

4. Ameren Missouri appreciates the efforts that the Commission and Missouri Public Service Commission Staff ("Staff") have taken to consolidate and streamline the existing regulations. In these comments, Ameren Missouri will provide guidance to further reflect current practices and needs in subject regulations. Accordingly, the remainder of this pleading is organized as follows:

- 4 CSR 240 Chapter 2 – Practice and Procedure
- 4 CSR 240 Chapter 3 – Filing and Reporting Requirements
- 4 CSR 240 Chapter 10 - Utilities
- 4 CSR 240 Chapter 13 – Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities

4 CSR 240 Chapter 2 – Practice and Procedure

5. Ameren Missouri has no further comment on 4 CSR 240-2.120 and 2.205 at this time. However, it does have input regarding the other Chapter 2 modifications, as indicated below.

6. 4 CSR 240-2.010 Definitions. Ameren Missouri concurs that this definition is in need of update because of changes to the organization of the Staff Counsel's Office. The Company questions, however, whether too much has been removed from the definition. Clarity regarding how the Staff Counsel receives direction within the agency is still valuable and promotes governmental transparency. Accordingly, the Company suggests the following revision to the existing regulation:

(21) Staff counsel means any attorney employed to represent the commission staff in proceedings before the commission. ~~For administrative purposes only, the staff counsel's office is considered part of the general counsel's office, and the chief staff counsel reports to the general counsel. However, the~~ The staff counsel's

office performs its advocacy functions independently, ~~under the direction of the chief staff counsel of the office of the commission as defined by 4 CSR 240-4.015(10), and in consultation with the executive director and the directors of the operations and utility services divisions commission staff division.~~

7. 4 CSR 240-2.070 Complaints. Revisions have been proposed to two sections of this regulation: (8) and (15)(D). The Company has additional suggestions to both.

With regard to (8), the Company believes that a more efficient method of service may be possible than what is proposed in the rule revision. Complaints are typically uploaded to the Commission's Electronic Filing and Information System ("EFIS") the same day they are filed. However, the Company is often unaware that these complaints are posted until it receives the hard-copy mailing of the complaint. Rather than increase the options for hard-copy service of the complaint, the Company suggests that, for regulated utility respondents, an EFIS notification or email service would be a sufficient, as well as a more expedient, form of service, and more in line with Commission practice in other matters. Knowing that not all respondents to a complaint may have an email on record, should a complaint be made against an individual, the Company suggests leaving the other language included as an alternative method of service rather than a primary method.

Accordingly, Ameren Missouri suggests the following revisions to the existing (8):

(8) Upon the filing of a complaint in compliance with these rules, the secretary of the commission shall serve ~~by certified mail, postage prepaid,~~ a copy of the complaint upon the person, corporation, or public utility against whom the complaint has been filed, which shall be accompanied by a notice that the matter complained of be satisfied or that the complaint be answered by the respondent, unless otherwise ordered, within thirty (30) days of the notice. Service on a public utility respondent with a service email address on record with the commission may be made by email to such address. Service on any respondent without a service email address on record with the commission shall be made by the

secretary of the commission by certified mail, postage prepaid. Additionally, the complainant may accomplish service of a complaint upon a public utility respondent by email to the respondent's service email address on record with the commission, or upon a respondent without a service email address on record with the commission by any method authorized by Supreme Court Rule 54, having first obtained authorization from the commission for use of a special process server. Any person eligible to serve process under Supreme Court Rule 54 may be nominated as a special process server. A return of service shall be promptly filed with the commission as in the circuit courts of this state.

The proposed revision to (15)(D) of this regulation, which addresses procedures for small formal complaint cases, removes the following language: *Staff shall not advocate a position beyond reporting the results of its investigation. If staff believes it should advocate a position, it may file a motion to change the status of the complaint under subsection (B) of this section.* The Company does not believe that this provision should be deleted. While Ameren Missouri appreciates the thoroughness of complaint investigations, it believes that the default Staff position as a neutral party in these proceedings is important. The Office of the Public Counsel ("OPC"), which also receives notice of complaints, is free to intervene and perform an advocacy role in complaints as needed. If the OPC does not have the resources to intervene and perform this role in a case, and Staff feels that such a role is important, it may follow the existing procedures to change the complaint status as provided in the existing rule. The Company appreciates the transparency of the Staff position on complaints that such a motion to change the status of the complaint provides, and requests that this level of transparency be sustained.

4 CSR 240 Chapter 3 – Filing and Reporting Requirements

8. Ameren Missouri has no further comment on 4 CSR 240-3.010, 3.015, 3.020, 3.025, 3.180, and 3.250 at this time. However, it does have input regarding the proposed 4 CSR 240-3.030 modifications, as indicated below.

9. 4 CSR 240-3.030 Minimum Filing Requirements for Utility Company General Rate Increase Requests. Ameren Missouri appreciates the efforts to update the regulations to better reflect current practice before the Commission. In furtherance of this goal, sections (1) and (3) of this regulation have been published with proposed revisions. The Company suggests that additional revisions to section (3) could be incorporated to more accurately reflect current practice. Specifically, section (3) as proposed in the revision still anticipates the filing of hard copies of tariffs with the Commission. However, tariff submissions are now accomplished through the Commission's EFIS. Accordingly, the Company suggests the following revisions to the existing 4 CSR 240-3.030(3):

(3) At the time a tariff(s) is filed by any company or utility subject to this rule which contains a general rate increase request, ~~an original and fourteen (14) copies of~~ the following information shall be filed ~~with the secretary of the commission and two (2) copies shall be provided~~ through the commission's Electronic Filing and Information System, and a copy will be emailed to the Office of the Public Counsel:...

4 CSR 240 Chapter 10 - Utilities

10. Ameren Missouri has no further comment on 4 CSR 240-10.020 and 10.040 at this time.

4 CSR 240 Chapter 13 – Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities

11. Ameren Missouri has no further comment on the proposed revisions to 4 CSR 240-13.010, 13.020, 3.025, 13.050, and 13.070. The Company does have some comment, and additional suggestions, for certain provisions in Chapter 13, as described below.

12. 4 CSR 240-13.015 Definitions. This regulation contains proposed revisions to sections (1)(A) and (1)(G). Ameren Missouri has comments regarding proposed revisions to both sections.

With regard to (1)(A), the Company does not necessarily object to the change in phrasing from "applied to receive residential service" to "requested utility service but has not yet received service at the requested location." However, since many utilities – including Ameren Missouri – have requirements in the tariffs that necessitate the provision of certain information from the applicant to the company, the Company suggests additional clarification to this section may be necessary to make sure customers are aware a simple request is not all that may be required. For example, Ameren Missouri's tariffs require information such as the location of the premises, the quantity and characteristics of service, the potential for a rate selection, customer identification, etc. Accordingly, the Company suggests the following revisions to the existing regulation may be appropriate:

- (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~~ requested service and provided such information as is required under the utility's tariffs but has not yet received service at the requested location;

With regard to (1)(G), Ameren Missouri is concerned whether the revisions as currently proposed may inadvertently prevent a utility from recovering unpaid bills for

service used from those who benefit from the receipt of utility services. The proposed revision to (G) provides that in order to fall under the definition of "customer," the person or legal entity "is presently or has previously received service from the utility *and* accepted responsibility for payment for service..." [Emphasis added.] Replacing the word "and" with the word "or" would resolve this issue. However, the definition as it currently stands appears to conflict with other provisions contained in the rules regarding denial of service (4 CSR 240-13.035) and discontinuance of service (4 CSR 240-13.050) which only hinge on the "substantial benefit and use of the service," and does not address acceptance of responsibility for payment. Accordingly, Ameren Missouri proposes that the existing rule be retained with its current wording and no revisions to this definition be adopted.

13. 4 CSR 240-13.030 Deposits and Guarantees of Payment. Similar to the preceding comment regarding the definition of customer, Ameren Missouri suggests that a proposed revision appears in this regulation that may benefit from the use of the word "or" rather than the word "and." Specifically, part of the proposed revision to (3) suggests that the rule should read, "If the customer is unable to pay the entire deposit assessed under the provisions of subsection (2)(A) or (C) of this rule during the months of November, December, and January, the deposit for gas *and* electric service may be paid by installments over a six (6)-month period." [Emphasis added.] The use of the word "and" could imply that this installment plan is only available to customers who receive both gas *and* electric service from the same provider, or that two separate utility service providers should somehow coordinate the payment of deposits between them. Ameren Missouri does not believe this was the intent of the revision. The Company also acknowledges that the simple revision from "and" to "or" may not provide the clarification needed, since then the section

could be read to allow the installment payments for only electric or gas service, but not both. Additionally, as currently phrased, a deposit assessed during the months of November, December, and January are subject to installment payments; however, the rephrasing could imply that customers who have been assessed a deposit at any time could pay in installments if they were not able to pay the deposit in full during November, December and January. Finally, the Company believes additional clarity to the rule is necessary to avoid confusion with the Cold Weather Rule's provisions regarding deposits when a payment agreement is involved. To make sure this section is absolutely clear as to the intent, the Company suggests the following revisions to the existing section:

- (3) Unless prohibited by 4 CSR 240-13.055(8), Deposits for a customer who is unable to pay the entire deposit for gas and/or electric service assessed under the provisions of subsection (2)(A) or (C) of this rule during the months of November, December, and January, may be paid, if the customer is unable to pay the entire deposit, pay the deposit by installments over a six (6)-month period.

14. 4 CSR 240-13.055 Cold Weather Maintenance of Service: Provision of Residential Heat-Related Utility Service During Cold Weather. Ameren Missouri appreciates the consolidation of the reporting requirements, formerly contained in two separate but nearly identical provisions in Chapter 3, into the Cold Weather rule in Chapter 13. Additionally, the Company favors the simplification of the submission of these reports as non-case filings, because making such filings through EFIS increase the traceability of these filings. The Company has one more suggested simplification of the regulation. Specifically, the Company suggests that the references to 4 CSR 240-13.055, which were previously included in the reporting requirements of 4 CSR 240-3.185 and 3.250, are unnecessary in the new regulation and can be changed to the simple phrase, "this regulation."

WHEREFORE, for the foregoing reasons, the undersigned respectfully requests that the Commission accept these comments for consideration in determining the next steps regarding the proposed rule revisions.

Respectfully submitted,

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d/b/a AMEREN MISSOURI

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been emailed to the parties of record on this 18th day of January, 2019:

/s/ Paula N. Johnson

Paula N. Johnson