

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

In the Matter of an Investigation of the Effects)	
of Rate Design Modifications Associated with)	Case No. EW-2011-0372
Demand-Side Cost Recovery)	

**PUBLIC COUNSEL’S RESPONSE TO ORDER DIRECTING FILINGS AND
SCHEDULING A CONFERENCE**

COMES NOW the Office of the Public Counsel and for its Response to Order Directing Filings and Scheduling a Conference states as follows:

1. In its January 30, 2013 Order Directing Filings and Scheduling a Conference, the Commission stated:

No later than April 3, 2013, interested utilities and other stakeholders may submit specific proposed regulatory language to assist the Commission in meeting the statute’s requirement to promulgate an appropriate rule or rules, accompanied by written arguments in support of their proposed regulatory language.

2. Public Counsel proposes the following specific regulatory language:

4 CSR 240-20.095 Rate Design Modifications

PURPOSE: This rule will encourage electrical corporations to implement rate designs that will further the policy of helping customers use energy more efficiently and in a manner that sustains or enhances utility customers' incentives to use energy more efficiently.

(1) In any general rate case proceeding, an electrical corporation is encouraged to propose rate designs or rate design modifications that:

- (A) Reduce customer charges;
- (B) Implement inclining block rates;
- (C) Implement voluntary time of use rates; or
- (D) Implement cost-based seasonally-differentiated rates.

(2) In any general rate case proceeding, an electrical corporation shall not propose rate designs or rate design modifications that:

- (A) Implement declining block rates;
- (B) Implement mandatory residential time of use rates; or
- (C) Implement straight fixed-variable rates.

3. Public Counsel's proposed specific regulatory language does not address decoupling, because the Commission does not have statutory authority to implement a rule that addresses decoupling.

WHEREFORE Public Counsel respectfully submits this Response to Order Directing Filings and Scheduling a Conference.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

/s/ Lewis R. Mills, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been emailed to all parties this 3rd day of April 2013.

/s/ Lewis R. Mills, Jr.

By: _____