

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

In the Matter of Union Electric Company d/b/a            )  
Ameren Missouri for a Variance from                    )       File No. EE-2019-0076  
4 CSR 240-23.020(3)(C).                                    )

**REQUEST TO SUBSTITUTE**  
**NOTICE OF CASE FILING AND REQUEST FOR VARIANCES**

**COMES NOW** Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri" or "the Company"), and requests that the previous Notice of Case Filing and Request for Variances ("Notice and Request") submitted to the Missouri Public Service Commission ("Commission") on September 20, 2018, be substituted and replaced with the attached Substitute Notice of Case Filing and Request for Variances ("Substitute Notice and Request") accompanying this pleading. In support of its position, the Company states as follows:

1.       On September 20, 2018, Ameren Missouri submitted its Notice and Request, asking not only for certain variances from 4 CSR 240-23.020, but also a waiver of the 60-day notice requirement of 4 CSR 240-4.017. In support of waiving the 60-day notice requirement, the Company provided in both its pleading and an accompanying affidavit statements noting that:

2.       Under 4 CSR 240-4.017(1)(D), waivers of the 60-day notice may be granted for good cause shown. Good cause includes, among other things, that, "Ameren Missouri has had no communications with the office of the Commission (as defined by 4 CSR 240-4.015(10)) regarding any substantive issue likely to be in this case during the preceding 150 days." While it is true that Ameren Missouri had no prior conversations about the need for a waiver based on the reasons articulated in that pleading, the Company did have conversations generally with the Commission regarding its restoration work in Puerto Rico during that time period.

3. Specifically, on May 30, 2018, Mark Birk, Senior Vice President - Customer and Power Operations, made a presentation to the Commission regarding the deployment of personnel in order to aid in the restoration efforts. This presentation did not state, because it was not known at the time, that these restoration efforts would contribute to any delay in repair efforts for the Company's own systems. Further, this presentation did not reference that a variance of any kind may be needed. Still, because the presentation did involve discussion of the Puerto Rico restoration work generally, the Company has chosen to submit the Substitute Notice and Request to avoid any potential appearance of impropriety. Instead of relying on lack of communications as a ground for good cause, Ameren Missouri provides alternate justification for the variance request in the attached Substitute Notice and Request.

**WHEREFORE,** Ameren Missouri respectfully requests that the Commission grant the request to substitute the Substitute Notice and Request attached to this pleading in place of the Notice and Request originally submitted in this proceeding.

Respectfully submitted,

/s/ Paula N. Johnson

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ATTORNEY FOR UNION ELECTRIC  
COMPANY, d/b/a AMEREN MISSOURI

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In the Matter of Union Electric Company d/b/a )  
Ameren Missouri for a Variance from ) File No. EE-2019-0076  
4 CSR 240-23.020(3)(C). )

**SUBSTITUTE NOTICE OF CASE FILING AND REQUEST FOR VARIANCES**

**COMES NOW** Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri" or "the Company"), and pursuant to 4 CSR 240-2.060(4), 4 CSR 240-4.017, and 4 CSR 240-23.020(5), submits this *Substitute Notice of Case Filing and Request for Variances* ("*Substitute Notice and Request*") which would relieve the Company from the 60-day notice requirement of 4 CSR 240-4.017(1)(D), and allow the Company additional time - until March 31, 2019 - to complete the annual inspection process described in 4 CSR 240-23.020. In support of its position, Ameren Missouri states as follows:

**INTRODUCTION**

1. 4 CSR 240-23.020 requires electrical corporations to "have personnel, sufficiently trained in inspections, conduct inspections of its transmission and distribution facilities operated above 600 volts..." and to file compliance plans with the Missouri Public Service Commission ("Commission") describing its schedule for annual inspections. In 2018, Ameren Missouri's corrective action schedule was disrupted by certain factors, particularly by its deployment of resources in an effort to assist in the restoration of electric services to Puerto Rico that were devastated by Hurricane Maria. As the year progressed and Ameren Missouri continued analysis of its needs for the remainder of the year, the Company realized that it would require additional time to complete corrective actions identified during the inspection process anticipated in 4 CSR

240-23.020. Ameren Missouri therefore requests an extension of time to complete the corrective actions scheduled for 2018 until March 31, 2019.

2. Under 4 CSR 240-4.017(1)(D), waivers of the 60-day notice may be granted for good cause shown. Good cause include, among other things, that the circumstances prevented filing the required notice and delaying the filing for 60 days would cause harm. Ameren Missouri meets this requirement. Through this pleading, the Company provides notice that this case involves a variance request for the completion of certain infrastructure inspections, as described above.

3. In support of its position and in compliance with 4 CSR 240-23.023(5), 4 CSR 240-2.060(1), 4 CSR 240-2.060(4), and 4 CSR 240-4.017(1)(D), Ameren Missouri provides the required information in the following sections of this *Notice and Request*:

I. 4 CSR 240-2.060(1), (A) through (M)<sup>1</sup>

II. Requested Variances

**I. 4 CSR 240-2.060(1), (A) through (M)**

**Paragraph (A) – Applicant**

4. The Company is a Missouri corporation doing business under the fictitious name of Ameren Missouri, organized and existing under the laws of the State of Missouri, in good standing in all respects, with its principal office and place of business located at One Ameren Plaza, 1901 Chouteau Avenue, St. Louis, Missouri 63103. The Company is engaged in providing electric and gas utility services in portions of Missouri as a public utility under the jurisdiction of the Commission. The Company is a subsidiary of Ameren Corporation.

**Paragraph (B) – Articles of Incorporation; Paragraph (E) – Fictitious Name; Paragraph**

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<sup>1</sup> Those requesting variances pursuant to 4 CSR 240-2.060(4) must also provide the information required by 4 CSR 240-2.060(1).

**(G) – Information Previously Submitted; Paragraph (H) – Character of Business<sup>2</sup>**

5. Ameren Missouri previously submitted to the Commission a certified copy of its Articles of Incorporation (See Case No. EA-87-105), as well as its Fictitious Name Registrations as filed with the Missouri Secretary of State's Office (See Case Nos. EN-2011-0069 and GN-2011-0070). The Company also recently submitted to the Commission a certified copy of its Certificate of Corporate Good Standing in File No. EA-2018-0202. These documents are incorporated by reference and made a part of this *Notice and Request* for all purposes.

**Paragraph I – Correspondence and Communication**

6. Correspondence and Communication -- Correspondence, communications, orders and decisions in regard to this *Notice and Request* should be sent to the undersigned counsel:

For the Company:

Paula N. Johnson  
Senior Corporate Counsel  
Ameren Missouri  
1901 Chouteau Avenue  
PO Box 66149  
St. Louis, MO 63166-6149  
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**Paragraph (K) – Actions, Judgments, and Decisions; Paragraph (L) – Fees<sup>3</sup>**

7. Ameren Missouri has no final unsatisfied judgments or decisions against it from any state or federal agency or court that involve customer service or rates that have occurred within three years of the date of this *Notice and Request*. By the nature of its business, the Company has, from time-to-time, pending actions in state and federal agencies and courts involving customer

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<sup>2</sup> Paragraphs (C), (D), and (F) do not apply to Ameren Missouri.

<sup>3</sup> Paragraph (J) does not apply to Ameren Missouri.

service or rates. The Company has no annual report or assessment fees overdue to this Commission.

**Paragraph (M) – Affidavit**

8. An affidavit in support of this *Notice and Request* by an officer of the Company is included as Exhibit A.

**II. Requested Variances**

9. 4 CSR 240-4.017(D) allows a variance from the 60-day notice requirement for good cause shown. 4 CSR 240-23.020(5) also allows variance from provisions of the Electrical Corporation Infrastructure Standards rule when good cause is shown. The good cause for each of these is discussed in more detail below.

**A. 60-Day Notice Requirement**

10. Ameren Missouri requests a variance from the 60-day notice requirement of 4 CSR 240-4.017, which states, in relevant part:

Any person that intends to file a case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such case...

Pursuant to 4 CSR 240-4.017(1)(D), waivers of the 60-day notice requirement may be granted for good cause shown. The rule further provides that good cause includes "that circumstances prevented filing the required notice and delaying the filing for sixty (60) days would cause harm..."<sup>4</sup> Ameren Missouri only recently determined that it would be unable to comply with the repair schedule contained in its report. As it was seeking methods to bring the work back onto schedule, the Company determined that many personnel qualified to do the repair work had left

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<sup>4</sup> Pursuant to the Commission's *Order Waiving 60-Day Notice Requirement* issued on August 1, 2017, in File No. WM-2018-0023, the examples of good cause provided in the rule are not exclusive, and the Commission may find that good cause has been established by other circumstances.

the area for other projects, and that bringing them back to the area would take more monetary investment than previously anticipated. The Company determined that the work remaining was of the nature that would not create an undue risk if the repairs were delayed for a short period. The Company therefore determined that since the repairs did not create an undue risk through delay, since any delay to complete the work would be only over a three-month period, and since the delay also avoided increased costs in completing the repairs, the prudent course of action was to implement the delay. Requiring the completion of the repairs before year-end would cause harm in the form of increased repair costs, which could be subject to recovery from customers in the context of a rate case, that are not commensurate with the risks involved in a short delay. Accordingly, Ameren Missouri has established good cause for a waiver from the 60-day requirement of 4 CSR 240-4.017(1). No other public utility will be affected by granting the Company a waiver from this requirement.

## **B. Corrective Actions**

11. Ameren Missouri requests variances from 4 CSR 240-23.020(3)(C) which reads, in relevant part:

### **4 CSR 240-23.020(3)(C)**

Each electrical corporation subject to this rule shall file with the commission an annual report detailing its compliance with this rule during the prior calendar year...The report shall also present the total number and percentage breakdown of equipment rated at each condition rating level, including that equipment determined to be in need of corrective action...The report shall also present the total number and percentage breakdown of equipment rated at each condition rating level, including that equipment determined to be in need of corrective action. Where corrective action was scheduled during the reporting period, the report shall present the total number and percentage of equipment that was or was not corrected during the reporting period. For those instances in which equipment was scheduled to have corrective action but the equipment was not corrected during the reporting period, an explanation shall be provided, including a date certain by which required corrective action will occur. The report shall also present totals and the percentage of equipment in need of corrective action, but with a scheduled date beyond the reporting period, classified by the amount of time remaining before the scheduled

action.

In other words, the Company must provide a schedule for repairs arising out of the required system inspections, and adhere to that schedule to the extent possible. Given the rationale and the time period required for completion of the repairs scheduled for 2018, the Company is requesting a variance from its report submitted pursuant to these rules now rather than waiting until its next report to explain.

12. As previously noted, Ameren Missouri's corrective action schedule was disrupted in 2018 by certain factors, particularly by its deployment of resources in an effort to assist in the restoration of electric services to Puerto Rico that were devastated by Hurricane Maria. Ameren Missouri, and its sister utility Ameren Illinois, deployed resources to assist in the restoration effort from January to April 2018. As noted above, as the year progressed and Ameren Missouri continued analysis of its resource needs for the remainder of the year, the Company realized that it was facing a delay in completing its corrective actions scheduled pursuant to the requirements of 4 CSR 240-23.020 for completion by December 31, 2018. Ameren Missouri asks only for a three-month delay to complete these activities – through March 31, 2019. Because of the short duration of the requested delay, granting this variance will not cause a significant impact to the company's provision of safe and adequate service pursuant to Section 393.130.1 RSMo. Finally, because this only involves corrective actions for Ameren Missouri's infrastructure, no other public utility will be impacted by the grant of these variances.

**WHEREFORE,** Ameren Missouri respectfully requests that the Commission grant the requested variance of 4 CSR 240-4.017 of the 60-day notice requirement for this case, and the



variances of 4 CSR 240-23.020(3)(C), which will allow Ameren Missouri until March 31, 2019, to complete its annual inspections.

Respectfully submitted,

/s/ **Paula N. Johnson**

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4 CSR 240-23.020(3)(A) and (B). )

[illegible]

1. My name is Patrick E. Smith, Sr. I work in the City of St. Louis, Missouri, and I am employed by Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri") as Vice President – Division Operations. I direct personnel responsible for the design, construction, and maintenance of Ameren Missouri's electric energy distribution systems.

  
Patrick E. Smith, Sr.

Joseph O. O'Leary  
Notary Public

Joseph O. Daly  
Notary Public - Notary Seal, State of  
Missouri - Cole County  
Commission #13388128  
My Commission Expires 8/8/2021

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing was served on the Staff of the Commission and the Office of the Public Counsel on this 10<sup>th</sup> day of October, 2018 via electronic mail (e-mail).

/s/ Paula N. Johnson

Paula N. Johnson