

Stakeholder	Proposed Rule Reference	Recommended Change	Summary of Comment	Staff Response
Spire Missouri	20 CSR 4240-3.030	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 20 CSR 4240-3.160 for electric utilities and 20 CSR 4240-3.235 for gas utilities 20 CSR 4240 40.085 for gas utilities.	The proposed amendment to 4 CSR 4240-3.030 adjusts the reference for gas utilities in the Purpose section from 4 CSR 240-3.235 to 20 CSR 4240-3.235; however, 20 CSR 4240-3.235 is no longer part of Chapter 3. Spire Missouri proposes amending the reference to 20 CSR 4240-40.085 if intended.	Staff appreciates Spire Missouri's comment and recommends the Purpose of 20 CSR 4240-3.030 be updated to reference 20 CSR 4240-40.085 rather than 20 CSR 4240-3.235.

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OPC	20 CSR 4240-3.010	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 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	OPC notes 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. OPC also questions 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. OPC also notes 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	Staff appreciates OPC’s comment and recommends the Purpose of 20 CSR 4240-3.010 be updated to remove the reference to 20 CSR 4240-3.015. Staff also agrees to the removal of reference 20 CSR 4240-3.500 and placing an “and” before 20 CSR 4240-3.300. Staff disagrees with the removal of language suggested by OPC. With these changes, Staff recommends the Purpose of rule 20 CSR 4240-3.010 be updated to read: Purpose: This rule sets forth the definitions of certain terms used in rule [4 CSR 240- 3.015 through 4 CSR 240-3.03] 20 CSR 4240-3.030, and also 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

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		definitions found in this chapter supplement those definitions found in Chapters 386, 392, and 393 of the Missouri Revised Statutes.	and moving the word “and” to complete the sentence.	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. All definitions found in this chapter supplement those definitions found in Chapters 386, 392, and 393 of the Missouri Revised Statutes.
OPC	20 CSR 4240-3.030	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	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.	Staff appreciates OPC’s comment and recommends the Purpose be updated to reference 20 CSR 4240-40.085.

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		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.		
OPC	20 CSR 4240-3.100	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	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	Staff appreciates OPC’s comment and recommends the Purpose of rule 20 CSR 4240- 3.100 be updated to read: 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 4240-3.130 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

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			petitions for designation of electric service areas.	
OPC	20 CSR 4240-3.162(2)(A)	(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);	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	Staff agrees the notice requirement is now within 20 CSR 4240-20.091(2)(I) instead of (E) and should be changed. 20 CSR 4240-3.162(2)(A) updated to read: (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)(I) ;

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			description of how the costs passed through the proposed ECRM requested shall be applied to monthly bills.”	
OPC	20 CSR 4240-3.162(3)(A)	(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,	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	Staff agrees the notice requirement is now within 20 CSR 4240-20.091(2)(I) instead of (E) and should be changed. 20 CSR 4240-3.162(3)(A) updated to read: (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

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		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);	general rate case, a commission approved description of how the costs passed through the proposed ECRM requested shall be applied to monthly bills.”	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)(I);
OPC	20 CSR 4240-3.162(4)(A)	(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	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	Staff agrees the notice requirement is now within 20 CSR 4240-20.091(3)(C) instead of (B) and should be changed. 20 CSR 4240-3.162(4)(A) is updated to read: (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

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		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)(BC);	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.” "	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)(C) ;
OPC	20 CSR 4240- 3.162(10)(B)	(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	"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	Staff disagrees that the language proposed should be removed, as it relates to specific information and should not be generalized.

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		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,	OPC suggests simplifying this subsection by including only a reference to the	

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		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		

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		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.		
OPC	20 CSR 4240-3.200	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 4240-3.295285, which are in addition to the definitions set forth in rule [4 CSR 240-3.010] 20 CSR 4240 3.010 of this chapter.	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	Staff agrees the reference to 20 CSR 4240-3.295 is incorrect and should be changed to 20 CSR 4240-3.285. The Purpose section of 20 CSR 4240-3.200 is updated to read: <i>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 4240-3.285, which are in addition to the definitions set forth in rule [4 CSR</i>

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			requirements regarding certification of gas sellers.	<i>240-3.010]</i> 20 CSR 4240-3.010 of this chapter.
OPC		n/a	OPC recommended the Commission consider adding a notice requirement in a future rulemaking. OPC's proposal is 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.	Staff appreciates OPC's comment and reserves comments for a future rulemaking.
OPC		n/a	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).	Staff appreciates OPC's comment and reserves comments for a future rulemaking.

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Evergy	20 CSR 4240-3.010(4)	“Commission Staff means all personnel employed by the commission whether on a permanent or contractual basis who are not members of the general counsel division, administration division, independent technical advisory staff, personal advisors, or who are not law judges.”		Staff does not support Evergy’s recommended edit. The intent of 20 CSR 4240-3.010(4) is to define Commission Staff to exclude the Commission’s technical advisory staff from rules requiring action by Commission Staff. As written, the definition excludes the Bulk Regional Transmission Unit.
Evergy	20 CSR 4240-3.030	n/a	In the purpose section of 20 CSR 4240-3.030 Minimum Filing Requirements for Utility Company General Rate Increase Requests, the reference to 20 CSR 4240-3.235 is not accurate. 20 CSR 4240-3.235 was rescinded in 2019, is not found in the current rules or in this	Staff appreciates Evergy’s comment and recommends the Purpose of 20 CSR 4240-3.030 be updated to reference 20 CSR 4240-40.085 rather than 20 CSR 4240-3.235.

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			proposed amendment, and no successor rule took its place.	
Evergy	20 CSR 4240-3.190	n/a	Evergy seeks clarification regarding the use of this rule to obtain hourly information regarding retail loads, as the Company understands the rule to pertain to generation. Specifically, Staff recently subdivided the total load element into hourly loads by rate code and now requests such data under 20 CSR 4240-3.190(3). The Company respectfully submits that this application may not align with the rule’s plain language and stated purpose. The rule’s purpose is to prescribe “requirements and procedures for the reporting of certain events” that “may affect the rendering of safe and adequate service” and to enable investigation of “accidents and events that may have an impact in future electric rate	20 CSR 4240-3.190 was not included in the sections of Chapter 3 that the Commission opened for amending. Additionally, Evergy seeks clarification on “the use of this rule to obtain hourly information regarding retail loads”. Staff offers that it filed a motion to open a working docket, EW-2021-0165, on December 9, 2020, identifying the issue to be considered as follows: “Commission reporting rule was last substantively amended effective August 2010, and since that time, there have been significant changes in energy market operations, metering technology, and coal plant retirements. The recent COVID-19 pandemic has further

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			proceedings.” The rule also addresses accident and event reporting for rural electric cooperatives.	highlighted the need for clarity and consistency in utility-reported information.” As its proposed solution to the above stated issue, Staff recommended the Commission amend its Rule on Reporting Requirements for Electric Utilities and, as applicable, Rural Electric Cooperatives. Including to “[r]equire the provision of interval data by the utility on a monthly basis, and retention of interval data for retrieval and study.” Written comments were received in the working docket prior to rule drafting. Additionally, Staff reached out to affected electric utilities on April 17, 2024 with the proposed draft. Staff engaged in discussions and email exchanges on the rule through May 24, 2024. In July 2024, the Commission opened the file EX-2025-0034

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				and filed the Finding of Necessity and Order regarding 20 CSR 4240-3.190. Evergy provided written comments stating in part “Staff and Evergy engaged in multiple helpful exchanges and dialogue regarding the proposed amendments, this includes an email exchange on May 3, 2024, related to criteria in which the Company can comply with the proposed amendment A (6) Total load for each hour by: (C) Retail load by: (I) Rate code if customers taking service on a rate code are metered at a consistent voltage.” The Commission did not make any changes as a result of Evergy’s comment.
Evergy	20 CSR 4240-3.190	n/a	The Company similarly seeks clarification regarding the application of this rule to obtain Evergy’s reports on its natural gas operations when	3.190 was not included in the sections of chapter 3 that the Commission opened for amending.

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			the Company chooses not to operate certain generation facilities because of high or volatile fuel prices. Staff has indicated that fuel supply disruptions lasting 72 hours or more on fossil fuel generation facilities of 100 megawatts or greater should be reported as forced outages under 20 CSR 4240-3.190, relying on North American Electric Reliability Corporation Generating Availability Data System forced outage categories. However, these classifications are typically used for post-event reliability reporting and benchmarking—a purpose that may differ from the incident reporting intent of this rule.	Staff notes the discussion above regarding Evergy’s participation in the working docket and rule for 20 CSR 4240-3.190. Regarding the content of Evergy’s comment, Staff disagrees with Evergy’s representation that Staff sought reports related to “high or volatile fuel prices”. Staff sought clarification from Evergy regarding reporting related to lack of fuel due to physical failures of fuel supply/delivery. 20 CSR 4240-3.190(4) requires various types of reporting in addition to forced outages for fossil fuel units reasonably anticipated to last longer than 3 days, For example, 20 CSR 4240-3.190 (4)(A)5 requires notification of: “Reductions of coal inventory below a thirty- (30-) day supply and reductions of oil inventory below fifty percent (50%) of the

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				storage capacity of that oil facility; and” Staff notes forced outages are not defined in Chapter 3 and does not recommend a definition be added at this time without additional stakeholder discussion. Staff offers that NERC published guidance regarding its Generation Availability Data System reporting requirements addresses many fuel availability disturbances are to be reported as forced outages.
Evergy	20 CSR 4240-3.190	n/a	The Company also observes that 20 CSR 4240-3.190’s reporting framework is tied to equipment failures and operational issues, including requirements such as 120-day root cause analyses. This requirement may present challenges where there is no equipment failure or internal root cause for the Company to	Staff notes the 120 day detailed investigative report (i.e. root cause analysis) is only required under paragraph (4)(A)1 which states: “Details of any accident or event at a facility involving serious physical injury or death or property damage in excess of two hundred thousand dollars (\$200,000);”

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			evaluate. The Company respectfully suggests that Staff's treatment of external fuel supply conditions as reportable forced outages could potentially extend the rule beyond its intended scope and may result in duplicative reporting, as such information is already captured through routine monthly outage submissions required by the rule.	Thus, Evergy's concern regarding the potential 120-day report for forced outages related to external fuel supply conditions is unfounded unless there is an accident or event involving serious physical injury or death or significant property damage.