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Ms. Colleen Dale
Secretary
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri
65102

FILED²

NOV 04 2005

Missouri Public
Service Commission

Re: Case No. GX-2006-0181

Dear Ms. Dale:

Enclosed for filing in the above-referenced case please find the original and eight copies of **State of Missouri's Comments in Support of Emergency Amendment to Commission Rule 4 CSR 240-13.055**. Please file stamp the extra copy and return it to this office.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "D. E. Micheel".

Douglas E. Micheel
Assistant Attorney General

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²
NOV 04 2005

Missouri Public
Service Commission

In the Matter of Proposed Emergency)
Amendment to Commission Rule) Case No. GX-2006-0181
4 CSR 240-13.055)

State of Missouri's Comments in Support of
Emergency Amendment to Commission Rule
4 CSR 240-13.055

COMES NOW the State of Missouri by and through Attorney General Jeremiah
W. (Jay) Nixon and states as follows:

1. On October 21, 2005 the Office of the Public Counsel petitioned the Commission to open a new case to take up the issue of implementing an emergency rule making with respect to 4 CSR 240-13.055, the Cold Weather Rule.
2. On October 25, 2005, the Commission issued a Notice Opening Case and Opportunity to File Written Comments. The notice states that "[a]ny interested party may file comments on whether a necessity exists such that the Commission should pursue the amendments sought in the Petition on or before November 5, 2005."
3. The necessity to consider emergency amendments to the Cold Weather Rule is undeniable. The Federal Energy Information Agency (EIA) anticipates that heating fuel expenditures for natural gas in the Midwest will increase between 69% to 77%. Missouri local distribution companies have advised the Commission and their customers that residential natural gas bills could be 30% to 50% higher this winter. See,

e.g. Editorial of Douglas H. Yeager President and Chief Executive Officer of Laclede Gas October 5, 2005 St. Louis Post Dispatch noting that natural gas bills are predicted to increase 71% in some areas of the country but stating that Laclede expects its natural gas bills only to "increase by roughly 40%."

4. A federal measure that would have increased funding for the Low Income Home Energy Assistance Program (LIHEAP) commensurate to projected heating cost increases recently failed. The state's Utilicare program remains unfunded.

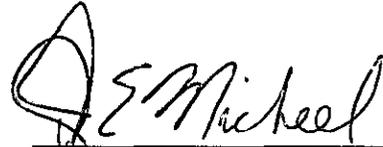
5. Given the projections of sharp increases in customer bills and the limited safety net that is available to Missouri's neediest families, there is a necessity for the consideration temporary emergency changes to the Cold Weather Rule. Temporary emergency changes to the Cold Weather Rule can help avoid human tragedy by making gas service more available to consumers.

6. The Commission should therefore make appropriate temporary emergency amendments to the Cold Weather Rule to ensure that Missouri's neediest families have access to heat during the winter season and to encourage greater participation in weatherization and efficiency programs. .

WHEREFORE, the State of Missouri respectfully requests that the Commission find that the necessity exists to pursue temporary emergency amendments to 4 CSR 240-13.055 (Cold Weather Rule) and seek comments from interested parties and hold a public hearing on the proposed emergency amendments on an expedited basis.

Respectfully submitted,

JEREMIAH W. (JAY) NIXON
Attorney General

A handwritten signature in black ink, appearing to read "D. E. Micheel". The signature is written in a cursive style with a large, stylized initial "D".

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed on this 5th day of November 2005 to the attorneys of record.

