

1. The five- (5-) year capital expenditure plan shall include, at a minimum, the following:

A. Total dollar amount related to recurring and developer projects along with a description of each project; and

B. Total dollar amount related to investments and a description of each project for each service area in which the utility provides services.

2. If the eligible utility knows or believes it will not meet the annual requirement, then the eligible utility shall submit a written notice within ten (10) business days prior to February 28 and shall provide –

A. Justification for not meeting the requirement;

B. A proposed extension due date not exceeding thirty (30) days from the initial due date; and

C. Measures taken to ensure it meets the next annual submittal date.

TITLE 20 – DEPARTMENT OF COMMERCE AND INSURANCE

**Division 4240 – Public Service Commission
Chapter 20 – Electric Utilities**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 393.140, RSMo 2016, the commission rescinds a rule as follows:

20 CSR 4240-20.015 Affiliate Transactions is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 1, 2024 (49 MoReg 1615). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 20 – DEPARTMENT OF COMMERCE AND INSURANCE

**Division 4240 – Public Service Commission
Chapter 20 – Electric Utilities**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.760.1 and 393.140, RSMo 2016, the commission rescinds a rule as follows:

20 CSR 4240-20.017 HVAC Services Affiliate Transactions is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 1, 2024 (49 MoReg 1615). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 20 – DEPARTMENT OF COMMERCE AND INSURANCE

**Division 4240 – Public Service Commission
Chapter 40 – Gas Utilities and Gas Safety Standards**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 393.140, RSMo 2016, the commission rescinds a rule as follows:

20 CSR 4240-40.015 Affiliate Transactions is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 1, 2024 (49 MoReg 1616). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 20 – DEPARTMENT OF COMMERCE AND INSURANCE

**Division 4240 – Public Service Commission
Chapter 40 – Gas Utilities and Gas Safety Standards**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 393.140, RSMo 2016, the commission rescinds a rule as follows:

20 CSR 4240-40.016 Marketing Affiliate Transactions is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 1, 2024 (49 MoReg 1616). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 20 – DEPARTMENT OF COMMERCE AND INSURANCE

**Division 4240 – Public Service Commission
Chapter 40 – Gas Utilities and Gas Safety Standards**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.760.1 and 393.140, RSMo 2016, the commission rescinds a rule as follows:

20 CSR 4240-40.017 HVAC Services Affiliate Transactions is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 1, 2024 (49 MoReg 1616-1617). No changes have been made

to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 20 – DEPARTMENT OF COMMERCE AND INSURANCE

Division 4240 – Public Service Commission Chapter 50 – Water Utilities

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 386.250, RSMo 2016, the commission adopts a rule as follows:

20 CSR 4240-50.060 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 15, 2024 (49 MoReg 1719-1721). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended December 15, 2024, and the commission held a public hearing on the proposed rule on December 18, 2024. The commission received three (3) written comments from parties during the comment period and four (4) parties commented at the hearing. The comments were generally in support of the proposed rule with a few suggested changes.

COMMENT #1: Anna Martin, Associate Counsel, on behalf of the Office of the Public Counsel (OPC), submitted written comments and provided comments at the hearing. Mr. Marc Poston, Chief Counsel, on behalf of OPC also provided comments at the hearing. OPC submitted comments in regards to an unexplained difference between the proposed water rule and the proposed sewer rule. One difference is 20 CSR 4240-60.050 (sewer) includes an entire section with subsections, requiring “a rate base calculation following the commission approved Uniform System of Accounts (“USOA”) requirements with workpapers and supporting documents for the assets to be acquired.” This requirement does not appear in the 20 CSR 4240-50.060 proposed water rule. Scott Stacey, Deputy Counsel, submitted written comments on behalf of the commission staff, and made additional comments at the hearing. Curtis Gateley also commented at the hearing on behalf of staff. Staff proposed adding “the following” under paragraph (3)(A)11. Brian LaGrand on behalf of Missouri-American Water Company (MAWC) commented at the hearing that MAWC did not agree with the inclusion of new paragraph (3)(A)11., as a rate base calculation is not warranted under an application for a certificate of convenience and necessity. MAWC further stated that requirement was more appropriate during a rate case. OPC and staff disagreed with MAWC and stated this information is needed.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with OPC that this paragraph was inadvertently not included in the proposed water rule. The commission disagrees with the MAWC’s suggestion of not including paragraph (3)(A)11. and agrees with OPC and staff that this information is needed. The commission agrees this paragraph should be inserted and will add a new paragraph (3)(A)11.

COMMENT #2: Anna Martin, on behalf of OPC, also commented that another difference between the proposed water rule and the proposed sewer rule is subparagraph (3)(A)9.D., requiring the utility to provide “Estimated corporate allocation/expense including a detailed explanation of how the allocations were calculated” is included in 20 CSR 4240-60.050 (proposed sewer rule) but not in 20 CSR 4240-50.060 (proposed water rule). Additionally, MAWC suggested rewriting paragraph (3)(A)9. Staff agreed that the language in subparagraph (3)(A)9.D. had been inadvertently left out of the rule and staff agreed with MAWC’s suggested language.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with OPC that subparagraph (3)(A)9.D. should be included in the water rule the same as it is being included in the proposed sewer rule. The commission also agrees with the MAWC’s suggestion of rewriting paragraph (3)(A)9. for clarity. The commission will rewrite paragraph (3)(A)9. and insert missing subparagraph (3)(A)9.D.

COMMENT #3: OPC commented it is supportive of the proposed rule but suggested requiring a petitioning utility to provide any relevant purchase agreement that set forth the terms of an asset’s acquisition, including its purchase price. The commission staff supported the change and proposed adding OPC’s suggestion to new paragraph (3)(A)12.

Dean Cooper commented at the hearing on behalf of Confluence Rivers Utility Operating Company, Inc., and for Liberty Utilities Missouri Water, LLC. Mr. Cooper, also responded at the hearing that that new subparagraph (3)(A)12.B. regarding acquisition premiums as proposed by staff in responsive comments needed to be rewritten and made suggestions.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with the OPC’s suggestion of adding this requirement. The commission will add new paragraph (3)(A)12. as proposed by OPC and staff, in combination with the suggestions proposed by Mr. Cooper.

COMMENT #4: Brian LaGrand submitted written comments on behalf of Missouri American Water Company (MAWC) and provided comments at the hearing. MAWC is generally supportive of the proposed rule, but had several suggestions including adding an exception in section (2) for when a public vote has been held. OPC commented at the hearing that it largely agreed with MAWC’s suggestions; however, there were a few areas of concern on suggested language posed by MAWC to section (2) regarding a public vote. Mr. Poston stated that not every customer may be notified that a vote is being or has been held, such as when communities vote to approve the sale of a municipal water system which had unforeseen issues with the public, and existing customers of a system that were not notified that a vote took place on a new system as they were not members of that system. OPC suggested rejection of the suggested language proposed by MAWC.

RESPONSE: The commission agrees with OPC that the language suggested by MAWC may cause a problem with all customers being notified. The commission will not accept the change proposed by MAWC to section (2). No change resulted as of this comment.

COMMENT #5: MAWC also commented suggesting changes to section (3) and subparagraph (3)(A)2.A. regarding requiring items be included in the application for a certificate of convenience and necessity by a sewer company only if available and allowing the commission to establish a time by which the items must be provided. MAWC suggested the proposed language appeared to indicate the application would be dismissed if the items were not provided.