

John R. Ashcroft

Secretary of State / Administrative Rules

RULE TRANSMITTAL

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By JCAR at 2:02 pm, Dec 04, 2024

Rule Number 20 CSR 4240-3.190

Use a SEPARATE rule transmittal sheet for EACH individual rulemaking.

Name of person(s) Administrative Rules can contact with questions about this rule:

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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 Adoption 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/SUBSECTIONS WITH CHANGES:

 New section (1) and new subsections (1)(A) and (1)(B); new subsection (1)(F); new section (5); renumbering for all sections (1)-(11); changes to the following as published: (1)(B); (1)(F); (2)(A); (3)(A); (3)(C); and (4)(D).



Missouri Public Service Commission

MAIDA J. COLEMAN
Commissioner

KAYLA HAHN
Chair

JASON R. HOLSMAN
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GLEN KOLKMEYER
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JOHN P. MITCHELL
Commissioner

Sarah Schappe
Director
Joint Committee on Administration Rules
State Capitol, Room B8A
Jefferson City, Missouri 65101

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

Dear Director Schappe,

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: sections 386.250 and 394.160, RSMo 2016.

If there are any questions regarding the content of this order of rulemaking, please contact:

Nancy Dippell, Secretary
Missouri Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, MO 65102
(573) 751-8518
Nancy.Dippell@psc.mo.gov

A handwritten signature in black ink that reads "Nancy Dippell".

Nancy Dippell
Secretary to the Commission



Enclosures

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Michael L. Parson

GOVERNOR
STATE OF MISSOURI

December 4, 2024

Ms. Kayla Hahn
Public Service Commission
PO Box 360
Jefferson City, MO 65102

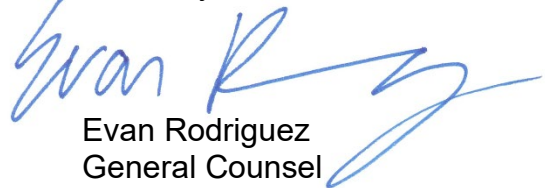
Dear Ms. Hahn:

This Office has received your Final Order for the following regulations:

- 20 CSR 4240-50.050
- 20 CSR 4240-10.095
- 20 CSR 4240-3.190 Reporting Requirements for Electric Utilities and Rural Electric Cooperatives

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, we approve the submission to the Joint Committee on Administrative Rules and the Secretary of State.

Sincerely,


Evan Rodriguez
General Counsel

Title 20 — DEPARTMENT OF COMMERCE AND INSURANCE
Division 4240 — Public Service Commission
Chapter 3 — Filing and Reporting Requirements

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 394.160, RSMo 2016, the commission amends a rule as follows:

20 CSR 4240-3.190 Reporting Requirements for Electric Utilities and Rural Electric Cooperatives is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on Sept. 3, 2024 (49 MoReg 1359-1363). Those sections with changes are 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 Oct. 3, 2024, and the commission held a public hearing on the proposed amendment on Oct. 11, 2024. The commission received three (3) written comments during the comment period and the same three (3) entities made comments during the hearing.

COMMENT #1: J. Scott Stacey, Deputy Counsel, and Claire M. Eubanks, Manager-Engineering Analysis, on behalf of the staff of the commission made written comments in support of the proposed amendment. Staff indicated that the proposed amendments were essential to the health, safety, and welfare of Missouri residents by ensuring the commission is timely informed of certain data and events that may impact future rate proceedings and the provision of safe and adequate service by electrical corporations and the provision of safe service by the rural electric cooperatives. Staff noted that since the rule was last amended in 2010, there have been significant changes in energy market operations, metering technology, plant retirements, and renewable energy resources. Staff also noted that the proposed amendment was drafted to align with the objective of improving internal processes to more efficiently process electric rate cases. Additionally, staff gave a report of the history and process for developing the proposed amendment and recommended one change to the proposed amendment. Staff recommended that a change be made to proposed subsection (4)(D) to reflect an updated date for the form incorporated by reference in the subsection.

RESPONSE AND EXPLANATION OF CHANGE: The commission appreciates the work its staff put into this amendment and will adopt the change as suggested by staff. Therefore, the date of the form referenced in proposed subsection (4)(D) will be changed to September 24, 2024.

COMMENT #2: Roger W. Steiner on behalf of Evergy Metro, Inc., d/b/a Evergy Missouri Metro and Evergy Missouri West, Inc. d/b/a Evergy Missouri West (collectively referred to as “Evergy”) filed written comments. Evergy noted that it had participated in discussions with staff regarding the drafting of the proposed amendment. Evergy provided the criteria it shared with staff in drafting the rule regarding how it is able to comply with part (2)(A)6.C.(I) of the proposed amendment. Evergy also stated regarding subsection (7)(B) that it intended to provide information in an electronic format and estimated that three months are needed to allow for system configurations to comply with the reporting templates. Staff responded that the rule will not become effective before approximately three months has elapsed and if Evergy needs a variance from the rule, it can file an application for such a variance.

RESPONSE: The commission appreciates Evergy’s participation in the rulemaking process. As the earliest date this proposed amendment is expected to take effect is February 28, 2025, no change has been made as a result of this comment.

COMMENT #3: Nathan Williams, Chief Deputy Public Counsel, filed written comments on behalf of the Office of the Public Counsel (OPC). OPC generally supports the commission’s proposed amendment, but made suggestions that it believed would further improve the clarity of the rule and would add reporting related to energy and capacity markets created since 2010 and reporting for generation technologies that have become commercially feasible at utility scale since 2010. OPC also commented regarding changing the organization of proposed section (4). Staff made written responses to OPC’s comments and provided comments at the hearing in response to OPC’s comments. Staff responded that it believes only the date change is necessary.

RESPONSE: The commission appreciates OPC’s participation in the rulemaking process and looks forward to working with OPC in the future to continue to revise the commission’s rules where necessary. The commission is satisfied with the changes recommended by staff and set further out below. Thus, no change was made as a result of these comments.

COMMENT #4: OPC commented suggesting the need for definitions of facility and generating unit for clarity. Staff responded it did not object to this addition.

RESPONSE AND EXPLANATION OF CHANGES: The commission finds adding the suggested definitions will provide clarity to the rule and will adopt them. Therefore the commission adds new section (1) and subsections (1)(A) and (1)(B) and renumbers proposed sections (1)-(9).

COMMENT #5: OPC commented that a change to proposed subsection (1)(B) should be made to remove the seven day duration. Staff commented it did not object to this change.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with the suggestions and will change proposed subsection (1)(B) to include capacity purchases regardless of duration.

COMMENT #6: Lena Mantle, on behalf of OPC, commented at the hearing regarding OPC's proposed data reporting changes. OPC commented that the rule has been very useful since it was promulgated and was last updated in 2010. OPC commented, however, that much more data would be useful due to the changes in the energy market and technology since 2010. OPC indicated that the Missouri electric utilities currently had small pilot programs of battery storage and all the commission-regulated electric utilities have battery storage in their long-range resource plans. Thus, OPC suggested making changes to the rule now to accommodate that technology.

OPC suggested rewriting the requirements in proposed section (2)(B) regarding monthly reporting of hourly data. Staff responded to OPC's suggested changes that it prefers the way the rule is currently written with regard to moving language from proposed section (2)(B). Staff, however, was not opposed to some small clarifying changes in the language. Staff explained that proposed section (2) of the rule was written with consideration of the data needs for production cost modeling. Staff specifically noted that it was not aware of any electric utility with battery energy storage systems that are currently interconnected at transmission. Staff suggested that these requirements be reevaluated in the next statutory periodic rule review in 2029.

Staff also stated that electrical utilities report to the National Energy Regulatory Commission (NERC) via the Generating Availability Data System (GADs). Staff explained that Staff is not aware of any electrical corporations operating battery storage systems co-located with its wind or solar facilities. Staff stated that GADs wind generation and GADs solar generation data reporting instructions outline performance records for energy storage relevant to OPC's suggestions. Staff also stated it has access to Standard & Poor's S&P Global and is able to access price information and download necessary data and the information is publically available. Staff commented that the proposed section (2) was intended to be limited to data that can be easily extracted for analysis in spreadsheet or database software. OPC stated that the data that Staff mentioned is not easy to locate.

At the hearing, Evergy commented that it had not had a chance to determine if OPC's suggested changes would increase the cost of the proposed rule to the electric utility. Both Staff and OPC also stated they did not know what the fiscal cost of the changes would be. Evergy also provided additional written responses to OPC's comments stating that Evergy had worked with staff to ensure it could meet the reporting requirements of the proposed rule. Evergy commented that it is able to provide hourly load information in kilowatt hours (kWh) format only. Evergy also commented that it planned to only offer a one month view of data and no historical data for future use. Evergy explained further how its data would be provided to comply with the proposed rule amendment. Staff stated in response that it understands Evergy's intentions. OPC responded with additional minor changes to its proposed language.

Evergy also commented that OPC's suggested new provision (3)(L) was too open-ended and was more than the normal "catch-all" for additional information.

RESPONSE AND EXPLANATION OF CHANGE: The Commission appreciates OPC attempting to improve the proposed rule amendment. However, the commission has no way to determine the fiscal cost to the utilities of OPC's added requirements. As explained by staff, the intent of the rule was to limit the data required to data that can be easily extracted and provided in a usable format. Without knowing the fiscal costs of these extensive changes or having time to properly examine and receive feedback on those changes since they have not been published, the commission will not make most of OPC's suggested changes to proposed section (2). The commission will make one of the changes proposed for clarity. The commission will add "dispatchability" to proposed paragraph (2)(A)1.

COMMENT #7: OPC suggested changes to proposed subsection (1)(D) by adding a requirement for "thermal generating unit" and splitting the subsection into two subsections with additional changes to new subsection (E). Staff responded that for a utility to develop a heat-rate curve, a schedule heat-rate test is not always necessary. Staff also noted that this requirement is meant to be different than the requirement for the fuel adjustment clause (FAC) for heat rate/efficiency testing. Further Evergy commented that OPC's new subsection (E) would require multi-point heat rate test for each unit, significantly increasing the cost of compliance with the rule.

RESPONSE: The commission's intent in promulgating this rule was to obtain the necessary information with the least cost to the utilities. Because OPC's change would require the utility to conduct multi-point heat rate testing in a manner that the utilities do not necessarily do at this time, the commission will not adopt OPC's suggested changes to proposed subsection (1)(D).

COMMENT #8: OPC commented that an additional requirement regarding regional transmission organization or independent system operator penalties should be included in section (2). Staff commented it did not object to this change. RESPONSE AND EXPLANATION OF CHANGE: The commission finds the added requirement to be reasonable and no utility objection was received. Therefore, the commission will insert a requirement in new subsection (F) to proposed section (1) and reletter the remaining subsections.

COMMENT #9: OPC commented that proposed subsection (1)(F) should include the non-steam generation account numbers. Staff proposed alternate language that would accommodate a future adoption of an updated version of the Federal Energy Regulatory Commission's Uniform System of Accounts (USOA). OPC replied that a reference to the USOA is unnecessary if the account numbers are removed from the rules.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with its staff and will adopt staff's alternative language to proposed subsection (1)(F). This will allow the commission to adopt updates of the USOA in future rulemakings if needed.

COMMENT #10: OPC suggested making proposed subsection (1)(H) a new section because it is not a monthly report or an incident report under the other sections. Staff commented that it was not opposed to this change.

RESPONSE AND EXPLANATION OF CHANGE: The commission will adopt OPC's suggested change and will make proposed subsection (1)(G) a new section (5) add an "and" to proposed subsection (1)(F) and reletter, punctuate, and renumber the remaining subsections and sections accordingly, including the reference in proposed subsection (3)(C).

COMMENT #11: OPC commented that it would like to add battery storage facilities to proposed subsection (1)(C). Staff stated it did not object to this change unless the utilities raise a concern. Evergy commented that it had not had an opportunity to review the fiscal costs of OPC's proposed changes.

RESPONSE: The commission is not adopting the other provisions proposed by OPC with regard to battery storage. Therefore, it is not appropriate to include battery storage facilities in this section of the rule either when no evaluation of the fiscal costs of the changes has been made. No change was made as a result of these comments.

COMMENT #12: OPC suggested changing the word "plant" to "facility" in proposed paragraph (3)(A)3. Staff stated it did not oppose this change.

RESPONSE AND EXPLANATION OF CHANGE: The commission will make the wording change for clarity in proposed paragraphs (3)(A)1., (3)(A)4., and (3)(A)6. For consistency, the Commission will make the same change to proposed subsection (1)(F).

Comment #13: OPC suggested a change to proposed paragraph (3)(A)3. to remove the accredited capacity limit on the reporting of certain forced outages. Staff responded that it prefers to keep the language as proposed. Staff stated that the purpose of the rule provision was to get timely notice of outages that are likely to impact the utility's ability to provide service. OPC replied that its change would allow the commission to receive notice of certain outages rather than reading about them in the news media.

RESPONSE: The commission agrees with staff regarding the purpose for the rule provision. No change is made as a result of this comment.

COMMENT #14: OPC commented suggesting changes to paragraph (3)(A)5. Staff responded with its own alternative language keeping the paragraph as part of the list. OPC replied with alternative language of its own.

RESPONSE AND EXPLANATION OF CHANGE: The commission will adopt staff's alternate language which incorporates some, but not all, of OPC's changes clarifying proposed paragraph (3)(A)5).

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

PURPOSE: This revision updates the requirements and procedures for the reporting of certain events by electric utilities to the commission. This revision updates the monthly reporting requirements regarding generation and load. This revision also updates the 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 units 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 or the same or different type.

(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 at least 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 of regardless of duration;

(C) Schedule of planned outages of power production facilities;

(D) Schedule of planned fuel test burns, unit heat-rate tests provided as a heat-rate curve, and accreditation runs with documentation of the results of all tests and runs;

(E) 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);

(F) 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; and

(G) The terms of new contracts or existing contracts which will be booked according to the FERC's Uniform System of Accounts as adopted by the commission in 20 CSR 4240-20.030 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 facility.

(3) Monthly reporting of hourly data.

(A) Every electric utility shall accumulate the information described below and submit it monthly in EFIS on the last day of the month following the month to be reported:

1. All generating unit outages and derates for all units regardless of size, dispatchability, fuel type, or ownership share;
2. Net system input for the electric utility;
3. Hourly generation for each generating unit both including and excluding hourly station use;
4. Hourly day-ahead cleared generation, hourly real-time generation, and ancillary services for each generating unit;
5. Hourly day-ahead load and real-time load at each load node;
6. Total load for each hour by:
 - A. Wholesale load;
 - B. Sale for resale load; and
 - C. Retail load by:
 - (I) Rate code if customers taking service on a rate code are metered at a consistent voltage; or
 - (II) Rate schedule for each voltage of service offered within each rate schedule; and
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.
 - A. 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.

(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.

(4) 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 a facility 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 facilities 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 coal inventory below a thirty- (30-) day supply and reductions of oil inventory 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 facility or the transfer capability into or out of the electric utility's system.

(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 (4)(A)1. require a detailed investigative report which shall be submitted through EFIS within one hundred twenty (120) days.

(5) 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.

(6) Electrical Contact Reporting.

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

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 [A]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 at psc.mo.gov.

(D) Contact information for designated commission personnel is included on the Missouri Public Service Commission Electrical Contact Reporting Form, incorporated by reference, as published by the commission, September 24, 2024, and provided on the commission website at psc.mo.gov.

(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.

(7) 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.

(8) The reporting requirements prescribed by this rule shall be in addition to all other reporting requirements prescribed by law.

(9) 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.

(10) 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.

(11) 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.