

covered gas utility's marketing affiliate is or was at the time of the granting of the discount the gas supplier or broker.

(I) A covered gas utility shall not make opportunity sales directly to a customer of its marketing affiliate or to its marketing affiliate unless such supplies and/or capacity are made available to other similarly situated customers using nonaffiliated marketers on an identical basis given the nature of the transactions.

(J) A covered gas utility shall not condition or tie agreements (including prearranged capacity release) for the release of interstate or intrastate pipeline capacity to any service in which the marketing affiliate is involved under terms not offered to nonaffiliated companies and their customers.

(K) A covered gas utility shall maintain its books of account and records completely separate and apart from those of the marketing affiliate.

(L) A covered gas utility is prohibited from giving any customer using its marketing affiliate preference with respect to any tariff provisions that provide discretionary waivers or variances.

(M) A covered gas utility shall maintain records when it is made aware of any marketing complaint against an affiliate. The records should contain a log detailing the date the complaint was received by the covered gas utility, the name of the complainant, a brief description of the complaint, and, as applicable, how it has been resolved. If the complaint has not been recorded by the covered gas utility within three (3) days, an explanation for the delay must be recorded.

(N) A covered gas utility will not communicate to any customer, supplier, or third parties that any advantage may accrue to such customer, supplier, or third party in the use of the regulated gas corporation's services as a result of that customer, supplier, or third party dealing with its marketing affiliate and shall refrain from giving any appearance that it speaks on behalf of its affiliate.

(O) If a customer requests information about a marketing affiliate, the covered gas utility may provide the requested information but shall also provide a list of all marketers operating on its system.

(5) Cost Allocation Manuals (CAM)

(B) Each covered utility shall file a CAM for approval by the commission as part of its first general rate case after the effective date of this rule, or in a separate filing no later than two (2) years after the effective date of this rule. Each covered utility shall conduct periodic reviews of its cost allocation, market valuation, and internal cost methods, no less frequently than every three (3) years, and shall update its CAM accordingly.

(C) Each covered utility shall file its CAM with the commission on or before May 15 each year, unless a different date has been agreed to between the commission and the utility within its CAM, as part of the covered utility's Affiliate Transaction Report. Included in the report should be a list of all affiliates regardless if services are provided to or services were obtained from the affiliate. The commission may, at any time, direct its staff to conduct an audit or review of a covered utility's CAM.

(6) Recordkeeping Requirements.

(B) Each covered utility shall maintain the following information in a mutually agreed-to electronic format (i.e., agreement between the commission staff, the Office of the Public Counsel, and the covered utility) regarding affiliate transactions with affiliates on a calendar year basis and shall file such information in the form of an Affiliate Transactions

Report with the secretary of the commission in EFIS by no later than May 15 of the succeeding year:

1. A full and complete list of all affiliates as defined by this rule;

2. A full and complete list of all assets, goods, information, and services sold or provided to, or purchased or received from, affiliates;

3. A full and complete list of all contracts entered with affiliates;

4. A full and complete list of all affiliate transactions undertaken with affiliates without a written contract together with a brief explanation of why there was no contract;

5. The amount of all affiliate transactions by affiliate and account charged;

6. The basis used (e.g., FMP, FDC, etc.) to record each type of affiliate transaction, and a description of the method used by the covered utility to determine FMP;

7. A list of all affiliate transactions for which the covered utility could not determine a reasonable FMP, with explanations as to why a reasonable FMP was unobtainable; and

8. A full and complete listing of all affiliate transactions made pursuant to subparagraph (11)(A)2.B. of this rule.

**TITLE 20 – DEPARTMENT OF COMMERCE AND INSURANCE**

**Division 4240 – Public Service Commission  
Chapter 10 – Utilities**

**ORDER OF RULEMAKING**

By the authority vested in the Public Service Commission under sections 386.760.1 and 393.140, RSMo 2016, the commission adopts a rule as follows:

20 CSR 4240-10.165 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2024 (49 MoReg 1613-1614). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended December 6, 2024, and the commission held a public hearing on the proposed rule on December 6, 2024. The commission received one (1) written comment from parties during the comment period and one (1) party commented at the hearing. The comments were generally in support of the proposed rule with a suggested change.

COMMENT # 1: Lindsay VanGerpen, Senior Counsel, on behalf of the Office of the Public Counsel (OPC), submitted written comments. OPC suggested subsection (1)(A) should be amended to include the word "covered" before the word "utility" in the definition of "affiliated entity" so that the definition refers to a "covered utility." This will ensure consistency with the definitions contained in the rule and throughout the rule itself.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with the comments of OPC and the commission will add the word "covered" to subsection (1)(A).

COMMENT # 2: Scott Stacey with staff counsel's office of the commission commented in support of the rule. Mr. Stacey further commented that staff of the commission were in agreement with OPC's suggested change.

RESPONSE: The commission agrees with Mr. Stacey's comments and will accept the change suggested by OPC as listed above. No other changes were made as a result of these comments.

## 20 CSR 4240-10.165 HVAC Services Affiliate Transactions

### (1) Definitions.

(A) Affiliated entity means any entity not regulated by the Public Service Commission (commission) which is owned, controlled by or under common control with a covered utility and is engaged in HVAC services.

## TITLE 20 – DEPARTMENT OF COMMERCE AND INSURANCE Division 4240 – Public Service Commission Chapter 10 – Utilities

### ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 393.140, RSMo 2016, the commission adopts a rule as follows:

20 CSR 4240-10.175 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2024 (49 MoReg 1614-1615). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended December 1, 2024, and the commission held a public hearing on the proposed amendment on December 6, 2024. The commission received written comments during the comment period from eleven (11) people representing eight (8) different individuals or entities. The commission received comments from thirteen (13) people representing thirteen (13) different individuals or entities during the hearing. The comments were generally in support of the proposed rule with suggested changes.

COMMENT #1: Lindsay VanGerpen, Senior Counsel, on behalf of the Office of the Public Counsel (OPC), submitted written comments, including the comments of Lisa Kremer, and provided comments at the hearing along with OPC Chief Economist, Dr. Geoff Marke, Ph.D. During the hearing, OPC updated its previously filed comments stating that it further modified its original six (6) suggested modifications to the proposed rule to now include seven (7) modifications based on other comments from stakeholders and Ameren Missouri's responsive comments. The OPC's suggested changes to the proposed rule include adding definitions under section (1) of "Aggregated Customer Information," "Consent," and "Utility Related Services"; clarifying subsection (2)(B); adding a provision regarding the ownership of customer information; enhancing section (3) regarding notification of breaches; and lastly adding a new section (4) requiring the filing of a Customer Data Privacy Policy.

RESPONSE AND EXPLANATION OF CHANGE: The commission

thanks OPC for its comments and participation in the hearing. With modifications, the commission will accept several of OPC's suggested rule changes that were presented in its written comments and at the hearing. Several of OPC's written comments presented at hearing include edits suggested by other stakeholders, as well. The commission will accept OPC's proposed new definitions in section (1) and will put the definitions in alphabetical order and reletter the subsections as needed. The commission will make changes proposed by OPC to subsection (2)(B), add new subsection (2)(E) regarding ownership of customer data, and add new subsection (2)(F), with modifications, regarding utility related services. The commission will make changes as proposed by OPC to subsection (3)(A) regarding other notifications required, with modifications, and will add a new subsection (3)(B) to incorporate OPC's draft report requirement. The commission will adopt, with modifications, OPC's new section (4) regarding customer data privacy policy.

COMMENT #2: Sarah Rubenstein submitted written comments on behalf of the Sierra Club. The Sierra Club commented that it supported many of the changes offered by OPC, as they would clarify data protection and transparency customers deserve. Sierra Club does not support allowing utilities to charge for access to aggregated customer data, as it will reduce the ability of Sierra Club and other community action agencies to access that data. Sierra Club suggested removing the proposed rule's allowance for utilities to charge for the costs of producing customer data as set forth in subsection (2)(C).

RESPONSE: The commission appreciates Sierra Club's participation in the rulemaking process. However, if the utility incurs costs for producing the information requested by others, it should be reimbursed for those costs and if no additional costs are incurred by the utility then it should not charge for the information. The commission has adopted many of OPC's suggested comments to which Sierra Club agrees, but will not adopt Sierra Club's suggested change to the proposed subsection (2)(C). No additional changes have been made as a result of these comments.

COMMENT #3: Nicole Mers submitted written comments and provided comments at the hearing on behalf of Renew Missouri Advocates (Renew Missouri). At the hearing, Renew Missouri referenced its written comments which includes edits to OPC's proposed definition of aggregated customer information and consent. Ms. Mers also provided a correction to subsection (1)(A) as published. Ms. Mers stated the definition should be for four (4) or more dwelling units not five (5) dwelling units for multifamily properties.

RESPONSE AND EXPLANATION OF CHANGE: The commission thanks Renew Missouri for its comments. The commission will adopt some of Renew Missouri's edits to OPC's additions to subsections (1)(A) and (1)(B) as published to include adding "at least four (4) and load exceeding fifty (50) percent" to new subsection (1)(A); and adding "When ongoing or successive transactions are explicitly agreed to by a customer, consent shall be valid until rescinded by the customer" to new subsection (1)(B).

COMMENT #4: Bruce Morrison submitted written comments on behalf of the Saint Louis County National Association for the Advancement of Colored People (NAACP). The NAACP supports many of OPC's changes to the proposed rule; however, it believes that utilities should be required to publish certain aggregated customer data without charge so that the public generally knows where service disconnections occur.

RESPONSE: The commission thanks the NAACP for its