

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

In the Matter of Union Electric Company     )  
d/b/a Ameren Missouri's Tariffs to Adjust     )  
Its Revenues for Electric Service             )

Case No. ER-2022-0337

**PUBLIC COUNSEL’S RESPONSE TO AMEREN MISSOURI’S MOTION SEEKING  
TARIFF SHEET APPROVAL ON LESS THAN 30 DAYS’ NOTICE**

COMES NOW the Office of Public Counsel and, without opposing Ameren Missouri’s request that its tariff sheets filed on June 19, 2023, become effective on July 1, 2023, responds to Ameren Missouri’s first stated basis for why the Commission should approve those tariff sheets. That basis is “July 1, 2023, is the end of the statutory suspension period, a/k/a, the operation of law date, the date by which the legislative process for changing rates in Missouri contemplates that new rates set in a rate case will take effect.”

Ameren Missouri initiated this general rate case by the statutory “file and suspend” method. §§ [393.140\(11\)](#) & [393.150](#), RSMo, [State ex rel. Jackson Cty. v. Pub. Serv. Com., 532 S.W.2d 20 \(Mo. 1975\)](#). That method required Ameren Missouri to file tariff sheets that bore effective dates at least thirty days after notice to the Commission<sup>1</sup> and allowed the Commission to suspend their effective date for 120 days plus an additional six months for purposes of reviewing them<sup>2</sup>—a maximum of about eleven months.

Ameren Missouri filed proposed tariff sheets on August 1, 2022, to be effective September 3, 2022. The Commission suspended their effective date for an additional 120 days plus six months until July 1, 2023. The Commission correctly observed on the second page of its August 10, 2022, *Order Suspending Tariff, Giving Notice of Contested Case Status, Delegating Authority, and*

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<sup>1</sup> § 393.140(11), RSMo.

<sup>2</sup> § 393.150, RSMo.

*Scheduling an Evidentiary Hearing*, “Suspension of the tariff may occur only pending a “full” hearing and decision on the tariff’s propriety.<sup>3</sup>” The purpose of the file-and-suspend method is to allow the Commission time to take evidence, hear argument, and decide the propriety of proposed new rates before they take effect, not, as Ameren Missouri states, to have new rates in effect by the end of the suspension period.

The Commission was required to determine the propriety of Ameren Missouri’s proposed new rates before the July 1, 2023, end of the suspension period. It did so with its June 14, 2023, *Report and Order* that it made effective June 24, 2023. In that report and order the Commission expressly rejected Ameren Missouri’s proposed August 1, 2022, tariff sheets, (ordered paragraph 3), and authorized Ameren Missouri to file new tariff sheets “sufficient to recover revenues approved in compliance with this order and the approved Stipulation and Agreement” (ordered paragraph 4). In other words, the Commission determined that the rates in Ameren Missouri’s suspended tariff sheets were not just and reasonable, rejected them, and authorized Ameren Missouri to file new tariff sheets consistent with what the Commission determined would be just and reasonable rates.

Respectfully,

/s/ Nathan Williams

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<sup>3</sup> Section 393.150.1, RSMo.

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 21<sup>st</sup> day of June 2023.

/s/ Nathan Williams