



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 949		DATE: 3/5/2025
COMMITTEE: Utilities		
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES		
WITNESS NAME		
REGISTERED LOBBYIST:		
WITNESS NAME: DAVID WINTON		PHONE NUMBER:
REPRESENTING: LIBERTY UTILITIES; SUMMIT UTILITIES		TITLE:
ADDRESS: PO BOX 1805		
CITY: JEFFERSON CITY		STATE: MO
		ZIP: 65102
EMAIL: david@wintonpolicygroup.com	ATTENDANCE: In-Person	SUBMIT DATE: 3/5/2025 8:41 AM
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WITNESS NAME		
REGISTERED LOBBYIST:		
WITNESS NAME: JARED HANKINSON		PHONE NUMBER:
REPRESENTING: MO CHAMBER OF COMMERCE		TITLE:
ADDRESS: 428 EAST CAPITOL AVENUE		
CITY: JEFFERSON CITY		STATE: MO
		ZIP: 65201
EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/5/2025 12:00 AM
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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: LARRY PLEUS		PHONE NUMBER: 573-821-2939	
REPRESENTING: SPIRE MO		TITLE:	
ADDRESS: 101 MADISON STREET			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65101
EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/5/2025 12:00 AM	
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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: MARK ELL		PHONE NUMBER: 636-734-7382	
REPRESENTING: GAS WORKERS LOCAL 11-6		TITLE: BUSINESS REP	
ADDRESS: 1600 OLIVE STREET			
CITY: UNIVERSITY CITY		STATE: MO	ZIP: 63130
EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/5/2025 12:00 AM	
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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: MATTHEW SMITH		PHONE NUMBER: 417-988-2257	
REPRESENTING: ASSOCIATED INDUSTRIES OF MISSOURI		TITLE: VP OF GOVERNMENT AFFAIRS	
ADDRESS: 3234 W TRUMAN BLVD			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65109
EMAIL: msmith@aimo.com	ATTENDANCE: Written	SUBMIT DATE: 3/5/2025 9:49 AM	
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ADDRESS: 4234 W TRUMAN BLVD			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65109
EMAIL: msmith@aimo.com	ATTENDANCE: In-Person	SUBMIT DATE: 3/5/2025 9:01 AM	
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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: RICH SVINDLAND		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME: AMERICAN WATER		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/5/2025 12:00 AM	
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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: WARREN WOOD		PHONE NUMBER: 573-681-7126	
REPRESENTING: AMEREN MISSOURI		TITLE: VP, LEGISLATIVE & REGULATORY	
ADDRESS: 101 MADISON STREET			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65101
EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/5/2025 12:00 AM	
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: ARNIE C. "HONEST-ABE" DIENOFF-STATE PUBLIC ADVOCATE		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: arniedienoff@yahoo.com	ATTENDANCE: In-Person		SUBMIT DATE: 3/5/2025 10:58 PM

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I am Opposed to this Bill. This Bill is very bad in costing Missourians Billions, with Rate Increases, all while Utility Companies make out like bandits. Defeat this terrible Bill!



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: GRETCHEN WADDELL BARWICK		PHONE NUMBER: 314-644-1011	
REPRESENTING: SIERRA CLUB		TITLE:	
ADDRESS: PO BOX 432010			
CITY: ST. LOUIS		STATE: MO	ZIP: 63143
EMAIL: gretchen.waddellbarwick@sierraclub.org	ATTENDANCE: In-Person	SUBMIT DATE: 3/5/2025 8:01 AM	

THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.

My name is Gretchen Waddell Barwick and I am the chapter director of the Missouri Sierra Club. I submit this testimony on behalf of the over 11,000 Sierra Club members throughout Missouri. The Sierra Club opposes HB 949 and the future test year practice. Our regulated utilities are monopoly corporations, so it is necessary to regulate them more closely than competitive enterprises. The PSC has always based ratemaking on a "historic test year," a 12-month period ending shortly before the start of a rate case so that the PSC will be informed by real data. Late in the rate case there is a "true-up" to bring the data as up-to-date as possible before new rates are set. These bills would enact a "future test year" if desired by a gas, water or sewer utility. The PSC would be relying not on hard data but on the utility's projection of what its costs will be. The utility would be using its crystal ball to peer into the unknown, but the perception of the unknown would of course be biased in the utility's favor. The future test year will complicate the Commission's job and will necessitate extensive training and probably new hiring of staff to evaluate the sources, methods and assumptions used by the utilities in projecting their future. This is particularly difficult in rate cases which take place over a short period of time. We can be sure the utilities will inflate their needs and costs. In other states, commissions have found FTY projections to be "speculative, inconclusive, and biased." In a reversal of past practice, the new rates would go into real effect at the beginning of the "test" year, without a proper test. There would still be a true-up, but only after the end of the year in which the rates will have already been in effect. If the utility had over-earned it would have to refund the excess to ratepayers, but that would be cold comfort to hard-pressed customers who had been paying more than they should have, or being disconnected for inability to pay. This policy would also introduce unnecessary risk and costs to ratepayers forcing them to put more funds in their utility's coffers without the benefit of actual evidence of need. At a time when Missourians are struggling to meet their basic needs, this can literally be a death sentence. No doubt the utilities see the future test year as redressing "regulatory lag," the gap between the setting of rates in one rate case and the effective date of new rates after the next rate case. Presently this is done by the true-up near the end of the rate case, but even with a future test year there would still be lag for the duration of the rate case and for any changes in conditions while the old rates are still in effect. Some lag is inevitable. The future test year would introduce more uncertainty than it is worth. The National Regulatory Research Institute surveyed states with Future Test Year provisions. While some states have had success, many found the practice to promote the interests of utilities over the public. They created a series of recommendations that include creating specific rules for when FTY should be used and ensuring the consumers have adequate opportunities to share information to avoid preferential treatment for utilities. I urge the committee to consider amendments that would protect the interests of ratepayers who are already struggling to pay their bills.

link: <https://efis.psc.mo.gov/Document/Display/792448>



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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: JANET ZAIDENBERG-SCHRUM		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:	STATE:	ZIP:
EMAIL: drgnldy56@charter.net	ATTENDANCE: Written	SUBMIT DATE: 3/4/2025 9:27 PM

THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.

My name is Janet Zaidenberg-Schrum, and I am a resident of the City of St. Louis. I am a retired CPA and spent 21-plus years of my 23-year career working for investor-owned electric and gas utilities in Illinois (Illinois Power Company) and Arizona (UniSource, parent company of Tucson Electric Power and UniSource Energy Services - electric and natural gas services). My experience includes FERC and SEC reporting, nuclear fuel and natural gas accounting, income tax accounting and compliance, accounting research and 10 years in the UniSource/Tucson Electric Power Rate Department working on rate issues and rate cases for three separate electric and gas utility companies. I worked on more than seven litigated rate cases for these three electric and gas utilities under the UniSource parent company. My primary responsibility for those rate cases focused on the following: 1) Preparation of the model for the revenue requirement and rate base (income statement and balance sheet), and preparation and review of adjustments to the income statement and balance sheet for ratemaking purposes; 2) Coordination of required filing schedules; 3) Preparation and review of written direct, rebuttal and surrebuttal testimony; 4) Managing, preparing and reviewing interrogatories for the discovery process; and 5) Preparation of new tariff documents and testing new rates in the Customer Information System for billing prior to the effective dates. All the rate cases that I worked on utilized an historical test year. However, schedules required by the state included detailed forecasts prepared by several other departments. Regarding the option for utilities to choose a future test year, I would like to express my opinion about the use of a future test year (commonly referred to as a forecasted test year in the industry). I do not believe the use of a future test year is in the best interest of utility customers. First, forecasted data for a future test year is by nature more subjective than the use of an historical test year with ratemaking adjustments. Also, the use of an historical test year with ratemaking adjustments already includes adjustments for certain expected expenses. And other rules already apply to the inclusion of plant investments that are in process (Construction Work in Process or "CWIP"). Second, although HB 949, Section 393.150 provides for a reconciliation of the actual rate base and certain listed expenses in the revenue requirement at the end of the future test year with any amounts over the future test year rate base and revenue requirement to be recorded as a regulatory liability and returned to customers, the return of such over-charges in approved rates will not occur until the next general rate proceeding. The return of such over-charges to customers may not occur for at least several years or more since rate cases are generally not planned at regular or predictable intervals. And even though such funds are to accrue carrying costs using the utility's weighted average cost of capital, customers are put at a distinct disadvantage with not having the use of their own funds as they choose for an unknown period of time between general rate proceedings. Third, because of the reconciliation of rate base and certain expenses of the revenue requirement at the end of the future test year to actual results at the end of the future test year, utility expenses for tracking and accounting will increase. If there are charges to be returned to customers, this will add to the

increased costs of tracking and accounting, as well as adding another layer of complexity to rate design when the return of such amounts to customers occurs. This seems to be at cross-purposes to maintaining or reducing utility expenses. Fourth, an historical test year includes some adjustments to the income statement and balance sheet for ratemaking that do take into account known expenses that will occur beyond the historical year. Thus, the need for a forecasted test year is not warranted. Examples are executed contracts, salary and benefit changes, union contracts, enacted changes in income tax laws, and federal and state laws impacting the utility industry for environmental issues. Thank you for the opportunity to present my feedback on HB 949, Section 393.150.



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: JAY HARDENBROOK		PHONE NUMBER:	
REPRESENTING: AARP		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE:		SUBMIT DATE: 3/5/2025 12:00 AM
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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: JEANETTE MOTT OXFORD		PHONE NUMBER: 314-775-3261	
BUSINESS/ORGANIZATION NAME: CONSUMERS COUNCIL OF MISSOURI		TITLE: PRESIDENT OF THE BOARD OF DIRECTORS	
ADDRESS: 2910 LEMP AVENUE			
CITY: ST. LOUIS		STATE: MO	ZIP: 63118
EMAIL: jmo.mott.oxford@gmail.com	ATTENDANCE: In-Person	SUBMIT DATE: 3/4/2025 8:24 PM	

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To: Rep. Bob Bromley, Chair, and MembersHouse Utilities CommitteeFrom: Jeanette Mott Oxford, Board President Consumers Council of MissouriRe: Our opposition to HB 949Currently, utility rates are set after an audit and contested hearing at the Missouri PSC. Using a historical twelve-month test year, allows for accountability and verification of the costs incurred by regulated utilities.The alternative proposed by this legislation would allow an anti-consumer approach called a “future test year.” This is only used by a small minority of states. Setting rates involving a future test year (FTY), would have rates projected forward and be based upon utility estimates (guesses) about what they might spend in the future. The proposed reconciliation process actually creates the perverse incentive for a utility to spend up the amount included in a FTY rate allowance.Under the current historical test year law, utilities have a financial incentive to cut costs. States with a FTY (such as California) tend to have higher utility rates.Our estimation is that FTY would cost Missouri consumers an additional \$75.56 per year for the typical water customer and an additional \$ 276.00 for the typical natural gas customer. We ask that you safeguard your constituents by not passing this legislation. See additional testimony submitted by a retired CPA named Janet Zaidenberg-Schrum. She worked more than 21 years for investor-owned electric and gas utilities in Illinois and Arizona and states that FTY is not in the best interest of utility customers. Consumers Council of Missouri, founded in 1971, educates consumers statewide and advocates for their collective interests through leadership and partnerships on issues such as utility rates, health care access, personal finance, and others as they arise.



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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: MELISSA VATTEROTT		PHONE NUMBER: 314-581-0561	
BUSINESS/ORGANIZATION NAME: MISSOURI COALITION FOR THE ENVIRONMENT		TITLE: DIRECTOR OF POLICY AND STRATEGY	
ADDRESS: 725 KINGSLAND AVE SUITE 100			
CITY: UNIVERSITY CITY		STATE: MO	ZIP: 63130
EMAIL: mvatterott@moenvironment.org	ATTENDANCE: Written	SUBMIT DATE: 3/5/2025 10:57 AM	

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Dear Chairman Bromley and Members of the Committee, Missouri Coalition for the Environment is a statewide, advocacy nonprofit organization that works to empower Missourians to protect their environment and health. House Bill 949 introduces significant changes to utility rate-setting procedures that could potentially harm consumer interests and create unwarranted financial risks. The bill's most critical provision allows gas, water, and sewer corporations to request a "future test year" for rate-setting purposes. Under Section 3, corporations can base their rates on projected financials for the first twelve months after a rate change, rather than using historical data. This approach introduces substantial uncertainty into utility pricing. Using a future test year to set prices for consumers means that utilities can inflate projected costs, potentially building in unnecessary rate increases based on hypothetical future expenses rather than actual historical data. This means consumers might pay for anticipated costs that are higher than those they would have otherwise paid. These mechanisms fundamentally shift utility rate-setting from a retrospective, evidence-based approach to a speculative, forward-looking model that prioritizes corporate financial planning over consumer protection. I urge you to vote "NO" on HB 949 and maintain current, more transparent rate-setting procedures that better protect consumer interests.



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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: RICH GERMINDER		PHONE NUMBER: 573-751-8452	
BUSINESS/ORGANIZATION NAME: MO PUBLIC SERVICE COMMISSION		TITLE: SENIOR POLICY ADVISOR	
ADDRESS: 200 MADISON STREET			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65102
EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/5/2025 12:00 AM	
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