

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

In the Matter of the Proposed Amendment)
of Commission Rule 20 CSR 4240-13.055) Case No. OX-2026-0047
Relating to Cold Weather Maintenance of Service.)

RULEMAKING COMMENTS
OF THE CONSUMERS COUNCIL OF MISSOURI

COMES NOW the Consumers Council of Missouri (“Consumers Council” or “CCM”), to submit the following comments in support of the proposed rule changes in Case No. OX-2026-0047, along with one suggested amendment to remove time-of-day restrictions on applying the temperature moratorium in the Cold Weather Rule contained in the Commission’s Chapter 13 rules.¹

Consumers Council appreciates the Commission’s prompt attention to the new improvements to Missouri’s cold weather protections which were enacted this year in Section 393.109 RSMo.², and which are proposed through this rulemaking docket to be added to the Commission’s Chapter 13 rules. Specifically, the new law expands the look-ahead temperature forecast that triggers a moratorium from 24 hours to 72 hours, similar to the terms of the Hot Weather Law.³ This small change in wording will likely lead to an expansion of the number of “no cut” days

¹ 20 CSR 4240-13.055 "Cold Weather Maintenance of Service: Provision of Residential Heat-Related Utility Service During Cold Weather".

² Section 393.109 RSMo. (L. 2025, Senate Bill 4).

³ Section 393.108 RSMo.

each year, protecting more household customers from service disconnections during unsafe, freezing cold temperatures.

Missouri's Cold Weather Rule is one of the most important state rules for protecting public safety. Over the past 40 years, it has saved many lives and protected an untold number of families from weather-related injuries. The terms of the Cold Weather Rule, with its daily temperature moratorium, in-person notification requirement, and payment plan provisions, has been instrumental in sparing many households from disruptions in their housing conditions, at least during times when staying warm is a medical necessity. Cold Weather Rule consumer protections are vital to safeguarding the health, safety, and welfare of residential customers, particularly vulnerable households with limited incomes, fixed incomes, or that contain individuals who suffer from serious health conditions.

Consumers Council also appreciates the intent of the proposed rule to expand the time-of-day reference for checking with the National Weather Service (NWS) (specifically changing it from *6:00 a.m. to 9:00 a.m.* to *6:00 a.m. to 9:00 p.m.*), as this change would indeed increase the likelihood that disconnections occur during unsafe conditions. However, there still appears to be a significant gap in the draft protections, since it is possible (even likely) for temperatures to dip well below the freezing point during the nighttime hours (i.e., *Midnight to 6:00 a.m.*) of a particular 72-hour period, even though the temperature would be predicted to rise above 32 degrees from *6:00 a.m. to 9:00 p.m.* of that same 72-hour period.

It is illogical to assume that the coldest temperatures would always occur during the daytime hours, and when the expansion of the forecast window to 72 hours is combined with time-of-day restrictions, the result could also lead to considerable confusion among the general public. Consequently, the Consumers Council proposes that the Commission simply delete the references to time-of-day restrictions from the Cold Weather Rule, so that the disconnection moratorium in the Commission's rule applies for the entire 72-hour weather-forecast look-ahead period, without respect to day-vs-night hours:

(5) Weather Provisions. Discontinuance of gas and electric service to all residential users, including all residential tenants of apartment buildings, for nonpayment of bills where gas or electricity is used as the source of space heating or to control or operate the only space heating equipment at the residence is prohibited—

(A) On any day when the National Weather Service local forecast ~~between 6:00 a.m. to 9:00~~

~~[a.m.]/p.m.,~~ for the following ~~[twenty-four (24)]~~**seventy-two (72)** hours predicts that the temperature will drop below thirty-two degrees Fahrenheit (32°F); or

(B) On any day when utility personnel will not be available to reconnect utility service during the immediately succeeding day(s) (Period of Unavailability) and the National Weather Service local forecast ~~between 6:00 a.m. to 9:00 [a.m.]/p.m.~~ predicts that the temperature during the Period of Unavailability will drop below thirty-two degrees Fahrenheit (32°F);

This Consumers Council proposed amendment would increase cold weather protections, by extending shut-off protections to include those days when freezing temperatures are predicted to dip below the freezing point during the nighttime hours, even though the temperature would be predicted to rise above 32 degrees during the daytime hours of 6:00 a.m. to 9:00 p.m. of the 72-hour forecast look ahead period.

There is no rational connection between cold weather safety and the time of day. Disconnections of heat-related service prior to sub-freezing *nighttime hours* poses just as great a safety risk as losing heat-related service during *daytime hours*. Promulgating a rule that looks 72 hours ahead at the NWS weather forecast, but while limiting such protections to daytime hour forecasts only (6:00 a.m.–9:00 p.m.) is an arbitrary distinction in terms of the risk to human health and safety. Service disconnections during extreme weather can lead to serious health risks, including hypothermia, heat-related illness, and property damage. The Missouri Cold Weather Rule should recognize overnight cold temperature risk, and the 72-hour window should be worded accordingly. Extending the protections if this rule to all 72 hours would better align this rule with the Commission’s consumer protection mission.

The Commission has the broad authority to expand protections in this manner, as a result of its near plenary rulemaking authority under Subsection (6) of 386.250 RSMo.—the Commission has the authority to adopt rules “ . . . which prescribe the conditions of rendering public utility service, disconnecting or refusing to reconnect public utility service and billing for public utility service.”⁴ Furthermore, Subsection (3) of 393.109 RSMo., the new Cold Weather Rule statute, grants the Commission additional rulemaking authority to expand consumer protections by prohibiting utility disconnections in “any other applicable situations.”⁵

⁴ 386.250(6) RSMo.

⁵ 393.109(3) RSMo.

For the foregoing reasons, the Consumers Council of Missouri supports the proposed rule changes in Case No. OX-2026-0047, along with a request that the Commission delete the “6:00 a.m.–9:00 p.m.” limitation from the draft rule, applying cold weather protections for the full 72-hour look-ahead forecast period.

Thank you for your considerations of these comments. Consumers Council reserves the right to suggest further consumer protections at the upcoming rulemaking hearing in this matter on November 5, 2025, and looks forward to the discussion with the commissioners and other stakeholders.

Respectfully submitted,

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