

20 CSR 4240-13.055 ~~Cold Weather~~Extreme Temperature Maintenance of Service: Provision of Residential Heat-Related Utility Service During Cold Weather

PURPOSE: This rule protects the health and safety of residential customers receiving ~~heat~~temperature-related utility service. ~~This rule by placing places~~ restrictions on discontinuing and refusing to provide ~~cooling-related utility service from June 1 through September 30 due to delinquent accounts of those customers. This rule also places restrictions on discontinuing and refusing to provide~~ heat-related utility service from November 1 through March 31 due to delinquent accounts of those customers. ~~Reporting requirements regarding heat-related utility service are found at 4 CSR 240 3.175 for electric utilities and at 4 CSR 240 3.250 for gas utilities.~~

(1) The following definitions shall apply in this rule:

(A) Cooling-related utility service means any gas or electric service that is necessary for the proper function and operation of a customer's cooling equipment;

(B) Energy Crisis Intervention Program (ECIP) means the federal ECIP administered by the Missouri ~~Division of Family~~Department of Social Services under section 660.100, RSMo;

(C) Heat-related utility service means any gas or electric service that is necessary ~~to~~ for the proper function and operation of a customer's heating equipment;

(D) Low Income Home Energy Assistance Program (LIHEAP) means the federal LIHEAP administered by the Missouri ~~Family Support Division~~Department of Social Services under section 660.110, RSMo;

(E) Registered elderly or disabled customer means a customer's household where at least one (1) member of the household has filed with the utility attesting to the fact that ~~as the~~customer;

1. Is sixty-five (65) years old or older;

2. Is disabled to the extent that ~~as the~~customer has filed with the utility as a medical form submitted by a medical physician attesting that such customer's household must have natural gas or electric utility service provided in the home to maintain life or health; or

3. Has a formal award letter issued from the federal government of disability benefits.

In order to retain ~~his/her status as a~~registered elderly or disabled customer ~~status~~, each such customer must renew ~~his/her the customer's that~~ registration with the utility annually. Such registration should take place by October 1 of each year following ~~his/her the~~ initial registration; and

(F) Low income registered elderly or disabled customer means a customer registered under the provisions of subsection (1)(E) of this rule whose household income is less than one hundred fifty percent (150%) of the federal poverty guidelines or sixty percent (60%) of the state median income, and who has a signed affidavit attesting to

that fact on file with the utility. The utility may periodically audit the incomes of low income registered elderly or disabled customers. ~~If, as a result of an audit, a registered low income elderly or disabled customer is found to have materially misrepresented his/her the customer's income at the time the affidavit was signed, that customer's service may be discontinued per the provisions of this rule that apply to customers who are not registered low income elderly or disabled customers and payment of all amounts due, as well as, a deposit may be required before service is reconnected.~~

(G) Temperature-related utility service means any gas or electric service that is necessary for the proper function and operation of either a customer's cooling equipment or a customer's heating equipment.

(2) This rule and Section 393.108, RSMo take precedence over other rules on the provision of cooling-related utility service from June 1 through September 30 annually. This rule and Section 393.109, RSMo takes precedence over other rules on the provision of heat-related utility service from November 1 through March 31 annually.

(3) Notice Requirements. From June 1 through September 30 or from November 1 through March 31, prior to discontinuance of service due to nonpayment the utility shall—

(A) Notify the customer, at least ten (10) days prior to the date of the proposed discontinuance, by first-class mail, and in the case of a registered elderly or ~~handicapped-disabled~~ customer the additional party listed on the customer's registration form of the utility's intent to discontinue service. The contact with the registered individual shall include initially two (2) or more telephone call attempts with the mailing of the notice;

(B) Make further attempts to contact the customer within ninety-six (96) hours preceding discontinuance of service either by a second written notice as in subsection (3)(A), sent by first class mail; or a door hanger; or at least two (2) telephone call attempts to the customer;

(C) Attempt to contact the customer at the time of the discontinuance of service in the manner specified by 4-20 CSR 4240- 13.050(9);

(D) Make a personal contact on the premises with a registered elderly or ~~handicapped disabled~~ customer or some member of the family above the age of fifteen (15) years, at the time of the discontinuance of service; and

(E) Ensure that all of the notices and contacts required in this section shall describe the terms for provisions of service under this rule, including the method of calculating the required payments, the availability of financial assistance from the ~~Division of Family~~ Department of Social Services and social service or charitable organizations that have notified the utility that they provide that assistance and the identity of those organizations.

(4) The utility will not make oral representations of service termination for nonpayment when termination would occur on a known "no-cut" day as governed by the temperature moratorium.

(5) Hot Weather Provisions. Discontinuance of gas and electric service to all residential users, including all residential tenants of apartment buildings, for nonpayment of bills where gas or electricity is used as the source of cooling or to control or operate the only cooling equipment at the residence is prohibited—

(A) On any day when the National Weather Service local forecast between 6:00 a.m. to 9:00 p.m., for the following seventy-two (72) hours predicts that the temperature will rise above ninety-five degrees Fahrenheit (95°); or

(B) On any day when utility personnel will not be available to reconnect utility service during the immediately succeeding day(s) (Period of Unavailability) and the National Weather Service local forecast between 6:00 a.m. to 9:00 p.m. predicts that the temperature during the Period of Unavailability will rise above ninety-five degrees Fahrenheit (95°F); or

(C) From June 1 through September 30, for any registered low income elderly or low income disabled customer (as defined in this rule), provided that such customer has entered into an extreme temperature rule payment plan, made the initial payment required by section (11) of this rule and has made and continues to make payments during the effective period of this rule that are at a minimum the lesser of fifty percent (50%) of—

1. The actual bill for usage in that billing period; or

2. The levelized payment amount agreed to in the extreme temperature rule payment plan. Such reductions in payment amounts may be recovered by adjusting the customer's subsequent levelized payment amounts for the months following September 30; and

(D) Nothing in this section shall prohibit a utility from establishing a lower temperature threshold above which it will not discontinue utility service.

(56) Cold Weather Provisions. Discontinuance of gas and electric service to all residential users, including all residential tenants of apartment buildings, for nonpayment of bills where gas or electricity is used as the source of space heating or to control or operate the only space heating equipment at the residence is prohibited—

(A) On any day when the National Weather Service local forecast between 6:00 a.m. to 9:00 a.m., for the following ~~twenty-four (24)~~ seventy-two (72) hours predicts that the temperature will drop below thirty-two degrees Fahrenheit (32°); or

(B) On any day when utility personnel will not be available to reconnect utility service during the immediately succeeding day(s) (Period of Unavailability) and the National Weather Service local forecast between 6:00 a.m. to 9:00 p.m. predicts that the temperature during the Period of Unavailability will drop below thirty-two degrees Fahrenheit (32°F); or

(C) From November 1 through March 31, for any registered low income elderly or low income disabled customer (as defined in this rule), provided that such customer has

entered into an ~~cold-weather~~extreme temperature rule payment plan, made the initial payment required by section ~~(4011)~~ of this rule and has made and continues to make payments during the effective period of this rule that are at a minimum the lesser of fifty percent (50%) of—

1. The actual bill for usage in that billing period; or
2. The levelized payment amount agreed to in the cold weather rule payment plan. Such reductions in payment amounts may be recovered by adjusting the customer's subsequent levelized payment amounts for the months following March 31; and

(D) Nothing in this section shall prohibit a utility from establishing a higher temperature threshold below which it will not discontinue utility service.

~~(67)~~ Discontinuance of Service. From June 1 through September 30 or from November 1 through March 31, a utility may not discontinue ~~heat~~temperature-related residential utility service due to nonpayment of a delinquent bill or account provided—

(A) The customer contacts the utility and ~~states his/her~~the customer's~~claiming an~~ inability to pay in full;

(B) The utility receives an initial payment and the customer enters into a payment agreement both of which are in compliance with section ~~(4011)~~ of this rule;

(C) The customer complies with the utility's requests for information regarding the customer's monthly or annual income; and

(D) There is no other lawful reason for discontinuance of utility service.

~~(78)~~ Whenever a customer, with ~~a cold-weather~~an extreme temperature rule payment agreement, moves to another residence within the utility's service area or adjacent service area, the utility shall permit the customer to receive service if the customer pays in full the amounts that should have been paid pursuant to the agreement up to the date service is requested, as well as amounts not included in a payment agreement that have become past due. No other change to the terms of service to the customer by virtue of the change in the customer's residence with the exception of an upward or downward adjustment to payments necessary to reflect any changes in expected usage between the old and new residence shall be made.

~~(89)~~ Deposit Provisions. A utility shall not assess a new deposit or bill deposits that were previously assessed during or after the period of this rule to those customers who enter into a payment agreement and make timely payments in accordance with this rule.

~~(910)~~ Reconnection Provisions. If a utility has discontinued ~~heat~~temperature-related utility service to a residential customer due to nonpayment of a delinquent account, the utility shall reconnect service to that customer without requiring a deposit during the dates detailed in this rule; provided—

(A) The customer contacts the utility, requests the utility to reconnect service, and states an inability to pay in full;

(B) The utility receives an initial payment and the customer enters into a payment agreement both of which are in compliance with section (119) of this rule;

(C) The customer complies with the requests of the utility for information regarding the customer's monthly or annual income;

(D) None of the amount owed is an amount due as a result of unauthorized interference, diversion, or use of the utility's service, and the customer has not engaged in such activity since last receiving service; and

(E) There is no other lawful reason for continued refusal to provide utility service.

(119) Payment Agreements. The payment agreement for service under this rule shall comply with the following:

(A) A pledge of an amount equal to any payment required by this section by the agency which administers LIHEAP shall be deemed to be the payment required. The utility shall confirm in writing the terms of any payment agreement under this rule, unless the extension granted the customer does not exceed two (2) weeks.

(B) Payment Calculations.

1. The utility shall first offer a twelve- (12-) month budget plan which is designed to cover the total of all preexisting arrears, current bills, and the utility's estimate of the ensuing bills.

2. If the customer states an inability to pay the budget plan amount, the utility and the customer may upon mutual agreement enter into a payment agreement which allows payment of preexisting arrears over a reasonable period in excess of twelve (12) months. In determining a reasonable period of time, the utility and the customer shall consider the amount of the arrears, the time over which it developed, the reasons why it developed, the customer's payment history, and the customer's ability to pay.

3. A utility shall permit a customer to enter into a payment agreement to cover the current bill plus arrearages in fewer than twelve (12) months if requested by the customer.

4. The utility may revise the required payment in accordance with its budget or leveled payment plan.

5. If a customer defaults on an ~~an extreme temperature-cold-weather~~ rule payment agreement but has not yet had service discontinued by the utility, the utility shall permit such customer to be reinstated on the payment agreement if the customer pays in full the amounts that should have been paid pursuant to the agreement up to the date service is requested, as well as, amounts not included in a payment agreement that have become past due.

(C) Initial Payments.

Commented [AM1]: It would be more appropriate to place this portion of subsection (1)(F) as its own subsection, here.

(1)(F) Language: "If, as a result of an audit, a registered low income elderly or disabled customer is found to have materially misrepresented ~~his/her~~ the customer's income at the time the affidavit was signed, that customer's service may be discontinued per the provisions of this rule that apply to customers who are not registered low income elderly or disabled customers and payment of all amounts due, as well as, a deposit may be required before service is reconnected."s

1. For a customer who has not defaulted on a payment plan under the ~~cold weather~~ rule, the initial payment shall be no more than twelve percent (12%) of the twelve- (12-) month budget bill amount calculated in subsection ~~(1011)~~(B) of this rule unless the utility and the customer agree to a different amount.

2. For a customer who has defaulted on a payment plan under the ~~cold weather~~ rule, the initial payment shall be an amount equal to eighty percent (80%) of the customer's balance, unless the utility and customer agree to a different amount.

~~(121)~~ If a utility refuses to provide service pursuant to this rule and the reason for refusal of service involves unauthorized interference, diversion, or use of the utility's service situated or delivered on or about the customer's premises, the utility shall maintain records concerning the refusal of service which, at a minimum, shall include: the name and address of the person denied reconnection, the names of all utility personnel involved in any part of the determination that refusal of service was appropriate, the facts surrounding the reason for the refusal and any other relevant information.

~~(132)~~ The commission shall recognize and permit recovery of reasonable operating expenses incurred by a utility because of this rule.

~~(143)~~ A utility may apply for a variance from this rule by filing an application for variance with the commission pursuant to the commission's rules of procedure. A utility may also file for commission approval of a tariff or tariffs establishing procedures for limiting the availability of the payment agreements under section ~~(1011)~~ of this rule to customers residing in households with income levels below one hundred fifty percent (150%) of the federal poverty level or sixty percent (60%) of the state median income, and for determining whether, and under what circumstances, customers who have subsequently defaulted on a new payment plan calculated under paragraph ~~(1011)~~(C)2. should be required to pay higher amounts toward delinquent installments owed under that payment plan.

~~(154)~~ This section only applies to providers of natural gas services to residential customers. Other providers of ~~heat~~temperature-related utility services will continue to provide such service under the terms of sections (1) through ~~(1316)~~ of this rule. The provisions of sections (1) through ~~(1315)~~ of this rule continue to apply to providers of natural gas service except where inconsistent with the terms of this section.

(A) From November 1 through March 31, notwithstanding paragraph ~~(1011)~~(C)2- of this rule to the contrary, a gas utility shall restore service upon initial payment of the lesser of fifty percent (50%) or five hundred dollars (\$500) of the preexisting arrears, with the deferred balance to be paid as provided in subsection ~~(110)~~(B). Any reconnection fee, trip fee, collection fee, or other fee related to reconnection, disconnection, or collection shall also be deferred. Between June 1 and September 30 or between November 1 and March 31, any customer threatened with disconnection may retain service by entering into a payment plan as described in this section. Any payment plan entered into under this section shall remain in effect (as long as its

terms are adhered to) for the term of the payment plan, which shall be twelve (12) months' duration, unless the customer requests a shorter period or the utility agrees to a longer period. However, a gas utility shall not be required to offer reconnection or retention of service under this subsection ~~(1415)~~(A) more than once every two (2) years for any customer or to any customer who has defaulted on a payment plan under this section three (3) or more times.

(B) Any customer who is not disconnected or in receipt of a disconnect notice shall, at the customer's request, be permitted to enroll immediately in a gas utility's equal payment, budget-billing, or similar plan. Any current bill or existing arrearage at the time of enrollment shall be dealt with consistent with paragraphs ~~(1011)~~(B)1. through ~~(1011)~~(B)4. of this rule, provided that the customer agrees to make the initial payment prescribed in paragraph ~~(1011)~~(C)1. or subsection ~~(1415)~~(A) as applicable.

(C) If a customer enters into an extreme temperature ~~cold weather~~ rule payment plan under this section:

1. Late payment charges shall not be assessed except with respect to failure to make timely payments under the payment plan; and
2. The gas utility shall not charge customers interest on the account balance for any deferral period.

(D) Any customer who enters into an extreme temperature ~~cold weather~~ rule payment agreement under this section and fully complies with the terms of the payment plan shall be treated, going forward, as not having defaulted on any extreme temperature ~~cold weather~~ rule payment agreement.

(E) A gas utility shall describe the provisions of section ~~(1415)~~ in any notices or contacts with customers. In telephone or other contacts with customers expressing difficulty paying their gas bills, gas utilities shall inform those customers of their options under section ~~(1415)~~.

(F) A gas utility shall be permitted to recover the costs of complying with this section as follows:

1. The cost of compliance with this section shall include any reasonable costs incurred to comply with the requirements of this section;
2. No gas utility shall be permitted to recover costs under this section that would have been incurred in the absence of this section, provided that the costs calculated in accordance with paragraph ~~(1415)~~(F)1. shall be considered costs of complying with this section;
3. Any net cost resulting from this section as of June 30 each year shall accumulate interest at the utility's annual short-term borrowing rate until such times as it is recovered in rates; and
4. No bad debts accrued prior to the effective date of this section may be included in the costs to be recovered under this section, ~~provided that a gas~~

~~utility may continue to calculate and defer for recovery through a separate Accounting Authority Order the costs of complying with the commission's January 1, 2006 emergency amendment to this rule upon the same terms as set forth herein. The costs eligible for recovery shall be the unpaid charges for new service received by the customer subsequent to the time the customer is retained or reconnected by virtue of this section plus the unpaid portion of the difference between the initial payment paid under this section and the initial payment that could have been required from the customer under the previously enacted payment provisions of section (4011) of this rule, as measured at the time of subsequent disconnection for nonpayment or expiration of the customer's payment plan.~~

~~(C) A gas utility shall be permitted to defer and recover the costs of complying with this rule through a one (1) term Accounting Authority Order until such time as the compliance costs are included in rates as part of the next general rate proceeding or for a period of two (2) years following the effective date of this amendment.~~

~~1. The commission shall grant an Accounting Authority Order, as defined below, upon application of a gas utility, and the gas utility may book to Account 186 for review, audit and recovery all incremental expenses incurred and incremental revenues that are caused by this section. Any such Accounting Authority Order shall be effective until September 30, of each year for the preceding winter.~~

~~2. Between September 30 and October 31 each year, if a utility intends to seek recovery of any of the cost of compliance with this section, the utility shall file a request for determination of the cost of compliance with this section for the preceding winter season. The request by the utility shall include all supporting information. All parties to this filing will have no longer than one hundred twenty (120) days from the date of such a filing to submit to the commission their position regarding the company's request with all supporting evidence. The commission shall hold a proceeding where the utility shall present all of its evidence concerning the cost of compliance and other parties, including commission staff, shall present any evidence that the costs asserted by the utility should be disallowed in whole or part. Such a proceeding may be waived by the unanimous request of the parties or by a non-unanimous request without objection. The commission shall establish the amount of costs it determines have been reasonably incurred in complying with this section within one hundred eighty (180) days of the utility's request and such amount will be carried forward into the utility's next rate case without reduction or alteration. Such costs shall be amortized in rates over a period of no greater than five (5) years and shall be recovered in a manner that does not impair the utility's ability to recover other costs of providing utility service. If the commission fails to establish the amount of costs within one hundred eighty~~

~~(180) days, then the amount requested by the utility shall be deemed reasonably incurred.~~

~~3. The commission has adopted the Uniform System of Accounts in 4 CSR 240-4.040. Accounting Authority Orders are commission orders that allow a utility to defer certain expenses to Account 186 under the Uniform System of Accounts for later recovery as determined by the commission in a subsequent general rate case.~~

~~4. Although the Accounting Authority Order allows the gas utility to recover the reasonably incurred expenses only within the context of a general rate case, all such reasonably incurred expenses shall be recovered by the gas utility, together with interest thereon, as set forth above~~

(165) Each utility providing heat/temperature-related utility service shall submit, as a non-case related filing, a report with the commission for each calendar month. This report shall be provided no later than the twentieth (20th) day of the following month. The utility shall ~~provide a copy of each report to~~ also serve the report on the Office of the Public Counsel. The utility shall report for each operational district into which the utility has divided its Missouri service territory the number of days it was permitted to discontinue service under this regulation, and the utility shall separately report on the information listed below for customers receiving energy assistance and customers who are affected by this regulation and not known to be receiving energy assistance. All information submitted shall be considered public information; however, no customer-specific information shall be reported or made public. Utilities providing both electric and gas service shall report the following information separately for their gas-only territory:

(A) How many customers were—

1. Disconnected, at the end of the period;
2. Of those disconnected, how many customers had service discontinued for nonpayment during the period; and
3. Of those discontinued during the period, how many customers were restored to service during the period;

(B) Of customers reported as disconnected at the end of the period—

1. How many had broken a ~~n cold weather~~extreme temperature rule pay agreement;
2. How many had broken a ~~non cold weather rule~~ pay agreement unrelated to this rule; and
3. How many had not been on a pay agreement;

(C) Of those customers reconnected during the period—

1. How many customers received energy assistance (pledged or paid) from—
 - A. Low Income Home Energy Assistance Program (LIHEAP);

- B. Energy Crisis Intervention Program (ECIP); and
- C. Other services known to the utilities; and
- 2. How much energy assistance was provided by—
 - A. LIHEAP;
 - B. ECIP;
 - C. Other sources known to the utility; and
 - D. Customer;
- (D) Of customers restored to service during the period—
 - 1. How many were on an ~~cold-extreme temperature~~weather rule pay agreement; and
 - 2. How many were put on a ~~non-cold-weather rule~~-pay agreement unrelated to this rule;
- (E) How much was owed by those disconnected at the end of the period—
 - 1. How much was owed by those disconnected during the period; and
 - 2. How much was owed by those reconnected during the period;
- (F) How many customers were registered under this regulation at the end of the period—
 - 1. How many customers registered during the period; and
 - 2. How many of such registered customers had service discontinued during the period;
- (G) For how many customers during the period did the utility receive—
 - 1. LIHEAP;
 - 2. ECIP; and
 - 3. Other assistance known to the utility;
- (H) How much cash did the utility receive on behalf of customers during the period from—
 - 1. LIHEAP;
 - 2. ECIP; and
 - 3. Other assistance known to the utility;
- (I) How many customers who requested reconnection under terms of this rule were refused service pursuant to this regulation;
- (J) How many customers received energy assistance insufficient in amount to retain or restore service; and
- (K) The number of customers who agreed to pay for their ~~temperature~~heat-related utility service under a payment agreement in accordance with this regulation.

AUTHORITY: sections 386.250 and 393.140, RSMo 2016, and sections ~~393.108~~, 393.109 and 393.130, SS#2 SB4, First Regular Session of the 103rd General Assembly. ~~[sections 386.250, 393.130, and 393.140, RSMo 2016.]~~ * This rule originally filed as 4 CSR 240-13.055. Original rule filed June 13, 1984, effective Nov. 15, 1984. Amended: Filed Dec. 30, 1992, effective Oct. 10, 1993. Amended: Filed March 10, 1995, effective Jan. 30, 1996. Emergency amendment filed Nov. 8, 2001, effective Nov. 18, 2001, expired March 31, 2002. Amended: Filed Aug. 16, 2002, effective April 30, 2003. Amended: Filed April 9, 2004, effective Oct. 30, 2004. Emergency amendment filed Dec. 16, 2005, effective Dec. 26, 2005, expired March 31, 2006. Amended: Filed May 15, 2006, effective Nov. 1, 2006. Amended: Filed Aug. 1, 2013, effective March 30, 2014. Amended: Filed Nov. 7, 2018, effective July 30, 2019. Moved to 20 CSR 4240-13.055, effective Aug. 28, 2019. Amended: Filed August 28, 2025, effective _____.

*Original authority: 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 393.130, RSMo 1939, amended 1949, 1967, 1969, 2002; and 393.140, RSMo 1939, amended 1949, 1967.