

# John R. Ashcroft

Secretary of State  
Administrative Rules Division

## RULE TRANSMITTAL

Administrative Rules Stamp

RECEIVED

NOV 07 2018

SECRETARY OF STATE  
ADMINISTRATIVE RULES

Rule Number 4 CSR 240-10.040

**COPY**

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

Name of person to call with questions about this rule:

Content John Clark Phone 573-522-4355 FAX 573-526-6010

Email address John.Clark@psc.mo.gov

Data Entry Christine Koenigsfeld Phone 573-751-4256 FAX 573-526-6010

Email address Christine.Koenigsfeld@psc.mo.gov

Interagency mailing address Public Service Commission, 9<sup>th</sup> Floor Gov. Office Bldg, JC, Mo

### TYPE OF RULEMAKING ACTION TO BE TAKEN

☐ Emergency Rulemaking ☐ Rule ☐ Amendment ☐ Rescission ☐ Termination

Effective Date for the Emergency \_\_\_\_\_

☒ Proposed Rulemaking ☐ Rule ☒ Amendment ☐ Rescission

☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration

☐ Request for Non-Substantive Change

☐ Statement of Actual Cost

☐ Order of Rulemaking ☐ Withdrawal ☐ Adopt ☐ Amendment ☐ Rescission

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:

Section (4)

Small Business Regulatory  
Fairness Board (DED) Stamp

SMALL BUSINESS  
REGULATORY FAIRNESS BOARD

NOV 07 2018

RECEIVED

JCAR Stamp

JOINT COMMITTEE ON

NOV 07 2018

ADMINISTRATIVE RULES



**Commissioners**

**RYAN A. SILVEY**  
Chairman

**WILLIAM P. KENNEY**

**DANIEL Y. HALL**

**SCOTT T. RUPP**

**MAIDA J. COLEMAN**

***Missouri Public Service Commission***

POST OFFICE BOX 360  
JEFFERSON CITY, MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://psc.mo.gov>

**SHELLEY BRUEGGEMANN**  
General Counsel

**MORRIS WOODRUFF**  
Secretary

**LOYD WILSON**  
Director of Administration

**NATELLE DIETRICH**  
Staff Director

November 7, 2018

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

Re: 4 CSR 240-10.040 Service and Billing Practices for Commercial and industrial Customers of Electric, Gas, Water and Steam Heat Utilities

Dear Secretary Ashcroft,

**CERTIFICATION OF ADMINISTRATIVE RULE**

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

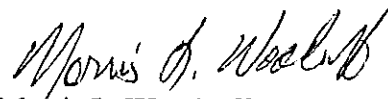
The Public Service Commission has determined and hereby certifies that this proposed amendment will not have an economic impact on small businesses. The Public Service Commission further certifies that it has conducted an analysis of whether there has been a taking of real property pursuant to section 536.017, RSMo, that the proposed amendment does not constitute a taking of real property under relevant state and federal law, and that the proposed amendment conforms to the requirements of 1.310, RSMo, regarding user fees.

The Public Service Commission has determined and hereby also certifies that this proposed amendment complies with the small business requirements of 1.310, RSMo, in that it does not have an adverse impact on small businesses consisting of fewer than fifty full or part-time employees or it is necessary to protect the life, health, or safety of the public, or that this rulemaking complies with 1.310, RSMo, by exempting any small business consisting of fewer than fifty full or part-time employees from its coverage, by implementing a federal mandate, or by implementing a federal program administered by the state or an act of the general assembly.

Statutory Authority: section 386.250, 393.140, and 393.290, RSMo

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

John Clark, Regulatory Law Judge  
Missouri Public Service Commission  
200 Madison Street  
P.O. Box 360  
Jefferson City, MO 65102  
(573) 522-4355  
John.Clark@psc.mo.gov

A handwritten signature in black ink, appearing to read "Morris L. Woodruff". The signature is fluid and cursive, with the first name "Morris" being more prominent.

Morris L. Woodruff  
Chief Regulatory Law Judge

Enclosures

STATE CAPITOL  
201 W. CAPITOL AVENUE, ROOM 216  
JEFFERSON CITY, MISSOURI 65101



(573) 751-3222  
WWW.GOVERNOR.MO.GOV

*Michael L. Parson*

GOVERNOR  
STATE OF MISSOURI

August 1, 2018

Mr. Daniel Hall  
Public Service Commission  
200 Madison Street  
PO Box 360  
Jefferson City, MO 65102

RE: *Proposed Rulemaking*

Dear Daniel:

This office has received your proposed amendments for the regulations listed below.

- 4 CSR 240-2.010 – Definitions
- 4 CSR 240-2.070 – Complaints
- 4 CSR 240-2.120 – Presiding Officers
- 4 CSR 240-3.030 – Minimum Filing Requirements for Utility Company General Rate Increase Requests
- 4 CSR 240-10.020 – Income on Depreciation Fund Investments
- 4 CSR 240-10.040 – Service and Billing Practices for Commercial and Industrial Customers of Electric, Gas, Water and Steam Heat Utilities
- 4 CSR 240-13.010 – General Provisions
- 4 CSR 240-13.015 – Definitions
- 4 CSR 240-13.020 – Billing and Payment Standards
- 4 CSR 240-20.070 – Decommissioning Trust Funds
- 4 CSR 240-20.105 – Filing Requirements for Electric Utility Rate Schedules

Executive Order 17-03 requires this office's approval before state agencies release proposed regulations for notice and comment, amend existing regulations, rescind regulations, or adopt new regulations. After our review of this rulemaking, we approve the submission of these rules to the Joint Committee on Administrative Rules and the Secretary of State.

Sincerely,

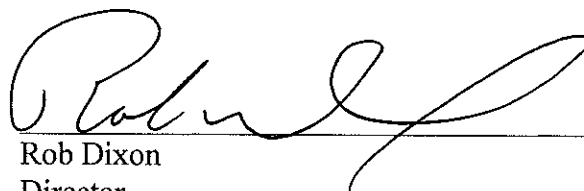
A handwritten signature in black ink, appearing to read "Jessie Eiler".

Jessie Eiler  
Deputy Counsel

**AFFIDAVIT  
PUBLIC COST**

STATE OF MISSOURI )  
                                  )  
COUNTY OF COLE     )

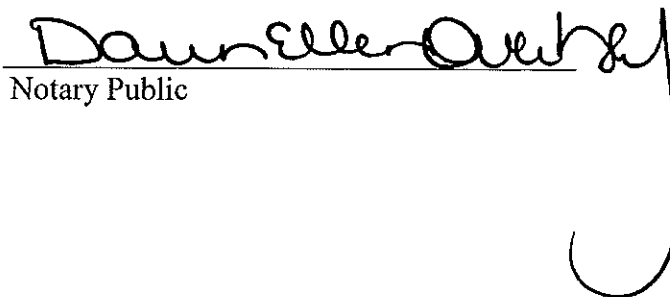
I, Rob Dixon, Director of the Department of Economic Development, first being duly sworn, on my oath, state that it is my opinion that the cost of proposed amendment to rule, 4 CSR 240-10.040, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

  
Rob Dixon  
Director  
Department of Economic Development

Subscribed and sworn to before me this 19<sup>th</sup> day of October, 2018 I am  
commissioned as a notary public within the County of Moniteau State of  
Missouri, and my commission expires on Dec. 13, 2019



DAWN ELLEN OVERBEY  
My Commission Expires  
December 13, 2019  
Moniteau County  
Commission #15456885

  
Notary Public



Title 4--DEPARTMENT OF  
ECONOMIC DEVELOPMENT  
Division 240--Public  
Service Commission  
Chapter 10--Utilities

RECEIVED

NOV 07 2018

SECRETARY OF STATE  
ADMINISTRATIVE RULES

PROPOSED AMENDMENT

COPY

**4 CSR 240-10.040 Service and Billing Practices for Commercial and Industrial Customers of Electric, Gas, Water and Steam Heat Utilities.**

*PURPOSE: This amendment updates references which are no longer relevant.*

(4) Each utility may require from any customer at any time a cash deposit or, at its option, a personal guarantee of a responsible person provided that the amount of any such deposit or guarantee so required shall not exceed an estimated bill covering one (1) billing period plus thirty (30) days. A cash deposit shall bear interest at a rate specified in the utility's tariffs, approved by the commission, which shall be credited annually upon the account of the customer or paid upon the return of the deposit, whichever occurs first, and provided the cash deposit remains for a period of at least six (6) months. *[The rate of interest of the cash deposit shall be only three percent (3%) per annum if the utility keeps the cash deposit in a separate and distinct trust fund and deposited as such in some bank or trust company and not used by the utility in the conduct of its business.]* These provisions shall not apply to any deposits or guarantees made by the customer for the purpose of securing an extension of or additions to a utility's distributing system in accordance with the utility's rules covering these extensions as filed with this commission. Interest shall not accrue on any cash deposit after the date the utility has made a bona fide effort to return that deposit to the depositor. The utility, in its records, shall keep evidence of its effort to return the deposit. Each utility shall file with the commission, *[by April 12, 1993,]* a tariff setting forth the interest rate payable on cash deposits, unless the utility already has a rate of interest set forth in its tariff.

AUTHORITY: sections 386.250, RSMo (Cum. Supp. 1991) and 393.140 and 393.290, RSMo (1986). \* Original rule filed March 5, 1953, effective March 15, 1953. Amended: Filed Sept. 22, 1959, effective Oct. 1, 1959. Amended: Filed May 2, 1968, effective May 16, 1968. Amended: Filed June 10, 1992, effective Feb. 26, 1993.

\*Original authority: 386.250, RSMo (1939), amended 1963, 1967, 1977, 1980, 1987, 1988, 1991; 393.140, RSMo (1939), amended 1949, 1967; and 393.290, RSMo (1939), amended 1967.

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

*PRIVATE COST: These proposed amendments will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

JOINT COMMITTEE ON

NOV 07 2018

ADMINISTRATIVE RULES

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, P.O. Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before January 18, 2019, and should include a reference to Commission Case No. AX-2018-0395. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for January 29, 2019 at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., 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.*

# **Small Business Regulator Fairness Board**

## **Small Business Impact Statement**

**Date:** May 29, 2018

**Rule Number:** 4 CSR 240-10.040 Service and Billing Practices for Commercial and Industrial Customers of Electric, Gas, Water and Steam Heat Utilities.

**Name of Agency Preparing Statement:** Missouri Public Service Commission

**Name of Person Preparing Statement:** Jamie Myers

**Phone Number:** 573-526-6036

**Email:** jamie.myers@psc.mo.gov

**Name of Person Approving Statement:** Natelle Dietrich

**Please describe the methods your agency considered or used to reduce the impact on small businesses** *(examples: consolidation, simplification, differing compliance, differing reporting requirements, less stringent deadlines, performance rather than design standards, exemption, or any other mitigating technique).*

This proposed rule removes provisions that are no longer relevant.

**Please explain how your agency has involved small businesses in the development of the proposed rule.**

The Commission opened held a workshop and two public hearings.

**Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the moneys will be used.**

It is anticipated the proposed rule will not have any monetary costs or benefits.

**Please describe small businesses that will be required to comply with the proposed rule and how they may be adversely affected.**

This proposed amendment simply removes outdated language; no adverse impact is expected.

**Please list direct and indirect costs (in dollars amounts) associated with compliance.**

None identified.



**Please list types of business that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.**

Utilities regulated by the Commission, business owners that are ratepayers of those utilities.

**Does the proposed rule include provisions that are more stringent than those mandated by comparable or related federal, state, or county standards?**

Yes ☐ No ☒

**If yes, please explain the reason for imposing a more stringent standard.**

*For further guidance in the completion of this statement, please see §536.300, RSMo.*