

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 10th day
of November, 2010.

In the Matter of Union Electric Company d/b/a Ameren)	
Missouri's Tariff Filing to Implement Changes to the)	<u>File No. GT-2011-0130</u>
Energy Efficient Natural Gas Equipment and Building)	Tariff No. JG-2011-0211
Shell Measure Rebate Program)	

ORDER SUSPENDING TARIFF AND SETTING HEARING

Issue Date: November 10, 2010

Effective Date: November 10, 2010

Background

On October 21, 2010, Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri") filed a proposed tariff to implement revisions to its "Missouri Energy Efficient Natural Gas Equipment and Building Shell Measure Rebate Program" ("Energy Rebate Program"). The revisions involve the funding of the program and how the funds are allocated. The tariff was assigned tracking number JG-2011-0211 and it bears an effective date of November 20, 2010.

On November 2, 2010, the Office of the Public Counsel ("Public Counsel") filed several pleadings in association with the proposed tariff opening two files, which the Commission consolidated. Public Counsel alleges that differences have arisen between the members of the Residential and Commercial Customer Energy Efficiency Collaborative ("Collaborative") with regard to the funding and allocation of funds for the Energy Rebate Program that it is now calling upon the Commission to resolve. In fact, Public Counsel

asserts that Ameren Missouri has acted unilaterally and that no other Collaborative member supports the proposed changes. According to Public Counsel, Ameren Missouri's proposed changes will result in an overall funding reduction for the program and will shift funding away from actual rebates to marketing.

Public Counsel requests the Commission to suspend the tariff to allow adequate time for the Commission to determine if Ameren Missouri's proposed tariff is in the public interest. Public Counsel has also requested an expedited procedural schedule for the Commission to resolve the issues between the Collaborative's members so there will be no delay in providing energy efficiency rebates.

Based upon Public Counsel's pleadings, the Commission issued notice, set an intervention deadline and set an expedited deadline for Ameren Missouri to respond.

Ameren Missouri's Response

Ameren Missouri requested an extension of time to file its response, which the Commission granted. Ameren Missouri filed its response on November 9.

Ameren Missouri claims that the response from residential customers requesting rebates through the program has been higher than expected, and if the Commission suspends the tariff, which reallocates funds from the General Service rate class to the Residential rate class, that it will be unable to honor some of the rebate reservations it has taken from its residential customers. Ameren Missouri believes the tariffs should be allowed to take effect and that any issues raised by Public Counsel can still be resolved by the Commission in a time frame that will not hurt its customers.

Ameren Missouri further asserts that Public Counsel's interpretation of the terms of the Stipulation creating the Collaborative is erroneous. According to Ameren Missouri: (1)

the funding for the Energy Rebate Program and the actual implementation of the program is beyond the Collaborative's authority; (2) the marketing program, initiated when half of the rebate funds remained unclaimed, is also outside the Collaborative's authority and Public Counsel, who originally advocated a marketing program, did not object until after the program was completed; (3) the program concludes, by the terms of the tariff that originally implemented the program, on December 31, 2010 or when the funds already allocated are exhausted – there was no unilateral decision to end the program; and (4) Ameren Missouri's currently filed rated case (GR-2010-0363) not only provides a forum to address Public Counsel's issues, but decisions made in this case may directly impact any company decision regarding funding energy efficiency programs.

Decision

The Commission has before it limited pleadings comprised of allegations and responses, with no factual record to support the claims or positions of either Public Counsel or Ameren Missouri. Because the effective date of the tariff is rapidly approaching, the Commission will suspend Ameren Missouri's tariff and set a date for an evidentiary hearing.

THE COMMISSION ORDERS THAT:

1. The tariff submitted under Tariff File No. JG-2011-0211, on October 21, 2010, by Union Electric Company d/b/a Ameren Missouri, is suspended for 120 days, from November 20, 2010 to March 20, 2011. The specific tariff sheet suspended is:

P.S.C. MO. No. 2

2nd Revised Sheet No. 83, Cancelling 1st Revised Sheet No. 83

2. An evidentiary hearing is scheduled for November 29, 2010, beginning at 8:30 a.m. The evidentiary hearing will be held in Room 310 of the Governor Office

Building, 200 Madison Street, Jefferson City, Missouri. The hearing will be held in a building that meets accessibility standards required by the Americans with Disabilities Act. Any person requiring additional accommodations to participate in any hearing shall call the Missouri Public Service Commission's Hotline at 800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

3. This order shall become effective immediately upon issuance.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'S. C. Reed', is positioned above the printed name and title.

Steven C. Reed
Secretary

(S E A L)

Clayton, Chm., Davis, Jarrett, Gunn,
and Kenney, CC., concur.

Stearley, Senior Regulatory Law Judge,