

MEMORANDUM

Dale Hardy Roberts, Secretary

DATE: April 24 2003

Authorization to File the Proposed Rule Amendment 4 CSR
240-3.250 With the Office of Secretary of State

CASE NO: AX-2003-0193

The undersigned Commissioners hereby authorize the Secretary of the Missouri Public Service Commission to file the following Proposed Rule Amendments with the Office of Secretary of State, to wit:

4 CSR 240-3.250 Submission of Gas Utility Residential Heat-Related
Service Cold Weather Report

Kelvin L Simmons, Chair


Sheila Lumpe, Commissioner


Connie Murray, Commissioner


Steve Gaw, Commissioner


Bryan Forbis, Commissioner



Commissioners
KELVIN L. SIMMONS
Chair

CONNIE MURRAY

SHEILA LUMPE

STEVE GAW

BRYAN FORBIS

Missouri Public Service Commission

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JEFFERSON CITY, MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://www.psc.state.mo.us>
April 24, 2003

ROBERT J. QUINN, JR.
Executive Director

WESS A. HENDERSON
Director, Utility Operations

ROBERT SCHALLENBERG
Director, Utility Services

DONNA M. PRENGER
Director, Administration

DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

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

Dear Secretary Blunt,

RE: 4 CSR 240-3.250 – Submission of Gas 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 proposed rule lawfully submitted by the Missouri Public Service Commission on this 24th day of April 2003.

The Missouri Public Service Commission has determined and hereby certifies that this proposed rule is estimated to have a direct economic impact of seven thousand, two hundred dollars in the four year aggregate on two small businesses, which are gas utility companies with less than fifty employees. The Missouri Public Service Commission also certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo 2000 and that this proposed rule does not constitute a taking of real property under relevant state and federal law.

Statutory Authority: Sections 386.250.

If there are any questions regarding the content of the rule, please contact: Bob Berlin, 200 Madison Street, Suite 800, P. O. Box 360, Jefferson City, MO 65101, (573) 526-7779, bobberlin@psc.state.mo.us.

Sincerely yours,

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

DHR:RB/sls

Enclosures: Transmittal Form, Order of Rulemaking & 3.5" Diskette

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

RECEIVED

APR 24 2003

SECRETARY OF STATE
ADMINISTRATIVE RULES

PROPOSED AMENDMENT

4 CSR 240-3.250 Submission of Gas Utility Residential Heat-Related Service Cold Weather Report.
The Missouri Public Service Commission is amending Section (1).

PURPOSE: This amendment makes public more efficient information in aggregate form as a standing practice, removing need for Commission approval to release individual company reports upon a party's request, as required by §386.480 RSMO 2000.

(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 known not 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) The number of days on which discontinuance of service was not prohibited by the cold weather rule's daily temperature moratorium (4 CSR 240-13.055(4));]

(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.**

[(B) The utility shall report the following information for all residential customers and state separately the information for those on whose behalf the utility has received notice of qualification for publicly funded energy assistance:

- 1. The number of residential customers who agreed to pay for their heat-related utility service under a payment agreement in accordance with 4 CSR 240-13.055(8);*
- 2. The number of residential customers whose heat-related utility service was discontinued due to failure to make timely payments under an agreement made pursuant to 4 CSR 240-13.055(8);*
- 3. The total amount due and owing from residential customers whose utility service was discontinued due to failure to make timely payments under an agreement made pursuant to 4 CSR 240-13.055(8);*
- 4. The number of residential customers whose heat-related utility service was involuntarily discontinued and who were not participants under an agreement made pursuant to 4 CSR 240-13.055(8);*
and

5. The total amount due and owing from residential customers whose heat-related utility service was involuntarily discontinued and who were not participants under an agreement made pursuant to 4 CSR 240-13.055(8).J.

(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**

- 2. How much energy assistance was provided by:**

- a. LIHEAP;**
- b. ECIP;**
- c. Customer;**
- d. Other.**

(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.**

(H) How much cash did the utility receive on behalf of customers during the period from:

- 1. LIHEAP;**
- 2. ECIP;**
- 3. Others.**

(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.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed August 16, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities sixty-seven thousand and two hundred dollars (\$67,200) in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the Commission's offices on or before July 3, 2003, and should include a reference to Commission Case No. AX-2003-0198. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the Commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed amendment is scheduled for July 9, 2003, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

FISCAL NOTE PRIVATE ENTITY COST

I. RULE NUMBER

Title: 4-DEPARTMENT OF ECONOMIC DEVELOPMENT

Division: 240-Public Service Commission

Chapter: 3.250 (identical to 3.180)

Type of Rulemaking: proposed amendment

Rule Number and Name: 4 CSR 240-3.250 Submission of Gas Utility Residential Heat.

Related Service Cold Weather Report

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate over a four year period as to the cost of compliance with the rule by the affected entities:
2	Gas and Electric Utility Companies	\$ 35,000
4	Gas Utility Companies	\$ 32,200

III. WORKSHEET

Utility Type:	One Time Estimated Cost	Annualized Four Year Cost	Total
<i>Gas & Electric</i>			
Ameren	\$ 5,000	None	\$ 5,000
Aquila	\$10,000	\$ 5,000/yr x4= \$20,000 ¹	\$ 30,000
<i>Gas Only</i>			
Laclede Gas	\$15,000 ²	None	\$ 15,000
Fidelity ³	None	\$ 1,800/yr x4=\$ 7,200	\$ 7,200
Atmos	None	None	None
MGE	\$ 10,000	None	\$ 10,000
Southern Missouri Gas ⁴	No Submission	-----	

IV. ASSUMPTIONS

¹ Aquila submitted an annualized cost of \$50,000 without support or explanation. This has been scaled back to \$5,000/yr.

² This is an average of the cost range submitted by Laclede.

³ Refer to Small Business Takings Analysis.

⁴ Refer to Small Business Takings Analysis.

The Cold Weather Reporting Rule revisions that are proscribed in the amendment are expected to have a life of four (4) years.

The Staff of the Missouri Public Service Commission collects cold weather reports from each utility providing heat-related utility service. Presently, Staff obtains more detailed information from the utilities using ad hoc queries, but not as part of the current standard cold weather rule reports. The proposed revisions to the Cold Weather Rule reporting requirements will provide the Commission more detailed information that will improve its ability to assess the effectiveness of the Cold Weather Rule provisions and enable policymakers, including state legislators and the Missouri Congressional delegation, to better understand the need for funding low-income energy assistance.

In addition, a major reason for revising and amending the Cold Weather Rule reporting requirements of 4 CSR 240-3.250 (identical to 4 CSR 240-3.180) [both are formerly 4 CSR 240-13.055(12)] is to make public such information in aggregate form as a standing practice, removing the need for Commission approval to release individual company reports upon a party's request, as required by §386.480 RSMo 2000.

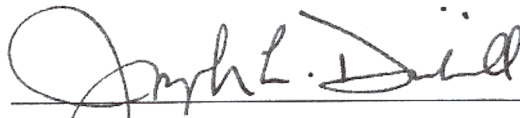
Companies have not expressly factored in the savings benefit that will accrue from the elimination of time spent developing responses to numerous ad hoc queries that are posed by the Staff under the present rule.

Companies were invited to provide estimates of the costs associated with complying with the revised Cold Weather Reporting Rule requirements. Company estimates that were submitted generally reflect one-time computer system programming changes that would take a period of up to six months to implement. Some companies submitted estimated monthly (worksheet annualized) costs for program and systems maintenance.

AFFIDAVIT

STATE OF MISSOURI)
)
COUNTY OF COLE)

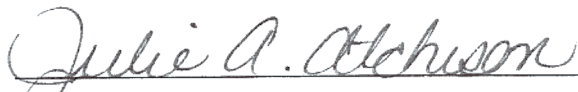
I, Joseph L. Driskill, Director of the Department of Economic Development, first being duly sworn on my oath state that it is my opinion that the cost of the **Proposed Amended Rule -- 4 CSR 240-3.250 -- Submission of Gas Utility Residential Heat-Related Service Cold Weather Report**, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.



Joseph L. Driskill
DIRECTOR
Department of Economic Development

Subscribed and sworn to before me this 17th day of April, 2003.

I am commissioned as a notary public within the County of Callaway, State of Missouri, and my commission expires on September 21, 2004.



NOTARY PUBLIC

JULIE A ATCHISON
NOTARY PUBLIC STATE OF MISSOURI
CALLAWAY COUNTY
MY COMMISSION EXP. SEPT. 21, 2004