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Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

**Missouri Public
Service Commission**

Re: Case No. AX-2000-113

Dear Mr. Roberts:

The Office of the Public Counsel makes the following comments on the proposed revision to the Commission rules:

4 CSR 240-2.065 Tariff Filings Which Create Cases

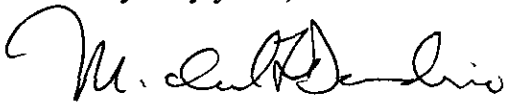
1. Public Counsel submits that "general rate increase" in (1) should be defined.
2. OPC also suggests broadening the scope of this general rate increase process to include "any tariff that affects residential rates" or that "affects revenue of the company." A tariff which proposes a restructured rate design without an overall rate increase or is "revenue neutral" may still have significant effect on the public and should be afforded the same comprehensive treatment as a tariff that proposes a general rate increase.
3. (1) Public Counsel supports the new rule provision requiring that the utility submit its direct testimony in support of its tariff simultaneously with the proposed tariff. This requirement gives Staff and Public Counsel information on the basis of the case that is necessary to properly respond to the proposal without having to ask for it. This is consistent with the company's burden of coming forward with the evidence.

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4. (2) Public Counsel opposes the deletion that the motion for expedited treatment must state "good cause" for such treatment. Further, OPC believes the utility must state with specificity the reasons justifying expedited treatment. The mere desire to receive an expedited order should not justify a special exception.
5. (3) OPC opposes the attachment of a copy of the tariff in any pleading to suspend a tariff. This could be burdensome and unnecessary given the volume of some tariffs and because the objection may go to only just one or a few portions of the tariff. OPC proposes that the pleading references the specific portions of the tariff that are objectionable.
6. (5) The rule should also provide that a copy should be served upon OPC so all practitioners receive notice of the statutory requirements of Section 386.710.2 RSMo. 1994.

We have enclosed the original and fourteen copies for filing with the Commission.

Very truly yours,



Michael F. Dandino
Senior Public Counsel

MFD:kh

cc: Counsel of record