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Martha S. Hegarty
Public Counsel

March 28, 1991

FILED

MAR 28 1991

PUBLIC SERVICE COMMISSION

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

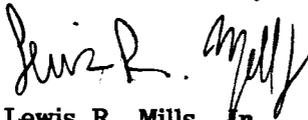
Re: Union Electric Company
Case No. EO-91-251

Dear Mr. Stewart:

Enclosed for filing in the above-referenced case please find the original and fourteen copies of Public Counsel's Response in Support of Staff Request for Hearing. Please "file" stamp the extra enclosed copy and return it to this office. I have on this date mailed or hand-delivered copies to all counsel of record.

Thank you for your attention to this matter.

Very truly yours,



Lewis R. Mills, Jr.
First Assistant Public Counsel

LRM:kl
Enclosures

cc: Counsel of record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED

MAR 28 1991

In the matter of the application)
of Union Electric Company for)
variance from promotional)
practices rule for good cause)
shown and for approval of)
promotional practices sheets.)

PUBLIC SERVICE COMMISSION

Case No. EO-91-251

**RESPONSE IN SUPPORT OF
STAFF REQUEST FOR HEARING**

Comes now the Office of the Public Counsel (Public Counsel) and for its response in support of the request for hearing filed by the Missouri Public Service Commission Staff (Staff) states as follows:

1. Public Counsel agrees that a hearing is necessary in this matter and agrees with the Staff's reasons for requesting a hearing.

2. In addition to the reasons stated in the Staff Request for Hearing, Public Counsel believes that a hearing is necessary to address the following issues:

- A. The total cost -- including advertising expenses -- of the promotion;
- B. The impact of this promotion on participating customers, nonparticipating customers, and competing energy suppliers; and
- C. The manner in which the success or failure of this test program will be analyzed.

Public Counsel believes that much more information needs to be adduced with respect to these issues before a determination of good cause can be made. The evidence submitted to date in this case falls far short of demonstrating good cause.

8.

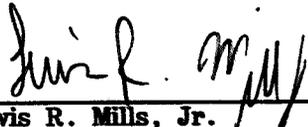
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3. The "good cause exception" to the prohibition on promotional practices is still new enough that there are few Commission decisions discussing what constitutes good cause. It appears that utilities across the state are poised to take advantage of this exception, and to grant a variance simply because the requested promotion is limited, without a careful examination of the standard of good cause and whether or not a utility has met that standard, would send the wrong signal to Missouri energy utilities.

WHEREFORE, Public Counsel respectfully requests that the Commission set this matter for hearing for the purpose of determining whether good cause exists to grant this requested variance.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

By 
Lewis R. Mills, Jr.
First 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 all counsel of record on this 28th day of March, 1991.

