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**Rules of**  
**Department of Economic**  
**Development**  
**Division 240—Public Service Commission**  
**Chapter 80—Steam Heating Utilities**

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**Title 4—DEPARTMENT OF  
ECONOMIC DEVELOPMENT  
Division 240—Public Service  
Commission  
Chapter 80—Steam Heating Utilities**

**4 CSR 240-80.010 Rate Schedules**

*PURPOSE: This rule prescribes the form and governs the filing and publication of rate schedules of steam heating utilities regulated by the Public Service Commission.*

(1) Every steam heating company engaged in manufacturing and distributing and selling, for distribution or distributing steam for motive power, heating, cooking or for any public use or service, is directed not later than October 15, 1913 to have on file with this commission, and keep open for public inspection, schedules showing all rates and charges in connection with such service of whatever nature made by such steam heating companies for each and every kind of service which it renders as were in force on April 15, 1913 together with proper supplements covering all changes in the rate schedules authorized by this commission, if any, since April 15, 1913.

(2) All rate schedules on file on October 15, 1913, with the commission, not in accordance with these rules, shall be issued in the form and manner prescribed by this rule and all rate schedules issued after October 15, 1913 must conform to this rule.

(3) Rate schedules shall be drawn up substantially in accordance with P.S.C. Form No. 16 and shall be plainly printed or typewritten on good quality of paper of size eight and one-half inches by eleven inches (8 1/2" × 11") in book, sheet or pamphlet form. A loose-leaf plan may be used so changes can be made by reprinting and inserting a single leaf. When the loose-leaf plan is used, all sheets, except the title page sheet, must show, in the marginal space at top of page, the name of the heating company, the P.S.C. number of the schedule and the number of the page. In the marginal space at the bottom of the sheet shall be shown the date of issue, effective date and the name, title and address of the officer by whom the schedule is issued. All schedules shall bear a number with the prefix P.S.C. Mo. \_\_\_\_\_. Schedules shall be numbered in consecutive serial order beginning with number 1 for each steam heating company. If a schedule or a part is canceled, a new schedule or part (sheet(s) if loose-leaf) will refer to the schedule canceled by its P.S.C. number; thus, P.S.C. Mo.

No. \_\_\_\_\_ canceling P.S.C. Mo.  
No. \_\_\_\_\_.

(4) Each schedule shall be accompanied by a letter of transmittal in duplicate if receipt is desired, in the following form:

**LETTER OF TRANSMITTAL**

(Name of steam heating company)  
(Date)

To the Public Service Commission, State of Missouri, Jefferson City:

The accompanying schedule issued by the \_\_\_\_\_ is sent to you for filing in compliance with the requirements of the Public Service Commission Law:

P.S.C. Mo. No. \_\_\_\_\_.

Sup. No. \_\_\_\_\_ to P.S.C. Mo. No. \_\_\_\_\_.

Effective \_\_\_\_\_, 19 \_\_\_\_\_.

(Signature and title of filing officer)

(5) Thirty (30) days' notice to the commission is required as to every publication relating to steam heating rates or service except where publications are made effective on less than statutory notice by permission, regulation or requirement of the commission.

(6) Except as is otherwise provided, no schedule or supplement will be accepted for filing unless it is delivered to the commission free from all charges or claims for postage, the full thirty (30) days required by law before the date upon which such schedule or supplement is stated to be effective. No consideration will be given to or for the time during which a schedule or supplement may be held by the post office authorities because of insufficient postage. When a schedule or a supplement is issued and as to which the commission is not given the statutory notice, it is as if it had not been issued and a full statutory notice must be given of any reissuance. No consideration will be given to telegraphic notices in computing the thirty (30) days' notice required. In such cases the schedule will be returned to the sender and correction of the neglect or omission cannot be made which takes into account any time elapsing between the date upon which such schedule or supplement was received and the date of the attempted correction. For rate schedules and supplements issued on short notice under special permission of the commission, literal compliance with the requirements for notice named in any order, regulation or permission granted by the commission will be exacted.

*AUTHORITY: section 393.290, RSMo 1986. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed May 29, 1986, effective Oct. 27, 1986.*

**4 CSR 240-80.017 HVAC Services Affiliate Transactions**

*PURPOSE: This rule prescribes the requirements for HVAC services affiliated entities and regulated heating companies participate in affiliated transactions with an HVAC affiliated entity as set forth in sections 386.754, 386.756, 386.760, 386.762 and 386.764, RSMo by the General Assembly of the State of Missouri.*

(1) Definitions.

(A) Affiliated entity means any entity not regulated by the Public Service Commission which is owned, controlled by or under common control with a utility and is engaged in HVAC services.

(B) Control (including the terms "controlling," "controlled by," and "common control") means the possession, directly or indirectly, of the power to direct, or to cause the direction of the management or policies of an entity, whether such power is exercised through one (1) or more intermediary entities, or alone, or in conjunction with, or pursuant to an agreement with, one (1) or more other entities, whether such power is exercised through a majority or minority ownership or voting of securities, common directors, officers or stockholders, voting trusts, holding trusts, affiliated entities, contract or any other direct or indirect means. The commission shall presume that the beneficial ownership of more than ten percent (10%) of voting securities or partnership interest of an entity confers control for purposes of this rule. This provision, however, shall not be construed to prohibit a regulated heating company from rebutting the presumption that its ownership interest in an entity confers control.

(C) Fully distributed cost means a methodology that examines all costs of an enterprise in relation to all the goods and services that are produced. Fully distributed cost requires recognition of all costs incurred directly or indirectly used to produce a good or service. Costs are assigned either through a direct or allocated approach. Costs that cannot be directly assigned or indirectly allocated (e.g. general and administrative) must also be included in the fully distributed cost calculation through a general allocation.

(D) HVAC services means the warranty,

sale, lease, rental, installation, construction, modernization, retrofit, maintenance or repair of heating, ventilating and air conditioning (HVAC) equipment.

(E) Heating company means a heating company as defined in section 386.020, RSMo, subject to commission regulation pursuant to Chapter 393, RSMo.

(F) Utility contractor means a person, including an individual, corporation, firm, incorporated or unincorporated association or other business or legal entity, that contracts, whether in writing or not in writing, with a regulated heating company to engage in or assist any entity in engaging in HVAC services, but does not include employees of a regulated heating company.

(2) A regulated heating company may not engage in HVAC services, except by an affiliated entity, or as provided in section (8) or (9) of this rule.

(3) No affiliated entity or utility contractor may use any vehicles, service tools, instruments, employees, or any other regulated heating company assets, the cost of which are recoverable in the regulated rates for regulated heating company service, to engage in HVAC services unless the regulated heating company is compensated for the use of such assets at the fully distributed cost to the regulated heating company.

(A) The determination of a regulated heating company's cost in this section is defined in subsection (1)(D) of this rule.

(4) A regulated heating company may not use or allow any affiliated entity or utility contractor to use the name of such regulated heating company to engage in HVAC services unless the regulated heating company, affiliated entity or utility contractor discloses, in plain view and in bold type on the same page as the name is used on all advertisements or in plain audible language during all solicitations of such services, a disclaimer that states the services provided are not regulated by the commission.

(5) A regulated heating company may not engage in or assist any affiliated entity or utility contractor in engaging in HVAC services in a manner which subsidizes the activities of such regulated heating company, affiliated entity or utility contractor to the extent of changing the rates or charges for the regulated heating company's services above or below the rates or charges that would be in effect if the regulated heating company were not engaged in or assisting any affiliated entity or utility contractor in engaging in such activities.

(6) Any affiliated entities or utility contractors engaged in HVAC services shall maintain accounts, books and records separate and distinct from the regulated heating company.

(7) The provisions of this rule shall apply to any affiliated entity or utility contractor engaged in HVAC services that is owned, controlled or under common control with a regulated heating company providing regulated services in the state of Missouri or any other state.

(8) A regulated heating company engaging in HVAC services in the state of Missouri five (5) years prior to August 28, 1998, may continue providing, to existing as well as new customers, the same type of services as those provided by the regulated heating company five (5) years prior to August 28, 1998.

(A) To qualify for this exemption, the regulated heating company shall file a pleading before the commission for approval.

1. The commission may establish a case to determine if the regulated heating company qualifies for an exemption under this rule.

(9) The provisions of this section shall not be construed to prohibit a regulated heating company from providing emergency service, providing any service required by law or providing a program pursuant to an existing tariff, rule or order of the commission.

*AUTHORITY: sections 386.760.1, RSMo Supp. 1998 and 393.140, RSMo 1994.\* Original rule filed Dec. 17, 1998, effective Aug. 30, 1999.*

*\*Original authority: 386.760.1, RSMo 1998 and 393.140, RSMo 1939, amended 1949, 1967.*

**4 CSR 240-80.020 Uniform System of Accounts—Heating Companies**

*PURPOSE: This rule prescribes a uniform system of accounts for all steam heating companies regulated by the Public Service Commission.*

*Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the rule has been filed with the secretary of state and is summarized here by the agency adopting it. The entire text of the rule may be found at the headquarters of the agency and is available to any interested person at a cost not more than the actual cost of reproduction.*

(1) The uniform system of accounts for steam heating companies with the text pertaining

thereto, embodied in printed form, prescribed for the use of heating companies engaged in manufacturing and distributing and selling, for distribution or distributing hot or cold water, steam or currents of hot or cold air for motive power, heating, cooking or for any public use or service, in any city, town or village in the state of Missouri and every heating company within the state not engaged in operation. Each heating company shall be required to keep all accounts in conformity therewith.

(2) The uniform system of accounts for heating companies is arranged so that it contains only the necessary accounts which those utilities must keep. It consists of—balance sheet accounts; fixed asset accounts; operating revenue accounts; operating expense accounts; and instructions pertaining to deductions from gross income.

(3) For the purposes of improving the efficiency of administration and operation, any heating company, unless otherwise ordered, may keep upon its books any temporary or experimental accounts and any accounts covering particular divisions of its operations, provided that in respect of each such temporary, experimental or divisional account the heating company shall file with the Public Service Commission, at least ten (10) days in advance of the time when the account is to be instituted, a statement showing the name of the account, the date when it is to be instituted, the purpose for which it is to be kept, the period of time during which it is to be kept and a clear and accurate definition of the classes of items and facts to be contained in the account and in case of a divisional account, the definition of the division covered. Upon compliance with the provisions of this section, any account herein prescribed or defined may be subdivided.

(4) All notices required to be filed with the commission concerning accounts shall be upon sheets eight and one-half inches by eleven inches (8 1/2" × 11") in size and shall be entitled with the name of the heating company filing notices, followed by a brief statement of the character of the accounts covered by the notice.

(5) The uniform system of accounts for heating companies shall become effective on January 1, 1915.

(6) Each heating company shall have and keep an office in this state, in which all accounts, records, memoranda, books and papers carried in pursuance of any requirements of law shall be kept. No such accounts,

records, memoranda, books or papers shall at any time be removed from this state, except upon such conditions as may be prescribed by the commission.

(7) Annual reports for all heating companies subject to regulations by this commission shall be filed with the commission on or before April 15 following the year for which the report is made.

*AUTHORITY: section 393.140(4), RSMo 1986. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed April 26, 1976, effective Sept. 11, 1976.*