

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

In the Matter of the Proposed
Amendment of the Commission's Rule
20 CSR 4240-13.055 Relating to Cold
Weather Maintenance of Service

Case No. OX-2026-0047

COMMENTS OF THE OFFICE OF THE PUBLIC COUNSEL

Pursuant to the Public Service Commission ("Commission") of the State of Missouri's *Notice of Hearing and Comment Period* filed on September 5, 2025, the Office of the Public Counsel ("OPC" or "Public Counsel") submits these comments.

The OPC generally supports the Commission updating the Cold Weather Rule, and integrating section 393.109, RSMo. In addition, the Public Counsel believes that it would be appropriate to integrate Missouri statute Section 393.108, RSMO, as well. This statute applies to situations where high outdoor temperatures prohibit a gas or electric utility from discontinuing service, which Missouri's legislature refers to as the "Hot Weather Rule."

The integration of section 393.108 into the current Cold Weather Maintenance of Service rule would cause the rule to apply to both dangerously cold *and* dangerously hot weather. Therefore, the Public Counsel first suggests that the Commission amend the name of the rule to something along the lines of the "Extreme Temperature Maintenance of Service."

Throughout the proposed regulation, the Public Counsel has adjusted the language to refer to “temperature-related utility service” or “extreme temperature rule,” where appropriate. The OPC included a definition of “temperature-related utility service” in subsection (1)(G), to refer to both cooling-related and heat-related services, which are individually defined in subsections (1)(A) and (1)(C).

Regarding the OPC’s proposed subsection (1)(F) (currently (1)(E)), the OPC removed the portion that discusses utilities conducting income audits as the OPC does not see that as part of the definition. Rather, the Public Counsel believes the Commission should either remove the audit portion altogether or move it to the section regarding “Payment Agreements”.¹ Further, in the two (2) portions of this rule that require household income to be below one hundred fifty percent (150%) of the federal poverty level, the OPC added “or sixty percent of the state median income” to align the regulation with state statute.²

In section (2), the OPC included a sentence mirroring the sentence that the Commission already had, applying the Hot Weather Maintenance of Service standards to it.³ The Public Counsel also added section (5) to focus on the hot weather provisions, and shifted the cold weather provisions to section (7).

After speaking with Commission’s Staff (“Staff”), the Public Counsel found out that Staff was planning to remove the subsection regarding accounting authority

¹ If the Commission approves of the Public Counsel’s recommendation to integrate section 393.108, RSMo, the “Payment Agreements” would be section (11), though it is currently section (10).

² Section 660.100.2(1).

³ Throughout this rule, the Commission may notice that conditions triggering a hot weather rule are addressed prior to conditions triggering a cold weather rule. That placement is merely due to the hot weather rule statute appearing before the cold weather rule statute in RSMo.

orders (“AAOs”) as moot.⁴ The OPC supports this decision and, thus, deleted that section, as well as the language in paragraph currently listed as (13)(F)(4).

Finally, the Public Counsel made a few minor edits to other sections. Generally, the OPC adjusted the language to remove “his/her” from the rule after seeing that language was otherwise amended elsewhere. The Public Counsel also made some minor sentence structure adjustments to make the rule clearer and changed the two (2) uses of the term “handicapped” in section (3) to “disabled.”

A redlined copy of the rule, with the Public Counsel’s suggested amendments is included with this filing as “Attachment A.” A clean copy of this rule is included as “Attachment B.” The OPC supports the Commission’s proposed amendments to the Cold Weather Rule and the additional changes proposed above and in the attachments.

WHEREFORE, the OPC respectfully requests that the Commission consider these comments and make the changes suggested.

Respectfully submitted,

/s/ Anna Kathryn Martin

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⁴ This subsection is currently subsection (13)(G), but would become subsection (14)(G) if the Commission approves the OPC’s recommendation to integrate Section 393.108.

CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing have been mailed, emailed, or hand-delivered to all counsel of record this October 31, 2025.

_____/s/ Anna Martin_____