

**U**nder this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

**E**ntirely new rules are printed without any special symbolology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

**A**n important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

**I**f an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

**A**n agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

**I**f an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 30—Animal Health**  
**Chapter 2—Health Requirements for Movement of**  
**Livestock, Poultry, and Exotic Animals**

**PROPOSED AMENDMENT**

**2 CSR 30-2.020 Movement of Livestock, Poultry, and Exotic Animals Within Missouri.** The director is amending subsection (1)(D).

*PURPOSE: The amendment changes the definition of official laboratory and provides epidemiological investigation requirements for positive herds and all adjacent cattle herds and reclassification requirements of a positive animal.*

(1) Cattle, Bison, and Exotic Bovids.

(D) Trichomoniasis (Excluding Exotic Bovids).

1. Definitions.

A. Official laboratory—Veterinary Diagnostic Laboratory operated by and under the direction of the state veterinarian, University of Missouri Veterinary Medical Diagnostic Laboratory, or other diagnostic laboratories, **accredited by the American Association of Veterinary Laboratory Diagnosticians or approved by the National Animal Health Laboratory Network**, approved by the state veterinarian and accompanied by a memorandum of understanding with the Missouri Department of Agriculture (MDA) including assurance that the laboratory will report all negative and positive samples submitted from an animal located in Missouri.

B. Positive Trichomoniasis (*Tristachyous foetus*) bull—male bovine which has ever tested positive for Trichomoniasis (*Tritrichomonas foetus*).

C. Trichomoniasis—venereal disease of cattle caused by the protozoan parasite species of *Tritrichomonas foetus*.

D. Positive Trichomoniasis (*Tritrichomonas foetus*) herd—group of bovines that have commingled in the previous breeding season and in which an animal (male or female) has had a positive diagnosis for *Tritrichomonas foetus*.

E. Negative Trichomoniasis (*Tritrichomonas foetus*) herd—a group of bovines that have been commingled in the previous breeding season and all test-eligible bulls have tested negative for *Tritrichomonas foetus* within the previous twelve (12) months.

F. Test-eligible animal—any bull at least twenty-four (24) months of age or any non-virgin bull that is sold, leased, bartered, or traded in Missouri.

G. Negative Trichomoniasis (*Tritrichomonas foetus*) bull—a bull from a negative Trichomoniasis herd with a series of three (3) negative cultures at least one (1) week apart or one (1) negative Polymerase Chain Reaction (PCR) test for *Tritrichomonas foetus* or two (2) negative PCR if commingled with a positive herd.

2. All breeding bulls (excluding exotic bovids) sold, bartered, leased, or traded within the state shall be—

A. Virgin bulls not more than twenty-four (24) months of age as determined by the presence of both permanent central incisor teeth in wear, or by breed registry papers; or

B. Tested negative for Trichomoniasis with an official culture test or official Polymerase Chain Reaction (PCR) test by an approved diagnostic laboratory within *[thirty (30)] sixty (60)* days prior to change in ownership or possession within the state.

(I) Bulls shall be tested three (3) times not less than one (1) week apart by an official culture test or one (1) time by an official PCR test.

(II) Shall be identified by official identification at the time the initial test sample is collected and the official identification recorded on the test documents.

(III) Bulls that have had contact with female cattle subsequent to or at the time of testing must be retested prior to movement.

C. The official identification, test results, date of test, test performed, and laboratory where test was performed should be included on the certificate of veterinary inspection.

3. If the breeding bulls are virgin bulls and less than twenty-four (24) months of age, they shall be—

A. Individually identified by official identification; *[and]*

B. Accompanied with a breeder's certification of virgin status signed by the breeder or his representative attesting that they are virgin bulls~~./~~; and

C. The official identification number shall be written on the breeder's certificate.

4. Bulls going directly to slaughter are exempt from Trichomoniasis testing.

5. *Tritrichomonas foetus* positive herd—

**A. An epidemiological investigation shall be performed and documented on each positive herd as well as all other herds**

**that were or may have been in contact with the positive herd as determined by the state veterinarian;**

*[A./B.* Shall be quarantined or sold directly to slaughter or to a licensed livestock market for slaughter only and shipped on a VS 1-27 permit.

(I) Any non-virgin female or female twelve (12) months of age or older may be sold directly to slaughter and move on a VS 1-27 permit or remain quarantined.

(II) Positive bulls shall be sent directly to slaughter or to a licensed livestock market for slaughter only and shipped on a VS 1-27 permit.

(III) Positive animals shall be identified by a state issued temper-evident eartag; *land]*

*[B./C.* The quarantine shall be released upon the following:

(I) All bulls in a positive *Tritrichomonas foetus* herd shall have tested negative to three (3) consecutive official *Tritrichomonas foetus* culture tests or two (2) consecutive official *Tritrichomonas foetus* PCR tests at least one (1) week apart. The initial negative test is included in the series of negative tests required; and

(II) Female(s) has a calf at side (with no exposure to other than known negative *Tritrichomonas foetus* bulls since parturition), has one hundred twenty (120) days of sexual isolation, or is determined by an accredited veterinarian to be at least one hundred twenty (120) days pregnant.

**D. A request for reclassification of a positive bull shall be considered by the state veterinarian providing—**

**(I) The owner or agent submits a written request to the MDA state veterinarian within ten (10) days of the initial test result being reported to the owner or agent;**

**(II) The owner or agent pays for all additional testing expenses, including the testing of any herds that were or may have been in contact with the positive herd as determined by the state veterinarian; and**

**(III) The state veterinarian provides a written response to the owner or agent stating why the reclassification was or was not granted.**

6. All positive *Tritrichomonas foetus* test results must be reported to the state veterinarian within seventy-two (72) hours of confirmation.

*AUTHORITY: section 267.645, RSMo 2000. Original rule filed April 18, 1975, effective April 28, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed July 30, 2013.*

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

*PRIVATE COST: The proposed amendment may cost private entities an estimated fifty dollars (\$50) per animal.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Linda Hickman, DVM, State Veterinarian, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## FISCAL NOTE

## PRIVATE COST

## I. RULE NUMBER

Rule Number and Name	<b>2 CSR 30-2.020 Movement of Livestock, Poultry, and Exotic Animals Within Missouri</b>
Type of Rulemaking	<b>Proposed</b>

## 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 as to the cost of compliance with the rule by the affected entities:
Per animal	livestock producers	\$50

## III. Worksheet

\$50 per animal

## IV. Assumptions

The specificity of the test MDA utilizes to analyze samples to determine the presences of the Trichomoniasis pathogen is 99-100%. Therefore, for every 200 test performed we would have an average of one (1) bull that may be classified incorrectly as a positive bull. The proposed rule would enable the owner to submit an appeal and have the bull reclassified pending further investigation and possibly additional testing. It would be difficult to predict how many owners would elect to appeal the test results. We are assuming approximately five (5) owners would appeal on an annual basis. The cost for an additional test would be approximately fifty dollars (\$50).

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 80—State Milk Board  
Chapter 2—Grade “A” Pasteurized Milk Regulations**

**PROPOSED AMENDMENT**

**2 CSR 80-2.050 Inspection Frequency and Procedure.** The board is proposing to amend the purpose and section (1).

*PURPOSE: This proposed amendment is updating inspection frequency to correspond with Section 5 of the **Grade “A” Pasteurized Milk Ordinance (PMO), 2011 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.***

(1) Each dairy farm, milk plant, receiving station, transfer station, and milk distributor whose milk or milk products are intended for consumption within Missouri or its jurisdiction and each milk hauler who collects samples of raw milk for pasteurization, for bacterial, chemical, or temperature standards and hauls milk from a dairy farm to a milk plant, transfer station, or receiving station and bulk milk pick-up tanker and its appurtenances shall be inspected by the regulatory agency prior to the issuance of a permit. Following the issuance of a permit, each bulk milk pick-up tanker **shall be inspected at least once every twelve (12) months, milk hauler shall be inspected at least once every twenty-four (24) months**, dairy farm, milk distributor, and transfer station shall be inspected at least once every six (6) months. Each milk plant and receiving station shall be inspected at least once every three (3) months. Should the violation of any requirement, set forth in 2 CSR 80-2.070 (Section 7 of the PMO), or in the case of a milk hauler 2 CSR 80-2.060 also (Section 6 of the PMO), be found to exist on an inspection, a second inspection shall be required after the time deemed necessary to remedy the violation, but not before three (3) days; this second inspection shall be used to determine compliance with the requirements of 2 CSR 80-2.070 (Section 7 of the PMO) or in the case of a milk hauler 2 CSR 80-2.060 also (Section 6 of the PMO). Any violation of the same requirement of 2 CSR 80-2.070 (Section 7 of the PMO), or in the case of a milk hauler 2 CSR 80-2.060 also (Section 6 of the PMO) on the second inspection shall call for permit suspension in accordance with 2 CSR 80-2.030 (Section 3 of the PMO), court action, or both. Additionally, flagrant violations on the part of a hauler such as fraudulent practices, intentional adulteration, or any action adversely affecting the integrity of producer milk samples shall result in immediate permit suspension in accordance with 2 CSR 80-2.030 (Section 3 of the PMO), court action, or both.

*AUTHORITY: section 196.939, RSMo 2000. Original rule filed April 20, 1973, effective April 30, 1973. For intervening history, please consult the **Code of State Regulations**. Amended: Filed July 23, 2013.*

*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 not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 80—State Milk Board  
Chapter 5—Inspections**

**PROPOSED AMENDMENT**

**2 CSR 80-5.010 Inspection Fees.** The board is proposing to amend the purpose and section (1).

*PURPOSE: This amendment updates the fiscal year for the inspection fee.*

*PURPOSE: This rule complies with section 196.945, RSMo, to set inspection fees for Fiscal Year [2013] 2014 for milk produced on farms inspected by the State Milk Board and milk imported from points beyond the limits of routine inspection.*

(1) The inspection fee for Fiscal Year [2013] 2014 (July 1, [2012] 2013–June 30, [2013] 2014) shall be four [and a half] cents (4[.5]¢) per hundred weight on milk produced on farms inspected by the State Milk Board or its contracted local authority and four cents (4¢) per hundred weight on milk imported from areas beyond the points of routine inspection.

*AUTHORITY: section 196.939, RSMo 2000. Original rule filed April 12, 1977, effective Sept. 11, 1977. For intervening history, please consult the **Code of State Regulations**. Amended: Filed July 23, 2013.*

*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 not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support or in opposition to this proposed amendment with State Milk Board at 1616 Missouri Boulevard Jefferson City, MO 65109. To be considered comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for October 8, 2013 from 10–11 a.m. at Missouri Department of Agriculture, 1616 Missouri Boulevard, Jefferson City, MO 65109.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 13—Service and Billing Practices for Residential  
Customers of Electric, Gas, Sewer, and Water Utilities**

**PROPOSED AMENDMENT**

**4 CSR 240-13.010 General Provisions.** The commission is amending the title of the chapter and sections (1), (3), and (4).

*PURPOSE: This rule is amended to add sewer utilities to the rule, clarify and eliminate inconsistencies in order to improve the operation of the rule.*

(1) This chapter applies to residential utility service provided by all electric, gas, **sewer**, and water public utilities, referred to in this chapter as utilities, which are subject to the jurisdiction of the Public Service Commission under the laws of the state.

(3) **Use of [T]he informal [procedures] process** contained in these rules shall not constitute a formal complaint as defined in 4 CSR 240-2.070.

(4) A utility shall adopt rules governing its relations with customers and applicants for service which are consistent with this chapter. The rules shall be part of a utility's tariffs **and shall be consistent with this chapter**. Any tariff revisions, if required to comply with this chapter or to reflect any variances *[therefrom]* previously granted by the commission, shall be filed by the utility within ninety (90) days of the effective date of this rule. Once such revised tariffs become effective, the utility's tariffs shall be deemed to be in full compliance with this chapter.

*AUTHORITY: sections 386.250(6)], RSMo Supp. 1991] and 393.140(II), RSMo [1986] 2000. Original rule filed Dec. 19, 1975, effective Dec. 30, 1975. Amended: Filed Oct. 14, 1977, effective Jan. 13, 1978. Rescinded and readopted: Filed Sept. 22, 1993, effective July 10, 1994. Amended: Filed Aug. 1, 2013.*

*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 not cost private entities more than five hundred dollars (\$500) 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, Morris L. Woodruff, 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 October 7, 2013, and should include a reference to Commission Case No. AX-2013-0091. 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.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 10, 2013, 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.*

*SPECIAL NEEDS: 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.*

## Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

### Division 240—Public Service Commission

#### Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities

#### PROPOSED AMENDMENT

**4 CSR 240-13.015 Definitions.** The commission is amending the title of the chapter and section (1).

*PURPOSE: This rule is amended to clarify and update definitions used in this chapter.*

(1) The following definitions shall apply to this chapter:

(A) Applicant means an individual(s) or other legal entity who has applied to receive residential service *[from the utility]*. Upon initiation of service, the applicant becomes a customer;

(B) Bill means a written demand, including, if agreed to by the

customer and the utility, an electronic demand for payment for service or equipment and the taxes, surcharges, and franchise fees *[related to it]*;

(E) Corrected bill means any bill issued for a previously rendered bill;

(F) Credit score means a score, grade, or value that is derived by using data from a nationally known commercial credit source that uses data from a credit history model developed for the purpose of grading or ranking credit report data;

*[(E)](G)* Customer means a person or legal entity responsible for payment for service, except one denoted as a guarantor;

*[(F)](H)* Cycle billing means a system which results in the rendition of bills to various customers on different days of a month;

*[(G)](I)* Delinquent charge means a charge *[remaining]* for utility service that remains unpaid *[by a monthly billed customer]* for at least twenty-one (21) days for a monthly-billed customer and for at least sixteen (16) days by a quarterly billed customer from the *[rendition of]* date the utility renders the bill *[by the utility]*, or a charge remaining unpaid after the preferred payment date selected by the customer;

*[(H)](J)* Delinquent date means the date stated on a bill, which shall be at least twenty-one (21) days for a monthly billed customer, and at least sixteen (16) days for a quarterly billed customer from the rendition date of the bill or *[which shall be]* the preferred payment *[plan]* date selected by the customer, after which the utility may assess a *[n]* commission approved late payment charge in accordance with *[a]* the utility's tariff on file with the commission;

*[(I)](K)* Denial of service means the utility's refusal to commence service upon an applicant's request for service at a particular location;

*[(J)](L)* Deposit means a money advance to a utility for the purpose of securing payment of delinquent charges which might accrue to the customer who made the advance;

*[(K)](M)* Discontinuance of service or discontinuance means a cessation of service not requested by a customer;

*[(L)](N)* Due date means the date stated on a bill when the charge is considered due and payable;

*[(M)](O)* Estimated bill means a charge for utility service which is not based on an actual reading of the meter or other registering device by an authorized utility representative;

*[(N)]* Extension agreement means a verbal agreement between the utility and the customer extending payment for fifteen (15) days or less;

(P) Final bill means a bill rendered for services through the final date of service;

*[(O)](Q)* Guarantee means a written promise from a third party to assume liability up to a specified amount for delinquent charges which might accrue to a particular customer;

(R) Initial bill means the first bill rendered by a utility for a customer's service;

*[(P)](S)* In dispute means *[any matter regarding a charge or service which is the subject of an unresolved inquiry]* to question and request examination of the validity of utility bills or services rendered;

(T) Inquiry means a question or request for information related to utility service, billing practices and procedures, payment, service, or safety responsibilities;

*[(Q)](U)* Late payment charge means an assessment on a delinquent charge in accordance with a utility tariff on file with the commission and in addition to the delinquent charge;

(V) Payment means cash, draft, or electronic transfer;

(W) Payment agreement means a payment plan entered into by a customer and a utility which remains in effect as long as its terms are being adhered to for the term of the agreement, which shall not exceed twelve (12) months duration, unless the customer and utility agree to a longer period;

*[(R)](X)* Preferred payment date plan means a commission-approved plan offered at the utility's option in which the delinquent date for the charges stated on a bill shall occur on the same day during each billing period as selected by the customer;

*[(S)](Y)* Purchased gas adjustment (PGA) clause means the adjustment procedure approved by the commission to recognize variations in the cost of purchased gas;

*[(T)](Z)* Rendition of a bill *[means]* occurs on the *[mailing or hand delivery of a bill by a utility to a customer]* date mailed, sent electronically, or hand delivered;

*[(U)](AA)* Residential service or service means the provision of or use of a utility service for domestic purposes;

*[(V)](BB)* Seasonally billed customer means a residential customer billed on a seasonal basis in accordance with a utility tariff on file with the commission;

*[(W)](CC)* Settlement agreement means an agreement between a customer and a utility which resolves any matter in dispute between the parties or provides for the payment of undisputed charges over a period longer than the customer's normal billing period;

*[(X)](DD)* Tariff means a schedule of rates, services, and rules describing a utility's service, filed by a utility and approved by *[the]* commission order or operation of law;

*[(Y)](EE)* Termination of service or termination means a cessation of service requested by a customer;

*[(Z)](FF)* Utility means an electric, gas, sewer, or water corporation as those terms are defined in section 386.020, RSMo; and

*[(AA)](GG)* Utility charges mean *[s]* the rates for utility service and other charges authorized by the commission *[as an integral part of utility service]*.

*AUTHORITY:* sections 386.250(6) and 393.140(II), RSMo 2000. Original rule filed Sept. 22, 1993, effective July 10, 1994. Amended: Filed March 24, 2004, effective Oct. 30, 2004. Amended: Filed Aug. 1, 2013.

*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 not cost private entities more than five hundred dollars (\$500) 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, Morris L. Woodruff, 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 October 7, 2013, and should include a reference to Commission Case No. AX-2013-0091. 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.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 10, 2013, 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.

**SPECIAL NEEDS:** 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.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 240—Public Service Commission**  
**Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities**

**PROPOSED AMENDMENT**

**4 CSR 240-13.020 Billing and Payment Standards.** The commission is amending the title of the chapter, purpose statement, and sections (1), (2), (3), (5), (8), (9), (11), and (12).

*PURPOSE:* This rule is amended to add sewer utilities and to update the rule to incorporate current technology and to clarify and eliminate inconsistencies in order to improve the operation of the rule.

*PURPOSE:* This rule establishes reasonable and uniform billing and payment standards for residential service to be observed by utilities and customers.

(1) A utility shall normally render a bill for each billing period to every residential customer in accordance with its approved tariff.

(2) Each billing statement rendered by a utility shall be computed on the actual usage during the billing period except as follows:

(A) A utility may render a bill based on estimated usage—

1. To seasonally billed customers, provided that an *[appropriate]* approved tariff reflecting seasonal estimation is on file with the commission and an actual reading is obtained before each change in the seasonal cycle;

2. When extreme weather conditions, emergencies, labor agreements, or work stoppages prevent actual meter readings; *[and]*

3. When the utility is unable to obtain a meter reading for reasons beyond the utility's reasonable control, including an inability to access *[to]* the customer's premises *[for the purpose of reading the meter or when the customer makes reading the meter unnecessarily difficult]* as necessary. If the utility is unable to obtain an actual correct meter reading for these reasons, where *[practicable]* necessary it shall undertake reasonable alternatives to obtain a customer reading of the meter, *[such as]* for example mailing or leaving postpaid, preaddressed postcards upon which the customer may note the reading unless the customer requests otherwise;

4. When the utility does not obtain an accurate or correct meter reading due to equipment or mechanical failure, when the company could not reasonably detect such failure given variability in usage at that customer location;

5. When a utility is unable to accurately obtain a meter reading due to human or billing system error;

6. When the utility does not obtain an accurate or correct meter reading due to equipment or mechanical failure, including a remote meter reading device's failure to transmit a reliable reading; and

7. When the utility does not obtain an accurate or correct meter reading due to failure to detect and verify usage at the customer's location, i.e., vacant with usage;

(B) A utility shall not render a bill based on estimated usage for more than three (3) consecutive billing periods or one (1) year, whichever is less, except under conditions described in *[subsection]* paragraphs (2)(A)1.–(2)(A)4. of this rule;

(C) *[Under no circumstances shall]* When a utility renders a bill based on estimated usage *[—]*, it shall comply with the following:

1. *[Unless the estimating procedures employed by the utility and any substantive changes to those procedures have been approved by the commission]* A utility that has an estimating procedure in its filed and commission-approved tariffs shall follow that estimating procedure;

2. A utility that does not have an approved estimating procedure shall base the estimate on that customer's historical average usage at the same premises for the same billing periods during

any or all of the past three (3) years for which actual usage data is available. In the event the customer was provided utility service at the premises for less than one (1) year, then the estimate shall be based on usage from the average of the customer's actual usage for the previous three (3) billing periods. If the customer has not had utility service for three (3) billing periods or if actual usage during that time is not available, the utility shall base the estimate on the average usage of available actual usage data for the months the customer has had utility service. In cases where no prior actual usage information is available or the prior usage is estimated and cannot be determined by subsequent actual meter readings, the utility shall base the estimate upon average usage of similarly situated customers;

[2.]3. [As] A utility shall not estimate a customer's initial or final bill for service, unless conditions beyond the control of the utility prevent an actual meter reading[;]. In such cases, if and when actual meter readings become available, the utility shall adjust the initial or final bill by issuing a bill for additional charge, or refund, as appropriate;

[(D) When a utility renders an estimated bill in accordance with these rules, it shall—]

[1.]4. A utility shall [M]maintain accurate records of the reasons for the estimated bill and [the] all efforts made to secure an actual reading;

[2.]5. A utility shall [C]clearly and conspicuously note on the bill that it is based on estimated usage; and

[3.]6. Use customer-supplied readings, whenever [possible] viable (i.e., in line with prior usage or seasonal usage), to determine usage; and

(D) A water utility or sewer utility may render bills for service based on a flat rate if authorized by its commission-approved tariff. Flat rate bills may be rendered in advance for service being provided, if so authorized by its filed tariff.

[(E) When a utility underestimates a customer's usage, the customer shall be given the opportunity, if requested, to make payment in installments.]

(3) If a utility is unable to obtain an actual meter reading for three (3) consecutive billing periods, the utility shall advise the customer by first class mail or personal delivery that the bills being rendered are estimated, that estimation may not reflect the actual usage, and that the customer may read and report their electric, gas, sewer, or water usage to the utility on a regular basis. [The] A utility shall explain to the customer the procedure by which this reading and reporting may be initiated [shall be explained]. At least annually, a utility shall attempt to secure an actual meter reading from customers who are reporting their own usage [at least annually], except for quarterly-billing utilities in which case it shall be every two (2) years. These attempts shall include personal contact with the customer to advise the customer of the regular meter reading day. The utility shall offer appointments for meter readings on Saturday or prior to 9:00 p.m. on weekdays. The utility's obligation to make appointments shall begin only after a tariff, [for] describing the appointment[s] process, has been filed with and approved by the commission. Discontinuance of the service of a customer who is reading and reporting usage on a regular basis because of inability to secure an actual meter reading shall not be required.

(5) Notwithstanding section (2) of this rule, a utility may bill its customers in accordance with equal payment billing programs at the election of the utility customer, provided the equal payment billing program tariff has been previously approved by the commission.

(8) A utility shall not assess an additional charge upon a customer by reason of the customer's failure to pay any balance due and owing prior to the delinquent date unless this additional charge has been approved by the commission as a part of the utility's [rate] commission-approved tariffs.

(9) Every bill for residential utility service shall clearly state—

(C) Any previous balance which states the balance due for utility charges separately from charges for services not subject to commission jurisdiction;

(D) The amount due for the most recent billing period for electric, gas, sewer, or water usage, stated separately from the amount due for the same period for a deposit and the amount due for the same period for service not subject to commission jurisdiction;

(11) A utility may include charges for special services together with utility charges on the same bill if the charges for special services are designated clearly and separately from utility charges. If partial payment is made, the utility shall first credit all payments to the balance outstanding for gas, electric, sewer, or water charges, before crediting a deposit.

(12) During the billing period prior to any tariffed seasonal rate change, a utility shall notify each affected customer, on the bill or on a notice accompanying the bill, of the [direction] expected effect of the upcoming seasonal rate change on the customer's bill and the months during which the forthcoming seasonal rate will be in effect.

*AUTHORITY: sections 386.250(6)[, RSMo Supp. 1991] and 393.140(II), RSMo [1986] 2000. Original rule filed Dec. 19, 1975, effective Dec. 30, 1975. Amended: Filed Oct. 14, 1977, effective Jan. 13, 1978. Rescinded and readopted: Filed Sept. 22, 1993, effective July 10, 1994. Amended: Filed Aug. 1, 2013.*

*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 not cost private entities more than five hundred dollars (\$500) 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, Morris L. Woodruff, 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 October 7, 2013, and should include a reference to Commission Case No. AX-2013-0091. 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.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 10, 2013, 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.*

*SPECIAL NEEDS: 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.*

#### Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

##### Division 240—Public Service Commission

#### Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities

#### PROPOSED AMENDMENT

**4 CSR 240-13.025 Billing Adjustments.** The commission is amending the title of the chapter, purpose statement, and section (1).

*PURPOSE: This rule is amended to update the rule to incorporate current technology and to clarify and eliminate inconsistencies in order to improve the operation of the rule.*

*PURPOSE: This rule establishes the requirements for making billing adjustments in the event of an overcharge or an undercharge.*

(1) For all billing errors, the utility will determine from all related and available information the probable period during which [this] the condition causing the errors existed and shall make billing adjustments for [the estimated] that period [involved] as follows:

(C) In the event of an undercharge, the utility shall offer the customer the option to pay the adjusted bill over a period at least double the period covered by the adjusted bill;

[(C)](D) No billing adjustment [will] shall be made [where] if the full amount of the adjustment is less than one dollar (\$1);

[(D)](E) [Where] No billing adjustment shall be made if, upon test, an error in measurement is found to be within the limits prescribed by commission rules[,no billing adjustment will be made]; and

[(E)](F) [When] If evidence of tampering is found, or [there are] if the customer has made misrepresentations of the use of service [by the customer], the utility [will] shall calculate the billing adjustment period in accordance with the applicable statute of limitations for the prosecution of such claim after determining the probable period during which such condition existed from all related and available information.

*AUTHORITY: section 393.140(II), RSMo [1986] 2000. Original rule filed Sept. 22, 1993, effective July 10, 1994. Amended: Filed Aug. 1, 2013.*

*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 not cost private entities more than five hundred dollars (\$500) 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, Morris L. Woodruff, 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 October 7, 2013, and should include a reference to Commission Case No. AX-2013-0091. 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.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 10, 2013, 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.

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**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

**Division 240—Public Service Commission**

**Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities**

**PROPOSED AMENDMENT**

**4 CSR 240-13.030 Deposits and Guarantees of Payment.** The commission is amending the title of the chapter, sections (1), (2), (4), and (6), and adding section (7).

*PURPOSE: This rule is amended to update the rule to incorporate current technology and to clarify and eliminate inconsistencies in order to improve the operation of the rule.*

(1) A utility may require a deposit or other guarantee as a condition of new residential service if—

(A) The [customer] applicant has [outstanding with a utility providing the same type of service,] an unpaid bill, which accrued within the last five (5) years and, at the time of the request for service, remains unpaid and not in dispute with a utility for the provision of the same type of service;

(B) The [customer] applicant has, in an unauthorized manner, within the last five (5) years prior to applying for service, interfered with or diverted the service of a utility [providing] in the provision of the same type of service [situated on or about or delivered to the customer's premises within the last five (5) years]; or

(C) The [customer] applicant is unable to establish an acceptable credit rating under standards contained in [tariffs filed with and approved by the] the utility's commission-approved tariffs. [The customer] If the applicant has insufficient credit history to determine a credit score, then the applicant shall be deemed [prima facie] to have established an acceptable credit rating if the customer meets any of the following criteria:

1. Owns or is purchasing a home;
2. Is and has been regularly employed on a full-time basis for at least one (1) year;
3. Has a[n adequate] regular source of income; or
4. Can provide adequate credit references from a commercial credit source.

(2) A utility may require a deposit or guarantee as a condition of continu[ed]ing or re-establishing residential service if—

(A) The service of the customer has been discontinued by the utility for nonpayment of a delinquent account not in dispute; or

(B) [In an unauthorized manner, t]The customer has interfered with, [or] diverted [the service of the] or, in an unauthorized manner, used utility [situated on or about or] service delivered to the customer's premises; or

(C) The customer has failed to pay an undisputed bill on or before the delinquent date for five (5) billing periods out of twelve (12) consecutive monthly billing periods, or two (2) quarters out of four (4) consecutive quarters. Prior to requiring a customer to post a deposit under this subsection, the utility shall send the customer a written notice explaining the utility's right to require a deposit or include such explanation with each written discontinuance notice. **Notwithstanding the foregoing; that such customer has consistently made a payment for each month during the twelve (12) consecutive months, provided that each payment is made by the delinquent date; and each payment made is at least seventy-five dollars (\$75) or twenty-five percent (25%) of the total outstanding balance, provided that the total outstanding balance is three hundred dollars (\$300) or less. This provision shall not apply to any customer whose total outstanding balance exceeds three hundred dollars (\$300) or to any customer making payments under a payment plan previously arranged with the utility.**

(4) A deposit shall be subject to the following terms:

(A) It shall not exceed two (2) times the highest bill or **four (4) times the average bill, whichever is stated in the utility's tariff** for utility charges actually incurred or estimated to be incurred by the customer during the most proximate twelve (12)-month period at the service location or, in the case of a new customer, who is assessed a deposit under subsection (1)(C) of this rule, one-sixth (1/6) of the



estimated annual bill for monthly billed customers [and] or one-third (1/3) of the estimated annual bill for quarterly billed customers for utility charges at the requested service location;

(B) It shall bear interest at a rate specified in [utility tariffs, approved by] the utility's commission-approved tariffs, which shall be credited annually [upon] to the account of the customer or paid upon the return of the deposit to the customer, whichever occurs first. Interest shall not accrue on any deposit after the date on which a reasonable effort has been made to return it to the customer. [Records] The utility shall [be kept] keep records of efforts to return a deposit. This rule shall not preclude a utility from crediting interest [upon] to each service account during one (1) billing cycle annually;

(F) Each customer posting a security deposit shall receive, in writing, at the time of tender of deposit or with the first bill a receipt as evidence of deposit, unless the utility shows the existence or nonexistence of a deposit on the customer's bill, in which event the receipt shall not be required unless requested by the customer. The receipt shall contain the following minimum information:

1. Name of customer;
2. Date of payment;
3. Amount of payment;
4. Identifiable name, signature, and title of the utility employee who received the payment; and
5. Statement of the terms and conditions governing the payment, retention, and return of deposits;

(G) A utility shall [provide means where] not deprive a [person entitled to a return] customer of a deposit [is not deprived of] return within five (5) years following the date that the customer is due for a [the] deposit [refund] return, even though [s/he] the customer may be unable to produce the original receipt [for the deposit]; provided[, s/he] that the customer can produce adequate identification [to ensure that s/he is the customer entitled to refund of the deposit];

(I) A utility shall [provide means where a] permit an applicant or customer required to make a deposit [may] to pay the deposit in installments unless the utility can show—

1. Applicant has in an unauthorized manner, interfered with, or diverted the same type of service within the last five (5) years; or

2. If a customer has in an unauthorized manner interfered with, diverted, or used the service of the utility situated on or about or delivered to the customer's premises; or

3. [a]A likelihood that the customer does not intend to pay for the service.

(6) A guarantor shall be released upon satisfactory payment of all undisputed utility charges during the last twelve (12) billing months. Payment of a charge is satisfactory if received prior to the date upon which the charge becomes delinquent, provided it is not in dispute. Payment of a disputed bill shall be satisfactory if made within ten (10) days of resolution or withdrawal of the dispute.

(7) A sewer utility shall not require a deposit for flat rate billing to a customer for residential service that is rendered in advance of service being provided.

*AUTHORITY:* sections 386.250(6)[, RSMo Supp. 1991] and 393.140(1), RSMo [1986] 2000. Original rule filed Dec. 19, 1975, effective Dec. 30, 1975. Amended: Filed Oct. 14, 1977, effective Jan. 13, 1978. Amended: Filed June 10, 1992, effective Feb. 26, 1993. Rescinded and readopted: Filed Sept. 22, 1993, effective July 10, 1994. Amended: Filed Aug. 1, 2013.

*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 not cost private entities more than five hundred dollars (\$500) 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, Morris L. Woodruff, 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 October 7, 2013, and should include a reference to Commission Case No. AX-2013-0091. 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.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 10, 2013, 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.

*SPECIAL NEEDS:* 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.

## Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

### Division 240—Public Service Commission

#### Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities

#### PROPOSED AMENDMENT

**4 CSR 240-13.035 Denial of Service.** The commission is amending the title of the chapter, purpose statement, and sections (1) and (2), and deleting section (6).

*PURPOSE:* This rule is amended to update the rule to incorporate current technology and to clarify and eliminate inconsistencies in order to improve the operation of the rule.

*PURPOSE:* This rule prescribes conditions under which utilities may refuse to commence service to an applicant for residential service and establishes procedures to be followed by utilities to insure reasonable and uniform standards exist for [the] denial of service. This rule also protects an applicant(s) at the time of their application, from being required to pay for the bills incurred by other individuals for service from which the applicant(s) did not receive substantial benefit.

(1) When the utility refuses to provide service to an applicant for service, the utility shall inform the applicant verbally, if recorded and retained, or written upon applicant request, unless otherwise specified [A]a utility may refuse to commence service to an applicant for any of the following reasons:

(A) Failure to pay a[n undisputed/] delinquent utility charge for services provided by that utility or by its regulated affiliate/. To be considered to be disputed, the unpaid charge must be the/ that is not subject [of an open informal complaint at the commission] to dispute under 4 CSR 240-13.045.

(C) Refusal or failure to permit inspection, maintenance, replacement, or meter reading of utility equipment. If the applicant does not provide access to the utility for such purposes, the utility shall provide notice to the applicant regarding its need for inspection, maintenance,

replacement, or meter reading of utility equipment and shall maintain an accurate record of the notice provided.

1. The notice shall include one (1) of the following:

A. Written notice by first class mail sent to the applicant; or

B. Written notice delivered in hand to the applicant; or

C. At least two (2) telephone call attempts reasonably calculated to reach the applicant; *[or]*

D. *[Written notice in the form of a door hanger left at the applicant's premises.]* **Written notification regarding refusal to provide service.**

2. The notice **or information provided** shall contain the following information:

A. The name and address of the applicant and the address where service is being requested;

B. How the applicant may comply with the requirements to have service connected;

C. A telephone number the applicant may call from the service location without incurring toll charges and the address of the utility prominently displayed where the applicant may make an inquiry;

D. A statement in Spanish either:*]-*

(I) Advising the applicant that if they do not read English, to ask someone who does to translate the notice for them; or

(II) Advising the applicant to call the utility for assistance if the utility provides telephone assistance in Spanish;

E. If the applicant is unable to resolve the matter satisfactorily with the utility, they may contact the Public Service Commission;

(E) Violation of any other rules of the utility's *[approved by the]* commission-**approved tariffs**, which adversely affects the safety of the *[customer]* **applicant**, or other persons, or the integrity of the utility's system;

(G) Failure of a previous owner or occupant of the premises to pay *[a]* delinquent utility charges where the previous owner or occupant remains an occupant;

(I) Unauthorized **use**, interference, **or** diversion *[of use]* of the utility's service by the applicant, or by a previous owner or occupant who remains an occupant.

(2) A utility *[may]* **shall** not refuse to commence service to an applicant for any of the following reasons:

(A) Failure to pay for merchandise, appliances, or services not subject to commission jurisdiction as an integral part of the utility service provided by a utility;

(B) Failure to pay the bill of another customer, unless the applicant who is seeking service received substantial benefit and use of the service to that customer, or unless the applicant is the legal guarantor for a delinquent bill. In this instance, the utility refusing to commence service, shall have the burden of proof to show that the applicant received substantial benefit and use of the service, or that the applicant is the legal guarantor, provided that such burden shall not apply if the applicant refuses to cooperate in providing or obtaining information *[she/he/it does]* **the applicant has** or should have regarding the applicant's residence history. To meet that burden the utility must have reliable evidence that:*]-*

1. The applicant and that customer resided together at the premises where the bill was incurred and during the period the bill was incurred; and

2. The bill was incurred within the last seven (7) years; and

3. The utility has attempted to collect the unpaid bill from the customer of record; and

4. At the time of the **applicant(s)** request for service, the bill remains unpaid and not in dispute.

*[(6) The requirements of the rule shall be implemented by the utility no later than November 1, 2004.]*

*AUTHORITY: sections 386.250(6), [and] 393.140(II), [RSMo 2000]*

*and 393.130(1), RSMo [Supp. 2003] 2000. Original rule filed Nov. 3, 2003, effective May 30, 2004. Amended: Filed Aug. 1, 2013.*

*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 not cost private entities more than five hundred dollars (\$500) 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, Morris L. Woodruff, 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 October 7, 2013, and should include a reference to Commission Case No. AX-2013-0091. 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.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 10, 2013, 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.*

*SPECIAL NEEDS: 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.*

#### Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

#### Division 240—Public Service Commission

#### Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities

#### PROPOSED AMENDMENT

**4 CSR 240-13.040 Inquiries.** The commission is amending the title of the chapter, purpose statement, and sections (1), (2), (3), (4), and (5).

*PURPOSE: This rule is amended to clarify the expectation for both the customer and utility to follow when customers make inquiries.*

*PURPOSE: This rule establishes procedures to be followed when customers make inquiries of utilities so [the] customer inquiries are handled in a reasonable manner.*

(1) A utility shall adopt procedures which *[will]* **shall** ensure the prompt *[and]* **receipt**, thorough *[receipt,]* investigation and, where possible, **mutually acceptable** resolution of **customer** inquiries. The utility shall submit the procedures to the commission **for approval** and the utility shall notify the commission and the public counsel of any substantive changes in these procedures prior to implementation.

(2) A utility shall establish personnel procedures which, at a minimum, *[i]*ensure that—

(A) **At all times during normal business hours** *[Q]*qualified personnel shall be available and prepared *[at all times during normal business hours]* to receive and respond to all customer inquiries, service requests, **safety concerns**, and complaints. A utility shall

make necessary arrangements to *[/i>ensure that customers unable to communicate in the English language receive assistance;*

(B) **At all times during normal business hours,** *[/i>qualified personnel responsible for and authorized to enter into written agreements on behalf of the utility shall be available *[/i>at all times during normal business hours] to respond to customer inquiries and complaints;**

(C) Qualified personnel shall be available at all times to receive and initiate response to customer contacts regarding any discontinuance of service or **an emergency condition related to the utility's operations** occurring within the utility's service area; and

(3) A utility shall prepare, in written form, information **in plain language,** which *[/i>in layman's terms] summarizes the rights and responsibilities of the utility and its customers in accordance with this chapter. The form shall be submitted to the consumer services department of the *[/i>Missouri Public Service C]commission, and to the Office of the Public Counsel. This written information shall be displayed prominently, and shall be available at all utility office locations open to the general public, and shall be mailed or otherwise delivered to each **of the utility's** residential customers *[/i>of the utility if requested by the customer] **upon request.** The information shall be delivered or mailed to each new customer of the utility upon the commencement of service and shall be available at all times upon request. The written information shall indicate conspicuously that it is being provided in accordance with the rules of the commission, and shall contain information concerning, but not limited to:*[/i>—****

(J) The telephone number and address of a customer services office of the Missouri Public Service Commission, the commission's *[/i>800] toll-free telephone number, and the statement that the company is regulated by the Missouri Public Service Commission;*

(K) The address and telephone number of the Office of Public Counsel (OPC) and **OPC's toll-free telephone number, and a statement of the function of that office;** and

(L) If the utility is a gas distribution company, an explanation of the function of the purchased gas adjustment clause. **If the utility is an electric company authorized to utilize a fuel adjustment clause, an explanation of the fuel adjustment clause.**

(4) At all of its public business offices, a utility shall make available for public inspection a copy of this chapter and the utility's tariffs. At these **business** offices, conspicuous signs shall be posted which indicate that this information is available for public inspection.

(5) A utility shall maintain records on its customers for at least two (2) years which contain **all** information concerning:*[/i>—*

(D) The actual number of discontinuances of service due to each of the following categories of reasons:

1. The customer's failure to *[/i>keep] **comply with** a settlement agreement or cold weather rule payment agreement;*
2. The customer's failure to make any other required utility payment;
3. Unauthorized interference, diversion or use of utility service; and
4. All other reasons combined.

(F) **Actual number and amounts of** *[/i>R]refunds of deposits.*

*AUTHORITY:* sections 386.250(6)*[/i>, RSMo Supp. 1991] and 393.140(II), RSMo [1986] 2000. Original rule filed Dec. 19, 1975, effective Dec. 30, 1975. Amended: Filed Oct. 14, 1977, effective Jan. 13, 1978. Rescinded and readopted: Filed Sept. 22, 1993, effective July 10, 1994. Amended: Filed Aug. 1, 2013.*

*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 not cost private entities more than five hundred dollars (\$500) 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, Morris L. Woodruff, 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 October 7, 2013, and should include a reference to Commission Case No. AX-2013-0091. 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.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 10, 2013, 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.

*SPECIAL NEEDS:* 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.

#### Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

##### Division 240—Public Service Commission

#### Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities

#### PROPOSED AMENDMENT

**4 CSR 240-13.045 Disputes.** The commission is amending the title of the chapter and sections (2), (6), and (10).

*PURPOSE:* This rule is amended to update the rule to clarify and eliminate inconsistencies in order to improve the operation of the rule.

(2) When an **applicant or** customer advises a utility that all or part of a charge is in dispute, the utility shall record the date, time, and place the contact is made; investigate the contact promptly and thoroughly; and attempt to resolve the dispute in a manner satisfactory to both parties.

(6) If the parties are unable to mutually determine the amount not in dispute, the customer shall pay to the utility *[/i>, at the utility's option,] **the lesser of** an amount not to exceed fifty percent (50%) of the charge in dispute or an amount based on usage during a like period under similar conditions which shall represent the amount not in dispute.*

(10) A utility *[/i>may treat a customer complaint or dispute involving the same question or issue based upon the same facts as already determined and] is not required to comply with these rules *[/i>more than once] prior to **the** discontinuance of service **where the dispute registered with the utility involves the same customer, the same facts, and the same question regarding the validity of a charge as those involved in a prior informal or formal complaint filed by the customer and resolved in favor of the utility.****

*AUTHORITY:* sections 386.250(6), *[/i>RSMo Supp. 1991] and 393.140(II), RSMo [1986] 2000. Original rule filed Sept. 22, 1993, effective July 10, 1994. Amended: Filed Aug. 1, 2013.*

*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 not cost private entities more than five hundred dollars (\$500) 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, Morris L. Woodruff, 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 October 7, 2013, and should include a reference to Commission Case No. AX-2013-0091. 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.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 10, 2013, 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.*

**SPECIAL NEEDS:** *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.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 13—Service and Billing Practices for Residential  
Customers of Electric, Gas, Sewer, and Water Utilities**

**PROPOSED AMENDMENT**

**4 CSR 240-13.050 Discontinuance of Service.** The commission is amending the title of the chapter, amending sections (1)–(3), adding section (4), renumbering section (8), and amending and renumbering sections (4)–(7) and (9)–(11).

*PURPOSE: This rule is amended to add sewer utilities and to update the rule to incorporate current technology. This rule will also clarify and provide forms for and terms of discontinuance or reconnection of service due to medical reasons and to eliminate inconsistencies in order to improve the operation of the rule.*

(1) Service may be discontinued for any of the following reasons:

(C) **Water service may be discontinued for nonpayment of a bill for sewer service, either provided by the water utility if it is also the sewer utility, or by the terms of a contract between the water utility and any sewer provider;**

[(C)](D) Unauthorized use, interference, or diversion [or use] of the utility service situated or delivered on or about the customer's premises;

[(D)](E) Failure to comply with terms of a settlement agreement;

[(E)](F) Refusal after reasonable notice to permit inspection, maintenance, replacement, or meter reading of utility equipment. If the utility has a reasonable belief that health or safety is at risk, notice at the time inspection is attempted is reasonable;

[(F)](G) Misrepresentation of identity in obtaining utility service;

[(G)](H) Violation of any other rules of the utility approved by the commission which adversely affects the safety of the customer or other persons or the integrity of the utility's system; or

[(H)](I) As provided by state or federal law.

(2) None of the following shall constitute sufficient cause for a utility to discontinue service:

(D) The failure to pay the bill of another customer, unless the customer whose service is sought to be discontinued received substantial benefit and use of the service **billed to the other customer;**

(3) On the date specified on the notice of discontinuance or within [eleven (11) business] **thirty (30) calendar** days after that, and subject to the requirements of these rules, a utility may discontinue service to a residential customer between the hours of [8]7:00 a.m. and [4]7:00 p.m. **provided the utility is accessible to receive a restoration of service request at least one (1) hour after the disconnect time frame.** Service shall not be discontinued on a day when utility personnel are not available to reconnect the customer's service, or on a day immediately preceding such a day. After the [eleven (11) business] **thirty (30) calendar** day effective period of the notice, all notice procedures required by this rule shall again be followed before the utility may discontinue service.

(4) **Electronic notice may be sent to the customer if the customer has provided prior authorization to the utility to provide billing and notices electronically in place of any written and verbal notices; however, the utility shall provide at least one (1) written notification ninety-six (96) hours prior to discontinuance or by phone call twenty-four (24) hours prior to discontinuance of service.**

[(4)](5) The notice of discontinuance shall contain the following information:

(A) The name and address of the customer and the address, if different, where service is rendered;

(B) A statement of the reason for the proposed discontinuance of service and the cost for reconnection;

(C) The date on or after which service will be discontinued unless appropriate action is taken;

(D) How a customer may avoid the discontinuance;

(E) The possibility of a [settlement] **payment** agreement if the claim is for a charge not in dispute and the customer is unable to pay the charge in full at one (1) time; and

(F) A telephone number the customer may call from the service location without incurring toll charges and the address of the utility prominently displayed where the customer may make an inquiry. Charges for measured local service are not toll charges for purposes of this rule.

[(5)](6) **An electric, gas, or water utility shall not discontinue residential service pursuant to section (1) unless written notice by first class mail is sent to the customer at least ten (10) days prior to the date of the proposed discontinuance. Service of notice by mail is complete upon mailing. As an alternative, a utility may deliver a written notice in hand to the customer at least ninety-six (96) hours prior to discontinuance. Except, a water utility shall not be required to provide notice when discontinuing water service for nonpayment of sewer bill by the terms of a contract between the water utility and any sewer provider, when the sewer provider has duly issued notice of discontinuance of service to its customer. A sewer utility shall not discontinue residential sewer service pursuant to section (1) unless written notice by certified mail return receipt requested is sent to the customer at least thirty (30) days prior to the date of the proposed discontinuance; except:**

(A) **A water utility that is also a sewer utility and issues combined water and sewer billing may discontinue residential water service for nonpayment of the portion of a bill that is for residential sewer service after sending notice by first class mail at least ten (10) days prior to the date of the proposed water discontinuance, or hand-delivered notice at least ninety-six (96)**

hours prior to the proposed water discontinuance, as provided above, in lieu of providing specific notice of discontinuance of sewer service;

(B) A water utility may discontinue residential water service for nonpayment of a bill for residential sewer service from any sewer provider, by the terms of a contract between the water utility and any sewer provider, if the water utility issues sewer billing on behalf of the sewer provider combined with its water billing, after providing notice by first class mail at least ten (10) days prior to the date of the proposed water discontinuance, or hand-delivered notice at least ninety-six (96) hours prior to the proposed water discontinuance, as provided above, in lieu of the sewer provider sending any notice to the customer;

(C) A sewer utility may discontinue residential sewer service by arranging for discontinuance of water service with any water provider, by the terms of a contract between the sewer utility and the water provider, if the water provider issues combined water and sewer billing, after the water provider provides notice by first class mail at least ten (10) days prior to the date of the proposed water discontinuance, or hand-delivered notice at least ninety-six (96) hours prior to the proposed water discontinuance, as provided above, in lieu of the sewer utility sending any notice to the customer.

(7) A utility shall maintain an accurate record of the date of mailing or delivery. A notice of discontinuance of service shall not be issued as to that portion of a bill which is determined to be an amount in dispute pursuant to sections 4 CSR 240-13.045(5) or (6) that is currently the subject of a dispute pending with the utility or complaint before the commission, nor shall such a notice be issued as to any bill or portion of a bill which is the subject of a settlement agreement except after breach of a settlement agreement, unless the utility inadvertently issues the notice, in which case the utility shall take necessary steps to withdraw or cancel this notice.

[(6)](8) Notice shall be provided as follows:

(A) At least ten (10) days prior to discontinuance of service for nonpayment of a bill or deposit at a multidwelling unit residential building at which usage is measured by a single meter, notices of the company's intent to discontinue shall be conspicuously posted in public areas of the building; provided, however, that these notices shall not be required if the utility is not aware that the structure is a single-metered multidwelling unit residential building. The notices shall include the date on or after which discontinuance may occur and advise of tenant rights pursuant to section 441.650, RSMo. The utility shall not be required to provide notice in individual situations where safety of employees is a consideration.

(B) At least ten (10) days prior to discontinuance of service for nonpayment of a bill or deposit at a multidwelling unit residential building where each unit is individually metered and for which a single customer is responsible for payment for service to all units in the building or at a residence in which the occupant using utility service is not the utility's customer, the utility shall give the occupant(s) written notice of the utility's intent to discontinue service; provided, however, that this notice shall not be required unless one (1) occupant has advised the utility or the utility is otherwise aware that s/he is not the customer; and

(C) In the case of a multidwelling unit residential building where each unit is individually metered or in the case of a single family residence, the notice provided to the occupant of the unit about to be discontinued shall outline the procedure by which the occupant may apply in his/her name for service of the same character presently received through that meter.

(D) In the case of a multidwelling unit residential building where each unit is individually metered and the utility seeks to discontinue service for any lawful reason to at least one (1), but not all of the units in the building, and access to a meter that is subject to discontinuance is restricted, such as where the meter

is located within the building, the utility may send written notice to the owner/landlord of the building, unit(s) or the owner/landlord's agent (owner) requesting the owner to make arrangements with the utility to provide the utility access to such meter(s). If within ten (10) days of receipt of the notice, the owner fails to make reasonable arrangements to provide the utility access to such meter(s) within thirty (30) days of the date of the notice, or if the owner fails to keep such arrangements, the utility shall have the right to gain access to its meter(s) for the purpose of discontinuing utility service at the owner's expense. Such expenses may include, but shall not be limited to, costs to pursue court-ordered access to the building, such as legal fees, court costs, sheriff's law enforcement fees, security costs, and locksmith charges. The utility's right to collect the costs for entry to its meter will not be permitted if the utility fails to meet the obligation to keep the access arrangements agreed upon between owner and the utility. Notice by the utility under this section shall inform owner a) of the utility's need to gain access to its meter(s) to discontinue utility service to one or more tenants in the building, and b) of the owner's liability in the event that owner fails to make or keep access arrangements. The notice shall state the utility's normal business hours. The utility shall render one (1) or more statements to the owner for any amounts due to the utility under this section. Any such statement shall be payable by the delinquent date stated thereon, and shall be subject to late payment charges at the same rate provided in the utility's tariff pertaining to general residential service.

[(7)](9) At least twenty-four (24) hours preceding [a] discontinuance, a utility shall make reasonable efforts to contact the customer to advise [him/her] the customer of the proposed discontinuance and what steps must be taken to avoid it. Reasonable efforts shall include either a written notice following the notice pursuant to section (4), a doorhanger or at least two (2) telephone call attempts reasonably calculated to reach the customer.

[(8)](10) Immediately preceding the discontinuance of service, the employee of the utility designated to perform this function, except where the safety of the employee is endangered, shall make a reasonable effort to contact and identify him/herself to the customer or a responsible person then upon the premises and shall announce the purpose of his/her presence. When service is discontinued, the employee shall leave a notice upon the premises in a manner conspicuous to the customer that service has been discontinued and the address and telephone number of the utility where the customer may arrange to have service restored.

[(9)](11) Notwithstanding any other provision of this rule, [a utility shall postpone a discontinuance for a time not in excess of twenty-one (21) days if the discontinuance will aggravate an existing medical emergency of the customer, a member of his/her family or other permanent resident of the premises where service is rendered. Any person who alleges a medical emergency, if requested, shall provide the utility with reasonable evidence of the necessity.] each utility must defer discontinuance of service or reconnect service under the following terms and conditions.

(A) The utility shall honor a physician's certificate, or a physician's letter on physician's letterhead providing the same information as requested in the physician's certificate, included herein, which attests to the fact that a residential utility customer or any other permanent resident of the household has a serious medical condition, and clearly states that the discontinuance of that utility's service would rapidly either give rise to a substantial risk of death or gravely impair the health of that person.

(B) A physician, nurse, nurse practitioner, physician's assistant, or other licensed health care professional employed by a public or private agency providing physical or mental health care

service may notify the utility in person, by telephone, by fax, or by letter that the serious medical condition exists and that discontinuance of that utility's service would rapidly either give rise to a substantial risk of death or gravely impair the health of the residential utility customer or other permanent household resident. If that notice does not meet the requirements of subsection (11)(A), then the utility must inform the health care professional that a physician's certificate or physician's letter as set forth in subsection (11)(A) is required within fourteen (14) calendar days. The utility may verify notice given by telephone or fax.

(C) When notified under subsection (11)(B), a utility shall postpone discontinuance of service for not less than fourteen (14) days, pending receipt of the subsection (11)(A) notice. When notified under subsection (11)(A), a utility shall postpone discontinuance of service, or continue such postponement, for a total of twenty-eight (28) days from the later of i) the date set for discontinuance of service, or ii) the date the utility first received notice under either subsection (11)(A) or (11)(B).

(D) If the utility receives a notice within fourteen (14) days after service was discontinued, the utility shall attempt to reconnect service the same day. If the notice is a subsection (11)(A) notice, the utility shall not attempt to discontinue service again for at least twenty-one (21) days after the first attempt to reconnect. If the notice is a subsection (11)(B) notice, the utility shall not attempt to discontinue service again for at least fourteen (14) days after the first attempt to reconnect, pending receipt of the subsection (11)(A) notice.

(E) The utility must receive a subsection (11)(A) notice within fourteen (14) days after being notified according to subsection (11)(B). A utility may discontinue service if it does not receive a subsection (11)(A) notice within fourteen (14) days after being notified according to subsection (11)(B). Therefore failure to receive a subsection (11)(A) notice following the subsection (11)(B) timeframe does not require the utility to provide repeated notice to the premises for disconnection according to section (7).

(F) Upon receipt of an subsection (11)(A) notice, the utility shall notify the customer, in writing, of the receipt of the certificate or letter, the date the certificate or letter was received, the date the postponement of discontinuance or attempted reconnection of service was commenced, and the date on which the postponement of discontinuance or reconnection shall expire. The notice may be delivered by first-class mail or hand-delivered to an adult person at the residence.

(G) A completed subsection (11)(A) notice must be signed by a physician and must be in the following form. The utility shall provide a copy of the physician's certificate form to the physician.

(H) Delaying discontinuance or reconnecting service under section (11) does not excuse the customer from having to pay for the service.

(I) The utility may apply the applicable reconnect fees for restoration of service which shall appear on the proceeding month's billing statement.

(J) If discontinuance has been postponed under section (11) and the physician's certificate or physician's letter has expired and cause for discontinuance of service still exists, the utility may discontinue service by following the notice requirement of section (8), and need not follow the notice requirements of section (6). A utility must make best efforts to verify that the physician's letter has expired before disconnecting service under this subsection.

*[(10)](12)* Notwithstanding any other provision of this rule, a utility may discontinue residential service temporarily for reasons of maintenance, health, safety, or a state of emergency.

*[(11)](13)* Upon the customer's request, a utility shall restore service consistent with all other provisions of this chapter when the cause for discontinuance has been eliminated, applicable restoration charges have been paid and, if required, satisfactory credit arrangements have

been made. At all times, a utility shall make reasonable effort *[shall be made]* to restore service upon the day service restoration is requested, and in any event, restoration shall be made not later than the next working day following the day requested by the customer. The utility may charge the customer a reasonable fee for restoration of service, if *[provided]* permitted in the utility's approved tariffs.

**PHYSICIAN'S CERTIFICATE OF MEDICAL NEED FOR UTILITY SERVICE**

The Missouri Public Service Commission requires utilities under its jurisdiction to honor physician's certificates, or a physician's letter on the physician's letterhead, which attests to the fact that a utility customer or any permanent resident of the household has a serious medical condition, and clearly states that the discontinuance of that utility's service would rapidly either give rise to a substantial risk of death or gravely impair the health of the customer or another permanent household resident.

A licensed physician or other licensed health care professional providing health care services to the patient may initially notify the utility of the serious medical condition and substantial risk of death or grave impairment of health resulting from discontinuance of utility service. However, the notice must be followed within fourteen (14) days by the certificate or letter referenced above. The certificate is valid for at least twenty-eight (28) days from the date of first notice.

You are being asked to verify that the stated medical condition exists. This certificate allows the utility customer time to secure payment for utility service or to make alternate arrangements for care of the patient.  
Thank you for your cooperation.

To: (Name of Utility)

Date:

I certify that loss of (electric / gas / water/ sewer) utility service would rapidly either give rise to a substantial risk of death or gravely impair the health of my patient, \_\_\_\_\_, who lives at \_\_\_\_\_.

The nature of the serious medical condition is (fill in) \_\_\_\_\_.

The effect of loss of the selected utility service would be (fill in) \_\_\_\_\_.

I am licensed to practice medicine by the Missouri State Medical Board or a comparable licensing authority in the State of \_\_\_\_\_.

\_\_\_\_\_  
Physician's Signature

\_\_\_\_\_  
Physician Name (Please Print)  
Address  
Phone Number

*AUTHORITY: sections 386.250(6)l, RSMo Supp. 1991] and 393.140(II), RSMo [1986] 2000. Original rule filed Dec. 19, 1975, effective Dec. 30, 1975. Amended: Filed Oct. 14, 1977, effective Jan. 13, 1978. Emergency Amendment filed Jan. 30, 1984, effective Feb. 9, 1984, expired April 1, 1984. Rescinded and readopted: Filed Sept. 22, 1993, effective July 10, 1994. Amended: Filed Aug. 1, 2013.*

*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 not cost private entities more than five hundred dollars (\$500) 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, Morris L. Woodruff, 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 October 7, 2013, and should include a reference to Commission Case No. AX-2013-0091. 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.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 10, 2013, 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.*

*SPECIAL NEEDS: 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.*

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

##### **Division 240—Public Service Commission**

#### **Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities**

##### **PROPOSED AMENDMENT**

**4 CSR 240-13.055 Cold Weather Maintenance of Service: Provision of Residential Heat-Related Utility Service During Cold Weather.** The commission is amending the title of the chapter and paragraph (14)(F)4.

*PURPOSE: This rule is amended to correct a formatting error in the rule.*

(14) This section only applies to providers of natural gas services to residential customers. Other providers of heat-related utility services will continue to provide such service under the terms of sections (1) through (13) of this rule. The provisions of sections (1) through (13) of this rule continue to apply to providers of natural gas service except where inconsistent with the terms of this section.

(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 [a] subsequent disconnection for nonpayment or expiration of the customer's payment plan.

*AUTHORITY: sections 386.250 and 393.140, [RSMo 2000] and 393.130, RSMo [Supp. 2005] 2000. Original rule filed June 13, 1984, effective Nov. 15, 1984. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 1, 2013.*

*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 not cost private entities more than five hundred dollars (\$500) 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, Morris L. Woodruff, 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 October 7, 2013, and should include a reference to Commission Case No. AX-2013-0091. 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.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 10, 2013, 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.*

*SPECIAL NEEDS: 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.*

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

##### **Division 240—Public Service Commission**

#### **Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities**

##### **PROPOSED AMENDMENT**

**4 CSR 240-13.060 Settlement Agreement and [Extension] Payment Agreement.** The commission is amending the title of the chapter, the rule title, and sections (1) and (2), and deleting section (4).



*PURPOSE:* This rule is amended to eliminate inconsistencies in order to improve the operation of the rule.

(1) When a utility and a customer arrive at a mutually satisfactory settlement of any dispute or the customer does not dispute liability to the utility but claims inability to pay the outstanding bill in full, a utility and the customer may enter into a settlement agreement. A settlement agreement which extends beyond [sixty (60)] **ninety (90)** days shall be in writing and mailed or otherwise delivered to the customer.

(2) Every [settlement] **payment** agreement resulting from the customer's inability to pay the outstanding bill in full shall provide that service will not be discontinued if the customer pays the amount of the outstanding bill specified in the agreement and agrees to pay a reasonable portion of the remaining outstanding balance in installments until the bill is paid. For purposes of determining reasonableness, the parties shall consider the following: the size of the delinquent account, the customer's ability to pay, the customer's payment history, the time that the debt has been outstanding, the reasons why the debt has been outstanding, and any other relevant factors relating to the customer's service.

[[4] *The utility may enter into an extension agreement upon the request of a customer who claims an inability to pay the bill in full.*]

*AUTHORITY:* sections 386.250(6)[, RSMo Supp. 1991] and 393.140(11), RSMo [1986] 2000. Original rule filed Dec. 19, 1975, effective Dec. 30, 1975. Amended: Filed Oct. 14, 1977, effective Jan. 13, 1978. Rescinded and readopted: Filed Sept. 22, 1993, effective July 10, 1994. Amended: Filed Aug. 1, 2013.

*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 not cost private entities more than five hundred dollars (\$500) 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, Morris L. Woodruff, 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 October 7, 2013, and should include a reference to Commission Case No. AX-2013-0091. 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.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 10, 2013, 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.

*SPECIAL NEEDS:* 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 13—Service and Billing Practices for Residential  
Customers of Electric, Gas, Sewer, and Water Utilities**

**PROPOSED AMENDMENT**

**4 CSR 240-13.070 Commission Complaint Procedures.** The commission is amending the title of the chapter, sections (3), (4), (6), and (7).

*PURPOSE:* This rule is amended to update the rule to incorporate current technology and to clarify and eliminate inconsistencies in order to improve the operation of the rule.

(3) If a utility and a customer **and/or applicant** fail to resolve a matter in dispute, the utility shall advise the customer **and/or applicant** of his/her right to file an informal complaint with the commission under 4 CSR 240-2.070.

(4) If the staff is unable to resolve the complaint to the satisfaction of the parties, the staff shall **call the complainant and utility and note such conversation into the commission's electronic file and information system** and send a dated letter or email to that effect to the complainant and to the utility. **Staff shall also advise the customer of his/her right to file a formal complaint with the commission under 4 CSR 240-2.070.**

(A) [The letter] **Upon request, the staff shall [advise] send to the complainant [that, if s/he desires, s/he may file] a copy of the appropriate rules and the formal complaint [in accordance with 4 CSR 240-2.070] form.**

(6) A utility shall not discontinue residential service relative to the [matter] **amount** in dispute during the pendency of an informal complaint and until at least thirty-one (31) days after the date of the letter issued pursuant to section (4), and shall in no case discontinue this service without leaving a notice of discontinuance after the date of the letter issued pursuant to section (4).

(7) Failure of the customer to pay the amount of a bill which is not in dispute, as determined pursuant to sections 4 CSR 240-13.045(5) or (6) of these rules, shall be grounds for **discontinuance of service and** dismissal of an informal or formal complaint.

*AUTHORITY:* sections 386.250(6)[, RSMo Supp. 1991] and 393.140(11), RSMo [1986] 2000. Original rule filed Dec. 19, 1975, effective Dec. 30, 1975. Amended: Filed Oct. 14, 1977, effective Jan. 13, 1978. Amended: Filed Jan. 14, 1981, effective July 15, 1981. Rescinded and readopted: Filed Sept. 22, 1993, effective July 10, 1994. Amended: Filed Aug. 1, 2013.

*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 not cost private entities more than five hundred dollars (\$500) 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, Morris L. Woodruff, 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 October 7, 2013, and should include a reference to Commission Case No. AX-2013-0091. 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.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 10, 2013, 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.

*SPECIAL NEEDS: 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.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 18—Safety Standards**

**PROPOSED AMENDMENT**

**4 CSR 240-18.010 Safety Standards for Electrical Corporations,  
Telecommunications Companies and Rural Electric Cooperatives.**  
The commission is amending the purpose of the rule and section (1).

*PURPOSE: This amendment changes the edition of the National Electrical Safety Code that the Public Service Commission adopts for the minimum safety standards applicable to electrical corporations, telecommunications companies, and rural electric cooperatives, and clarifies that the new standards apply only to new installations and extensions.*

*PURPOSE: This rule prescribes minimum safety standards relating to the operation of electric utilities, telecommunications companies, and rural electric cooperatives. Adoption of this rule will [not only] inform the utilities of the minimum safety standards required by the commission and will be of assistance to the commission staff in carrying out its assigned duties.*

(1) The minimum safety standards relating to the operation of electrical corporations, telecommunications companies, and rural electric cooperatives are Parts 1, 2, and 3 and Sections 1, 2, and 9 of the *National Electrical Safety Code (NESC)*; [2007] **2012** Edition as approved by the American National Standards Institute on [June 16, 2006] **August 1, 2011**, as modified by Errata thereto issued on [October 5, 2006 and May 14, 2007] **February 6, 2012**, and published by the Institute of Electrical and Electronics Engineers, Inc., 3 Park Avenue, New York, NY 10016-5997. The NESC is composed of four (4) different parts and four (4) sections, each of which pertain to different aspects of the electric and telecommunications industries. Part 1 specifies rules for the installation and maintenance of equipment normally found in electric generating plants and substations. Part 2 pertains to safety rules for overhead electric and communication lines. Part 3 contains safety rules for underground electric and communication lines. Section 1 is an introduction to the NESC, Section 2 defines special terms, and Section 9 requires certain grounding methods for electric and communications facilities. The full text of this material is available at the Energy Department of the Public Service Commission, Suite 700, 200 Madison, Jefferson City, Missouri. This rule does not incorporate any subsequent amendments or additions.

*AUTHORITY: sections 386.310 and 394.160, RSMo 2000. Original rule filed March 15, 1978, effective Oct. 2, 1978. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 1, 2013.*

*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 \$4,834,800 to \$5,314,800 in the aggregate over the three- (3-) year life expectancy of the rule.*

*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, Morris L. Woodruff, 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 October 3, 2013, and should include a reference to Commission Case No. EX-2012-0332. 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.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 4, 2013, at 10:00 a.m., in Room 305 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.*

*SPECIAL NEEDS: 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 COST**

- I. Department Title:**  
**Division Title:**  
**Chapter Title:**

<b>Rule Number and Title:</b>	4 CSR 240-18.010 Safety Standards for Electrical Corporations, Telecommunications Companies and Rural Electric Cooperatives
<b>Type of Rulemaking:</b>	Proposed Amendment

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
4	<b>Investor Owned Utilities</b>	
	<b>Ameren Missouri</b>	1. \$381,600 Annually 2. Negligible 3. Negligible 4. \$2.3M over 2 years
	<b>Empire District Electric Company</b>	\$30,000 to \$190,000, annually
	<b>Kansas City Power &amp; Light and Kansas City Power &amp; Light Greater Missouri Operations, combined</b>	\$50,000 annually
<b>Total Fiscal Impact Costs:</b>		<b>\$4,834,800 to \$5,314,800 over the 3-year life expectancy of the rule.</b>

**II. WORKSHEET**

**Ameren Missouri:**

- 1. Guy Insulator Placement** – Rule 215C4 regarding use of insulators in down guys and span guys may have a significant cost impact. The revised rule may require guy insulators to be daisy chained from pole attachment to below the lowest Ameren conductor. On May 1, 2012, Distribution Standards submitted a request for interpretation to the NESC Interpretations Committee to clarify the intent of this rule change. Typical response time is 1 year
- 2. Wood Pole Class Design Selection** – For poles longer in length than 55 feet, Rules 261A2a and 261A2b were revised to require evaluation of all applied loading moments on the structure (conductor attachment points) instead of just the resultant ground-line loading moment. This could potentially lead to use of higher class poles or shorter span lengths. However, Distribution Standards believes our current use of Class 1 poles as a minimum for subtransmission

construction will negate the impact of these rule changes. Also, these rule changes will not typically apply to 15kV and below structures due to use of poles shorter than 55 feet in length.

3. **Conductor Design Tension Limits** – Rule 261H was revised regarding the 35% Initial Unloaded Tension and 25% Final Unloaded Tension limits. This rule change now requires these conductor design tension limits to be evaluated at 0° F instead of 60° F. This will have no impact on our standard distribution construction (span lengths 300 feet or less). Longer spans may require taller poles due to the reduced tensions and greater sags that this rule change imposes on the longer spans.
4. **Protective Measures for ARC Exposure** – Table 410-1 was added to cover required rating of clothing for worker exposure to voltages 1 kV and less. This will have a significant cost impact to Ameren for work activity on 480V equipment.

**Empire District Electric Company:**

See Attached.

**Kansas City Power & Light and Kansas City Power & Light Greater Missouri Operations:**

N/A

**IV. ASSUMPTIONS**

**Ameren Missouri:**

1. **Guy Insulator Placement** - If the daisy chaining of guy insulators is required, the cost increase to Ameren is estimated to approach **\$381,600 per year**. This is based on a material cost difference of \$53/guy wire with 7200 guy wires installed per year in Missouri.
2. **Wood Pole Class Design Selection** - The overall material cost impact will be negligible.
3. **Conductor Design Tension Limits** - The overall cost impact to Ameren should be negligible.
4. **Protective Measures for ARC Exposure**- Ameren is proposing to replace 66 480V network protectors over a two year time frame. **Total cost is estimated at \$2.3M for materials and labor to accomplish this.**

**Empire District Electric Company:**

See Attached.

**Kansas City Power & Light and Kansas City Power & Light Greater Missouri Operations:**

N/A

### **Assumptions of Empire District Electric Company**

#### **NESC 2012 Changes and their Financial Impact.**

##### **Scope and Purpose section 010 and 011**

Language and illustrations added clarify the purpose of the NESC, and the line of demarcation between facilities covered by the NESC and NEC.

**No net financial impact to EDE.**

##### **Grounding Section 9**

Changes were made to the definition of effectively grounded, and items required to be grounded thus must meet the new definition.

The distance between multiple driven ground rods is now specified, as well as some requirements for guarding of grounding conductors where required. The conditions required to count a direct embedded steel pole as a ground are defined.

**No net financial impact to EDE.**

##### **Substations Section 11**

Changes modified the clearance to live parts guarded by an impenetrable fence. Rules regarding storage of materials in the substation, lighting levels, and necessity of fire extinguishing equipment were addressed.

**No net financial impact to EDE.**

##### **General Requirements Overhead Lines section 21**

Records of inspection of facilities must be kept until defects are remedied. Guy wires must be either grounded or insulated, and the insulators placed to limit the likelihood of conducting electricity between other conductors or equipment installed on the structure. Physical protection or guarding shall be provided for structures in parking lots. Readily climbable structures adjacent to traveled ways shall be equipped with barriers to inhibit climbing or posted with appropriate safety signs. Climbing steps shall begin at least 8 ft above ground. Guys in parking areas shall be either protected from vehicle damage or clearly marked. No Attachment or decoration shall be attached to any structure without permission of the owner, and it must not create a code violation.

##### **Clearances Section 23**

Added a climate zone for "warm Islands", defined the communication space more clearly, and specified clearances to guys are to be based on maximum operating voltage, not nominal.

**No net financial impact to EDE.**

##### **Grades of Construction Section 24**

Communication conductors are required to meet the same grade of construction as supply conductors on the same pole.

**No net financial impact to EDE.**

#### Loadings for Grades B and C Section 25

The alternate (grandfathered) method of applying load factors to poles is no longer permitted in this edition.

**No net financial impact to EDE.**

#### Strength Requirements Section 26

Wood structures of total length 60 feet and greater shall be designed to withstand the appropriate factored loads at the point of maximum stress, not at the groundline. Single composite crossarms equivalent or greater in strength may be substituted for double wood crossarms.

**This will have considerable impact to EDE. The analysis of poles will be more time consuming, and heavier class poles will be required. Estimated impact is approximately \$60,000 per year.**

#### Line Insulation Section 27

Guy insulators must have a dry flashover rating at least twice that of the nominal voltage between conductors of the guyed circuit, and must be UV protected.

**This will have an impact on EDE, as manufacturers currently do not publish electrical ratings for the guy strain insulators, and more guy insulators will be required. Estimate of one additional insulator per anchor guy would cost approximately \$100,000.00 per year.**

#### Work Rules Part 4

The requirements for arc flash personal protective equipment are extended to voltages down to 50V. The table for minimum approach distances has been simplified.

**This will have an impact on EDE, as Arc Flash Protective equipment will need to be worn in additional work conditions. Although we currently provide arc flash apparel, there is a cost to Empire significantly greater than the \$500 threshold to meet requirements of latest version of the NESC Part 4; Work Rules. The purchase of remote equipment to provide employee protection is significant. In addition, other significant costs for PPE was needed for certain job tasks that apply to Part 4; Work Rules as well. As well, the time and labor involved in analyzing specific tasks is consuming.**

**What we had previously provided for typical overhead & underground job tasks was sufficient for Part 4; Work Rules. Estimated cost is \$30,000 initially with ongoing replacement costs.**

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 10—Air Conservation Commission**  
**Chapter 6—Air Quality Standards, Definitions, Sampling**  
**and Reference Methods and Air Pollution Control**  
**Regulations for the Entire State of Missouri**

**PROPOSED AMENDMENT**

**10 CSR 10-6.200 Hospital, Medical, Infectious Waste Incinerators.** The commission proposes to amend subsections (1)(E), (1)(H), (2)(A), (3)(A), (3)(B), and (3)(E). If the commission adopts this rule action, it will be the department's intention to submit this rule amendment to the U.S. Environmental Protection Agency to replace the current rule that is in the Missouri State Plan for Designated Facilities and Pollutants pursuant to section 111(d) of the Clean Air Act for hospital, medical, and infectious waste incinerators. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, [www.dnr.mo.gov/regs/index.html](http://www.dnr.mo.gov/regs/index.html).

*PURPOSE: This rule establishes emission limits for existing hospital, medical, and infectious waste incinerators. The pollutants regulated include metals, particulate matter, acid gases, organic compounds, carbon monoxide, and opacity. This rule includes requirements for operator training and qualification, waste management, compliance and performance testing, monitoring, and reporting/record keeping. This amendment will remove the exemption for start-up, shutdown, and malfunction events to maintain consistency with federal regulations; clarify the hierarchy of definitions; and update the references to the test methods used to determine compliance. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is Federal Register notices 78 FR 12460, dated February 22, 2013, and 78 FR 28052, dated May 13, 2013.*

(1) Applicability.

(E) Any combustor which meets the applicability requirements under [s]/Subpart Cb, Ea, or Eb of 40 CFR [part] 60 is not subject to this rule.

(H) Physical or operational changes made to an HMIWI unit solely for the purpose of complying with this rule are not considered a modification and do not result in an HMIWI unit becoming subject to the provisions of 40 CFR [part] 60, [s]/Subpart Ec.

(2) Definitions.

(A) Definitions of certain terms specified in this rule, *other than those defined in this rule section, may be found in the Clean Air Act and in 40 CFR Part 60, subparts A, B, and Ec* may be found in 40 CFR 60.21 and 40 CFR 60.51c, promulgated as of July 1, 2012, and are hereby incorporated by reference in this rule, as published by the Office of Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408. This rule does not incorporate any subsequent amendments or additions.

(3) General Provisions.

(A) Emission Limits.

1. No owner or operator of an HMIWI subject to this rule shall cause to be discharged into the atmosphere any gases that contain stack emissions in excess of the limits presented in Table 1 of this subsection, except as provided for in paragraph (3)(A)2. of this rule.

Table 1—Emissions Limits for Small, Medium, and Large HMIWI

Pollutant	Units (7 percent oxygen, dry basis)	Emissions limits			Averaging time <sup>1</sup>	Method for demonstrating compliance <sup>2</sup>
		HMIWI size				
		Small	Medium	Large		
Particulate matter	Milligrams per dry standard cubic meter (mg/dscm) (grains per dry standard cubic foot (gr/dscf))	66 (0.029)	46 (0.020) or 34 (.015) <sup>3</sup>	25 (0.011)	3-run average (1-hour minimum sample time per run)	EPA Reference Method 5 of <b>40 CFR 60</b> , Appendix A-3 [of part 60] or EPA Reference Method 26A or 29 of <b>40 CFR 60</b> , Appendix A-8 [of part 60].
Carbon monoxide	Parts per million by volume (ppmv)	20	5.5	11	3-run average (1-hour minimum sample time per run)	EPA Reference Method 10 or 10B of <b>40 CFR 60</b> , Appendix A-4 [of part 60].
Dioxins/furans	Nanograms per dry standard cubic meter total dioxins/furans (ng/dscm) (grains per billion dry standard cubic feet (gr/10 <sup>9</sup> dscf)) or ng/dscm TEQ (gr/10 <sup>9</sup> dscf)	16 (7.0) or 0.013 (0.0057)	0.85 (0.37) or 0.020 (0.0087)	9.3 (4.1) or 0.054 (0.024)	3-run average (4-hour minimum sample time per run)	EPA Reference Method 23 of <b>40 CFR 60</b> , Appendix A-7 [of part 60].
Hydrogen chloride	ppmv	44 or 15 or 99% <sup>3</sup>	7.7	6.6	3-run average (1-hour minimum sample time per run)	EPA Reference Method 26 or 26A of <b>40 CFR 60</b> , Appendix A-8 [of part 60].
Sulfur dioxide	ppmv	4.2	4.2	9.0	3-run average (1-hour minimum sample time per run)	EPA Reference Method 6 or 6C of <b>40 CFR 60</b> , Appendix A-4 [of part 60].
Nitrogen oxides	ppmv	190	190	140	3-run average (1-hour minimum sample time per run)	EPA Reference Method 7 or 7E of <b>40 CFR 60</b> , Appendix A-4 [of part 60].
Lead	mg/dscm (grains per thousand dry standard cubic feet (gr/10 <sup>3</sup> dscf))	0.31 (0.14)	0.018 (0.0079)	0.036 (0.016)	3-run average (1-hour minimum sample time per run)	EPA Reference Method 29 of <b>40 CFR 60</b> , Appendix A-8 [of part 60].
Cadmium	mg/dscm (gr/10 <sup>3</sup> dscf)	0.017 (0.0074)	0.013 (0.0057)	0.0092 (0.0040)	3-run average (1-hour minimum sample time per run)	EPA Reference Method 29 of <b>40 CFR 60</b> , Appendix A-8 [of part 60].
Mercury	mg/dscm (gr/10 <sup>3</sup> dscf)	0.014 (0.0061)	0.025 (0.011)	0.018 (0.0079)	3-run average (1-hour minimum sample time per run)	EPA Reference Method 29 of <b>40 CFR 60</b> , Appendix A-8 [of part 60].

<sup>1</sup> Except as allowed under section 60.56c(c) for HMIWI equipped with Continuous Emission Monitoring System (CEMS).

<sup>2</sup> Does not include CEMS and approved alternative non-EPA test methods allowed under section 60.56c(b).

<sup>3</sup> HMIWI constructed after June 20, 1996, but no later than December 1, 2008, or for which modification is commenced after March 16, 1998, but no later than April 6, 2010.



2. No owner or operator of a small HMIWI constructed on or before June 20, 1996, which is located more than fifty (50) miles from the boundary of the nearest Standard Metropolitan Statistical Area and which burns less than two thousand (2,000) pounds per week of hospital waste and medical/infectious waste shall cause to be discharged into the atmosphere any gases that contain stack emissions in excess of the limits presented in Table 2 of this paragraph. The two thousand (2,000) pounds per week limitation does not apply during performance tests.

**Table 2—Emissions Limits for Small HMIWI Which Meet the Criteria Under Paragraph (3)(A)2. of this Rule**

Pollutant	Units (7 percent oxygen, dry basis)	HMIWI Emissions limits	Averaging time <sup>1</sup>	Method for demonstrating compliance <sup>2</sup>
Particulate matter	mg/dscm (gr/dscf)	87 (0.038)	3-run average (1-hour minimum sample time per run)	EPA Reference Method 5 of <b>40 CFR 60</b> , Appendix A-3 <i>[of part 60]</i> or EPA Reference Method 26A or 29 of <b>40 CFR 60</b> , Appendix A-8 <i>[of part 60]</i> .
Carbon monoxide	ppmv	20	3-run average (1-hour minimum sample time per run)	EPA Reference Method 10 or 10B of <b>40 CFR 60</b> , Appendix A-4 <i>[of part 60]</i> .
Dioxins/furans	ng/dscm total dioxins/furans (gr/10 <sup>9</sup> dscf) or ng/dscm TEQ (gr/10 <sup>9</sup> dscf)	240 (100) or 5.1 (2.2)	3-run average (4-hour minimum sample time per run)	EPA Reference Method 23 of <b>40 CFR 60</b> , Appendix A-7 <i>[of part 60]</i> .
Hydrogen chloride	ppmv	810	3-run average (1-hour minimum sample time per run)	EPA Reference Method 26 or 26A of <b>40 CFR 60</b> , Appendix A-8 <i>[of part 60]</i> .
Sulfur dioxide	ppmv	55	3-run average (1-hour minimum sample time per run)	EPA Reference Method 6 or 6C of <b>40 CFR 60</b> , Appendix A-4 <i>[of part 60]</i> .
Nitrogen oxides	ppmv	130	3-run average (1-hour minimum sample time per run)	EPA Reference Method 7 or 7E of <b>40 CFR 60</b> , Appendix A-4 <i>[of part 60]</i> .
Lead	mg/dscm (gr/10 <sup>3</sup> dscf)	0.50 (0.22)	3-run average (1-hour minimum sample time per run)	EPA Reference Method 29 of <b>40 CFR 60</b> , Appendix A-8 <i>[of part 60]</i> .
Cadmium	mg/dscm (gr/10 <sup>3</sup> dscf)	0.11 (0.048)	3-run average (1-hour minimum sample time per run)	EPA Reference Method 29 of <b>40 CFR 60</b> , Appendix A-8 <i>[of part 60]</i> .
Mercury	mg/dscm (gr/10 <sup>3</sup> dscf)	0.0051 (0.0022)	3-run average (1-hour minimum sample time per run)	EPA Reference Method 29 of <b>40 CFR 60</b> , Appendix A-8 <i>[of part 60]</i> .

<sup>1</sup> Except as allowed under section 60.56c(c) for HMIWI equipped with CEMS.

<sup>2</sup> Does not include CEMS and approved alternative non-EPA test methods allowed under section 60.56c(b).

3. No owner or operator of an HMIWI subject to this rule shall cause to be discharged into the atmosphere from the stack of that HMIWI any gases that exhibit greater than six percent (6%) opacity (six (6)-minute block average).

(B) Operator Training and Qualification Requirements.

1. No owner or operator of an HMIWI subject to this rule shall allow the HMIWI to operate at any time unless a fully trained and qualified HMIWI operator is accessible, either at the facility or available within one (1) hour. The trained and qualified HMIWI operator may operate the HMIWI directly or be the direct supervisor of one (1) or more HMIWI operators.

2. Operator training and qualification shall be obtained by completing the requirements included in paragraphs (3)(B)3. through 7. of this rule.

3. Training shall be obtained by completing an HMIWI operator training course that includes, at a minimum, the following provisions:

A. Twenty-four (24) hours of training on the following subjects:

(I) Environmental concerns, including pathogen destruction and types of emissions;

(II) Basic combustion principles, including products of combustion;

(III) Operation of the type of incinerator to be used by the operator, including proper start-up, waste charging, and shutdown procedures;

(IV) Combustion controls and monitoring;

(V) Operation of air pollution control equipment and factors affecting performance (if applicable);

(VI) Methods to monitor pollutants and equipment calibration procedures (where applicable);

(VII) Inspection and maintenance of the HMIWI, air pollution control devices, and continuous emission monitoring systems;

(VIII) Actions to correct malfunctions or conditions that may lead to malfunction;

(IX) Bottom and fly ash characteristics and handling procedures;

(X) Applicable federal, state, and local regulations;

(XI) Work safety procedures;

(XII) *[Pre-startup inspections]* **Inspections prior to start-up;** and

(XIII) Record-keeping requirements;

B. An examination designed and administered by the instructor; and

C. Reference material distributed to the attendees covering the course topics.

4. Qualifications shall be obtained by—

A. Completion of a training course that satisfies the criteria under paragraph (3)(B)3. of this rule; and

B. Either six (6) months experience as an HMIWI operator, six (6) months experience as a direct supervisor of an HMIWI operator, or completion of at least two (2) burn cycles under the observation of two (2) qualified HMIWI operators.

5. Qualification is valid from the date on which the examination is passed or the completion of the required experience, whichever is later.

6. To maintain qualification, the trained and qualified HMIWI operator shall complete and pass an annual review or refresher course of at least four (4) hours covering, at a minimum, the following:

A. Update of regulations;

B. Incinerator operation, including start-up and shutdown procedures;

C. Inspection and maintenance;

D. Responses to malfunctions or conditions that may lead to malfunction; and

E. Discussion of operating problems encountered by attendees.

7. A lapsed qualification shall be renewed by one (1) of the following methods:

A. For a lapse of less than three (3) years, the HMIWI operator shall complete and pass a standard annual refresher course described in paragraph (3)(B)6. of this rule; or

B. For a lapse of three (3) years or more, the HMIWI operator shall complete and pass a training course with the minimum criteria described in paragraph (3)(B)3. of this rule.

8. The owner or operator of an HMIWI shall maintain documentation at the facility that addresses the following:

A. Summary of the applicable standards under this subpart;

B. Description of basic combustion theory applicable to an HMIWI;

C. Procedures for receiving, handling, and charging waste;

D. HMIWI start-up, shutdown, and malfunction procedures;

E. Procedures for maintaining proper combustion air supply levels;

F. Procedures for operating the HMIWI and associated air pollution control systems within the standards established under this subpart;

G. Procedures for responding to periodic malfunction or conditions that may lead to malfunction;

H. Procedures for monitoring HMIWI emissions;

I. Reporting and record-keeping procedures; and

J. Procedures for handling ash.

9. The owner or operator of an HMIWI shall establish a program for reviewing the information listed in paragraph (3)(B)8. of this rule annually with each HMIWI operator.

A. The initial review of the information listed in paragraph (3)(B)8. of this rule shall be conducted prior to assumption of responsibilities affecting HMIWI operation.

B. Subsequent reviews of the information listed in paragraph (3)(B)8. of this rule shall be conducted annually.

10. The information listed in paragraph (3)(B)8. of this rule shall be kept in a readily-accessible location for all HMIWI operators. This information, along with records of training, shall be available for inspection by the department or its delegated enforcement agent upon request.

(E) Compliance and Performance Testing.

1. The emission limits under this rule apply at all times.

2. Except as provided in paragraph (3)(E)12. of this rule, the owner or operator of an HMIWI subject to this rule shall conduct an initial performance test to determine compliance with the emission limits using the procedures and test methods listed in subparagraphs (3)(E)2.A. through L. of this rule. The use of the bypass stack during a performance test shall invalidate the performance test. For small HMIWIs as defined in paragraph (3)(A)2. of this rule, the two-thousand (2,000)-pound-per-week limitation does not apply during performance tests.

A. All performance tests shall consist of a minimum of three (3) test runs conducted under representative operating conditions.

B. The minimum sample time shall be one (1) hour per test run unless otherwise indicated.

C. The sampling location and number of traverse points shall be determined using EPA Reference Method 1 of 40 CFR *[part]* 60, Appendix A-1*[, promulgated as of December 21, 1971, and incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions]*.

D. Gas composition shall be analyzed and include a measurement of oxygen concentration using EPA Reference Method 3, 3A, or 3B of 40 CFR *[part]* 60, Appendix A-2*[, promulgated as of December 21, 1971, and incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions and shall be used for gas composition analysis, including measurement of oxygen concentration]*. EPA Reference

Method 3, 3A, or 3B shall be used simultaneously with each of the other EPA reference methods. *[As an alternative to EPA Reference Method 3B, ASME PTC-19-10-1981-Part 10, American Society of Mechanical Engineers (ASME), PO Box 2900, 22 Law Drive, Fairfield, NJ, 07007-2900, may be used. This standard is incorporated by reference in this rule, as published by American Society for Testing and Materials (ASTM) International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959. This rule does not incorporate any subsequent amendments or additions]* **As an alternative to EPA Reference Method 3B, ASME PTC-19-10-1981-Part 10 may be used.**

E. The pollutant concentrations shall be adjusted to seven percent (7%) oxygen using the following equation:

$$C_{adj} = C_{meas} (20.9 - 7) / (20.9 - \% O_2)$$

where:

$C_{adj}$  = pollutant concentration adjusted to 7 percent oxygen

$C_{meas}$  = pollutant concentration measured on a dry basis

$(20.9 - 7)$  = 20.9 percent oxygen - 7 percent oxygen (defined oxygen correction basis)

20.9 = oxygen concentration in air, percent

$\% O_2$  = oxygen concentration measured on a dry basis, percent

F. Particulate Matter (PM) emissions shall be measured using EPA Reference Method 5 of 40 CFR [part] 60, Appendix A-3[, promulgated as of December 21, 1971, and incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions]. An acceptable alternate method for measuring PM emissions is **EPA Reference Method 26A** or Method 29 of 40 CFR [part] 60, Appendix A-8[, promulgated as of December 21, 1971, and incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions]. As an alternative, PM Continuous Emission Monitoring System (CEMS) may also be used as specified in subparagraph (3)(E)3.C. of this rule.

G. Stack opacity shall be measured using EPA Reference Method 9 of 40 CFR [part] 60, Appendix A-4 [promulgated as of December 21, 1971, and incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions]. As an alternative, demonstration of compliance with the PM standards using bag leak detection systems as specified in paragraph (3)(E)11. of this rule or PM CEMS as specified in subparagraph (3)(E)3.C. of this rule is considered demonstrative of compliance with the opacity requirements.

H. Carbon monoxide (CO) emissions shall be measured using EPA Reference Method 10 or 10B of 40 CFR [part] 60, Appendix A-4 [promulgated as of December 21, 1971, and incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions]. As an alternative, CO CEMS may be used as specified in subparagraph (3)(E)3.C. of this rule.

I. Total dioxin/furan emissions shall be measured using EPA Reference Method 23 of 40 CFR [part] 60, Appendix A-7 [promulgated as of December 21, 1971, and incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions]. As an alternative, an owner or operator may elect to sample dioxins/furans by installing, calibrating,

maintaining, and operating a continuous automated sampling system for monitoring dioxin/furan emissions. Sampling shall be done using **EPA Reference Method 23** of [Appendix A-7, of] 40 CFR [part] 60, **Appendix A-7** [promulgated as of December 21, 1971, and incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions]. The minimum sample time shall be four (4) hours per test run. If the affected facility has selected the toxic equivalency standards for dioxin/furans the following procedures shall be used to determine compliance:

(I) Measure the concentration of each dioxin/furan tetra-through octa-congener emitted using EPA Reference Method 23 of 40 CFR [part] 60, **Appendix A-7** [promulgated as of December 21, 1971, and incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions];

(II) For each dioxin/furan congener measured in accordance with part (3)(E)2.I.(I) of this rule, multiply the congener concentration by its corresponding toxic equivalency factor specified in Table 3 of this part; and

Table 3—Toxic Equivalency Factors

Dioxin/furan congener	Toxic equivalency factor
2,3,7,8-tetrachlorinated dibenzo-p-dioxin	1
1,2,3,7,8-pentachlorinated dibenzo-p-dioxin	0.5
1,2,3,4,7,8-hexachlorinated dibenzo-p-dioxin	0.1
1,2,3,7,8,9-hexachlorinated dibenzo-p-dioxin	0.1
1,2,3,6,7,8-hexachlorinated dibenzo-p-dioxin	0.1
1,2,3,4,6,7,8-heptachlorinated dibenzo-p-dioxin	0.01
octachlorinated dibenzo-p-dioxin	0.001
2,3,7,8-tetrachlorinated dibenzofuran	0.1
2,3,4,7,8-pentachlorinated dibenzofuran	0.5
1,2,3,7,8-pentachlorinated dibenzofuran	0.05
1,2,3,4,7,8-hexachlorinated dibenzofuran	0.1
1,2,3,6,7,8-hexachlorinated dibenzofuran	0.1
1,2,3,7,8,9-hexachlorinated dibenzofuran	0.1
2,3,4,6,7,8-hexachlorinated dibenzofuran	0.1
1,2,3,4,6,7,8-heptachlorinated dibenzofuran	0.01
1,2,3,4,7,8,9-heptachlorinated dibenzofuran	0.01
octachlorinated dibenzofuran	0.001

(III) Sum the products calculated in accordance with part (3)(E)2.I.(II) of this rule to obtain the total concentration of dioxins/furans emitted in terms of toxic equivalency.

J. Hydrogen chloride (HCl) shall be measured using EPA Reference Method 26 or 26A of 40 CFR [part] 60, Appendix A/-/8 [promulgated as of December 21, 1971, and incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions]. As an alternative, HCl CEMS may be used as specified in subparagraph (3)(E)3.C. of this rule.

K. Lead (Pb), cadmium (Cd), and mercury (Hg) emissions shall be measured using EPA Reference Method 29 of 40 CFR [part] 60, Appendix A/-/8/, promulgated as of December 21, 1971, and incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions]. As an alternative, Hg emissions may be measured using ASTM D6784-02(2008).

[This standard is incorporated by reference in this rule, as published by ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959. This rule does not incorporate any subsequent amendments or additions.] As an alternative for Pb, Cd, and Hg, multi-metals CEMS or Hg CEMS, may be used as specified in subparagraph (3)(E)3.C. of this rule. As an alternative, an owner or operator may elect to sample Hg by installing, calibrating, maintaining, and operating a continuous automated sampling system for monitoring Hg emissions.

L. Compliance for fugitive ash emissions shall be determined using EPA Reference Method 22 of 40 CFR [part] 60, Appendix A/-/7/, promulgated as of December 21, 1971, and incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions]. The minimum observation time shall be a series of three (3) one (1)-hour observations.

3. Following the date on which the initial performance test is completed, the owner or operator of an affected facility shall—

A. Determine compliance with the opacity limit by conducting an annual performance test (no more than twelve (12) months following the previous performance test) using the applicable procedures and test methods listed in paragraph (3)(E)2. of this rule;

B. Determine compliance with the PM, CO, and HCl emission limits by conducting an annual performance test (no more than twelve (12) months following the previous performance test) using the applicable procedures and test methods listed in paragraph (3)(E)2. of this rule. If all three (3) performance tests over a three (3)-year period indicate compliance with the emission limit for a pollutant (PM, CO, or HCl), the owner or operator may forego a performance test for that pollutant for the subsequent two (2) years. At a minimum, a performance test for PM, CO, and HCl shall be conducted every third year (no more than thirty-six (36) months following the previous performance test). If a performance test conducted every third year indicates compliance with the emission limit for a pollutant (PM, CO, or HCl), the owner or operator may forego a performance test for that pollutant for an additional two (2) years. If any performance test indicates noncompliance with the respective emission limit, a performance test for that pollutant shall be conducted annually until all annual performance tests over a three (3)-year period indicate compliance with the emission limit. The use of the bypass stack during a performance test shall invalidate the performance test; and

C. Facilities using a Continuous Emission Monitoring System (CEMS) to demonstrate compliance with any of the emission limits under section (3) of this rule shall determine compliance with the appropriate emission limit(s) using a twelve (12)-hour rolling average, calculated each hour as the average of the previous twelve (12) operating hours.

4. The owner or operator of an affected facility equipped with a dry scrubber followed by a fabric filter, a wet scrubber, or a dry scrubber followed by a fabric filter and wet scrubber shall—

A. Establish the appropriate maximum and minimum operating parameters, indicated in Table 4 of this subparagraph for each control system, as site-specific operating parameters during the initial performance test to determine compliance with the emission limits; and

**Table 4—Operating Parameters to be Monitored and Minimum Measurement and Recording Frequencies**

Operating parameters to be monitored	Minimum frequency		Control system		
	Data measurement	Data recording	Dry scrubber followed by fabric filter	Wet scrubber	Dry scrubber followed by fabric filter and wet scrubber
<b>MAXIMUM OPERATING PARAMETERS</b>					
Maximum charge rate	Continuous	1 per hour	✓	✓	✓
Maximum fabric filter inlet temperature	Continuous	1 per minute	✓		✓
Maximum flue gas temperature	Continuous	1 per minute		✓	✓
<b>MINIMUM OPERATING PARAMETERS</b>					
Minimum secondary chamber temperature	continuous	1 per minute	✓	✓	✓
Minimum dioxin/furan sorbent flow rate	hourly	1 per hour	✓		✓
Minimum hydrogen chloride (HCl) sorbent flow rate	hourly	1 per hour	✓		✓
Minimum mercury (Hg) sorbent flow rate	hourly	1 per hour	✓		✓
Minimum pressure drop across the wet scrubber or minimum horsepower or amperage to wet scrubber	continuous	1 per minute		✓	✓
Minimum scrubber liquor flow rate	continuous	1 per minute		✓	✓
Minimum scrubber liquor pH	continuous	1 per minute		✓	✓

B. Following the date on which the initial performance test is completed, ensure that the affected facility does not operate above any of the applicable maximum operating parameters or below any of the applicable minimum operating parameters listed in Table 4 and measured as three (3)-hour rolling averages (calculated each hour as the average of the previous three (3) operating hours) at all times *[except during periods of startup, shutdown, and malfunction]*. Operating parameter limits do not apply during performance tests. Operation above the established maximum or below the established minimum operating parameter(s) shall constitute a violation of established operating parameter(s).

5. Except as provided in paragraph (3)(E)8. of this rule, for affected facilities equipped with a dry scrubber followed by a fabric filter—

A. Operation of the affected facility above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the CO emission limit;

B. Operation of the affected facility above the maximum fabric filter inlet temperature, above the maximum charge rate, and below the minimum dioxin/furan sorbent flow rate (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the dioxin/furan emission limit;

C. Operation of the affected facility above the maximum charge rate and below the minimum HCl sorbent flow rate (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the HCl emission limit;

D. Operation of the affected facility above the maximum charge rate and below the minimum Hg sorbent flow rate (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the Hg emission limit; or

E. Use of the bypass stack shall constitute a violation of the PM, dioxin/furan, HCl, Pb, Cd, and Hg emission limits.

6. Except as provided in paragraph (3)(E)8. of this rule, for affected facilities equipped with a wet scrubber—

A. Operation of the affected facility above the maximum charge rate and below the minimum pressure drop across the wet scrubber or below the minimum horsepower or amperage to the system (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the PM emission limit;

B. Operation of the affected facility above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the CO emission limit;

C. Operation of the affected facility above the maximum charge rate, below the minimum secondary temperature, and below the minimum scrubber liquor flow rate (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the dioxin/furan emission limit;

D. Operation of the affected facility above the maximum charge rate and below the minimum scrubber liquor pH (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the HCl emission limit;

E. Operation of the affected facility above the maximum flue gas temperature and above the maximum charge rate (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the Hg emission limit; or

F. Use of the bypass stack shall constitute a violation of the PM, dioxin/furan, HCl, Pb, Cd, and Hg emission limits.

7. Except as provided in paragraph (3)(E)8. of this rule, for affected facilities equipped with a dry scrubber followed by a fabric filter and a wet scrubber—

A. Operation of the affected facility above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the CO emission limit;

B. Operation of the affected facility above the maximum fabric filter inlet temperature, above the maximum charge rate, and

below the minimum dioxin/furan sorbent flow rate (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the dioxin/furan emission limit;

C. Operation of the affected facility above the maximum charge rate and below the minimum scrubber liquor pH (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the HCl emission limit;

D. Operation of the affected facility above the maximum charge rate and below the minimum Hg sorbent flow rate (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the Hg emission limit; or

E. Use of the bypass stack shall constitute a violation of the PM, dioxin/furan, HCl, Pb, Cd, and Hg emission limits.

8. The owner or operator of an affected facility may conduct a repeat performance test within thirty (30) days of violation of applicable operating parameter(s) to demonstrate that the affected facility is not in violation of the applicable emission limit(s). Repeat performance tests conducted pursuant to this paragraph shall be conducted using the identical operating parameters that indicated a violation under paragraphs (3)(E)5., 6., or 7. of this rule.

9. The owner or operator of an affected facility using an air pollution control device other than a dry scrubber followed by a fabric filter, a wet scrubber, or a dry scrubber followed by a fabric filter and a wet scrubber, or selective noncatalytic reduction technology, to comply with the emission limits under section (3) of this rule shall petition the administrator for other site-specific operating parameters to be established during the initial performance test and continuously monitored thereafter. The owner or operator shall not conduct the initial performance test until after the petition has been approved by the administrator.

10. The owner or operator of an affected facility may conduct a repeat performance test at any time to establish new values for the operating parameters. The department may request a repeat performance test at any time.

11. The owner or operator of an affected facility that uses an air pollution control device that includes a fabric filter and is not demonstrating compliance using PM CEMS, determines compliance with the PM emissions limit using a bag leak detection system, and meets the requirements in subparagraphs (3)(E)11.A. through L. of this rule for each bag leak detection system.

A. Each triboelectric bag leak detection system may be installed, calibrated, operated, and maintained according to the "Fabric Filter Bag Leak Detection Guidance" (EPA-454/R-98-015, September 1997). This document is available from the U.S. Environmental Protection Agency (U.S. EPA), Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Measurement Policy Group (D-243-02), Research Triangle Park, NC 27711. This document is also available on the Technology Transfer Network (TTN) under Emissions Measurement Center Continuous Emissions Monitoring. Other types of bag leak detection systems shall be installed, operated, calibrated, and maintained in a manner consistent with the manufacturer's written specifications and recommendations.

B. The bag leak detection system shall be certified by the manufacturer to be capable of detecting PM emissions at concentrations of ten (10) milligrams per actual cubic meter (0.0044 grains per actual cubic foot) or less.

C. The bag leak detection system sensor shall provide an output of relative PM loadings.

D. The bag leak detection system shall be equipped with a device to continuously record the output signal from the sensor.

E. The bag leak detection system shall be equipped with an audible alarm system that will sound automatically when an increase in relative PM emissions over a preset level is detected. The alarm shall be located where it is easily heard by plant operating personnel.

F. For positive pressure fabric filter systems, a bag leak detector shall be installed in each baghouse compartment or cell.

G. For negative pressure or induced air fabric filters, the bag leak detector shall be installed downstream of the fabric filter.

H. Where multiple detectors are required, the system's instrumentation and alarm may be shared among detectors.

I. The baseline output shall be established by adjusting the range and the averaging period of the device and establishing the alarm set points and the alarm delay time according to section 5.0 of the "Fabric Filter Bag Leak Detection Guidance."

J. Following initial adjustment of the system, the sensitivity or range, averaging period, alarm set points, or alarm delay time may not be adjusted. In no case may the sensitivity be increased by more than one hundred percent (100%) or decreased more than fifty percent (50%) over a three-hundred-sixty-five (365)-day period unless such adjustment follows a complete fabric filter inspection that demonstrates that the fabric filter is in good operating condition. Each adjustment shall be recorded.

K. Record the results of each inspection, calibration, and validation check.

L. Initiate corrective action within one (1) hour of a bag leak detection system alarm; operate and maintain the fabric filter such that the alarm is not engaged for more than five percent (5%) of the total operating time in a six (6)-month block reporting period. If inspection of the fabric filter demonstrates that no corrective action is required, no alarm time is counted. If corrective action is required, each alarm is counted as a minimum of one (1) hour. If it takes longer than one (1) hour to initiate corrective action, the alarm time is counted as the actual amount of time taken to initiate corrective action.

12. Small HMIWI subject to the emissions limits under paragraph (3)(A)2. of this rule that is not equipped with an air pollution control device shall meet the following compliance and performance testing requirements:

A. Establish maximum charge rate and minimum secondary chamber temperature as site-specific operating parameters during the initial performance test to determine compliance with applicable emission limits;

B. Following the date on which the initial performance test is completed, ensure that the designated facility does not operate above the maximum charge rate or below the minimum secondary chamber temperature measured as three (3)-hour rolling averages (calculated as the average of the previous three (3) operating hours) at all times. Operating parameter limits do not apply during performance tests. Operation above the maximum charge rate or below the minimum secondary chamber temperature shall constitute a violation of the established operating parameter(s);

C. Except as provided in subparagraph (3)(E)12.D. of this rule, operation of the designated facility above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the PM, CO, and dioxin/furan emission limits; and

D. The owner or operator of a designated facility may conduct a repeat performance test within thirty (30) days of the violation of applicable operating parameter(s) to demonstrate that the designated facility is not in violation of the applicable emission limit(s). Repeat performance tests conducted pursuant to this paragraph must be conducted using the identical operating parameters that indicated a violation under subparagraph (3)(E)12.C. of this rule.

13. The owner or operator of a designated facility subject to this rule may use the results of previous emissions tests to demonstrate compliance with the emissions limits, provided that the following conditions are met:

A. The designated facility's previous emissions tests must have been conducted using the applicable procedures and test methods listed in subparagraphs (3)(E)2.A.-L. of this rule. Previous emissions test results obtained using EPA-accepted voluntary consensus standards are also acceptable;

B. The HMIWI at the designated facility shall currently be operated in a manner (e.g., with charge rate, secondary chamber temperature, etc.) that would be expected to result in the same or lower emissions than observed during the previous emissions test(s), and the HMIWI may not have been modified such that emissions would be expected to exceed (notwithstanding normal test-to-test variability) the results from previous emissions test(s); and

C. The previous emissions test(s) must have been conducted in 1996 or later.

*AUTHORITY: section 643.050, RSMo [2000] Supp. 2012. Original rule filed Dec. 1, 1998, effective July 30, 1999. Amended: Filed Oct. 13, 2000, effective July 30, 2001. Amended: Filed Nov. 26, 2010, effective Aug. 30, 2011. Amended: Filed July 30, 2013.*

*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 not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., October 31, 2013. The public hearing will be held at the Elm Street Conference Center, 1730 East Elm Street, Lower Level, Bennett Springs Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., November 7, 2013. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 30—Office of the Director  
Chapter 15—Format for Concealed Carry Permits**

**PROPOSED RULE**

**11 CSR 30-15.010 Format for Concealed Carry Permits**

*PURPOSE: This proposed rule sets out the required information that shall appear on a concealed carry permit. Pursuant to section 571.101.8, HCS for SB 75, First Regular Session, Ninety-seventh General Assembly 2013, beginning August 28, 2013 county sheriffs are responsible for issuing a concealed carry permit to qualifying applicants. This rule will ensure that there is a uniform format for each concealed carry permit issued by all county sheriffs.*

(1) For purposes of this section, the following terms mean:

(A) "Concealed carry permit," a permit issued by the sheriff or his or her designee that authorizes the permittee to carry a concealed firearm subject to the limitations set out in sections 571.101 to 571.121, RSMo; and

(B) "Provisional concealed carry permit," a temporary permit issued by the sheriff or his or her designee that authorizes the permittee, while the permittee's criminal background check is pending, to carry a concealed firearm subject to the limitations set out in sections 571.101 to 571.121, RSMo.

(2) When a sheriff or designee issues a concealed carry permit to a successful applicant, the permit shall include only the following information in the manner and location prescribed in form 1 included herein:

(A) Name;