electric utility or rural electric cooperative having knowledge of the subject matter and shall be stated to be accurate and complete, and contain no material misrepresentations or omissions, based upon facts of which the person subscribing the report or information has knowledge, information, or belief.
- (87) The reporting requirements prescribed by this rule shall be in addition to all other reporting requirements prescribed by law.
- (98) The information contained in the reports filed pursuant to this rule shall be subject to the provisions of section 386.480, RSMo, and the use of that information in any proceeding before the commission shall be governed by the terms of 20 CSR 4240-2.135 and any protective order issued by the commission in the proceeding, if a protective order has been issued.
- (109) The receipt by the commission or commission staff of reports prescribed by this rule shall not bind the commission or commission staff to the approval or acceptance of, or agreement with, any matter contained in the reports for the purpose of fixing rates or in determining any other issue that may come before the commission.
- (110) Upon proper application and after notice and an opportunity for hearing, the commission, in its discretion, may waive any provision of this rule for good cause shown.

*AUTHORITY: sections 386.250 and 394.160, RSMo 2016.\* This rule originally filed as 4 CSR 240-3.190. Original rule filed Aug. 16, 2002, effective April 30, 2003. Amended: Filed Oct. 14, 2003, effective April 30, 2004. Amended: Filed Dec. 16, 2009, effective Aug. 30, 2010. Moved to 20 CSR 4240-3.190, effective Aug. 28, 2019. Amended: Filed July 31, 2024, effective \_\_\_\_\_.*

*\*Original authority: 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996 and 394.160, RSMo 1939, amended 1979.*