

IN THE CIRCUIT COURT OF COLE COUNTY  
STATE OF MISSOURI

**FILED**

SEP 13 1997  
LINDA L. ROARK  
CLERK CIRCUIT COURT  
COLE COUNTY, MISSOURI

STATE OF MISSOURI, EX REL. )  
AMERICAN-NATIONAL CAN COMPANY, )  
THE DOE RUN COMPANY, )  
DUNDEE CEMENT COMPANY, )  
EMERSON ELECTRIC COMPANY, )  
FORD MOTOR COMPANY, )  
GENERAL MOTORS CORPORATION )  
MALLINCKRODT, INC., )  
MCDONNELL DOUGLAS CORPORATION, )  
MONSANTO COMPANY, )  
NOOTER CORPORATION, )  
PPG INDUSTRIES, INC. )  
PEA RIDGE IRON ORE COMPANY )  
PROCTER & GAMBLE MANUFACTURING )  
COMPANY, and )  
RIVER CEMENT COMPANY, )

No. CV187-1106 CC

Division No. II

and )  
STATE OF MISSOURI, EX REL. )  
ANHEUSER-BUSCH, INC., )

Relators, )

vs. )

PUBLIC SERVICE COMMISSION OF )  
MISSOURI, )

Respondent. )

PETITION FOR WRIT OF REVIEW

Relators, American National Can Company, The Doe Run Company, Dundee Cement Company, Emerson Electric Company, Ford Motor Company, General Motors Corporation, Mallinckrodt, Inc., McDonnell Douglas Corporation, Monsanto Company, Nooter Corporation, Pea Ridge Iron Ore Company, PPG Industries, Inc., Procter & Gamble Manufacturing Company, and River Cement Company ("Monsanto, et al.") and

Relator Anheuser-Busch, Inc. ("Anheuser-Busch"), hereby petition this Court pursuant to Mo. Rev. Statutes §386.510 (1986) for a writ of review of the Report and Order of the Public Service Commission of Missouri ("Commission"), issued and made effective on April 3, 1987 in proceedings before the Commission styled:

Case No. AO-87-48

In the Matter of the Investigation of  
the Revenue Effects Upon Missouri Utilities  
of the Tax Reform Act of 1986.

In support of this Petition, Relators, Monsanto, et al., and Relator Anheuser-Busch state:

1. Relators Monsanto, et al., and Relator Anheuser-Busch are corporations doing business within the state of Missouri and are now, and have been for many years, purchasers of electric power from Union Electric Company ("Union Electric") pursuant to tariffs for service to industrial customers duly approved and authorized by the Commission. Union Electric also provides electric service to other customer classes, including residential, small commercial, and large commercial users, under Commission-approved tariffs.

2. On March 29, 1985, the Commission issued a Report and Order in Case Nos. EO-85-17 and ER-85-160 ("the Callaway Rate Case") approving new rates for Union Electric reflecting the inclusion in rate base of a portion of Union

Electric's \$3 billion investment in the Callaway nuclear generating station, approving an automatic phase-in of the rates over an 8-year period, and adopting the time-of-use/average-and-peak ("TOU/AP") method of rate design. The use of the TOU/AP rate design method resulted in rate increases to industrial consumers of Union Electric, including the Relators Monsanto, et al., and Relator Anheuser-Busch, that are significantly above system average.

3. On April 8, 1985, Relators filed separate Applications for Rehearing, Reconsideration, and Oral Argument challenging the rate design decisions of the Commission as set forth in the Commission's March 29, 1985 Report and Order in the Callaway Rate Case.

4. On April 10, 1985, the Commission denied the Relators' Application for Rehearing of its decision in the Callaway Rate Case; and on May 9, 1985, the Relators filed a Petition for Writ of Review in the Circuit Court of Cole County in State ex rel. A.P. Green Refractories, Inc., et al., v. Public Service Commission, Case No. CV185-493cc ("the Callaway Rate Case Appeal"), which Writ was granted on May 13, 1985.

5. On October 8, 1985, Union Electric Company filed a revised Large General Service 3(M) LGS tariff which the Commission allowed to become effective by operation of law

on November 8, 1985. This new tariff affected only Union Electric Company's large commercial class of customers and consequently was not opposed by Relators herein.

6. On November 4, 1986, the Commission established docket No. AO-87-48 ("the TRA Case") for the purpose of investigating the revenue effects upon Missouri utilities, including Union Electric, of the Tax Reform Act of 1986.

7. On December 12, 1986 and January 22, 1987, Relators, Monsanto, et al., and Relator Anheuser-Busch filed their applications to intervene in the TRA Case. These intervention applications were subsequently granted by orders of the Commission dated January 9 and 30, 1987.

8. On March 24, 1987, Union Electric filed in its Motion to Revise Rate Phase-In Plan and To Allow Tariffs to Become Effective on Less Than Thirty Days' Notice ("Union Electric Motion") in the TRA Case and concurrently filed new tariffs containing proposed new reduced rates (the "TRA Tariffs"). Once effective, these new tariffs would supercede the rate schedules that Union Electric filed in compliance with the Commission's March 29, 1985 Report and Order in the Callaway Rate Case.

9. On March 30, 1987, Relators filed their Protest and Motion to Suspend the Operation of Union Electric Company's Tariffs ("Protest and Motion"), seeking to suspend the implementation of the TRA Tariffs on the ground

that the rate design reflected in those tariffs was substantially the same as that in the tariffs approved in the Callaway Rate Case and, therefore, that approval of those tariffs would perpetuate the errors in rate design that are the subject of Relators' appeal of the Commission's decision in the Callaway Rate Case.

10. On April 3, 1987, the Commission issued its Order, effective immediately, granting Union Electric's Motion and allowing the TRA Tariffs for the third year of the phase-in to go into effect on less than thirty days' notice "on April 9, 1987." The Commission did not expressly rule on Relators' Protest and Motion.

11. On April 10, 1987, Relators Monsanto, et al., and Relator Anheuser-Busch timely filed their Application for Rehearing of the Commission's order in the TRA Case, a copy of which is attached hereto as Exhibit "A" and made a part hereof and is hereinafter referred to as the Application for Rehearing.

12. On June 19, 1987, the Circuit Court of Cole County entered its Judgment in the Callaway Rate Case Appeal. In that Judgment, the Court held that the Commission's Report and Order in the Callaway Rate Case was unsupported by findings of fact and substantial evidence on the record and remanded said Order back to the Commission for adoption of findings of fact which would enable the courts to determine if such findings are supported by the evidence.

13. On June 25, 1987, the Commission filed its Notice of Appeal to the Missouri Court of Appeals of the Cole County Circuit Court's decision in the Callaway Rate Case Appeal. This proceeding is currently before the Missouri Court of Appeals Western District, Case No. WD 39,610.

14. By its Order of August 5, 1987, a copy of which is attached hereto as Exhibit "B," the Commission denied Relators Monsanto, et al., and Relator Anheuser-Busch's Application for Rehearing in the TRA Case. The Commission's April 3, 1987 Order ("Order") (Exhibit "C") is unlawful and unreasonable upon the grounds specifically set forth in Relators' Application for Rehearing (Exhibit "A"). The specifications of error and the grounds set forth therein are incorporated in this Petition by reference as though fully set forth herein.

15. The Commission's determinations with respect to the rate design of the TRA Tariffs is the same as that reflected in the Callaway Rate Case Tariffs. No new evidence has been offered to support this unreasonable, unjust, and unlawful rate design in this proceeding. Thus, the TRA Tariffs would perpetuate the rate design that is the subject of the Staff's pending appeal in the Missouri Court of Appeals Western District and the same errors challenged therein.

17. The determinations of the Commission with respect to all rate design issues and the Commission's determinations approving tariffs incorporating those rate design determinations are unlawful, unjust, unreasonable, arbitrary, and capricious, are not supported by findings of fact and conclusions of law, are not based upon substantial and competent evidence in the record as a whole, resulting in clear and unlawful discrimination against the Relators, Monsanto, et al., and Relator Anheuser-Busch in violation of Missouri law, including Mo. Rev. Stat. 393.130 (1986) and deprive Relators of their rights to due process of law and equal protection under Article I, Sections 2 and 10 of the Missouri Constitution and Amendment XIV, Section 1 of the United States Constitution. No party in these proceedings has sustained the burden of proof required to support and justify the determinations and decision of the Commission set forth in the Order.

WHEREFORE, Relators pray as follows:

1. That this Court issue its Writ of Review or Certiorari to the Commission directing the Commission to certify to the Court its record in the TRA Case for the purpose of reviewing the lawfulness and reasonableness of the Order;

2. That, upon such review, this Court enter its judgment setting aside and reversing the portions of the

Order dealing with rate design for the reason that those portions of that Order are arbitrary, capricious, unreasonable, unjust, unlawful, and not authorized by statute;

3. That this Court remand this cause to the Commission for further proceedings consonant with the judgment and orders of this Court; and

4. That this Court enter such further orders and grant Relators such further relief as the Court may deem just and proper.

Respectfully submitted,

PEPER, MARTIN, JENSEN, MAICHEL  
and HETLAGE

By Stephen J. Cassin  
Robert C. Johnson #15755  
Stephen J. Cassin #34303  
720 Olive Street, 24th Floor  
St. Louis, Missouri 63101  
(314) 421-3850

Attorneys for Relators,  
Monsanto, et al.

ANHEUSER-BUSCH, INC.

By Francis J. Hruby *afc*  
Francis J. Hruby #27426  
One Busch Place  
St. Louis, MO 63118  
(314) 557-3203

Attorney for Anheuser-Busch,  
Inc.



CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing and attachments by mailing, by first class mail, a copy thereof, properly addressed, postage prepaid to each of the parties of record listed on Attachment A hereto.

Dated at St. Louis, Missouri this 2<sup>nd</sup> day of September, 1987.

  
\_\_\_\_\_  
Stephen J. Cassin

Union Electric Tax Reform Act  
Docket No. AO-87-48

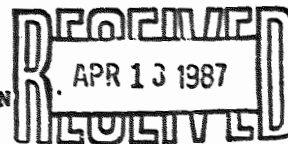
Service List

Douglas M. Brooks  
Office of the Public Counsel  
P.O. Box 7800  
Jefferson City, MO 65102

James J. Cook  
Union Electric Company  
1901 Gratiot Street  
P.O. Box 149  
St. Louis, MO 63166

William C. Harrelson  
Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI



In the matter of the investigation )  
of the revenue effects upon )  
Missouri utilities of the Tax ) Case No. AO-87-48  
Reform Act of 1986. )

APPLICATION OF INTERVENORS MONSANTO CO., ET AL.  
AND INTERVENOR ANHEUSER-BUSCH, INC. FOR REHEARING

Intervenors American-National Can Company, The Doe Run Company, Dundee Cement Company, Emerson Electric Company, Ford Motor Company, General Motors Corporation, Mallinckrodt, Inc., McDonnell Douglas Corporation, Monsanto Company, Nooter Corporation, Pea Ridge Iron Ore Company, PPG Industries, Inc., Procter & Gamble Manufacturing Company, and River Cement Company ("Monsanto Co., et al.") and Intervenor Anheuser-Busch, Inc. (all herein together called "Intervenors") hereby request a rehearing of the Order of the Public Service Commission of Missouri ("Commission") dated April 3, 1987 ("the Order"), pursuant to Mo. Rev. Stat. §386.500 (1986).

In support of their Application, Intervenors state as follows:

BACKGROUND

On March 29, 1985, the Commission issued a Report and Order in Case Nos. EO-85-17 and ER-85-160 approving new rates for Union Electric reflecting the inclusion in rate

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base of a portion of Union Electric's \$3 billion investment in the Callaway nuclear generating station, approving an automatic phase-in of the rates over an 8-year period, and adopting the time-of-use/average and peak ("TOU/AP") method of rate design. The use of the TOU/AP rate design method resulted in a rate increase to industrial customers of Union Electric, including the Intervenor, that is significantly above system average.

On April 8, 1985, Intervenor filed separate Applications for Rehearing, Reconsideration, and Oral Argument, challenging the rate design decisions of the Commission as set forth in the March 29, 1985 Report and Order.

On April 10, 1985, the Commission denied the Intervenor's Application for Rehearing and, on May 9, 1985, the Intervenor filed a Petition for Writ of Review in the Circuit Court of Cole County (Case No. CV185-493cc), which Writ was granted on May 13, 1985. That case has been briefed, argued, and submitted to Judge Lawrence Davis, whose decision is pending.

On March 24, 1987, Union Electric filed in Case No. A0-87-48 its Motion to Revise Rate Phase-in Plan, and to Allow Tariffs to Become Effective on Less Than 30 Days Notice ("Union Electric Motion") and concurrently filed new tariffs containing proposed new reduced rates (the "new

tariffs"). Once effective, the new tariffs will supersede the rate schedules (the "old tariffs") that Union Electric filed in compliance with the Commission's March 29, 1985 Report and Order in Case Nos. EO-85-17 and ER-85-160.

On March 30, 1987, Intervenors filed their Protest and Motion to Suspend the Operation of Union Electric Company's Tariffs ("Protest and Motion"). In it, Intervenors sought to suspend the implementation of Union Electric's new tariffs on the ground that the rate design reflected in the new tariffs was substantially the same as that in the old tariffs, and would perpetuate the errors in rate design that are the subject of their appeal of the March 29, 1985 Report and Order concerning the old tariffs.

On April 3, 1987, the Commission issued its Order, effective immediately, granting Union Electric's Motion and allowing the new tariffs for the third year of the phase-in to go into effect on less than 30 days notice (on April 9, 1987). The Order did not expressly rule on Intervenors' Protest and Motion.

#### SPECIFICATIONS OF ERROR

The Commission's Order is unreasonable, unjust, and unlawful for the following reasons:

##### I.

The Commission erred in making its Order effective upon issuance because it failed to allow the parties, including

Intervenors, a reasonable time in which to prepare and file an Application for Rehearing.

By statute, an order of the Commission takes effect 30 days after service unless the Commission provides otherwise. Rev. Stat. Mo. §386.490.3 (1986). Here, the Commission so provided -- the Order became effective on the day it was issued, April 3, 1987. (Order, ¶5).

The Commission, however, can make the effective date of an order less than 30 days after service thereof only if it can be done "reasonably and properly." State ex rel. Kansas City, Independence & Fairmount Stage Lines Co. v. Public Service Commission, 63 S.W.2d 88, 93 (Mo. 1933); see also State ex rel. Alton R. Co. v. Public Service Commission, 155 S.W.2d 149, 154 (Mo. 1941) (a "reasonable time" must run between the time the order is served and its effective date).

In addition, it has been held that a period of one day between the date the Report and Order was filed and its effective date is unlawful because it deprived those interested of a reasonable opportunity to prepare and file motions for rehearing. State ex rel. St. Louis County v. Public Service Commission, 228 S.W.2d 1, 2 (Mo. 1950).

Therefore, it is unreasonable and improper, and unlawful, for the Commission to allow an order to become effective upon issuance and thereby deny the parties all

opportunity for judicial review. In addition to contravening the above-cited case law, this action constitutes a denial of due process under both the Missouri and United States Constitutions. Mo. Const., Article I, §10; U.S. Const., Amendment XIV.

## II.

The Commission erred in granting the Union Electric Motion and approving the new tariffs.

The rate design in the new tariffs is the same or substantially the same as that reflected in the old tariffs. No new evidence has been offered to support this unreasonable, unjust, and unlawful rate design in this proceeding. Thus, the new tariffs would perpetuate the rate design that is the subject of the Intervenor's pending appeal in Cole County Circuit Court and the same errors challenged therein.

Intervenor's assert that the approval of the new tariffs (and the rate design reflected therein) by the Commission was unreasonable, unjust, and unlawful for the same reasons and on the same grounds as specifically set forth in their Applications for Rehearing filed in Case Nos. EO-85-17 and ER-85-160 and the Petition for Review filed in Cole County Circuit Court Docket No. CV185-493cc. Copies of said Applications for Rehearing and said Petition for Writ of Review are attached to the Protest and Motion as Exhibits A, B, and C, respectively, and are incorporated herein by

reference.

III.

The Commission erred in failing to grant Intervenor's Protest and Motion because Intervenor was thereby denied the opportunity to present evidence that the new tariffs are unreasonable, unjust, and unlawful.

IV.

The Commission erred in failing to make specific findings of basic fact in support of its decisions in the Order. The Order is devoid of any findings of basic fact which would support perpetuation of this unreasonable, unjust, and unlawful rate design and therefore fails to satisfy the requirements of Missouri law with respect to findings of fact.

V.

The Commission erred in failing to base its Order upon competent or substantial evidence on the whole record.

VI.

The Commission erred in approving the new tariffs in the Order because the rate design utilized therein results in clear and unlawful discrimination against the Intervenor in violation of Missouri law, including Mo. Rev. Stat. §393.130 (1986), and their rights to due process of law and equal protection under the Missouri Constitution, Article I, §§2 and 10, and under the United States Constitution, Amendment XIV, §1.



## VII.

The Commission erred in approving the new tariffs because no party had sustained the burden of proof required to support and justify the Commission's decisions.

In addition, Intervenors respectfully point out that the style of the Order includes two earlier cases, Case Nos. EO-85-17 and ER-85-160, that are currently on appeal to the Cole County Circuit Court. Because the circuit court issued a writ of review in these two cases, the Commission lacks jurisdiction over them and does not have the power to issue an order in those cases. State ex rel. Campbell Iron Co. v. Public Service Commission of Missouri, 296 S.W. 998 (Mo. banc 1927). Thus, the Order is only effective in Case No. AO-87-48.

### RELIEF REQUESTED

WHEREFORE, Intervenors pray that the Commission grant rehearing and reverse its decision on the matters raised herein.

Respectfully submitted,

PEPER, MARTIN, JENSEN, MAICHEL  
and HETLAGE

By Robert C. Johnson  
Robert C. Johnson #15755  
Alphonse McMahon #32870  
720 Olive Street, 24th Floor  
St. Louis, Missouri 63101  
(314) 421-3850

Attorneys for Intervenors  
Monsanto Co., et al.

Francis J. Huby *et al.*  
Francis J. Huby #27428  
Anheuser-Busch, Inc.  
One Busch Place  
St. Louis, Missouri 63118  
(314) 577-3203

Attorney for Intervenor  
Anheuser-Busch, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served on each person on the attached service list by first-class United States mail, postage prepaid, this 9th day of April, 1987.

3838z

Robert C. Johnson

## Service List

Paul Agathen  
Counsel  
Union Electric Co.  
P.O. Box 149  
St. Louis, MO 63166

Boyd J. Springer & Sarah J. Read  
Attorneys  
3 First National Plaza  
Suite 5200  
Chicago, IL 60602

Dean A. Park  
1031 Executive Parkway Dr.  
St. Louis, MO 63141

Michael Madsen  
Attorney  
P.O. Box 235  
Jefferson City, MO 65102

Kenneth J. Neises  
Attorney  
Laclede Gas Co.  
720 Olive Street  
Room 1513  
St. Louis, MO 63101

Gerald T. McNeive, Sr.  
Laclede Gas Co.  
720 Olive  
Room 1528  
St. Louis, MO 63101

Robert C. McNicholas  
Assoc. City Counsel  
314 City Hall  
St. Louis, MO 63103

Sam Overfelt  
Attorney  
P.O. Box 1336  
Jefferson City, MO 65102

Tom Ryan  
Counsel  
4144 Lindell  
Suite 219  
St. Louis, MO 63108

Wm. Clark Kelly  
Asst. Attorney General  
P.O. Box 899  
Jefferson City, MO 65102

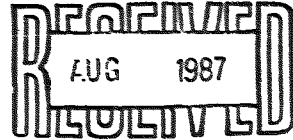
Gary Mayes  
Attorney  
Mercantile Center  
St. Louis, MO 63101

Willard C. Reine  
Attorney  
314 E. High St.  
Jefferson City, MO 65101

Office of Public Counsel  
P.O. Box 7800  
Jefferson City, MO 65102

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY, MISSOURI

Exhibit B



August 5, 1987

**CASE NO. AO-87-48**

Robert C. Johnson, Attorney, 720 Olive Street, 24th Floor, St. Louis, MO 63101  
J.B. Schnapp & Robin E. Fulton, Attorneys, 135 E. Main St., Fredericktown, MO 63645  
Robert Lehr, Attorney at Law, 1100 Main, Suite 1405, Kansas City, MO 64105  
Donald Johnstone, Drazen-Brubaker & Assoc., 605 Old Ballas Road., Suite 100, P.O. Box 12710, St. Louis, MO 63141  
Paul W. Phillips, U.S. Department of Energy, 1000 Independence Ave., S.W., Room 6D-033, Washington, D.C. 20585  
Stuart Conrad, Attorney, 2600 Mutual Benefit Life Bldg., 2345 Grand Ave., Kansas City, MO 64108  
Paul Agathen, Attorney, Union Electric Company, P.O. Box 149, St. Louis, MO 63166  
Francis J. Hruby, Attorney, Anheuser-Busch, Inc., One Busch Place, St. Louis, MO 63118  
Steven L. Kitchen, Vice President-Finance, The Kansas Power & Light Co., 818 Kansas Ave., P.O. Box 889, Topeka, KS 66601  
Joseph P. Cowen, Sr. Attorney, United Telephone Company of Missouri, 6666 West 110th Street, Overland Park, KS 66211  
H. Edward Skinner, Ivester, Henry, Skinner & Camp, 212 Center Street, Suite 900, Little Rock, AR 72201  
Gary W. Duffy, W.R. England, James Swearngen, Attorneys, PO Box 456, Jefferson City, MO 65102  
J.E. Harrison, Asst. Treasurer, Missouri-American Water Co., 2707 Pembroke Lane, St. Joseph, MO 64505  
John Eckert, Vice President, Consolidated Water Services, Inc., 1000 N. Madison, P.O. Box 329, Greenwood, IN 46142  
L.D. Abbott, Vice President-Revenue Requirements, General Telephone Company of the Midwest, 11 Eleventh Ave., Grinnell, IA 50112  
Michael A. Meyer, Attorney, Southwestern Bell Telephone Co., 100 N. Tucker Blvd., St. Louis, MO 63101  
Richard T. Ciottonne, Vice President and General Counsel, St. Louis County Water Co., 535 N. New Ballas Road, St. Louis, MO 63141  
Bob Perkins, Vice President, Tel Central of Jefferson City, 130 E. High Street, Jefferson City, MO 65101  
Richard W. French, First Asst. Public Counsel, P.O. Box 7800, Jefferson City, MO 65102  
Gerald Hill, Dir. Rates, General Waterworks Management & Service Co., 950 Havenford Road, Bryn Mawr, PA 19010  
E.L. McKenzie, Secretary, Associated Natural Gas Co., P.O. Box 628, Blytheville, AR 72316  
Regulatory Relations, AT&T, 101 Madison Street, Jefferson City, MO 65101  
Leland B. Curtis, 130 S. Bemiston, Suite 200, St. Louis, MO 63105  
C.K. Casteel, Jr., Senior Attorney, MCI, 100 S. 4th St., Ste. 1200, Clayton, MO 63105  
Ernest Jones, US Dept. of Energy, FCM Div., P.O. Box 5400, Albuquerque, NM 87115

Enclosed find certified copy of ORDER in the above-numbered case.

Sincerely,

Harvey G. Hubbs  
Secretary

**uncertified:**

John Low, Manager, West Fork Project, ASARCO, Inc., P.O. Box 116, Bunker, MO 63629  
Richard Wrench, Treasurer, Great River Gas Co., P.O. Box 967, Keokuk, IA 52632  
Timothy M. Rush, Mgr., Rates & Market Research, St. Joseph Light & Power Co., 520 Francis Street, St. Joseph, MO 64502  
Jack Krokroskia, Vice President of Mining, Doe Run Co., Box 500, Viburnum, MO 65566

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a Session of the Public Service  
Commission held at its office  
in Jefferson City on the 5th  
day of August, 1987.

CASE NO. AO-87-48

In the matter of the investigation  
of the revenue effects upon Missouri  
utilities of the Tax Reform Act  
of 1986.

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ORDER DENYING APPLICATION FOR REHEARING

On April 3, 1987, the Commission issued its order granting Union Electric Company's "Motion To Revise Rate Phase-In Plan And To Allow Tariffs To Become Effective On Less Than 30 Days Notice". The tariffs implemented a rate reduction to reflect lower tax rates approved in the Tax Reform Act of 1986.

On April 10, 1987, Monsanto Company, et al., and Anheuser-Busch, Inc., filed an application for rehearing requesting the Commission to grant rehearing and reverse its decision.

The Commission, having considered the application for rehearing, concludes that it should be denied.

It is, therefore,

ORDERED: 1. That the application for rehearing filed by Monsanto Company, et al., and Anheuser-Busch, Inc. in this matter on April 10, 1987, be, and it is, hereby denied.

ORDERED: 2. That this Order shall become effective on the date hereof.

BY THE COMMISSION

*Harvey G. Hubbs*  
Harvey G. Hubbs  
Secretary

(S E A L)

Musgrave, Mueller, Hendren  
and Fischer, CC., Concur.  
Steinmeier, Chm., Absent.

STATE OF MISSOURI  
OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original  
on file in this office and I do hereby certify the same to be  
a true copy therefrom and the whole thereof.

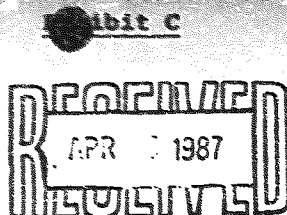
WITNESS my hand and seal of the Public Service Commission  
at Jefferson City, this 5th day of August, 1987.

A handwritten signature in dark ink, appearing to read "Harvey G. Hubbs", is written over a horizontal line.

Harvey G. Hubbs

Secretary

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY, MISSOURI  
April 3, 1987



CASE NO. EO-85-17 & FR-85-160 AO-87-48

Paul Agathen, Counsel, Union Electric Co., P.O. Box 149, St. Louis, MO 63166  
William Jaudes, General Counsel, Union Electric Co., P.O. Box 149, St. Louis, MO 63166  
James Cook, Union Electric Company, P.O. Box 149, St. Louis, MO 63166  
Gerald Charnoff, Attorney, 1800 M Street, N.W., Washington, DC 20036  
A.V. McCalley, City Attorney, P.O. Box 319, Richmond, MO 64085  
Boyd J. Springer & Sarah J. Read, Attorneys, 3 First National Plaza, Suite 5200, Chicago, IL 60602  
Dean A. Park, 1031 Executive Parkway Dr., St. Louis, MO 63141  
George A. Weible, City Attorney, City Hall, 200 N. Second St., St. Charles, MO 63301  
James Swarengen, Attorney, P.O. Box 456, Jefferson City, MO 65102  
Joseph Ellis, City Attorney, 108 Vine St., Macon, MO 63552  
Louis Leonatti, City Counselor, 123 E. Jackson St., Mexico, MO 65256  
Michael Madsen, Attorney, P.O. Box 235, Jefferson City, MO 65102  
Phillip J. Ohlms, Attorney, 225 S. Main St. #100, O'Fallon, MO 63366-2804  
Robert C. Johnson, Mark Packer, George Pond, Attorneys, 720 Olive Street, 24th Floor, St. Louis, MO 63101  
Rollin J. Moerschel, Attorney, 200 N. Third St., St. Charles, MO 63301  
Tom Brown, Attorney, P.O. Box 40, Edina, MO 63537  
William Barvick, Attorney, Suite 301 Hope Mercantile Bldg, 231 Madison Street, Jefferson City, MO 65101  
Allen Wesolowski, Asst. Attorney General, 180 N. LaSalle Street, Suite 622, Chicago, IL 60601  
Joe Malaski, Illinois State Commerce Commission, 527 E. Capitol, Springfield, IL 62706  
B. Allen Garner, Attorney, P.O. Box 205, Eldon, MO 65026  
David Yarger, City Attorney, Gunn Building, Versailles, MO 65804  
Fred Boeckman, City Attorney, P.O. Box 617, Cape Girardeau, MO 63701  
Howard Hickman, Attorney, P.O. Box 82, Kirksville, MO 63501  
Jeffrey Dahl, Attorney, 6267 Delmar, St. Louis, MO 63130  
Kenneth J. Neises, Attorney, Laclede Gas Co., 720 Olive St., Room 1513, St. Louis, MO 63101  
Lyndel Porterfield, City Counsel, 320 E. McCarty St., Jefferson City, MO 65101  
Mike Conway, City Attorney, Sixth and Spring Streets, Boonville, MO 65233  
R. Brian Hall, City Attorney, 6812 N. Oak, Suite 5, Gladstone, MO 64118  
Robert C. McNicholas, Assoc. City Counsel, 314 City Hall, St. Louis, MO 63103  
Sam Overfelt, Attorney, P.O. Box 1336, Jefferson City, MO 65102  
Tom Ryan, Counsel, 4144 Lindell, Suite 219, St. Louis, MO 63108  
Wm. Clark Kelly, Asst. Attorney General, P.O. Box 899, Jefferson City, MO 65102  
Dave Gilbert, Governor's Office of Consumer Service, Room 2010, 160 N. LaSalle Street, Chicago, IL 60601  
Randal Robertson, Attorney, P.O. Box 735, Granite City, IL 62040  
Bobette Shipman, Attorney, 215 Broadway, Elsberry, MO 63343  
David Lodwick, City Attorney, 120 E. Broadway, Excelsior Springs, MO 64024  
Gary Mayes, Attorney, Mercantile Center, St. Louis, MO 63101  
Jack Gallego, Attorney, P.O. Box 286, Troy, MO 63379  
Lewis C. Green, Attorney, 314 N. Broadway, Suite 1830, St. Louis, MO 63102  
Marion Lamb, City Attorney, City Hall, 101 West Reed, Moberly, MO 65270  
Philip G. Smith, City Attorney, P.O. Box 486, Louisiana, MO 63353  
Richard S. Brownlee, Attorney, P.O. Box 1069, Jefferson City, MO 65102  
Robert Wohler, Attorney, 225 S. Main, O'Fallon, MO 63366  
Steven Raymond, City Attorney, P.O. Box 177, Shelbyville, MO 63469  
Willard C. Reine, Attorney, 314 E. High St., Jefferson City, MO 65101  
Thomas Downey, Attorney, P.O. Box 510, Jefferson City, MO 65102  
O'Brien-Kreitzberg & Assoc., 16 N. Centre St., Merchantville, NJ 08109  
Office of Public Counsel, P.O. Box 7800, Jefferson City, MO 65102  
Stuart W. Conrad, Attorney, 2600 Mutual Benefit Life Building, 2345 Grand Ave., Kansas City, MO 64108  
Mark English, Attorney, Kansas City Power & Light Co., 1330 Baltimore, Kansas City, MO 63101

Enclosed find certified copy of ORDER in the above-numbered case.

Sincerely,

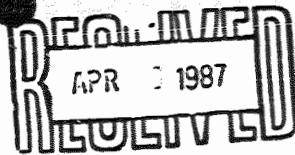
*Harvey G. Rubbs*

Harvey G. Rubbs  
Secretary

unretified copy:

Jim Sackett, Office of the Mayor, Room 421, City Hall, Tucker & Market Sts, St. Louis, MO 63103  
Stanton Ehinger, Plant Manager, Dundee Cement Co., P.O. Box 67, Clarksville, MO 63336  
Neil Rosenstrauch, New York Public Service Commission, 3 Empire State Plaza, Albany, NY 12223





STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a Session of the Public Service  
Commission held at its office  
in Jefferson City on the 3rd  
day of April, 1987.

CASE NO. EO-85-17

In the matter of the determination  
of in-service criteria for the  
Union Electric Company's Callaway  
Nuclear Plant and Callaway rate  
base and related issues.

CASE NO. ER-85-160

In the matter of Union Electric Company  
of St. Louis, Missouri, for authority  
to file tariffs increasing rates for  
electric service provided to customers  
in the Missouri service area of the  
company. (filing January 15, 1985).

CASE NO. AO-87-48

In the matter of the investigation of  
the revenue effects upon Missouri  
utilities of the Tax Reform Act of  
1986.

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ORDER GRANTING MOTION

On March 24, 1987, Union Electric Company filed its "Motion To Revise Rate Phase-In Plan, And To Allow Tariffs To Become Effective On Less Than 30 Days Notice". The Company proposes to reduce the scheduled rate changes in the rate phase-in plan adopted by this Commission in Case Nos. EO-85-17 and ER-85-160 to reflect lower tax rates approved in the Tax Reform Act of 1986. The revised phase-in plan provides for overall annual revenue increases from 1987 through 1990 of approximately 4.6 percent, compared to increases in those years of 7.3 percent in the original phase-in plan.

Attached to the Motion are tariff sheets which will implement the proposed adjustments to the 1987-1990 rate increases. Tariff sheets for the years 1991 and 1992 have not been compiled, but will be filed as soon as they are completed.

The Company also requests that the tariffs for the 1987 increase be allowed to go into effect on less than 30 days notice. The 1987 increase has a proposed effective date of April 9, 1987, the date on which the next phase-in increase is scheduled.

On March 26, 1987, the Commission issued its Order directing that any objections to the Company's Motion be filed on or before March 31, 1987.

On March 30, 1987, Monsanto, et al. and Anheuser-Busch, Inc., filed a motion to suspend, stating that they contest the rate design reflected in the proposed tariffs. However, the Motion states that Monsanto, et al. and Anheuser-Busch, Inc. do not seek to stay Union Electric's new tariffs provided that this does not effect any right they may have to seek a stay of rates in the appeal of Commission Case Nos. EO-85-17 and ER-85-160 now pending in the Cole County Circuit Court.

Staff has reviewed the tariffs and recommends approval. By recommending approval of the tariffs, Staff is not limiting its right to address the effect of the Tax Reform Act of 1986 in any future proceeding, nor is it agreeing that this reduction reflects the total effect of the TRA.

The Commission, having reviewed the Company's Motion, the Motion to suspend, and Staff's recommendation, concludes that the Motion filed by the Union Electric Company should be granted. In the Commission's opinion, the benefits to Union Electric customers associated with the rate reduction sought herein, constitutes good cause for allowing the tariffs for the 1987 phase-in increase to become effective on less than 30 days notice.

It is, therefore,

ORDERED: 1. That the Motion To Revise Rate Phase-in Plan, And To Allow Tariffs To Become Effective On Less Than 30 Days Notice filed herein by the Union Electric Company be, and it is, hereby granted.

ORDERED: 2. That the revised phase-in plan approved herein be, and it is, hereby approved to the same extent and under the same conditions as the phase-in plan approved by the Commission in Case Nos. EO-87-17 and ER-85-160.

ORDERED: 3. That the Union Electric Company is authorized to withdraw its phase-in tariffs for years three through eight which were filed pursuant to the Report and Order in Case Nos. EO-85-17 and ER-85-160 and to replace those tariffs with phase-in tariffs which reflect the rate changes set forth in the Company's Motion of March 24, 1987.

ORDERED: 4. That the following third year phase-in tariff sheets submitted on March 24, 1987, by Union Electric Company for the purpose of increasing rates for electric service provided to customers in its Missouri service area be, and they are, hereby approved and made effective for electric service rendered on and after April 9, 1987.

P.S.C. Mo. No. 5

27th Revised Sheet No. 28	cancelling	26th Revised Sheet No. 28
11th Revised Sheet No. 32	cancelling	10th Revised Sheet No. 32
14th Revised Sheet No. 34	cancelling	13th Revised Sheet No. 34
23rd Revised Sheet No. 37	cancelling	22nd Revised Sheet No. 37
18th Revised Sheet No. 39	cancelling	17th Revised Sheet No. 39
16th Revised Sheet No. 40	cancelling	15th Revised Sheet No. 40
22nd Revised Sheet No. 41	cancelling	21st Revised Sheet No. 41
9th Revised Sheet No. 44	cancelling	8th Revised Sheet No. 44
20th Revised Sheet No. 50	cancelling	19th Revised Sheet No. 50
13th Revised Sheet No. 55	cancelling	12th Revised Sheet No. 55
15th Revised Sheet No. 60	cancelling	14th Revised Sheet No. 60
12th Revised Sheet No. 63	cancelling	11th Revised Sheet No. 63
23rd Revised Sheet No. 67	cancelling	22nd Revised Sheet No. 67
11th Revised Sheet No. 99	cancelling	10th Revised Sheet No. 99

ORDERED: 5. That this Order shall become effective on the date hereof.

BY THE COMMISSION

*Harvey G. Hubbs*

Harvey G. Hubbs  
Secretary

(S E A L)

Steinmeier, Chm., Musgrave, Hendren,  
and Fischer, CC., Concur.  
Mueller, C., Absent.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission,  
at Jefferson City, this 3rd day of April 1987.



Harvey G. Hubbs  
Secretary