



State of Missouri

John Ashcroft, Governor

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Martha S. Hogerty
Public Counsel

April 16, 1991

Lai
Mr. C. Brent Stewart
Executive Secretary
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

Re: Union Electric Company
File No. 9100378

Dear Mr. Stewart:

Enclosed for filing in the above-referenced case is the original and fourteen copies of Public Counsel's Motion to Reject or Suspend Tariff. Please "file" stamp the extra enclosed copy and return it to this office.

Thank you for your attention to this matter.

Very truly yours,

John B. Coffman
Assistant Public Counsel

JBC:kl
Enclosures

cc: William E. Jaudes
Mary Ann Young

FILED
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PUBLIC SERVICE COMMISSION

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Regarding Union Electric
Company - Rider P - PowerStat
Program Rider

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Case No. ER-91-312

File No. 9100378

MOTION TO REJECT OR SUSPEND TARIFF

Comes now the Office of the Public Counsel (Movant or Public Counsel) and for its Motion to Reject or Suspend Tariff states as follows:

1. That on April 5, 1991, Union Electric Company (UE) filed a tariff (PowerStat tariff), entitled "Rider P - PowerStat Program Rider," proposing an experimental and unprecedented prepaid metering system whereby as many as 100 residential UE customers would be expected to purchase electricity before being allowed to consume it.

2. That said tariff filing is statutorily defective and must be rejected because UE did not serve Public Counsel with a copy of said tariff, the cover letter to the Commission does not indicate otherwise, and thus UE violated Section 386.710.2 of the Revised Statutes of Missouri, which states: "The Public Counsel shall be served with all proposed tariffs . . ." Public Counsel learned of the tariff filing on April 12, 1991, one full week after filing.

3. That UE's PowerStat tariff filing violates the letter and the spirit of Chapter 13 of Commission rules, "Utility Billing Practices," in that:

A. Commission rule 4 CSR 240-13.020, which provides the standards by which payment for residential electrical service must be sought, does not anticipate or permit any method of

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seeking payment for utility service other than rendering a bill which corresponds to a period of past utility service.

B. UE's PowerStat tariff would allow UE to circumvent the protections of the Commission's "Cold Weather Rule," 4 CSR 240-13.055.

C. UE's proposed PowerStat tariff filing was not accompanied by a request for any variance from the provisions of Chapter 13 of the Commission rules.

4. That UE's PowerStat tariff, if approved, would violate Section 393.130 of the Revised Statutes of Missouri because it would allow UE to unduly and unreasonably discriminate against participating customers in relation to other UE customers who are similarly situated in that participating customers alone would be required to prepay for electrical service which would be rationed over a future period. Participating customers would be prejudiced further in relation to other UE customers, who are billed, because the former will lose the time value of the money they pay from the date of prepayment until the date at which payment would be due under existing billing procedures.

5. That it is unclear from UE's PowerStat tariff filing whether or not targeted customers will have any discretion to voluntarily choose participation in the experimental program proposed therein. The only discretion mentioned in said tariff refers to UE's ability to refuse an applicant.

6. That according to Public Counsel's information and belief, UE held meetings with the Staff of the Commission prior to the filing of the PowerStat tariff where they were informed about this proposal, but contrary to the prevailing custom, Public Counsel was not invited to

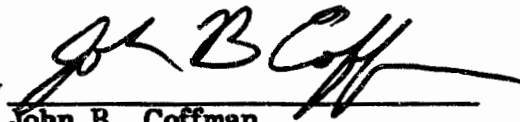
these meetings. It is also believed that UE intends to target low income customers, particularly those residing in public housing, and that such customers would be more likely than others to suffer economic hardship and inconvenience from a prerequisite of prepayment and energy rationing.

WHEREFORE, Public Counsel respectfully requests the Commission to reject the above-described tariff as statutorily defective, violative of Missouri law and Commission rules. In the alternative, Public Counsel requests the Commission to suspend said tariff and establish a procedural schedule allowing for intervention, further investigation, and a full on-the-record hearing.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

By



John B. Coffman
Assistant Public Counsel
P.O. Box 7800
Jefferson City, Missouri 65102
314/751-4857

I hereby certify that a copy of the foregoing has been mailed or hand-delivered to the following on this 16th day of April, 1991:

William E. Jaudes
Union Electric Company
P.O. Box 149
St. Louis, Missouri 63166

Mary Ann Young
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

