

Robin Carnahan

Secretary of State
Administrative Rules Division

RULE TRANSMITTAL

Administrative Rules Stamp

Rule Number 4 CSR 240-13.055

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:

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TYPE OF RULEMAKING ACTION TO BE TAKEN

☐ Emergency rulemaking, include effective date

☐ Proposed Rulemaking

☐ Withdrawal ☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration

☒ Order of Rulemaking

Effective Date for the Order

☐ Statutory 30 days OR Specific date

Does the Order of Rulemaking contain changes to the rule text? ☒ NO

☐ YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Small Business Regulatory
Fairness Board (DED) Stamp

JCAR Stamp

JOINT COMMITTEE ON
LEGISLATION

DEC 04 2013

ADMINISTRATIVE RULES



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Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, Missouri 65101

Re: 4 CSR 240-13.055 Cold Weather Maintenance of Service: Provision of Residential Heat-
Related Utility Service During Cold Weather

Dear Secretary Kander,

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rulemaking lawfully submitted by the Missouri Public Service Commission.

Statutory Authority: sections 386.250 and 393.140, RSMo 2000

If there are any questions regarding the content of this proposed rulemaking, please contact:

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Morris L. Woodruff
Chief Regulatory Law Judge

**Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240 – Public Service Commission
Chapter 13 – Service and Billing Practices for Residential Customers of
Electric, Gas, Sewer and Water Utilities**

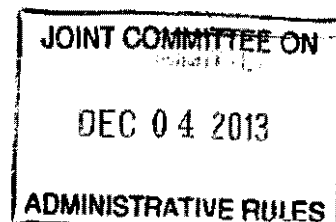
ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 386.250(6) RSMo 2000, and section 393.140(11) RSMo 2000, the commission amends a rule as follows:

4 CSR 240-13.055 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 3, 2013 (38 MoReg 1375). No changes have been made in the text of the proposed rule so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 7, 2013, and the commission held a public hearing on the proposed amendment on October 10, 2013. The commission received timely written comments from Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Laclede Gas Company, Ameren Missouri, and The Empire District Electric Company (collectively the Missouri Utilities); the Office of the Public Counsel; Jacqueline Hutchinson, Vice President of Operations for People's Community Action Corporation in St. Louis Missouri; AARP, the Consumers Council of Missouri, and Legal Services of Eastern Missouri, Inc. (collectively the AARP group); Missouri-American Water Company; and the Staff of the Missouri Public Service Commission. In addition, the following people offered comments at the hearing: Rick Zucker, representing Laclede Gas Company and Missouri Gas Energy; Jim Fischer, representing Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Allison Erickson on behalf of Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company (KCP&L and GMO); Russ Mitten, representing The Empire District Electric Company; Sarah Giboney, representing Ameren Missouri; Kathy Hart on behalf of Ameren Missouri; Tim Luft, on behalf of Missouri-American Water Company; Marc Poston, representing the Office of the Public Counsel; John Coffman, representing AARP and Consumers Council of Missouri; Jacqueline Hutchinson on behalf of Community Action Corporation in St. Louis Missouri; Jackie Lingum, representing Legal Services of Eastern Missouri, Inc.; Akayla Jones, representing the Staff of the Missouri Public Service Commission; and



Gay Fred and Lisa Kremer on behalf of the Staff of the Missouri Public Service Commission.

The commission considered this particular rule in conjunction with eleven other rules within Chapter 13. Not all persons offering comments addressed this particular rule.

COMMENT: The commission's staff offered a written comment indicating that it continues to support the amendment as proposed.

RESPONSE: The commission thanks staff for its comment.

COMMENT: The commission did not propose any substantive changes to the cold weather rule. However, the AARP group and Public Counsel point to provisions in the rule that provide special protections to households that contain elderly or disabled persons who have registered their presence with the utility. The AARP group and Public Counsel propose that the commission add a provision to the rule to require the utilities to advertise the need for such customers to register to take advantage of those extra protections. Rick Zucker, representing Laclede Gas Company, indicated the rule change is not necessary as Laclede already provide notice about the requirements and protections of the cold weather rule to its customers and to social service agencies.

RESPONSE: The commission did not attempt to address the details of the cold weather rule for this rulemaking. This is a complex rule that requires further discussion in additional workshops before attempting to add a new provision that has not been discussed with interested stakeholders and that could have unintended consequences. The commission will not make the change proposed by the AARP group and Public Counsel.

COMMENT: The AARP group proposes a change to subsection (5), which prohibits disconnection on certain days during the cold weather period when the temperature is predicted to drop below 32 degrees. The AARP group is concerned that sometimes the actual temperature drops below 32 degrees when the predicted temperature was above 32 degrees. It would amend the rule to provide that disconnections cannot proceed when the actual temperature is below 32 degrees.

RESPONSE: The commission did not attempt to address the details of the cold weather rule for this rulemaking. This is a complex rule that requires further discussion in additional workshops before attempting to add a new provision that has not been discussed with interested stakeholders and that could have unintended consequences. The commission will not make the change proposed by the AARP group.