

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Proposed	)	
Amendment of the Commission's Rule	)	
20 CSR 4240-13.055 Relating to Cold	)	<u>File No. OX-2026-0047</u>
Weather Maintenance of Service	)	

STAFF COMMENTS

COMES NOW the Staff of the Missouri Public Service Commission ("Staff") and states as follows:

1. Staff supports the proposed amendments to 20 CSR 4240-13.055, published in the Missouri Register dated August 28, 2025. The proposed amendments protect the health, safety, and welfare of Missouri residential customers receiving heat-related utility service by placing restrictions on discontinuing and refusing to provide heat-related utility service from November 1 through March 31, due to delinquent accounts of those customers.

2. This proposed rule amendment is necessary as a result of the passage of Senate Bill No. 4 (truly agreed to and finally passed on March 13, 2025, and signed by Governor Kehoe on April 9, 2025), which changed Section 393.109, of the Revised Statutes of Missouri ("RSMo"), hourly timeframe from twenty-four ("24") hours to seventy-two ("72") hours. The amendments are being made to be consistent with the statutory language change.

3. Staff recommends one edit to the proposed Amendments to correct a scrivener's error, which was the removal of part of Section (14)(F)4 and all of Section (14)(G). Staff and stakeholders discussed the removal of these parts during rulemaking discussions; however, during the rulemaking process the brackets ("[]") were somehow

deleted in the original document submitted to the Missouri Secretary of State's Office.

The proposed amendment of Sections (14)(F)4 and (14)(G) should read as follows:

(F) A gas utility shall be permitted to recover the costs of complying with this section as follows:

1. The cost of compliance with this section shall include any reasonable costs incurred to comply with the requirements of this section;

2. No gas utility shall be permitted to recover costs under this section that would have been incurred in the absence of this section, provided that the costs calculated in accordance with paragraph (14)(F)1. shall be considered costs of complying with this section;

3. Any net cost resulting from this section as of June 30 each year shall accumulate interest at the utility's annual short-term borrowing rate until such times as it is recovered in rates; and

4. *[No bad debts accrued prior to the effective date of this section may be included in the costs to be recovered under this section, provided that a gas utility may continue to calculate and defer for recovery through a separate Accounting Authority Order the costs of complying with the commission's January 1, 2006 emergency amendment to this rule upon the same terms as set forth herein.]* The costs eligible for recovery shall be the unpaid charges for new service received by the customer subsequent to the time the customer is retained or reconnected by virtue of this section plus the unpaid portion of the difference between the initial payment paid under this section and the initial payment that could have been required from the customer under the previously enacted payment provisions of section (10) of this rule, as measured at the time of subsequent disconnection for nonpayment or expiration of the customer's payment plan.

[(G) A gas utility shall be permitted to defer and recover the costs of complying with this rule through a one- (1-) term Accounting Authority Order until such time as the compliance costs are included in rates as part of the next general rate proceeding or for a period of two (2) years following the effective date of this amendment.

1. *The commission shall grant an Accounting Authority Order, as defined below, upon application of a gas utility, and the gas utility may book to Account 186 for review, audit and recovery all incremental expenses incurred and incremental revenues that are caused by this section. Any such Accounting Authority Order shall be effective until September 30, of each year for the preceding winter.*

2. *Between September 30 and October 31 each year, if a utility intends to seek recovery of any of the cost of compliance with this section, the utility shall file a request for determination of the cost of compliance with this section for the preceding winter season. The request by the utility shall include all supporting information. All parties to this filing will have no longer than one hundred twenty (120) days from the date of such a filing to submit to the commission their position regarding the company's request with all supporting evidence. The commission shall hold a proceeding where the utility shall present all of its evidence concerning the cost of compliance and other parties, including commission staff, shall present any evidence that the costs asserted by the utility should be disallowed in whole or part. Such a proceeding may be waived by the unanimous request*

of the parties or by a non-unanimous request without objection. The commission shall establish the amount of costs it determines have been reasonably incurred in complying with this section within one hundred eighty (180) days of the utility's request and such amount will be carried forward into the utility's next rate case without reduction or alteration. Such costs shall be amortized in rates over a period of no greater than five (5) years and shall be recovered in a manner that does not impair the utility's ability to recover other costs of providing utility service. If the commission fails to establish the amount of costs within one hundred eighty (180) days, then the amount requested by the utility shall be deemed reasonably incurred.

3. The commission has adopted the Uniform System of Accounts in 4 CSR 240-4.040. Accounting Authority Orders are commission orders that allow a utility to defer certain expenses to Account 186 under the Uniform System of Accounts for later recovery as determined by the commission in a subsequent general rate case.

4. Although the Accounting Authority Order allows the gas utility to recover the reasonably incurred expenses only within the context of a general rate case, all such reasonably incurred expenses shall be recovered by the gas utility, together with interest thereon, as set forth above.]

WHEREFORE, Staff respectfully submits these comments for the Commission's consideration and supports the proposed amendments to 20 CSR 4240-13.055.

Respectfully submitted,

/s/ J. Scott Stacey

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**ATTORNEY FOR STAFF OF THE
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been transmitted by electronic mail to counsel of record this 31st day of October, 2025.

/s/ J. Scott Stacey