

MATT BLUNT
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

RECEIVED

SEP 29 2003

SECRETARY OF STATE
ADMINISTRATIVE RULES

*Administrative Rules Stamp

A "SEPARATE" rule transmittal sheet must be used for EACH individual rulemaking.

A. Rule Number 4 CSR 240-3.180
Diskette File Name Final Amend 3.180 Word 2000
Name of Person to call with questions about this rule:
Content Tim Schwarz Phone 573-751-5239 FAX 573-751-9285
Data Entry Susan Sundermeyer Phone 573-751-4335 FAX Same as above
Email Address timschwarz@psc.state.mo.us
Interagency Mailing Address Governor Office Building, 200 Madison St., 8th Floor, Jefferson City, MO
Statutory Authority 386.250(6) Current RSMo date 2000
Date Filed With the Joint Committee on Administrative Rules Exempt per Sections 536.024 and 536.037, RSMo 2000, and Executive Order No. 97-97 (June 27, 1997)

B. CHECK, IF INCLUDED:

- | | |
|--|---|
| <input checked="" type="checkbox"/> This transmittal completed | <input type="checkbox"/> Incorporation by reference materials, if any |
| <input checked="" type="checkbox"/> Cover letter | <input type="checkbox"/> Authority with history of the rule |
| <input type="checkbox"/> Affidavit | <input type="checkbox"/> Public cost |
| <input type="checkbox"/> Forms, number of pages <u> </u> | <input type="checkbox"/> Private cost |
| <input type="checkbox"/> Fiscal notes | <input type="checkbox"/> Hearing and comment period |

C. RULEMAKING ACTION TO BE TAKEN

- ☐ Emergency Rulemaking, (check one) ☐ rule ☐ amendment ☐ rescission ☐ termination
MUST include effective date
- ☐ Proposed Rulemaking (check one) ☐ rule ☐ amendment ☐ rescission
- ☒ Order of Rulemaking (check one) ☐ rule ☒ amendment ☐ rescission ☐ termination
MUST complete page 2 of this transmittal
- ☐ Withdrawal (check one) ☐ rule ☐ amendment ☐ rescission ☐ emergency
- ☐ Rule action notice
- ☐ In addition
- ☐ Rule under consideration

D. SPECIFIC INSTRUCTIONS: Please indicate any special instructions (e.g., publication date preference, identify material to be incorporated by reference, or forms included herein).

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RULE TRANSMITTAL (PAGE 2)

E. ORDER OF RULEMAKING: Rule Number 4 CSR 240-3.180

1a. Effective Date for the Order

☒ Statutory 30 days

Specific date December 30, 2003

1b. Does the Order of Rulemaking contain changes to the rule text?

☒ YES

☐ NO

1c. If the answer is YES, please complete section F. If the answer is NO, **STOP** here.

F. Please provide a complete list of the changes in the rule text for the order of rulemaking, indicating the specific section, subsection, paragraph, subparagraph, part, etc., where each change is found. It is especially important to identify the parts of the rule that are being deleted in this order of rulemaking. This is not a reprinting of your order, but an explanation of what sections, subsections, etc. have been changed since the original proposed rule was filed.

(Start text here. If text continues to a third page, insert a continuous section break and, in section 3, delete the footer text. DO NOT delete the header, however.)

Section (I) – wording change from: “and known not to be” to: “and not known to be”

Subsection (A) – formatting and word change from:

(A) How many customers were disconnected at the end of the period:

1. Of those disconnected, how many customers had service discontinued for non-payment during the period;
2. Of those disconnected during the period, how many customers were restored to service during the period.

to: (A) How many customers were:

1. Disconnected at the end of the period;
2. Of those disconnected, how many customers had service discontinued for non-payment during the period;
3. Of those discontinued during the period, how many customers were restored to service during the period.

Subsection (C) – 1 wording change from:

1. How many customers received energy assistance (pledged or paid) from:
 - a. LIHEAP;
 - b. ECIP;
 - c. Other.

to:

1. How many customers received energy assistance (pledged or paid) from:
 - a. LIHEAP;
 - b. ECIP;
 - c. Other sources known to the utility.

Paragraph (C)2 wording and format change from:

2. How much energy assistance was provided by:
 - a. LIHEAP;
 - b. ECIP;
 - c. Customer;
 - d. Other.

to:

2. How much energy assistance was provided by:
 - a. LIHEAP;
 - b. ECIP;
 - c. Other sources known to the utility;
 - d. Customer.

Paragraph (G)3 wording change from:

3. Other assistance.

NOTE: ALL changes MUST be specified here in order for those changes to be made in the rule as published in the *Missouri Register* and the *Code of State Regulations*.

Add additional sheet(s), if more space is needed.

to:

3. Other assistance known to the utility.

Paragraph (H)3 wording change from:

3. Others.

to:

3. Others known to the utility.



Commissioners
KELVIN L. SIMMONS
Chair
CONNIE MURRAY
STEVE GAW
BRYAN FORBIS
ROBERT M. CLAYTON III

Missouri Public Service Commission

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DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge
DANA K. JOYCE
General Counsel

September 29, 2003

Matt Blunt
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Blunt,

RE: 4 CSR 240-3.180 - Submission of Electric Utility Residential Heat-Related Service Cold Weather Report

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the order of rulemaking lawfully submitted by the Missouri Public Service Commission on this 29th day of September, 2003.

Statutory Authority: section 386.250.

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

Tim Schwarz
200 Madison
Jefferson City, MO 65102
Phone (573) 751-5239
Email: timschwarz@psc.state.mo.us

Sincerely yours,

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission

Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT

**Division 240 – Public Service Commission
Chapter 3 – Filing and Reporting Practices**

RECEIVED

SEP 29 2003

**SECRETARY OF STATE
ADMINISTRATIVE RULES**

ORDER OF RULEMAKING "

By the authority vested in the Public Service Commission under sections 386.250 and 393.140, RSMo 2000, the Public Service Commission amends a rule as follows:

4 CSR 240-3.180 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 2, 2003 (28 MoReg 1024-1027). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*. The first reports using the amended filing requirements will be due April 30, 2004, for the month ending March 31, 2004.

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held July 9, 2003, and the written public comment period ended July 3, 2003. At the public hearing, the Staff of the Public Service Commission of Missouri, testified in favor of the proposed amendment through Gay Fred, Tom Imhoff, Bob Berlin, and Tim Schwarz. John Coffman, the Public Counsel, provided written and oral comments; Mid-Missouri Counties Human Development Corporation appeared through Ivan Eames; and Kansas City Power & Light Company submitted written comments and appeared through Jim Fischer. The Commission Staff, Public Counsel, Mid-Missouri Human Development Corporation, and AmerenUE generally supported the proposed amendment. No changes have been made to the amendment as a result of the general, favorable comments of these groups.

COMMENT: KCPL comments in several places that it will incur costs to implement the amended rule, totaling \$24,000.

RESPONSE: The commission notes that KCPL's projected costs are small, relative to its revenues; that utilities make frequent changes to information systems, the costs of which are included in rate cases; and that the information sought by the amended rule should be useful to all stakeholders in addressing the problems of low income customers.

COMMENT: All parties commented that "and known not to be receiving energy assistance" in subsection (1) was unclear.

RESPONSE AND EXPLANATION OF CHANGE: The Commission will reword the phrase to read "and not known to be receiving energy assistance". The Commission further notes that "disconnected" means a customer who is not currently receiving service, while "discontinued" means a customer whose service was disconnected for nonpayment of a bill. The Commission will further clarify subdivision (A) by rewriting it as follows, where subdivision 1 asks for the total number of customers without service:

(A) How many customers were:

1. Disconnected at the end of the period;

2. Of those disconnected, how many customers had service discontinued for non-payment during the period;
3. Of those discontinued during the period, how many customers were restored to service during the period.

COMMENT: KCPL noted that the statistics reported under the rule might be misinterpreted.

RESPONSE: The commission will note the limitations of the data, and differences between utilities, when releasing the reported information.

COMMENT: With respect to subdivision (C) 1 and 2, KCPL noted that it might not know all of the sources of funds available to customers; and that use of the terms "pledged or paid" might lead to double counting of assistance.

RESPONSE AND EXPLANATION OF CHANGE: The commission asks only for reporting of assistance known to the utility. Other sources would include the Salvation Army, civic organizations, and the like. The commission indicates that it does not seek or want double counting of assistance by use of the word "or" between "pledged" and "paid".

To further clarify subdivision 2., the Commission will reorder the list as follows:

- (C) 2. How much energy assistance was provided by;
- a. LIHEAP;
 - b. ECIP;
 - c. Other sources known to the utility;
 - d. Customer.

COMMENT: KCPL notes that subdivision (E) seeks different information than the current rule.

RESPONSE: KCPL is correct. The commission believes that knowing the amount owed by payment troubled customers may help stakeholders in the formulation of policy to address the needs of low income customers.

COMMENT: KCPL questioned the meaning of "Other assistance" in subdivision (G) 3 and (H) 3.

RESPONSE AND EXPLANATION OF CHANGE: The term "other assistance" means assistance customers received that is known to the utility. To further clarify, the commission will add the phrase "known to the utility" to the phrases.

COMMENT: KCPL notes that it may not have the exact information sought by subdivision (J).

RESPONSE: The commission is asking for the number of customers who apply for service or restoration of service, where the amount offered by the customer, including assistance, is insufficient to obtain service. The commission does not ask for information that the utility does not have.

Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240 – Public Service Commission
Chapter 3 – Filing and Reporting Practices

AMENDED RULE

4 CSR 240-3.180 Submission of Electric Utility Residential Heat-Related Service Cold Weather Report.

(1) Each utility providing heat-related utility service shall submit a report to the consumer services department of the commission for each calendar month no later than the twentieth day of the following month. The utility shall provide a copy of each report to the Office of the Public Counsel. The utility shall report for each operational district into which the utility has divided its Missouri service territory the number of days it was permitted to discontinue service under 4 CSR 240-13.055, and the utility shall separately report on the information listed below for customers receiving energy assistance and customers who are affected by 4 CSR 240-13.055 and not known to be receiving energy assistance. All information submitted shall be considered public information; however, no customer-specific information shall be reported or made public. Utilities providing both electric and gas service shall report the information separately for their gas-only territory:

(A) How many customers were:

1. Disconnected at the end of the period;
2. Of those disconnected, how many customers had service discontinued for non-payment during the period;
3. Of those discontinued during the period, how many customers were restored to service during the period.

(B) Of customers reported as disconnected at the end of the period:

1. How many had broken a Cold Weather Rule pay agreement;
2. How many had broken a non-Cold Weather Rule pay agreement;
3. How many had not been on a pay agreement.

(C) Of those customers reconnected during the period:

1. How many customers received energy assistance (pledged or paid) from:
 - a. LIHEAP
 - b. ECIP
 - c. Other sources known to the utility
2. How much energy assistance was provided by:
 - a. LIHEAP;
 - b. ECIP;
 - c. Other sources known to the utility;
 - d. Customer.

(D) Of customers restored to service during the period:

1. How many were put on a Cold Weather Rule pay agreement;
 2. How many were put on a non-Cold Weather Rule pay agreement.
- (E) How much was owed by those disconnected at the end of the period:
1. How much was owed by those disconnected during the period;
 2. How much was owed by those reconnected during the period.
- (F) How many customers were registered under 4 CSR 240-13.055(1)(D) at the end of the period:
1. How many customers registered during the period;
 2. How many of such registered customers had service discontinued during the period.
- (G) For how many customers during the period did the utility receive:
1. LIHEAP;
 2. ECIP;
 3. Other assistance known to the utility.
- (H) How much cash did the utility receive on behalf of customers during the period from:
1. LIHEAP;
 2. ECIP;
 3. Others known to the utility.
- (I) How many customers who requested reconnection under terms of this rule were refused service pursuant to section 4 CSR 240-13.055 (9).
- (J) How many customers received energy assistance insufficient in amount to retain or restore service.
- (K) The number of customers who agreed to pay for their heat-related utility service under a payment agreement in accordance with 4 CSR 240-13.055.