

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

In the Matter of the Application of)	
Thomas L. Chaney for a Change of Electric)	<u>File No. EO-2011-0391</u>
Supplier)	

STAFF'S LIST OF FACTS

COMES NOW the Staff of the Missouri Public Service Commission ("Staff"), by and through the undersigned counsel, and files *Staff's List of Facts* with the Missouri Public Service Commission ("Commission"), in compliance with the Commission's June 25, 2012 *Order Directing Filing of Facts*. For its *List of Facts*, Staff respectfully states as follows:

1. On June 10, 2011, Thomas L. Chaney filed an *Application For Change Of Electric Supplier (Application)* with the Commission requesting a change in supplier from Cuivre River Electric Cooperative, Inc. (Cuivre River), to Union Electric Company d/b/a Ameren Missouri (Ameren Missouri).
2. Mr. Chaney, Cuivre River, Ameren Missouri, Staff, and the Office of Public Counsel are parties to this case.
3. The basis for Mr. Chaney's request is the availability of a solar rebate from Ameren Missouri pursuant to Section 393.1030.3 RSMo.
4. In 2008, the Missouri Secretary of State approved for circulation five (5) initiative petitions relating to renewable energy.
5. All five (5) renewable energy petitions applied to electric corporations, but only three applied to electric corporations, electric cooperatives and certain municipal utilities.

6. Missouri Proposition C, also known as the Clean Energy Initiative or the “Renewable Energy Standard” per Section 393.1020 RSMo, is the voter initiated state statute that appeared on the November 4, 2008 ballot in Missouri.

7. The portfolio and rebate offer requirements of the voter initiated state statute apply to electric corporations only, as defined by Section 386.020 (15) RSMo (Supp. 2011).

8. Proposition C created a renewable electricity standard in the state, which requires electric corporations, as defined by Section 386.020 RSMo, to increase their usage of renewable energy in stages and to “...make available to its retail customers a standard rebate offer of at least two dollars per installed watt for new or expanded solar electric systems cited on customers’ premises...,” given certain restrictions.

9. Cuivre River is the current electric service provider for Mr. Chaney’s structure(s) located at 1110 St. Theresa Lane in Dardenne Prairie, Missouri.

10. Mr. Chaney is the named Cuivre River member for the electric account having a mailing address of 1110 St. Theresa Lane, O’Fallon, Missouri, but which is actually located in the city of Dardenne Prairie, Missouri.

11. Ameren Missouri is a public utility and an electrical corporation subject to the jurisdiction of the Commission pursuant to Section 386.250 RSMo.

12. Cuivre River is a rural electric cooperative, organized pursuant to Chapter 394 of the Revised Statutes of Missouri.

13. The city of Dardenne Prairie, Missouri, has a population of greater than fifteen hundred (1500) inhabitants.

14. Cuivre River and Ameren Missouri have a *Territorial Agreement* that allocates between them territory in which each may exclusively provide electric service.

15. Pursuant to 394.315.2 RSMo, and paragraph two (2) of the *Territorial Agreement*, Cuivre River has the authority to continue to provide electricity to structure(s) located at 1110 St. Theresa Lane, St. Francis Farms subdivision, in Dardenne Prairie, Missouri, which it was serving before the effective date of the *Territorial Agreement*.

16. 1110 St. Theresa Lane in Dardenne Prairie, Missouri, is located within an area for which the Commission has certificated Ameren Missouri to provide electric service to the public.

17. Both Ameren Missouri and Cuivre River provide electric service to other structures located on St. Theresa Lane, while Ameren Missouri serves the surrounding subdivisions.

18. Paragraph 10(b)(1) of the *Territorial Agreement* states that the *Territorial Agreement* is contingent upon "...a finding that this agreement shall not impair the Company's [Ameren Missouri's] certificates of convenience and necessity in any respect within St. Charles county."

19. Paragraph nine (9) of the *Territorial Agreement* states "[t]his Agreement shall be binding on the parties and all subsidiaries, successors, assigns and corporate parents or affiliates of Company and Cooperative."

20. Ameren Missouri's tariff, MO.P.S.C. Schedule No. 5, 3rd Revised, Sheet No. 151, *General Rules and Regulations, Distribution System Extensions, Underground Extensions, Individual Residential Customer Extensions*, would require Mr. Chaney to

install the necessary conduit for service, while Ameren Missouri would install the cable in the customer's conduit system.

21. Mr. Chaney would need to install approximately 500 feet of conduit to connect and receive service on Ameren Missouri's system, at a cost of approximately \$3000.

22. Cuivre River could reuse some, but not all, of the equipment currently being used to serve Mr. Chaney.

23. A change of supplier from Cuivre River to Ameren Missouri would result in other Cuivre River members paying for stranded equipment costs, instead of Mr. Chaney paying the costs through continued payments as a continuing customer.

24. Cuivre River's July 6, 2011 *Response Of Cuivre River Electric Cooperative* stated Cuivre River's opposition to Mr. Chaney's *Application*.

25. Ameren Missouri's July 12, 2011 *Response To Application For Change Of Electric Service Provider* stated Ameren Missouri's opposition to Mr. Chaney's *Application*.

WHEREFORE, Staff submits this *List of Facts* for the Commission's information and consideration, and in compliance with its June 25, 2012 *Order Directing Filing of Facts*.

Respectfully submitted,

/s/Jennifer Hernandez

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CERTIFICATE OF SERVICE

I hereby certify that true and accurate copies of the foregoing have been served by electronic mail on this 6th day of July, 2012, to: Thomas L. Chaney at tomeygun@gmail.com; Wendy K. Tatro, counsel for Ameren Missouri at AmerenMOService@ameren.com; Rodric A. Widger, counsel for Cuivre River at rwidger@lawofficemo.com; and Lewis Mills, counsel for the Office of the Public Counsel at opcservice@ded.mo.gov.

/s/Jennifer Hernandez