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BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI
TRANSCRIPT OF PROCEEDINGS
RULEMAKING HEARING

In the Matter of the Proposed)
Amendment of the Commission's) File No. OX-2026-0047
Rule 20 CSR 4240-13.055)
Relating to Cold Weather)
Maintenance of Service)

WEDNESDAY, NOVEMBER 5, 2025
12:00 p.m.

Governor Office Building
200 Madison Street
Jefferson City, MO 65101

VOLUME 1

NANCY DIPPELL, Presiding
CHIEF REGULATORY LAW JUDGE

KAYLA HAHN, Chair,
MAIDA J. COLEMAN,
GLEN KOLKMEYER,
JOHN MITCHELL,
COMMISSIONERS

REPORTED VIA WEBEX BY:
Tracy Taylor, CCR No. 939

1 The following proceedings began at 12:02 p.m.:

2 JUDGE DIPPELL: Good morning -- or
3 afternoon now, I guess. My name's Nancy Dippell. I'm
4 the Regulatory Law Judge assigned to this matter.

5 And we're here today for a Rulemaking
6 Hearing in Commission Case Number OX-2026-0047. This
7 is in the matter of the proposed amendment of the
8 Commission's Rule 20 CSR 4240-13.055 relating to the
9 cold weather maintenance of service rule.

10 This is a rulemaking hearing, so it is
11 not like our typical contested evidentiary hearings.
12 The witnesses or -- or commenters are not sworn and
13 anyone can provide comments. You don't have to be
14 represented by an attorney to do so.

15 Our rule basically says that supporting
16 comments will speak first and opposing comments next.
17 But given that this isn't really a -- a complicated
18 matter, I think you can just give any -- any comments
19 you have about the rule at the time you come up to
20 speak.

21 I'm joined by the Commissioners today.
22 And our court reporter is online, so I would ask that
23 anyone that would like to speak, be sure that you
24 speak into a microphone and that the microphone is
25 turned on. Also, it would be helpful if you can

1 identify yourself when speaking.

2 Are there any questions from anyone
3 before we get into comments? All right. I think
4 we're going to skip basic entries of appearance since
5 we don't really need -- need attorneys. If there's
6 attorneys present that want to make their presence
7 known on the record, we -- you can speak as if you're
8 giving a comment.

9 We'll start with Staff.

10 MR. STACEY: Good afternoon. Scott
11 Stacey for Staff. Morning -- or morning. Afternoon,
12 Judge and the Commissioners.

13 The purpose of this amendment is the
14 Senate Bill 4 developed a new statute for cold
15 weather. And within it, it changed the hourly time
16 from 24 hours to 72 hours and, therefore, the
17 regulation 20 CSR 4240-13.055 had -- is required to be
18 changed to reflect the -- the new law from 24 to
19 72 hours.

20 Also, our -- Staff's filed their comments
21 on October 31st, 2025. And within that it also
22 indicated its support of the proposed amendment and a
23 proposed edit of the removal of Section 14-F4 and
24 14-G.

25 However, after looking back at the

1 rulemaking that was published, it did not reflect
2 those two portions; and, therefore, we're going to
3 remove that part of the comment and do -- and make
4 that change later in another rulemaking.

5 Staff has reviewed the comments submitted
6 by Evergy. And Staff -- we could do the -- or we can
7 be okay with that change, however, we would rather
8 just leave it as-is for adjacent service area.

9 Consumer Council, Staff does not agree
10 with their removal of statutory language, as that is
11 required in the -- in the statute so, therefore,
12 leaving it in the rule.

13 OPC, Staff is in agreement with changing
14 "handicapped" to "disabled" as suggested by OPC in
15 Section 3A and 3D and agrees with adding "Or
16 60 percent of the state median income" in Section 1,
17 section -- or subsection E.

18 However, staff does not agree to the
19 removal of the audit language in paragraph 1E -- or
20 Section 1E or the other suggested changes submitted by
21 OPC at this time, because the rulemaking is to amend
22 the Cold Weather Rule and not to add in the Hot
23 Weather Rule. And if we did something like that, it
24 would be too substantive of a change that was not
25 brought into the publishment of the -- the rulemaking.

1 Thank you.

2 JUDGE DIPPELL: Thank you, Mr. Stacey.

3 Are there any questions from the

4 Commission? Not seeing any.

5 Would OPC like to go next?

6 MR. MARKE: Yes, thank you, Judge. Geoff

7 Marke of Missouri Office of Public Counsel.

8 As Mr. Stacey described, some of the
9 issues, you know, are suggested amendments. Overall,
10 OPC does not have a number of changes here. We added
11 a -- an attachment in our filing to the extent that
12 there are changes. It's indicated -- the changes are
13 in blue if they are PSC changes, they're red if
14 they're OPC changes.

15 What we attempted to do was merge the Hot
16 Weather and the Cold Weather Rule for efficiency
17 purposes. Completely understand where Mr. Stacey is
18 coming from, but both are statutorily driven at this
19 point. It's -- it's in there.

20 We just think it's probably more
21 appropriate as opposed to doing a duplicative chapter
22 that just spells out the Hot Weather Rule. So our
23 suggestion is just make it extreme weather and
24 articulate both hot and cold within the context of
25 this rule.

1 As far as 1E is concerned, this was a
2 reference to an audit that utilities are allowed to do
3 to verify income. This is not a sword we're going to
4 die on, by any stretch of the imagination. I'll just
5 merely point out that utilities -- the feedback that
6 I've gotten from utilities is that they are not social
7 service agencies and don't have the capacity to verify
8 income. Make that observation and -- and be it as it
9 may.

10 As far as -- what else we got, Anna?

11 There are a number of just small
12 editorial changes. Mr. Stacey already identified one,
13 changing "handicapped" to "disabled." Again, it --
14 it's consistent with the language that's already there
15 in terms of disability payments and benefits.

16 At various points, Staff had made changes
17 from "his/her" to "customer." We just made that
18 consistent throughout the text. We're not -- again,
19 we're not strongly, you know, opposed to one or the
20 other; just consistency across.

21 I'm sorry. One second.

22 MS. MARTIN: This is Anna Martin with the
23 Office of the Public Counsel. To be a little clearer
24 about when we added in the hot weather provisions,
25 basically what we did is we took what was already

1 there for the cold weather provisions, copied and
2 pasted the language, but switched the situations to
3 where the Hot Weather Rule would -- would be in place.

4 So the dates for the Hot Weather Rule are
5 June 1st to September 30th, and I believe it is
6 95 degrees or -- or it's 90 -- above 95 degrees.
7 Those were major -- the major changes we made.

8 Everything else is pretty much as it was
9 for the Cold Weather Rule, but we just applied it to
10 the Hot Weather Rule so that it was not too much
11 longer of a statute as well.

12 MR. MARKE: I think that concludes our
13 comments. Thanks.

14 JUDGE DIPPELL: Thank you.

15 Yes, are there Commissioner questions or
16 comments?

17 COMMISSIONER COLEMAN: So for
18 clarification on the Hot Weather Rule, as I was the
19 author, the sponsor and the passer of the Hot Weather
20 Rule, the temperature is 95 degrees with a heat index
21 of 105. Thank you.

22 MS. MARTIN: And we could add that. We
23 were trying to keep it shorter, but I do acknowledge
24 that it was heat index as well. Thank you.

25 COMMISSIONER COLEMAN: I just want the

1 credit. That's all. I just wanted to say that.
2 Thank you.

3 JUDGE DIPPELL: Are there any other
4 Commissioner questions or comments? All right. Thank
5 you.

6 Mr. Coffman, would you like to go next?

7 MR. COFFMAN: Yes. Thank you. May it
8 please the Commission. John Coffman with the
9 Consumers Council of Missouri.

10 We support the rule -- the provisions you
11 propose, but we also suggest something we think would
12 be a nice clean-up to make. And that would be just to
13 make it clearer that now that we have a 72-hour look
14 ahead for the forecast, that we -- we don't need these
15 time-of-day limits.

16 It makes it very confusing. And I don't
17 really believe that the intent was to say that, like,
18 if there are certain times within the 72 hours that's
19 not meeting the temperature threshold, that that
20 should not be a no-cut day.

21 And I'm sure Commissioner Coleman will --
22 will know the legislative history better than I, but I
23 think that the original Cold Weather Rule came about
24 the idea of having a 6:00 a.m. time -- it was a, you
25 know, one-day daily moratorium. We wanted to pick a

1 time before the trucks rolled out and we had that --
2 that time.

3 And then when the Hot Weather Law was
4 adopted, I think that the drafters there looked at
5 that 6:00 to 9:00 and said, "Well, you know, the
6 hottest part of the day is during the day," so they
7 extended it to 9:00 p.m. But I don't know that there
8 was really any thought to that.

9 And then when they -- this year when the
10 legislature passed a Cold Weather Law that can match
11 it back, I think they just took that time. But it --
12 it -- it doesn't really match up with the concern of
13 cold weather, because often the coldest temperatures
14 are before 6:00 a.m.

15 And we -- we simply think it would be
16 cleaner just to say if it's a 72-hour look-ahead for
17 whether the forecast is freezing or not, that it be
18 ever- -- all 72 hours of the forecast, rather than
19 just certain -- it would -- you know, if you do
20 6:00 a.m. to 9:00 p.m., then you're only looking at
21 45 hours within the 72 hours.

22 And it is -- it's -- I don't know that
23 that really serves the processes of most utilities as
24 they work and it's confusing to explain to people how
25 that works.

1 I -- Staff I guess suggested that this
2 was somehow in violation of the statute. I don't
3 think it is at all. I think that the -- you know,
4 otherwise, you know, why do you even have rulemakings?

5 There are two provisions in the law that
6 clearly allow the Commission to do this. One is just
7 the jurisdictional statute. The last subsection of
8 the jurisdictional statute gives the Commission very
9 specific authority over any of the conditions of
10 rendering service, disconnection of service or
11 reconnection of service.

12 And then in the -- the new Cold Weather
13 Law itself, the last provision says that this also
14 allows the Commission to adopt rules that go beyond
15 it. In other words, in any other -- can prohibit
16 disconnections in any other applicable situations.

17 So I don't think there's any question
18 that the Commission has the legal authority to go
19 beyond the rule. And here we're just suggesting a
20 very small expansion, just one to make it clear that
21 it's all 72 hours. But that -- and the language is in
22 our comments if you are so inclined to adopt it.

23 We -- we're also supportive generally of
24 the -- I think what the Office of Public Counsel is
25 proposing to do, combining -- I think it would just be

1 lo- -- it would make logical sense for people looking
2 up the rule to have one place where you could see both
3 the cold weather and hot weather protections in one
4 place.

5 I would note another thing that, you
6 know, could come up in the future if the Commissioners
7 are, you know, focused on the hot weather, which I
8 think is, you know, a very important law and one
9 that -- you know, that's where most of the deaths
10 occur is in older people, during the summertime,
11 living alone in these hot weather periods.

12 And the hot -- the heat index sometimes
13 comes into play, but I -- I've become concerned with
14 some things I've heard -- we've been hearing from the
15 National Weather Service. So when you defer in a
16 regulation to the National Weather Service and their
17 designations, that can somehow -- it can create a
18 problem when they change their rules.

19 And this was -- I think five years ago
20 the National Weather Service said that they were going
21 to eliminate the heat index as something that they
22 tracked and made recommendations for -- or they were
23 going to not do heat alert -- they were not going to
24 do heat alerts.

25 And so you might look at that going

1 forward. You know, if in case the National Weather
2 Service changes the way that it gives advice and --
3 and warnings about heat, you might want to make sure
4 that your rules are keeping up with that and not using
5 terms that they're using in a different way or -- or
6 changing the terms. But I think we'll probably just
7 have to react to that when that happens.

8 But the heat -- heat alert or heat --
9 heat index may be becoming something else in the
10 future. That's all. But I don't think that's
11 relevant to this rulemaking today. I just -- just an
12 aside, sorry.

13 JUDGE DIPPELL: Thank you. Are there any
14 Commissioner questions or comments?

15 CHAIR HAHN: Mr. Coffman, just look --
16 hearing your comments and trying to look at the
17 statute, the statute is unusually clear about the
18 times. So what was your rationale for us removing
19 those?

20 MR. COFFMAN: I'd refer you to subsection
21 three of the law there, down at the bottom.

22 CHAIR HAHN: But that doesn't give us the
23 authority to ignore the statute.

24 MR. COFFMAN: I believe it allows you to
25 provide greater protections than the st- -- than the

1 law allows, in addition to 386.250.

2 CHAIR HAHN: In other applicable
3 situations. Not those specifically listed.

4 MR. COFFMAN: I believe that the -- that
5 you have virtually plenary authority in -- rulemaking
6 authority in this area of connections and
7 disconnections. And that they -- in this -- that
8 the -- the time restrictions were not meant to be a
9 restriction that couldn't be changed by the
10 Commission.

11 CHAIR HAHN: Appreciate your thoughts. I
12 can't say that I agree with them, so we can just let
13 this go.

14 MR. COFFMAN: Is -- is there a purpose to
15 the time-of-day that you think was being advanced by
16 this law?

17 CHAIR HAHN: Well, where there is
18 unam- -- when -- when there is ambu- -- ambiguity.
19 But in this case, there's not. The times are in there
20 very clearly. This is not ambiguous. It's very
21 clear. So there have -- you have to assume that the
22 General Assembly had a motive for being very specific
23 about the timing.

24 MR. COFFMAN: I believe that it's
25 specific as to those particular times, but it doesn't

1 suggest that it be prohibited at other times of the
2 day.

3 CHAIR HAHN: I think we're just going to
4 disagree, so we can just move on.

5 JUDGE DIPPELL: Are there any other
6 Commissioner questions or comments?

7 COMMISSIONER COLEMAN: I would like to
8 have some discussion though about Mr. Coffman's
9 comments that it -- it narrows that time frame down
10 from 72 hours. I believe he said 48 hours. I'd be
11 interested, as we continue to go through those who
12 make comments, on their input regarding that.

13 Certainly the -- the statute, to me, is
14 clear, but I'm definitely interested in hearing what
15 other options we might have available there and
16 finding out what others think about the time frame.

17 When I first heard that Senate Bill 4
18 included an expansion of that time frame, I was very
19 excited. Because when the legislation was passed, as
20 you know, it only had a 24-hour time frame and it did
21 have that -- the actual time concerns in there. So I
22 was excited about the 72 hours.

23 It's a bit distressing when you look at
24 what those time frames are spelled out to be to see
25 that that narrows it a bit. So certainly I appreciate

1 the conversation and the input about that. And thank
2 you, Madam Chair, for bringing that up also. Thank
3 you.

4 JUDGE DIPPELL: Anything further,
5 Commissioner? Okay.

6 We have some Company representatives.
7 Did you all have comments?

8 MR. YONCE: Yes, Judge. This is David
9 Yonce with Spire Missouri. Good afternoon, Judge and
10 Commissioners. Appreciate the opportunity to provide
11 some comments.

12 And I am hopeful that I'll be able to
13 maybe provide a little bit of clarity from the utility
14 perspective on Mr. Coffman's concerns and -- and,
15 Commissioner Coleman, your comments.

16 But first, we are very supportive of
17 the -- of the rule change and share the sentiment that
18 you had, Commissioner Coleman, about the expanded time
19 period. This -- you know, expanding it from 24 hours
20 to 72 hours, you know, provides adequate time if a
21 customer is disconnected, for them to get reconnected
22 before -- you know, before the temperatures would
23 drop.

24 So we do believe that this provides
25 additional protection for customers and is a good --

1 good change, good rule and are pleased with the
2 statute.

3 Regarding the -- the time, so -- and I'll
4 just explain what we're doing in practice. So the
5 previous rule had 6:00 a.m. to 9:00 a.m. in it for
6 24 hours. Our interpretation of that is we're
7 checking the forecast between the hours of 6:00 and
8 9:00 a.m. and then looking at the forecast for that
9 full 24-hour period.

10 What -- what we believe the
11 interpretation of the new rule would be is we can look
12 at that forecast between 6:00 a.m. and 9:00 p.m.
13 We're still looking out 72 hours.

14 And so to alleviate your concern, John,
15 we are still -- we are still looking at midnight.
16 We're not -- we're not ignoring the temperature during
17 the night because we're looking out 72 hours from that
18 point in time that we are looking at the forecast.

19 And just to expand on that a little bit
20 more, you know, in -- in practice, we have a team
21 scheduling our work, right? And they're doing that in
22 the morning before our technicians are going out to
23 perform that work. And so we have someone that's
24 looking at the forecast usually between 6:00 and
25 7:00 a.m. And they will look at that forecast now for

1 72 hours from then -- then.

2 And so if the temperature drops below 32
3 in any of those 72 hours that proceed from that point
4 in time when they're looking at it, they're not going
5 to schedule disconnects for that day. And they'll
6 look at it again the next day and see if there's an
7 opportunity.

8 So I don't believe that -- I appreciate
9 your comments, Mr. Coffman, and -- and would agree
10 with you that you need to capture the full 72 hours.
11 You shouldn't be ignoring the temperatures during the
12 nighttime because, to your point, it does get cold at
13 night; oftentimes, colder than during the day because
14 you've got the sun.

15 So I think in practice, the concerns are
16 alleviated. And I would say that the interpretation
17 that we have, I believe, based on conversations I've
18 had with other utilities -- I don't know that there's
19 any others here -- but they would -- that their
20 practice is very similar to ours. Thank you.

21 JUDGE DIPPELL: Thank you. Are there any
22 Commissioner questions or comments for Mr. Yonce?

23 COMMISSIONER MITCHELL: I have just one.
24 Just out of curiosity, how -- how does the -- both the
25 Cold Weather and Hot Weather Rule work if someone has

1 been previously disconnected? Are they -- are they
2 reconnected during that period of time or --

3 MR. YONCE: They -- they would not be.
4 Not -- not unless they met the requirements to be
5 reconnected.

6 COMMISSIONER MITCHELL: Okay.

7 MR. YONCE: They certainly could be, but
8 they would have to, you know, address whatever the
9 reason was that they were disconnected, whether it be
10 for nonpayment or some type of hazard. They would
11 need to address that before they were reconnected.

12 COMMISSIONER MITCHELL: Okay. Thank you.

13 MR. YONCE: Thank you.

14 CHAIR HAHN: That was a very helpful
15 explanation, so appreciate that.

16 JUDGE DIPPELL: Any other Commissioner
17 comments or questions? All right.

18 Is there anyone else that wish to give
19 comments on the rule? Mr. Coffman?

20 MR. COFFMAN: If I might add on to the
21 discussion there. I -- if -- if the rule and the law
22 is being interpreted as Laclede -- or I'm sorry, as
23 Spire has interpreted, I don't think our concern is an
24 issue.

25 But I suppose it is ambiguous, because

1 when we -- we look at it, we read the time of day
2 restriction as to be: Look out over the 72-hour
3 period, but only during those time periods for each of
4 those three days. If, in fact, you interpret the law
5 and this rule to -- to be that's when you're checking
6 the forecast -- in other words, if the -- the
7 6:00 a.m. to 9:00 p.m. period is as Spire's -- and
8 just the -- that's when you look at the forecast for
9 the next 72 hours, well, then that would be, I think,
10 okay for us.

11 But I think it's ambiguous and so if
12 it's -- if that's what the Commission also believes
13 and they can clarify that in the rulemaking, that
14 would be very helpful and would probably eliminate our
15 concerns.

16 JUDGE DIPPELL: Thank you. Are there any
17 additional comments? Commissioner Coleman, you had
18 something else?

19 COMMISSIONER COLEMAN: Thank you. I'd
20 also -- I appreciate your comments, Mr. Yonce. Thanks
21 for that information. Because I also believe that the
22 utility companies are looking ahead. And -- because I
23 know that they were looking ahead during the 24-hour
24 period.

25 The language does matter. I understand

1 where you're coming from, Mr. Coffman, but I do have
2 confidence that the utilities are paying attention to
3 that.

4 In answer to Commissioner Mitchell's
5 question, just for the little bit that I know about
6 connections and disconnections, because it has been a
7 few years since that legislation was passed, the Hot
8 Weather Law.

9 When I did study it a lot, it's my
10 understanding with both the Hot Weather Law and the
11 Cold Weather Rule, a disconnected customer is not able
12 to be automatically reconnected unless they've set up
13 the plan in advance of the Cold Weather Rule when it
14 goes into effect on -- is it October 31st or
15 November 1st to March 31st?

16 And then in order to get on the Cold
17 Weather Rule or the Hot Weather Rule during that
18 specific time frame, they must have their bill paid in
19 full or arrangements made with the company and then
20 the company allows them to be able to participate in
21 the rule or the law. Now, that's been a long time
22 since I had to think about that, but that's what I
23 remember.

24 JUDGE DIPPELL: Are there any final
25 comments?

1 All right. Seeing none, we appreciate
2 everyone's participation and helping us make the best
3 rules we can. And we can be adjourned. Thank you.

4 (Whereupon, the meeting was adjourned at
5 12:28 p.m.)

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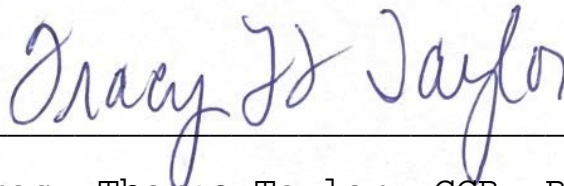
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CERTIFICATE OF REPORTER

I, Tracy Thorpe Taylor, CCR No. 939, within the State of Missouri, do hereby certify that the testimony appearing in the foregoing matter was duly sworn by me; that the testimony of said witnesses was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this matter was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.



Tracy Thorpe Taylor, CCR, RPR

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