

Missouri Public Service Commission

Area Code 314
751-3234

January 14, 1983

P.O. BOX 360
JEFFERSON CITY
MISSOURI 65102

Commissioners:

CHARLES J. FRAAS

Chairman

LEAH BROCK McCARTNEY

LARRY W. DORITY

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CHARLOTTE MUSGRAVE

HARVEY C. HUBBS

Secretary

KENT M. RAGSDALE

General Counsel

Mr. Harvey Hubbs, Secretary
The Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102

Re: Case No. EO-82-140, the Union Electric Company

Dear Mr. Hubbs:

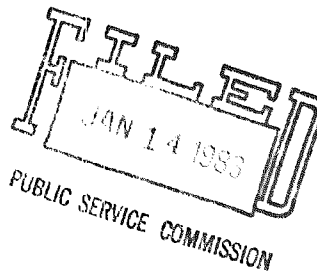
Attached you will find an original and fifteen (15) copies of Staff's Response to Motion to Clarify Order Lifting Suspension in the above-referenced case. Copies have this date been sent to all parties of record.

Your usual prompt cooperation is appreciated.

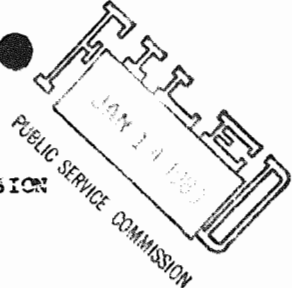
Very truly yours,

Kent M. Ragsdale
Kent M. Ragsdale
General Counsel

cc: Mr. Jaudes, Union Electric
Mr. Fischer, The Public Counsel



BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI



In the matter of Union Electric Company)
of St. Louis, Missouri, for compliance)
with 4 CSR 240-20.060, cogeneration) Case No. EO-82-140
tariffs, for customers in the Missouri)
service area.)

RESPONSE TO MOTION TO CLARIFY ORDER LIFTING SUSPENSION

Comes now the Staff of the Missouri Public Service Commission ("Staff") and respectfully requests the Commission to deny the Union Electric Company ("Company"), request for waiver of certain filing requirements of Commission Rule 4 CSR 240.20.060. In support of its response, the Staff states:

1. On April 9, 1982 the Company filed cogeneration tariffs designed to be in compliance with Commission Rule 4 CSR 240-20.060. Concurrently, with this filing the Company requested that the April 9, 1982 tariffs be substituted for cogeneration tariffs that were originally filed by the Company in this case on October 15, 1981.

2. By its order issued on May 14, 1982, the Commission granted the Company's request for leave for such substitution. Consequently the substitute tariffs replaced the original tariffs which had been previously suspended by the Commission until October 14, 1982.

3. The Commission on October 13, 1982 issued its "Order Lifting Suspension" by which the revised cogeneration tariffs filed on April 9, 1982 were allowed to go into effect on October 14, 1982.

4. The Commission rules provide that cogeneration tariffs that were originally submitted to the Commission shall be "updated and revised on or before January 15, 1983". (Commission Rule 4 CSR 240-20.060 (3) (A) 3).

5. The substitute tariff sheets filed by the Company on April 9, 1982 reflected updated current cost data currently available at that time for the Company. Contained in its "Motion to Substitute Revised Tariffs or Tariff Filed or Suspended" filed on April 9, 1982 the Company further requested the Commission for an order allowing the substitute tariff sheets filed on April 9, 1982 to be considered as in

compliance with the January 15, 1983 update requirement of the cogeneration rule.

6. The Commission in its "Order Concerning a Motion to Substitute" dated May 14, 1982 deferred ruling as to whether the Company should be relieved of its obligation under the cogeneration rule to update and revise the substitute tariffs on or before January 15, 1983.

7. On October 22, 1982 the Company filed a "Motion to Clarify Order Lifting Suspension" summarizing the procedural history outlined in this motion and further requesting an order of the Commission stating that the cogeneration tariffs which have been allowed to go into effect would eliminate the necessity of initial update on or before January 15, 1983.

8. Staff requests the Commission to deny the Company's requested waiver. The position of the Staff is that the April 9, 1982 tariffs should be updated to reflect current cost information otherwise proper economic decisions cannot be made by those customers who are considering utilizing the Company's cogeneration tariffs. It should be noted that approximately nine (9) months have elapsed since the Company's cogeneration tariffs were prepared and first submitted to the Commission. Since the rule would not require another change in cogeneration tariffs until January 15, 1985, the Staff is of the opinion that the likelihood of a customer utilizing cogeneration tariffs will be greatly reduced in the future. The Staff believes that without current cost information the Company's cogeneration tariffs will not be utilized.

9. It is the further position of the Staff that the Company should be granted a reasonable extension of the January 15, 1983 filing requirement.

WHEREFORE, the Staff respectfully requests the Commission deny Company's requested waiver of the January 15, 1983 filing requirement mandated by the Commission's cogeneration rule 4 CSR 40-20.060(3)(A) 3.

Respectfully submitted,

Kent M. Ragsdale
Kent M. Ragsdale
General Counsel

FOR: The Staff of the Public Service
Commission of the State of Missouri

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