

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 14<sup>th</sup> day of  
February 2008.

In the Matter of Union Electric Company d/b/a	)	
AmerenUE's Tariff Establishing an Industrial	)	<b><u>Case No. ET-2007-0459</u></b>
Demand Response Program	)	Tariff No. YE-2008-0444

**ORDER APPROVING STIPULATION AND AGREEMENT AND  
APPROVING TARIFF**

Issue Date: February 14, 2008

Effective Date: February 24, 2008

In its Report and Order in Union Electric Company d/b/a AmerenUE's most recent rate case, ER-2007-0002, the Commission ordered AmerenUE to file a revised Industrial Demand Response tariff. AmerenUE initially filed such a tariff on July 2, 2007, with a 90-day effective date of October 1. Some parties were not satisfied with that tariff, so on September 25, the Commission suspended that initial tariff for 30 days to allow the parties more time to negotiate. On October 23, AmerenUE withdrew its initial tariff and replaced it with a new tariff bearing a November 22 effective date. On November 16, the Commission suspended the second tariff until March 21, 2008. Subsequently, the Commission established a procedural schedule leading to a hearing set for February 26 and 27.

On January 25, AmerenUE withdrew its second tariff and replaced it with a third tariff that carries an effective date of February 24. This time, the newly revised tariff was accompanied by a stipulation and agreement indicating that the signatory parties do not oppose this version of the tariff. The stipulation and agreement was signed by AmerenUE,

Staff, the Missouri Energy Group, and the Office of the Public Counsel. Two parties, the Missouri Industrial Energy Consumers (MIEC) and Noranda Aluminum did not sign the stipulation and agreement. However, the stipulation and agreement represents that those parties do not oppose the agreement and do not request a hearing. In addition, Commission Rule 4 CSR 240-2.115(2) provides that if no party objects to a nonunanimous stipulation and agreement within seven days of its filing, the Commission may treat that stipulation and agreement as unanimous. No party has filed a timely objection to the stipulation and agreement and the Commission will treat it as unanimous.

In response to the filing of the stipulation and agreement, the Commission cancelled the remaining procedural schedule, including the hearing, and directed its Staff to file a memorandum regarding the stipulation and agreement. Staff filed its memorandum supporting the stipulation and agreement on February 5.

The Commission has the legal authority to accept a stipulation and agreement as offered by the parties as a resolution of issues raised in this case.<sup>1</sup> Furthermore, Section 536.090, RSMo Supp. 2007, provides that when accepting a stipulation and agreement, the Commission does not need to make either findings of fact or conclusions of law. The requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has requested the opportunity to present evidence.<sup>2</sup> Since no one has requested a hearing, the Commission may approve the submitted tariff based on the stipulation and agreement.

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<sup>1</sup>Section 536.060, RSMo Supp. 2007.

<sup>2</sup> *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App. 1989).

Based on the stipulation and agreement and Staff's memorandum in support, the Commission believes the parties have reached a just and reasonable settlement in this case. Consequently, the Commission will approve the submitted tariff.

**IT IS ORDERED THAT:**

1. The stipulation and agreement filed on January 25, 2008, is approved as a resolution of all issues in this case (See Attachment 1).
2. All signatory parties are ordered to comply with the terms of the stipulation and agreement.
3. The tariff issued on January 25, 2008, by Union Electric Company, d/b/a AmerenUE, and assigned Tariff No. YE-2008-0444, is approved to be effective on February 24, 2008. The tariff sheets approved are:

**PSC Mo. – Schedule No 5**

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Original Sheet No. 219  
Original Sheet No. 220  
Original Sheet No. 221  
Original Sheet No. 222  
Original Sheet No. 223  
Original Sheet No. 224

4. This order shall become effective on February 24, 2008.
5. This case shall be closed on February 25, 2008.

**BY THE COMMISSION**



Colleen M. Dale  
Secretary

(S E A L)

Davis, Chm., Murray, Clayton, Appling,  
and Jarrett, CC., concur.

Woodruff, Deputy Chief Regulatory Law Judge