

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

In the Matter of Union Electric Company)	
d/b/a Ameren Missouri's Tariff Filing to)	
Implement Changes to the Energy)	Case No. GT-2011-0xxx
Efficient Natural Gas Equipment and)	Tariff File No. JG-2011-0211
Building Shell Measure Rebate Program)	

**PUBLIC COUNSEL'S MOTION
TO SUSPEND TARIFF FILING**

COMES NOW the Missouri Office of the Public Counsel ("OPC") and for its Motion to Suspend Tariff Filing states:

1. On October 21, 2010 Union Electric Company d/b/a Ameren Missouri ("UE") filed proposed tariff sheets "to reflect changes to the allocation of funds used in Ameren Missouri's Missouri Energy Efficient Natural Gas Equipment and Building Shell Measure Rebate Program." UE also proposes to increase the 2010 program year funding amount by adding the remaining balance of funding from program year 2009 to the program funding amount previously allocated for 2010 by the Residential and Commercial Customer Energy Efficiency Collaborative (RCEEC).
2. UE's cover letter and proposed tariff sheets are attached and labeled Attachments A and B respectively. UE's proposed tariff bears an effective date of November 20, 2010 and was assigned tariff file number JG-2011-0211.
3. OPC moves to suspend UE's proposed tariff changes to give the parties and the Commission sufficient time to address disagreements within the collaborative regarding UE's proposed changes. In addition, OPC asks that the Commission direct the parties to propose a procedural schedule that includes dates for an evidentiary hearing.

4. UE's cover letter states that UE is "proposing" to change the allocation of funds previously agreed upon by the RCEEC. However, UE does not disclose that during the most recent collaborative conference call on October 18, 2010 UE was not able to get other collaborative members to support the reallocation. On the October 18, 2010 call, all collaborative members except UE supported an alternative that would have eliminated the need for (1) UE's proposed reallocation, and (2) UE's unilateral decision to stop accepting new residential rebate applications. The alternative supported by the Department of Natural Resources, Staff and OPC was to allocate more program funds for 2010 and make use of the regulatory asset account previously authorized by the Commission so that UE could recover the costs of this additional allocation. This alternative would have made it possible for UE to continue funding both **new and existing** residential rebate applications. UE's proposed tariff changes would only make it possible for UE to provide funds for **existing** residential applications while avoiding the need to make use of the regulatory asset deferral option. New residential rebate applications would continue to be rejected during the remaining months of 2010 under the UE proposal.

5. UE's cover letter also states that UE is "proposing" to increase the 2010 budget by adding \$13,999 in leftover funds from 2009. This addition of leftover funds from 2009 was not approved by the collaborative. Since UE is proposing a budget of only \$100,000 for the 2011 program (a reduction of over \$200,000 from the 2010 budget level), there may be even more of a need to supplement the 2011 budget so it will at least have enough funding to last through the first few months of the year.

6. The new tariff language states that "the RCEEC has allotted a total of...\$339,175 to the program." This statement is incorrect; the RCEEC has not taken any action to increase the initial 2010 program allocation of \$325,126.

7. The proposed tariff states that 89.8% of 2010 program funding would be designated for Residential Measures, 3% designated for General Service Measures, and 7.2% designated for marketing. This reallocation of funds from the marketing and General Service Measures to Residential Measures has not been approved by the collaborative. OPC believes that the entire marketing budget for the 2010 energy efficiency program was already spent last spring and there are no excess funds to reallocate from marketing as proposed by UE. Furthermore, this new reallocation is not consistent with the tariff language in the Program Funds section of the tariff which states, "in the case of excessive or deficient applications for certain Measures, the RCEEC may reallocate between the Residential and General Service Measures a maximum of 10% of the total funds." This maximum 10% reallocation has already occurred and no further reallocation is permitted by the tariff.

8. During the last few months, UE has pursued a flawed approach for its gas energy efficiency programs. Even though the budgeted funds for 2010 were rapidly approaching depletion and the allocated marketing funds for 2010 had already been fully spent in the spring of 2010, UE chose to spend about ** _____ ** this fall to promote greater customer participation. This figure does not include the cost of the bill inserts promoting the gas energy efficiency programs that UE has sent to its customers this fall. Unfortunately, these bill inserts were still being sent to UE's residential gas customers to

¹ Union Gas Electric Company Gas Service, P.S.C. Mo. No. 2, 1st Revised Sheet No. 83, effective January 1, 2010.

encourage them to participate in the program at the same time that the Company was directing its program administrator (EFI) not to accept any more applications from its residential gas customers. Collaborative members other than UE would have liked to see UE take steps not to exacerbate an already bad situation and have encouraged UE to continue taking residential applications while utilizing a regulatory asset deferral mechanism to recover the costs. If UE had pursued this path, instead of filing this proposed tariff and cutting off new residential applications, the Company could have filed a tariff that increased its RCEEC funding allocation for 2010 to accommodate the greater residential participation which is partly caused by UE's decision to begin a new marketing campaign late in the program year.

9. OPC urges the Commission to suspend UE's proposed tariff changes to give the parties and the Commission sufficient time to investigate and determine whether UE's proposed tariff changes are in the public interest.

WHEREFORE, pursuant to Sections 386.710 and 393.140(11) RSMo 2000, the Missouri Office of the Public Counsel respectfully requests that the Commission suspend Tariff Filing Number JG-2011-0211 for the reasons stated above, and direct the parties to propose a procedural schedule.

Respectfully submitted,
OFFICE OF THE PUBLIC COUNSEL

By: /s/ Marc D. Poston
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 1st day of November 2010:

General Counsel
Missouri Public Service Commission
PO Box 360
Jefferson City MO 65101
gencounsel@psc.mo.gov

/s/ Marc Poston



October 21, 2010

Mr. Steven Reed
Secretary of the Commission
Missouri Public Service Commission
200 Madison Street, Suite 100
Jefferson City, MO 65102-0360

Dear Mr. Reed:

The accompanying tariff sheet issued by Union Electric Company d/b/a Ameren Missouri (Ameren Missouri or the Company), is being transmitted for filing as a revision of Schedule No. 2, Schedule of Rates for Gas Service:

Filed
2nd Revised Sheet No. 83

Canceling
1st Revised Sheet No. 83

This tariff sheet is being issued October 21, 2010 to become effective on and after November 20, 2010.

This tariff sheet is being filed to reflect changes to the allocation of funds used in Ameren Missouri's Missouri Energy Efficient Natural Gas Equipment And Building Shell Measure Rebate Program. The original funding for program year 2010 was set at \$325,176 of which 70% was to be used for Residential Service, 20% for General Service and 10% for marketing. Due to a greater than expected participation by Residential Service customers and a less than expected participation by General Service customers, the Company is proposing to adjust the current allocation. The new allocation of funds being proposed is 89.8% for Residential Service, 3% for General Service and 7.2% for marketing.

In addition to the change in allocation described above, the Company is proposing to increase the 2010 program year funding amount of \$325,176 by an additional \$13,999. This additional funding amount reflects the remaining balance of funding from program year 2009. The total funding will increase to \$339,175 (\$325,176 + \$13,999).

Sincerely,

Wendy K. Tatro
Associate General Counsel

Enclosures

Cc: Office of the Public Counsel
Tom Imhoff, MPSC

UNION ELECTRIC COMPANY GAS SERVICE

Applying to MISSOURI SERVICE AREA

**MISSOURI ENERGY EFFICIENT NATURAL GAS
EQUIPMENT AND BUILDING SHELL MEASURE REBATE PROGRAM (cont'd)**

General Service Measures (cont'd)

15) Equipment: Natural Gas Tankless Water Heater - purchase and installation of up to two (2) units.
Rated: ENERGY STAR® Qualified high efficiency.
Rebate: Two hundred dollars (\$200) per unit, four hundred dollars (\$400) total or 50% of the equipment cost, whichever is lower.

16) Equipment and Building Shell Measures:
Commercial Energy Audit Improvement - purchase and installation of cost effective natural gas energy saving equipment and building shell measures as recommended from a customer paid energy audit by a Qualified Auditor, which are not included in other commercial measure listed in this program.
Rated: Measures considered efficiency improvement.
Rebate: One thousand dollars (\$1,000), or 50% of the equipment and building shell measures cost, whichever is lower.

***PROGRAM FUNDS**

The RCEEC has allotted a total of three hundred thirty nine thousand one hundred seventy five dollars (\$339,175) to the Program. Eighty nine and eight tenths percent (89.8%) is designated for Residential Measures, three percent, (3%) is designated for General Service Measures, and seven and two tenths percent (7.2%) is designated for Marketing.

In the case of excessive or deficient applications for certain Measures, the RCEEC may reallocate between the Residential and General Service Measures a maximum of 10% of the total funds.

PROGRAM TERM

The Program will conclude December 31, 2010 or when Program Funds for rebates have been allocated to Participants, whichever occurs first.

Any Program Funds in excess of actual program expenses that remain at the end of the Program will be available to other RCEEC programs.

*Indicates Change.

DATE OF ISSUE October 21, 2010 DATE EFFECTIVE November 20, 2010

ISSUED BY Warner L. Baxter President & CEO St. Louis, Missouri
Name of Officer Title Address