

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

In the Matter of the Proposed Amendments)
and Proposed Rescission of the)
Commission's Rules Relating to Chapter 3 –)
Filing Requirements)

Case No. OX-2026-0334

COMMENTS OF THE OFFICE OF THE PUBLIC COUNSEL

Pursuant to the Public Service Commission of the State of Missouri's (the "Commission") *Notice of Hearing and Comment Period* filed in the above styled case on June 3, 2026, the Office of the Public Counsel (the "OPC") submits these comments.

I. Introduction

The OPC appreciates the opportunity to provide this feedback to the Commission on the seventeen (17) rules at issue in this matter. The OPC has identified several "clean-up" type edits that appear to arise from other changes to the Commission's rules. In many of these instances, rather than simply updating the title and division number of the referenced rule, additional changes are needed. The OPC also suggests simplifying references to other rules in two instances. Because the Commission has opened these rules for comment, the OPC also takes this opportunity to suggest that the Commission consider adding a notice requirement to several of the rules in a future rulemaking, after such a change has been noticed and parties afforded an opportunity to provide comments. Each of the OPC's proposed changes are explained below.¹

II. The OPC's "Clean-Up" Modifications to the Proposed Rules

1. Rule 20 CSR 4240-3.010: Strike reference to rule that no longer exists and simplify

Purpose: This rule sets forth the definitions ~~of certain terms used in rules [4 CSR 240-3.015] 20 CSR 4240-3.015 through [4 CSR 240-3.030] 20 CSR 4240-3.030, and also~~

¹ To show its proposed changes, the OPC has included the Commission's proposed changes as they appear in each of the filed rules. The OPC has bolded and struck-through the items that it believes should be removed. It has included its proposed additions in bolded red text.

~~includes the definitions~~ of general terms used within this chapter of the commission's rules. Definitions of additional terms used in certain utility-specific rules are found in [4 CSR 240-3.100, 4 CSR 240-3.200, 4 CSR 240-3.300, and 4 CSR 240-3.500] 20 CSR 4240-3.100, 20 CSR 4240-3.200, **and** 20 CSR 4240-3.300, ~~and 20 CSR 4240-3.500~~. All definitions found in this chapter supplement those definitions found in Chapters 386, 392, and 393 of the Missouri Revised Statutes.

Explanation: First, as proposed, the purpose statement of 20 CSR 4240-3.010 references 20 CSR 4240-3.015. However, the current version of the Commission's Chapter 3 rules does not include such a rule. It is also unclear why the purpose statement both originally and as proposed differentiated between some rules and the rest of Chapter 3. To further simplify the purpose statement, the OPC suggests striking the reference to any specific rule and rather include a reference to the entire chapter only.

Second, as proposed, the purpose statement referred to 20 CSR 4240-3.500. However, the current version of the Commission's Chapter 3 rules does not include such a rule. For that reason, the OPC suggests striking the reference and moving the word "and" to complete the sentence.

2. Rule 20 CSR 4240-3.030: Modify reference to rule that no longer exists

PURPOSE: This rule prescribes the information which must be filed by all electric utilities, all large local exchange telecommunications companies, all large gas, water and sewer utilities, and all steam heating utilities when filing for a general company-wide increase in rates. Additional requirements regarding this subject matter are also found in [4 CSR 240-3.160] 20 CSR 4240-3.160 for electric utilities and [4 CSR 240-3.235] 20 CSR 4240-~~3.235~~ **40.085** for gas utilities.

Explanation: As proposed the purpose statement of 20 CSR 4240-3.030 references 20 CSR 4240-3.235, however, that rule does not exist in the current version of the Commission's Chapter 3 rules. The OPC believes this should be a reference to 20 CSR 4240-40.085, which identifies the filing requirements for gas utility rate schedules.

3. Rule 20 CSR 4240-3.100: Modify reference to rule that no longer exists

PURPOSE: This rule sets forth the definitions of certain terms used in rules [4 CSR 240-3.105 through 4 CSR-3.190] 20 CSR 4240-3.~~105~~ **130** through 20 CSR 4240-3.190, which

are in addition to the definitions set forth in rule [4 CSR 240-3.010] 20 CSR 4240-3.010 of this chapter

Explanation: As proposed the purpose statement of 20 CSR 4240-3.100 references 20 CSR 4240-3.105, however, that rule does not exist in the current version of the Commission’s Chapter 3 rules. Rule 20 CSR 4240-3.100 includes the definitions pertaining specifically to electric utility rules. The first electric-specific rule included in the current version of Chapter 3 is 20 CSR 4240-3.130, which identifies the filing requirements and schedule of fees for applications for approval of electric service territorial agreements and petitions for designation of electric service areas.

4. Rule 20 CSR 4240-3.162(2)(A): Modify reference to other rule

(2) When an electric utility files to establish an ECRM as described in [4 CSR 240-20.091(2)] 20 CSR 4240-20.091(2), the electric utility shall file the following supporting information as part of, or in addition to, its direct testimony:

(A) An example of the notice to be provided to customers as required by [4 CSR 240- 20.091(2)(E)] 20 CSR 4240-20.091(2)(~~E~~**I**);

Explanation: Rule 20 CSR 4240-3.162(2)(A) refers to a notice requirement and as proposed would refer to 20 CSR 4240-20.091(2)(E). However, 20 CSR 4240-20.091(2)(E) does not reference a notice requirement and instead states “[a]ny party to the general rate proceeding may oppose the establishment, continuation, or modification of an ECRM and/or may propose alternative ECRMs for the commission’s consideration, including but not limited to modifications to the electric utility’s proposed ECRM.” The OPC believes 20 CSR 4240-3.162(2)(A) should reference 20 CSR 4240-20.091(2)(I), which references a notice and states “[t]he electric utility shall include in its initial notice to customers regarding the general rate case, a commission approved description of how the costs passed through the proposed ECRM requested shall be applied to monthly bills.”

5. Rule 20 CSR 4240-3.162(3)(A): Modify reference to other rule

(3) When an electric utility files a general rate proceeding following the general rate proceeding that established its ECRM as described by [4 CSR 240-20.091(2)] 20 CSR 4240- 20.091(2) in which it requests that its ECRM be continued or modified, the electric utility shall file with the commission and serve parties, as provided in sections (9) through (11) in this rule, the following supporting information as part of, or in addition to, its direct testimony:

(A) An example of the notice to be provided to customers as required by [4 CSR 240- 20.091(2)(E)] 20 CSR 4240-20.091(2)(~~E~~**I**);

Explanation: Rule 20 CSR 4240-3.162(3)(A) refers to a notice requirement and as proposed would refer to 20 CSR 4240-20.091(2)(E). However, 20 CSR 4240-20.091(2)(E) does not reference a notice requirement and instead states “[a]ny party to the general rate proceeding may oppose the establishment, continuation, or modification of an ECRM and/or may propose alternative ECRMs for the commission’s consideration, including but not limited to modifications to the electric utility’s proposed ECRM.” The OPC believes 20 CSR 4240-3.162(3)(A) should reference 20 CSR 4240-20.091(2)(I), which references a notice and states “[t]he electric utility shall include in its initial notice to customers regarding the general rate case, a commission approved description of how the costs passed through the proposed ECRM requested shall be applied to monthly bills.”

6. Rule 20 CSR 4240-3.162(4)(A): Modify reference to other rule

(4) When an electric utility files a general rate proceeding following the general rate proceeding that established its ECRM as described in [4 CSR 240-20.091(3)] 20 CSR 4240- 20.091(3) in which it requests that its ECRM be discontinued, the electric utility shall file with the commission and serve parties, as provided in sections (9) through (11) in this rule, the following supporting information as part of, or in addition to, its direct testimony:

(A) An example of the notice to be provided to customers as required by [4 CSR 240- 20.091(3)(B)] 20 CSR 4240-20.091(3)(~~B~~**C**);

Explanation: Rule 20 CSR 4240-3.162(4)(A) refers to a notice requirement and as proposed would refer to 20 CSR 4240-20.091(3)(B). However, 20 CSR 4240-20.091(3)(B) does not

reference a notice requirement and instead states “[t]he commission may take into account any change in business risk to the corporation resulting from discontinuance of the ECRM in setting the electric utility’s allowed return in any rate proceeding, in addition to any other changes in business risk experienced by the electric utility.” The OPC believes 20 CSR 4240-3.162(4)(A) should reference 20 CSR 4240-20.091(3)(C), which references a notice and states “[t]he electric utility shall include, in its initial notice to customers regarding the general rate case, a commission approved description of why it believes the ECRM should be discontinued.”

7. Rule 20 CSR 4240-3.162(10)(B): Simplify reference to general intervention rule

(10) Party status and providing to other parties affidavits, testimony, information, reports, and workpapers in related proceedings subsequent to general rate proceeding establishing ECRM.

(B) A person or entity not a party to the general rate proceeding in which an ECRM is approved by the commission may timely apply to the commission for intervention; pursuant to [4 CSR 240-2.075(2) through (4)] 20 CSR 4240-2.075(2) through (4) of the ~~commission’s rule on intervention, respecting any related subsequent periodic adjustment proceeding, annual true-up, or prudence review, or, pursuant to [4 CSR 240-2.075(1) through (5)] 20 CSR 4240-2.075(1) through (5), respecting any subsequent general rate case to modify, extend, or discontinue the same ECRM.~~ If no party to a subsequent periodic adjustment proceeding, annual true-up, or prudence review objects within ten (10) days of the filing of an application for intervention, the applicant shall be deemed as having been granted intervention without a specific commission order granting intervention, unless within the above-referenced ten (10)-day period the commission denies the application for intervention on its own motion. If an objection to the application for intervention is filed on or before the end of the above-referenced ten (10)- day period, the commission shall rule on the application and the objection within ten (10) days of the filing of the objection.

Explanation: As proposed 20 CSR 4240-3.162(10)(B) differentiates based on the type of environmental cost recovery mechanism (“ECRM”) case at issue the reference to the Commission’s general intervention rule, 20 CSR 4240-2.075. Based on the current language of the Commission’s intervention rule, 20 CSR 4240-2.075, it is unclear why this differentiation is

included. The OPC suggests simplifying this subsection by including only a reference to the general intervention rule itself and removing the distinction between the types of ECRM cases.

8. Rule 20 CSR 4240-3.200: Modify reference to rule that no longer exists

PURPOSE: This rule sets forth the definitions of certain terms used in rules [4 CSR 240-3.205 through 4 CSR 240-3.295] 20 CSR 4240-3.205 through 20 CSR 4240-3.295~~285~~, which are in addition to the definitions set forth in rule [4 CSR 240-3.010] 20 CSR 4240-3.010 of this chapter.

Explanation: As proposed the purpose statement of 20 CSR 4240-3.200 references 20 CSR 4240-3.295, however, that rule does not exist in the current version of the Commission's Chapter 3 rules. Rule 20 CSR 4240-3.200 includes the definitions pertaining specifically to gas utility rules. The last gas-specific rule included in the current version of Chapter 3 is 20 CSR 4240-3.285, which identifies the filing requirements regarding certification of gas sellers.

III. Suggestion to Consider Adding a Notice Requirement

One of the issues the OPC considers as it reviews cases filed before the Commission is whether customers have been notified of the relief requested in the case. The Commission appears to be concerned about this issue as well, as it has included a notice requirement in the new rule applicable to water utility certificate of convenience and necessity cases, 20 CSR 4240-50.060(2). Many of the rules included in this rulemaking docket would benefit from the addition of a notice requirement to ensure that affected customers will receive notice and have the opportunity to make their opinions known to the Commission before it issues its decision in the case. However, the OPC understands that the Commission has not included such a requirement in the proposed rules it issued for public comment. To ensure that all interested parties have an opportunity to consider and comment on such a proposal, the OPC suggests that the Commission consider adding this notice requirement in a future rulemaking.

Specifically, the OPC suggests that the Commission consider in a future rulemaking adding a notice requirement similar to that included in 20 CSR 4240-50.060(2) to the following rules included in this rulemaking docket: (1) 20 CSR 4240-3.130; (2) 20 CSR 4240-3.140; (3) 20 CSR 4240-3.205; (4) 20 CSR 4240-3.230; (5) 20 CSR 4240-3.400; (6) 20 CSR 4240-3.625.

Similarly, two of the rules considered in this rulemaking—20 CSR 4240-3.205 and 20 CSR 4240-3.400—include provisions related to transmission. In those rules, the OPC suggests that the Commission consider in a future rulemaking adding a notice requirement similar to that included in 20 CSR 4240-20.045(6)(K).

IV. Conclusion

The OPC appreciates the opportunity to provide these comments for the Commission's consideration and looks forward to the opportunity to answer any questions at the Commission's rulemaking hearing.

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

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing have been mailed, emailed, or hand-delivered to all counsel of record this 31st day of July 2026.

/s/ Lindsay VanGerpen