



State of Missouri

John Ashcroft, Governor

Office of the Public Counsel

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Martha S. Hogerty
Public Counsel

May 9, 1991

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

Re: Union Electric Company,
Case No. ER-91-³756

Dear Mr. Stewart:

Enclosed for filing in the above-referenced case please find the original and fourteen copies of Public Counsel's Motion to Suspend Tariffs. I have on this date mailed or hand-delivered copies to all parties of record. Please "file" stamp the extra-enclosed copy and return them to our office.

Thank you for your attention to this matter.

Sincerely,

John B. Coffman
Assistant Public Counsel

JBC:kh
Enclosures

cc: Mary Ann Young
Joseph Raybuck

FILED
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PUBLIC SERVICE COMMISSION

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

In the matter of Union Electric)
Company's Tariff Proposing Rider)
P - PowerStat Program Rider.)

Case No. ER-91-356

MOTION TO SUSPEND TARIFF

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

1. On April 5, 1991, Union Electric Company (UE) filed a tariff (Case No. ER-91-312) proposing an experimental prepaid metering system whereby as many as 100 residential UE customers would be expected to purchase electricity before consuming it. Although Public Counsel had been informally notified that such a filing was imminent, no copy of said filing was served upon Public Counsel, in violation of Section 386.710.2 of the Revised Statutes of Missouri.

2. On May 6, 1991, UE withdrew the PowerStat tariff in Case No. ER-91-312, and on May 8, 1991, UE filed a new, revised PowerStat tariff, serving Public Counsel with a copy of that filing, thus initiating this proceeding, Case No. ER-91-356.

3. The cover letter to UE's new PowerStat tariff filing overstates the extent to which the proposed PowerStat program has been discussed with Public Counsel. On April 29, 1991, Larry Rushing, manager of UE's capital district, met with Public Counsel and supplied answers to Public Counsel's data requests. On April 30, 1991, representatives from UE conducted a demonstration of PowerStat equipment for Public Counsel and the Staff of the Commission, and only then were some aspects of the PowerStat program fully explained to Public Counsel.

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PUBLIC SERVICE COMMISSION

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4. Public Counsel maintains that UE's new 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 seeking payment for utility service other than rendering a bill which corresponds to a period of past utility service.

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

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

5. Public Counsel recognizes that UE has provided language in the new tariff filing which attempts to ensure that participation in an experimental PowerStat program would be a voluntary decision for the person responsible for purchasing electricity at any particular dwelling unit. An absolutely voluntary program would alleviate concerns that such a program could be used to discriminate against participating UE customers, who must pay for electricity in advance, in relation to UE customers with standard metering, who receive a bill for past electrical consumption. The new tariff language is defective, however, with respect to the following aspects of the program's voluntariness:

A. The proposed tariff and "Form of Agreement" does not provide any assurance that prospective or existing occupants

of a dwelling will be fully aware of their right to choose standard metering instead, and thus be able to make an informed decision concerning participation in the program.

B. The proposed tariff provides no specific guarantee that applicants for public housing will have the right to refuse participation without detrimentally affecting their ability to obtain housing at a particular location.

6. Since UE has estimated that the installation of each PowerStat meter will cost approximately \$718, Public Counsel cannot envision a situation where uncollectibles or other expenses would be reduced near enough to justify the cost of a PowerStat program. The new PowerStat tariff filing is defective in that it lacks any specific criteria for determining the cost effectiveness of such a program.

7. Public Counsel maintains that the foregoing reasons provide sufficient cause to suspend the new PowerStat tariff, and to allow for the concerns of all parties to be expressed in a full on-the-record hearing.

WHEREFORE, Public Counsel respectfully 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

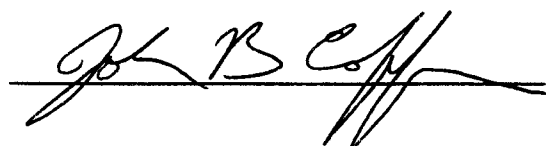


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I hereby certify that a copy of the foregoing has been mailed or hand-delivered to the following on this 7th day of May, 1991:

Joseph Raybuck
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

A handwritten signature in dark ink, appearing to read 'J. Raybuck', is written over a horizontal line.