

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

In the Matter of the Tariff Filings of Union                    )  
Electric Company d/b/a Ameren Missouri, to                    )     File No. ER-2022-0337  
Increase Its Revenues for Retail Electric Service.            )

**MOTION FOR EXPEDITED TREATMENT AND APPROVAL OF  
TARIFF SHEETS FILED IN COMPLIANCE WITH  
COMMISSION ORDER ON LESS THAN THIRTY DAYS NOTICE**

COMES NOW Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri” or “Company”), and pursuant to the Commission’s *Report and Order* issued June 14, 2023 in the above-captioned case (the “*Order*”), and 20 CSR 4240-2.080(14), hereby files its Motion for Expedited Treatment and Approval of Tariff Sheets Filed in Compliance with Commission Order on Less Than Thirty Days’ Notice. In support of its Motion, Ameren Missouri states as follows:

1. On April 7, 2023, the parties filed a *Stipulation and Agreement* resolving all issues in the case related to Ameren Missouri's revenue requirement and certain other issues.
2. On June 14, 2023, the Commission issued its *Order* in this proceeding, to be effective on June 24, 2023. Among other things, the *Order* approves the April 7 *Stipulation and Agreement* and authorizes Ameren Missouri to file tariffs complying with the *Order*. Ordering ¶¶ 1 & 4.
3. As noted at pp. 22 – 23 of the *Order*, Ameren Missouri, as an electrical corporation that has elected PISA under Section 393.1400, RSMo, is subject to Section 393.1655.6, RSMo. Section 393.1655.6 provides a cap for the Large Primary Service ("LPS") class as follows:

If the difference between (a) the electrical corporation’s class average overall rate at any point in time while this section applies to the electrical corporation, and (b) the electrical corporation’s class average overall rate as of the date rates are set in the electrical corporation’s most recent general rate proceeding concluded prior to the date the electrical corporation gave notice under subsection 5 of section 393.1400, reflects a compound annual growth rate of more than two percent for the large power service rate class, the class average overall rate shall increase by an

amount so that the increase shall equal a compound annual growth rate of When the Company initially filed this electric rate review, two percent over such period for such large power service class, **with the reduced revenues arising from limiting the large power service class average overall rate increase to two percent to be allocated to all the electrical corporation's other customer classes through the application of a uniform percentage adjustment to the revenue requirement responsibility of all the other customer classes.** (Emphasis added)

4. When the Company initially filed this electric rate review, the LPS cap under Section 393.1655.6 was not triggered. However, the combination of changes in the rates charged under Riders FAC and RESRAM in combination with the agreed upon revenue requirement increase under the approved *Stipulation and Agreement* result in an exceedance of the LPS cap.<sup>1</sup>

5. The *Order* approves a new default rate, the Company's Smart Savers rate plan, but given that it will take time for Ameren Missouri to educate customers, etc. the new default rate will take effect later, no later than March 31, 2024. *Order*, at pp. 36 – 37. Specifically, multiple billing system and other programming changes, and customer education and communication changes, will need to be developed to accomplish the implementation on or before the March 31, 2024 deadline. Given the amount of time that will be required to implement the new default rate, and the need to work with Staff on developing the appropriate tariff changes necessary to implement it,<sup>2</sup> the tariff sheet language necessary to accomplish the new Smart Savers default will not impact the rate options available or service provided to customers for some time, and therefore development of the language can and should also be deferred beyond the immediate implementation of the just and reasonable rates set by the *Order*. Doing so is consistent with the *Order* given that the Commission has not required these changes to take effect now but has only required that they take effect no later than March 31, 2024.

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<sup>1</sup> The approved rate increase does not meet or exceed the overall cap otherwise applicable to the Company under Section 393.1655.4.

<sup>2</sup> The Company also contemplates affording other interested parties the opportunity for input if they desire.

6. Earlier today, Ameren Missouri caused to be filed with the Commission revised tariff sheets as authorized by the *Order* to effectuate the terms of the *April 7 Stipulation and Agreement* and almost all of the decisions within the *Order* (the "First Compliance Tariffs"). The First Compliance Tariffs reflect the above-referenced exceedance of the LPS cap under Section 393.1655.6, and accordingly, the amount above the two-percent cap for the LPS class being "allocated to all the electrical corporation's other customer classes through the application of a uniform percentage adjustment to the revenue requirement responsibility of all the other customer classes." Those First Compliance Tariff sheets bear an issue date of June 19, 2023, with an effective date thirty days later to comply with 20 CSR 4240-20.105.<sup>3</sup>

7. The First Compliance Tariff sheets filed earlier today do not address anything related to the new default Smart Savers rate discussed on pp. 36 - 37 of the *Order* (collectively, the "New Default Related Tariffs"). In other words, the compliance tariffs are bifurcated: the First Compliance Tariffs (all required changes to be effective July 1, 2023<sup>4</sup> and in compliance with the approved *Stipulation and Agreement* and *Order*) were submitted earlier today; and all New Default Related Tariffs changes (with the delayed effective date of no later than March 31, 2024) will be submitted in advance of the March 30, 2024, deadline. The Company commits to either file its proposed New Default Related Tariffs, or a status update on the development of the New Default Related Tariffs, within 30 days of the *Order* becoming effective.

8. Section 393.140(11), RSMo., specifies that, unless the Commission orders otherwise, a change shall not be made to any rate filed by an electrical corporation except after

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<sup>3</sup> Ameren Missouri has complied with this Commission rule by filing the compliance tariffs with a thirty-day effective date, despite Ameren Missouri's belief that thirty days' notice is unnecessary under these circumstances, particularly given the specific provisions of Section 393.140(11) RSMo. (2016), discussed below.

<sup>4</sup> If the Staff is able to file its recommendation for approval by close of business June 20, 2023, as discussed further below.

thirty days' notice to the Commission and publication for thirty days as required by order of the Commission. However, Section 393.140(11) expressly provides that, for good cause shown, the Commission may allow tariff changes without requiring thirty days' notice. Good cause exists to make the Company's First Compliance Tariffs effective on July 1, 2023, for several reasons. First, 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. Second, in paragraph 3 of the approved *Stipulation and Agreement* filed on April 7, 2023, the signatories agreed that the revenue requirement increase should become effective July 1, 2023. Third, the Commission has already authorized the Company to file the tariffs that are filed concurrently with the filing of this Motion. Finally, the effect of the *Order* is that the Commission has now found that just and reasonable rates are the rates reflected in the pending compliance tariffs, rather than the rates reflected in the current rate schedules to be superseded by those compliance tariffs.

9. As provided for in 20 CSR 4240-2.080(14), the Company requests that the Commission approve the First Compliance Tariffs no later than June 21, 2023, and that the Commission's approval order specify that the tariffs shall take effect on July 1, 2023.<sup>5</sup> As noted earlier, the Commission has good cause to do so. Furthermore, the Company states that by doing so, the Commission will avoid the harm that would be caused by failing to timely allow rates determined to have been just and reasonable to take effect as soon as possible. Moreover, there can be no negative effect on anyone – ratepayers or the Company – if the First Compliance Tariffs are approved to be effective July 1, 2023, because this will allow the rates determined by this

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<sup>5</sup> This will allow the Commission to place an effective date of the order that is 10 days beyond the order's issue date. See *Office of the Pub. Counsel v. Pub. Serv. Comm'n*, 409 S.W.3d 522, 527 (Mo. App. W.D. 2013) (Recognizing the time to seek rehearing can be shortened, as was the case when the Commission issued its Report and Order in this case, and that so long as the effective date is set at 10 or more days from the issue date the presumption of unreasonableness provided for in the opinion does not arise).

Commission to be just and reasonable rates to in fact be charged for the electric service provided by the Company and will allow the new rates to take effect as close as possible to the date agreed upon by the signatories to the Stipulation and contemplated by the legislature. As noted, there is also no harm – and in fact a benefit – of slightly delaying the submission and review of the New Default Related Tariffs because it will allow the Company to most efficiently develop, in collaboration with Staff, the New Default Related Tariffs without delaying the effective date for the First Compliance Tariffs beyond the operation of law date.

10. The Company recognizes that the request made herein that the tariffs be made effective on July 1, 2023, depends on the Commission receiving a Staff recommendation on June 20, 2023, recommending approval. The Company has been diligently working with Staff, and the Staff has been diligently working with the Company. The Company has previously provided the Staff with a full set of the tariffs for which it seeks approval via this Motion, has received feedback from the Staff, and has incorporated all feedback received to date into the tariffs filed today. The Company understands that it may be a challenge for Staff to submit such a recommendation on June 20, 2023 but Staff has indicated that is making efforts – but to be clear has not committed to do so – to file its recommendation on June 20 and if it can, this will allow the Commission to grant the relief requested herein on June 21, 2023, and make the tariffs effective July 1, 2023. To that end, the Company requests that the Commission give proper notice of and schedule an Agenda so that it can approve the tariffs on June 21, 2023. In recognition, however, of the fact that Staff may not be able to file its recommendation by June 20, 2023, in the case where Staff were unable to do so but is able to do so on June 21, 2023, the Company alternatively requests that the Commission

give proper notice of and schedule an Agenda so that it can approve the tariffs on June 22, 2023 and make them effective on July 2, 2023.<sup>6</sup>

11. This Motion was filed as soon as it could have been under the circumstances given that the *Order* was just issued late in the day on Wednesday, June 14, 2023.

WHEREFORE, for the foregoing reasons and for good cause shown, Ameren Missouri respectfully requests that the Commission grant this Motion, approve the First Compliance Tariff sheets Ameren Missouri has filed to be effective for service rendered on and after July 1, 2023,<sup>7</sup> allow the New Default Related Tariffs to be submitted or a status report thereon submitted within 30 days of the effective date of the *Order*, and for such other and further relief as the Commission deems appropriate under the circumstances.

Respectfully submitted,

*/s/ Jermaine Grubbs*

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**ATTORNEYS FOR UNION ELECTRIC  
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<sup>6</sup> While the Company has concerns about the propriety of not adhering to this date, it is not raising them here given the timeframes with which the parties are working, including the existence of a State Holiday on June 19.

<sup>7</sup> Or if Staff is unable to file its recommendation on June 20, 2023, making them effective on July 2, 2023.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 19th day of June, 2023, a copy of the foregoing filing was served, via e-mail, on counsel for the Missouri Public Service Commission Staff, the Office of the Public Counsel, all parties of record, as well as entities who have sought to intervene in File No. ER-2022-0337.

*/s/ Jermaine Grubbs* \_\_\_\_\_

Jermaine Grubbs