

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

In the Matter of the Application of Thomas L.)
Chaney for Change of Electrical Supplier.) Case No. EO-2011-0391

**RESPONSE TO APPLICATION FOR CHANGE
OF ELECTRIC SERVICE PROVIDER**

COMES NOW Union Electric Company d/b/a Ameren Missouri (Ameren Missouri) and in response to the Application for Change in Electric Service Provider (Application), filed by Thomas L. Chaney, states as follows:

1. On June 10, 2011, Mr. Chaney filed his request for a change of electrical supplier from Cuivre River Electric Cooperative, Inc. (Cuivre River) to Ameren Missouri.
2. The basis for Mr. Chaney’s request is the fact that Ameren Missouri is required by Missouri’s Renewable Energy Standard (RES), referred to as Proposition C in the Application, to pay a rebate to customers who own solar panels. Cuivre River does not have a similar requirement under the RES.
3. Mr. Chaney is currently served by Cuivre River and Cuivre River has the right to continue serving him under Section 393.106 RSMo. This statute is sometimes referred to as the anti-flip-flop statute. The statute states that the Missouri Public Service Commission (Commission) “...may order a change of suppliers on the basis that it is in the public interest for a reason other than a rate differential.” (Section 393.106.2 RSMo.) The Application does not provide any basis for the Commission to grant a change of electric supplier for a reason other than a rate differential.

4. The sole justification offered by Mr. Chaney is the rebate required by Missouri's Renewable Energy Standard (RES) law. (Section 393.1030.3 RSMo.) Since the filing of Chaney's Application, this section of the law has been held to be unconstitutional by a Cole County Circuit Court. Accordingly, there exists a great deal of uncertainty as to whether or not it will continue to be available to Ameren Missouri customers.

5. Additionally, Section 393.106 prohibits switching electric suppliers on the basis of a rate differential. Ameren Missouri pays the rebate under the terms of a tariff, found in Schedule 5, which contains the Company's rates for electric service. This tariff arguably may qualify as a "rate" as that word is used in the anti-flip-flop statute.

6. Additionally, even if the rebate tariff is not considered a "rate," it is not in the public interest to allow for a change of electric suppliers solely on the basis of the availability of solar rebates. The anti-flip-flop laws were instituted to prevent customers changing electric suppliers except in limited circumstances. Granting this Application on the basis requested would lower the standard required by the Commission and would provide all cooperative members with a Commission approved basis for changing electric suppliers, as all cooperative members face the same inability to obtain solar rebates as Mr. Chaney.

WHEREFORE, for the reasons cited above, Ameren Missouri respectfully requests this Commission to enter an order denying Mr. Chaney's Application and for such other and further relief deemed proper under the circumstances.

Respectfully submitted,

UNION ELECTRIC COMPANY,
d/b/a Ameren Missouri

/s/ *Wendy K. Tatro*

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 12th day of July, 2011.

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