

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

Roman Dzhurinskiy and Zinaida Dzurinskaya,	)	
	)	
Complainants,	)	
	)	
vs.	)	<b>File No. EC-2016-0001</b>
	)	
Union Electric Company d/b/a Ameren Missouri	)	
	)	
Respondent.	)	

**MOTION FOR SUMMARY DETERMINATION**

COMES NOW the Office of the Public Counsel (“OPC” of “Public Counsel”) and for its Motion for Summary Determination, pursuant to Missouri Public Service Commission (“Commission”) Rules 4 CSR 240-2.117(1), states:

**Motion for Summary Determination**

1. The Commission may grant a motion for summary determination if there exists “no genuine issue as to any material fact, that any party is entitled to relief as a matter of law as to all or any part of the case, and the commission determines that it is in the public interest.” 4 CSR 240-2.117(1)(E).
  
2. Applying the uncontroverted material facts contained in this *Motion* to the applicable law as explained in the attached supporting Memorandum of Law entitles the Complainants to relief. Moreover, an order granting summary determination will resolve this complaint in an expedient manner and otherwise further the public interest. Therefore, Public Counsel moves the Commission to issue an order granting summary determination in favor of the complainants; finding that the complainants meet the qualifications listed in Ameren’s tariff sheet Mo. P.S.C. Schedule No. 6, 1<sup>st</sup> Revised Sheet No. 90.1; requiring Ameren to exclude complainants and all

other qualifying low-income customers from paying the Rider EEIC charge; and granting such other and further relief as the Commission deems just.

### **Statement of Uncontroverted Material Facts**

3. Respondent Union Electric Company d/b/a Ameren Missouri (“Ameren”) is a public utility under the jurisdiction of the Missouri Public Service Commission (Attachment A, par. 3).

4. The location of the Company’s principal offices and its mailing address are: 1901 Chouteau Ave., MC-1310, P.O. Box 66149, St. Louis, Missouri 63166-6149 (*Id.*).

5. Ameren’s tariff 1<sup>st</sup> Revised Sheet No. 90.1, titled “Rider EEIC Energy Efficiency Investment Charge (Cont’d) For MEEIA CYCLE 1 Plan” addresses which customers will be exempt from Rider EEIC charges and addresses how long the exemption will last (*Id.* at par. 4).

6. Ameren’s tariff 1<sup>st</sup> Revised Sheet No. 90.1 provides that “low-income” customers “will be exempt from Rider EEIC charges for 12 billing months following assistance received from either Missouri Energy Assistance (a.k.a) Low Income Home Energy Assistance Program or LIHEAP), Winter Energy Crisis Intervention Program, Summer Energy Crisis Intervention Program, the Company’s Keeping Current Low Income Pilot Program, and/or the Company’s Keeping Cool Low Income Pilot Program.” (Attachment B).

7. Complainants Mr. Roman Dzurinskiy and Ms. Zinaida Dzurinskaya receive residential electric utility service from Ameren at the service address \*\*

\*\* (Attachment A, par. 1).

8. On December 29, 2014, a payment was issued to the Laclede Gas Company on behalf of Zinaida Dzurinskaya for service at \*\* \*\* under Missouri’s Low Income Home Energy Assistance Program (Attachment C).

9. Mr. Dzhurinskiy contacted Ameren and informed the company of that he should be exempt from the Rider EEIC charge (Attachment A, par. 5).

10. Ameren continues to bill Mr. Dzhurinskiy and Ms. Dzurinskaya for the Rider EEIC for service at \*\* \*\* (Attachment D).

Attached hereto is a Legal Memorandum explaining why summary determination should be granted in favor of Complainants based on these undisputed material facts.

WHEREFORE, for the reasons set forth in the attached supporting Memorandum of Law, Public Counsel requests that the Commission will issue an order granting summary determination in favor of the complainants; finding that the complainants meet the qualifications listed in Ameren's tariff sheet Mo. P.S.C. Schedule No. 6, 1<sup>st</sup> Revised Sheet No. 90.1; requiring Ameren to exclude complainants and all other qualifying low-income customers from paying the Rider EEIC charge; and granting such other and further relief as the Commission deems just.

Respectfully,

OFFICE OF THE PUBLIC COUNSEL

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 14<sup>th</sup> day of September 2015:

/s/ Tim Opitz