

respond to Staff's Recommendation. Because the tariff sheet implementing the EEIC Rider is effective January 27, 2015, OPC further asks the Commission to suspend the tariff.³

At the Commission's direction, OPC filed another pleading on January 5, 2015. OPC stated that Commission Rule 4 CSR 240-20.093(13) and Section 393.150 RSMo allow the Commission to suspend the tariff. OPC asks for a 60 day suspension of the tariff. As directed by the Commission, Ameren Missouri and Staff responded on January 9, 2015.

Ameren Missouri states that Commission Rule 4 CSR 240-20.093(4)(D) requires parties to notify the utility within ten days of the EEIC Rider filing if they believe the filing does not comply with the applicable rules. Thus, since Ameren Missouri filed its EEIC Rider on November 21, 2014, OPC's response was due by December 1, 2014. Ameren Missouri states that OPC has failed to explain why it did not meet that deadline, and has even failed to acknowledge the deadline exists.

Further, Ameren Missouri argues that Commission Rule 4 CSR 240-20.093(4) contains two options for the Commission: it must approve the tariff within 60 days, or reject it and order the utility to file a tariff that implement its decision. In addition, Ameren Missouri states that OPC's reliance on Section 393.150 RSMo as authority to suspend the tariff is misplaced. That statute is for permanent rate increases, Ameren Missouri explains, that often require evidentiary hearings. But the EEIC Rider is only an interim rate increase, subject to true-up and prudence reviews. Therefore, the EEIC Rider tariff does not need the extensive review that is required for a general rate increase.

Staff also responded on January 9, 2015. Staff concurs with Ameren Missouri that the pertinent rule required OPC to respond to Ameren Missouri's EEIC Rider within ten

³ OPC's request did not indicate how long it would like the Commission to suspend the tariff.

days of its filing. And, as a practical matter, Staff points out that OPC has had just as much time as Staff had before Staff filed its required recommendation.

Staff goes on to state that Commission Rule 4 CSR 240-20.093(4) does allow the Commission to suspend the tariff, but only in a limited circumstance that does not apply here. Specifically, Staff says that the Commission may suspend the tariff if a party has notified the utility of a deficiency in its EEIC Rider within the ten days allowed by the rule, which would then force that party to ask the Commission to compel the utility to produce the information. Staff states that OPC did not argue that Ameren Missouri failed to respond to OPC's allegation that the filing was deficient; therefore, the limited circumstance is inapplicable, and the Commission cannot suspend the tariff unless it waives its own rules.

Finally, Staff asserts that OPC's request for a tariff suspension out of an abundance of caution, in case a hearing is needed, does not rise to the level of good cause to waive the 60-day requirement in the tariff. Staff points out that DSIM programs are essential to energy management and thus it is important to encourage utilities to participate in such programs by allowing for quick and efficient cost recovery mechanisms. To allow Public Counsel to delay the process would entirely undermine the important public policy reasons behind the rule, especially when the reason behind such delay is to obtain and review information that could have and should have been obtained at the outset of this proceeding.

After review of the pleadings, the Commission finds that the applicable rules require the Commission to approve or reject the EEIC Rider unless the Commission finds good cause to waive its rules.⁴ The Commission does not find good cause to waive its rules. Thus, based on the Direct Testimony of William R. Davis, submitted by Ameren along with

⁴ Commission Rule 4 CSR 240-20.093(13).

its application, as well as the recommendation of Staff, the Commission will approve Ameren's EEIC Rider.

THE COMMISSION ORDERS THAT:

1. Union Electric Company d/b/a Ameren Missouri's Energy Efficiency Investment Charge Rider is approved.

2. The following tariff sheet in Tariff Nos. YE-2015-0210, issued November 21, 2014, is hereby approved to become effective on January 27, 2015:

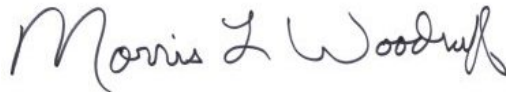
P.S.C. MO. No. 6

1st Revised Sheet No. 90.5, Cancelling Original Sheet No. 90.5

3. This order shall become effective on January 27, 2015.

4. This file shall be closed on January 28, 2015.

BY THE COMMISSION



Morris L. Woodruff
Secretary



R. Kenney, Chm., Stoll, W. Kenney,
Hall, and Rupp, CC., concur.

Pridgin, Deputy Chief Regulatory Law Judge