

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
November 29, 2001**

CASE NO: GT-2002-70

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

Thomas M. Byrne
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Missouri Public Service Commission
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Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service
Commission held at its office in
Jefferson City on the 29th day of
November, 2001.

In the Matter of the Tariff Filing of Union Electric)	
Company d/b/a AmerenUE to Incorporate into the)	
Company's Tariff a Revised Procedure for the)	
Development of Estimated Customer Natural Gas)	<u>Case No. GT-2002-70</u>
Usage and Clarify and Update the Tariff Provisions)	Tariff No. 200200068
Describing the Company's Current Process for)	
Estimating Customer Gas Usage)	

ORDER APPROVING STIPULATION AND AGREEMENT

This order approves a stipulation and agreement submitted by the parties regarding a tariff filed by Union Electric Company d/b/a AmerenUE.

AmerenUE filed a tariff on July 30, 2001, that would revise its billing practices. In particular, the tariff would revise the method used by AmerenUE to estimate gas usage when it is unable to obtain actual meter readings. AmerenUE's tariff bore an effective date of August 29. On August 14, the Office of the Public Counsel filed a motion asking the Commission to suspend that tariff. On August 22, the Staff of the Commission filed a response to Public Counsel's motion to suspend, in which Staff indicated that Staff, Public Counsel, and AmerenUE agreed that the tariff should be suspended until September 28, to allow the parties more time to resolve their differences regarding the tariff. On August 28, the Commission acted to suspend AmerenUE's tariff until September 28.

On September 21, the Commission ordered the parties to file a recommendation regarding the tariff not later than September 24. On September 24, Staff filed a recommendation, in which AmerenUE joined. Staff and AmerenUE recommended that the Commission suspend AmerenUE's tariff until November 1, to permit AmerenUE an opportunity to withdraw the tariff it had filed in July, and replace it with a tariff that was agreeable to Staff. Also on September 24, Public Counsel filed a request to further suspend AmerenUE's tariff. Public Counsel indicated that it did not accept the tariff revisions agreed to by Staff and AmerenUE. Public Counsel requested a hearing to resolve the question of whether the tariff should contain a formula for calculating multi-month estimated bills and an example of how multi-month estimated bills will be calculated using the formula proposed to be established in AmerenUE's tariff.

On September 27, the Commission further suspended the tariff until December 27, and directed the parties to file a proposed procedural schedule no later than October 5. On October 5, Staff, Public Counsel, and AmerenUE jointly proposed a procedural schedule leading to an evidentiary hearing on November 7. The Commission adopted the proposed procedural schedule on October 9.

In compliance with the procedural schedule, Staff and AmerenUE filed direct testimony on October 15. Public Counsel was scheduled to file rebuttal testimony on October 29, but instead, on October 23, the parties filed a Joint Motion to Suspend Procedural Schedule and Motion for Expedited Treatment. The parties indicated that they had reached an agreement and that they would be filing a unanimous stipulation and agreement. The Commission responded on October 25, by canceling the procedural schedule.

On October 29, the parties jointly filed a unanimous stipulation and agreement that purports to resolve all issues. Staff filed suggestions in support of the stipulation and agreement on November 21. The parties agree that the Commission should reject the tariff filed on July 27, and order AmerenUE to file tariff sheets in conformance with the specimen tariff sheets attached to the Stipulation and Agreement as Exhibit A. The parties agree that the specimen tariff sheets contain a reasonable procedure for AmerenUE to use to estimate customer natural gas usage in situations where it is unable to obtain actual meter readings.

In the Agreement, contingent upon the Commission's acceptance of the Agreement, the parties waived their rights to cross-examine witnesses, to present oral argument or briefs, to have the transcript read by the Commission, and to judicial review. The Commission has the legal authority to accept a stipulation and agreement as offered by the parties as a resolution of issues raised in this case, pursuant to Section 536.060, RSMo 2000.

The requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has requested the opportunity to present evidence.¹ Since no one has requested a hearing, the Commission may grant the relief requested based on the Agreement.

After reviewing the Agreement of the parties and Staff's Suggestions in Support, the Commission finds that the unanimous stipulation and agreement filed on October 29 should be approved.

¹ *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App. 1989).

IT IS THEREFORE ORDERED:

1. That the unanimous stipulation and agreement filed on October 29, 2001 by Union Electric Company d/b/a AmerenUE, the Staff of the Public Service Commission, and the Office of the Public Counsel, is hereby approved as a resolution of all issues in this case (See Attachment 1).

2. That the tariff filed by Union Electric Company d/b/a AmerenUE on July 27, 2001, and assigned tariff number 200200068, is rejected. The tariff rejected is:

P.S.C. Mo. – No. 2

1st Revised Sheet 56, Canceling Original Sheet 56
4th Revised Sheet 57, Canceling 3rd Revised Sheet 57

3. That Union Electric Company d/b/a AmerenUE shall file tariff sheets in conformance with the specimen tariff sheets attached to the unanimous stipulation and agreement.

4. That this order shall become effective on December 9, 2001.

BY THE COMMISSION



**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

(S E A L)

Simmons, Ch., Murray, Lumpe, Gaw and Forbis, CC., concur

Woodruff, Senior Regulatory Law Judge

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

In the Matter of the Tariff Filing of Union)	
Electric Company d/b/a AmerenUE to)	
Incorporate into the Company's Tariff a)	
Revised Procedure for the Development of)	
Estimated Customer Natural Gas Usage)	Case No. GT-2002-70
and Clarify and Update the Tariff)	
Provisions Describing the Company's)	
Current Process for Estimating Customer)	
Gas Usage.)	

STIPULATION AND AGREEMENT

As a result of discussions among the parties to Case No. GT-2002-70, the Staff of the Missouri Public Service Commission ("Staff"), the Office of the Public Counsel ("Public Counsel") and Union Electric Company d/b/a AmerenUE ("AmerenUE") (collectively, the "Parties"), pursuant to Section 536.060 (RSMo. 1994), hereby submit to the Missouri Public Service Commission ("Commission") for its consideration and approval the following Stipulation and Agreement:

I. Procedural History

On July 27, 2001, AmerenUE filed proposed tariff sheets with the Commission that revised its methodology for estimating gas usage in situations where it is unable to obtain actual meter readings. The proposed tariff sheets bore an effective date of August 29, 2001. On August 14, 2001, the Public Counsel filed a motion to suspend the proposed tariffs to afford it

additional time to evaluate them. Pursuant to the agreement of the Parties, the Commission issued an order suspending the tariff sheets for a period of thirty (30) days, to September 28, 2001, to permit the Parties to attempt to negotiate an agreement regarding the revised tariff provisions.

In response to recommendations submitted by the Parties, on September 27, 2001, the Commission issued an order further suspending the tariffs to December 27, 2001, and directing the Parties to submit a proposed procedural schedule for this case. In accordance with the Commission's order, on October 5, 2001 the Parties submitted a joint proposed procedural schedule that was adopted by the Commission in an order dated October 9, 2001. Pursuant to that procedural schedule, AmerenUE and the Commission Staff filed their direct testimony on October 15, 2001.

On October 23, 2001, the Parties filed a Joint Motion to Suspend the Procedural Schedule and Motion for Expedited Treatment, in which they informed the Commission that they had reached a settlement in principle regarding the appropriate language to be included in AmerenUE's tariff, and requested that the Commission suspend the procedural schedule to permit the parties to concentrate on finalizing a Stipulation and Agreement resolving all of the issues in this proceeding. On October 25, 2001, the Commission issued an order granting the motion, and suspending the procedural schedule for this case.

II. Stipulations and Agreements

Having considered AmerenUE's tariff filing and having conducted settlement discussions, the Parties have reached the following stipulations and agreements:

1. The Parties agree that the Commission should reject the tariff sheets filed by AmerenUE on July 27, 2001, and order AmerenUE to file tariff sheets in conformance with the specimen tariff sheets attached hereto as Exhibit A. The Parties agree that the specimen tariff sheets contain a reasonable procedure for AmerenUE to use to estimate customer natural gas usage *in situations where it is unable to obtain actual meter readings*.

2. This Stipulation and Agreement is being entered into solely for the purpose of disposing of all issues in this case. None of the signatories to this Stipulation and Agreement shall be deemed to have approved or acquiesced in any ratemaking or procedural principle, including, without limitation, any method of cost determination or cost allocation, depreciation or revenue related methodology or any service or payment standard, and none of the signatories shall be prejudiced or bound in any manner by the terms of this Stipulation and Agreement *in this or any other proceeding, except as otherwise expressly specified herein*.

3. This Stipulation and Agreement has resulted from extensive negotiations among the signatories and the terms hereof are interdependent. In the event the Commission does not approve this Stipulation and Agreement, or approves this Stipulation and Agreement with modifications or conditions that a party to this proceeding objects to prior to the effective date of the Order approving this Stipulation and Agreement, then this Stipulation and Agreement shall be void and no signatory shall be bound by any of the agreements or provisions hereof.

4. In the event the Commission accepts the specific terms of this Stipulation and Agreement, the Parties waive, with respect to the issues resolved herein: their respective rights pursuant to Section 536.080.1 (RSMo. 1994) to present testimony, to cross-examine witnesses, and to present oral argument and written briefs; their respective rights to the reading

of the transcript by the Commission pursuant to Section 536.080.2 (RSMo. 1994); and their respective rights to judicial review pursuant to Section 386.510 (RSMo. 1994).

5. The Staff shall submit to the Commission a memorandum explaining its rationale for entering into this Stipulation and Agreement. Each of the Parties shall be served with a copy of such memorandum and shall be entitled to submit to the Commission a responsive memorandum, which shall also be served on all Parties. All memoranda submitted by the Parties shall be considered privileged in the same manner as are settlement discussions under the Commission's rules; shall be maintained on a confidential basis by all Parties; and shall not become a part of the record of this proceeding or bind or prejudice the party submitting such memorandum in any future proceeding or in this proceeding, whether or not the Commission approves this Stipulation and Agreement. The contents of any memorandum provided by any party are its own and are not acquiesced in or otherwise adopted by the other signatories to this Stipulation, whether or not the Commission approves and adopts this Stipulation.

6. The Staff shall also have the right to provide at any agenda meeting at which this Stipulation and Agreement is noticed to be considered by the Commission, whatever oral explanation the Commission requests, provided that the Staff shall, to the extent reasonably practicable, promptly provide other Parties with advance notice of when the Staff shall respond to the Commission's request for such explanation once such explanation is requested from Staff. Staff's oral explanation shall be subject to public disclosure, except to the extent it refers to matters that are privileged or protected from disclosure pursuant to any Protective Order issued in this case.

WHEREFORE, for the foregoing reasons, the undersigned Parties respectfully request that the Commission issue its Order approving all of the specific terms and conditions of this Stipulation and Agreement.

Respectfully submitted this 29th day of October, 2001.

UNION ELECTRIC COMPANY
d/b/a AMERENUE

By Thomas M. Byrne

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UNION ELECTRIC COMPANY GAS SERVICE

Applying to MISSOURI SERVICE AREA

VIII. Billing Practices

A. Monthly Billing Periods

Company will render bills over twelve (12) monthly billing periods in a year, with each bill based upon the service used between regularly scheduled meter readings. While Company's work schedules provide for the orderly reading of all meters over intervals of approximately 30 days, holidays, weekends, inclement weather and other operating constraints may cause the billing interval to vary during various portions of the year.

B. Inaccessible Meters

Where a meter is inaccessible to the meter reader during scheduled working hours on repeated occasions, such that a customer must arrange for meter reading by appointment to avoid discontinuance of service, the customer may at his own expense have Company relocate the meter to an accessible location, if feasible.

*C. Estimated Bills for Full Billing Periods

Monthly bills may be rendered to the Company's natural gas customers based upon estimated gas usage (which may include the use of readings furnished by the customer), where conditions reasonably beyond the control of the Company prevented it from obtaining actual meter readings. These conditions include extreme weather, operating and other emergencies, labor agreements, work stoppages, and the Company's inability to gain access to the meter. The Company will provide a copy of customer's estimate, upon request. All estimates are subject to the provisions of Section VII.G. Billing Adjustments, of these Rules and Regulations, and will be determined as follows:

*a. Single-Month Estimated Bills

A single billing month's estimated natural gas usage will be determined on the basis of the customer's prior month's usage, adjusted by a factor reflecting the difference in weather between the prior and current monthly billing periods. This adjustment factor will be based upon the ratio of the current month to the prior month's natural gas usage of similarly situated customers for which the Company has obtained actual meter readings. For purposes of this application,

* Indicates Change

DATE OF ISSUE _____

DATE EFFECTIVE _____

Exhibit A

ISSUED BY C. W. Mueller
Name of Officer

Chairman & CEO
Title

St. Louis, Missouri
Address

UNION ELECTRIC COMPANY GAS SERVICE

Applying to MISSOURI SERVICE AREA

similarly situated customers are those customers within the same rate class, located within the same weather reporting area (e.g., Columbia or Cape Girardeau, MO airport recording stations) and that have meter reading dates approximately the same as the customer whose bill is being estimated.

*b. Multiple-Month Estimated Bills

When it is necessary to estimate any customer's natural gas usage for periods of two or more billing months, such estimated usage will be developed by an analysis of the gas usage at the customer's premises from prior periods, the number of days in the prior and current billing periods, and the current and historic weather data from the National Weather Service climatology reporting site within which the customer's premises is located. The analysis will include a determination of the customer's non-heating (Base) usage and heating sensitive (Seasonal) usage, based upon the following concepts:

CCF = A unit of gas measurement equal to one hundred cubic feet

$HDD = 65 - [(Daily\ High\ Temperature - Daily\ Low\ Temperature) / 2]$

Note: Daily HDD values cannot be less than zero.

Estimated Non-Heating (Base) Usage CCF:

$(Prior\ Year\ June-September\ Usage / Prior\ Year\ June-September\ Days) * Days\ In\ Current\ Month$

Note: June-September Estimated Usage shall be limited to the lower of customer's Base Usage or Customer's actual usage during the same billing period in the prior year.

Estimated Heating Sensitive (Seasonal) Usage CCF:

$(Usage\ In\ Prior\ Year\ Month - Base\ Usage) * Current\ Year\ Month\ HDD / Prior\ Year\ Month\ HDD$

Note: Estimated Seasonal Usage will be zero for any month with a HDD total below 100.

Total Estimated Usage CCF = Base Usage CCF + Seasonal Usage CCF

*Indicates Change

DATE OF ISSUE _____

DATE EFFECTIVE _____

ISSUED BY C. W. Mueller
Name of Officer

Chairman & CEO
Title

St. Louis, Missouri
Address

UNION ELECTRIC COMPANY GAS SERVICE

Applying to MISSOURI SERVICE AREA

*c. Other Bill Estimation Methods

Where the aforementioned methods of estimating natural gas usage cannot be utilized or may not be appropriate for either residential or non-residential customers, other reasonable methods may be employed to estimate the gas usage at the customer's premises. These methods may utilize the metered gas usage at the premises from earlier months, customer supplied meter readings, comparable customer gas usage, or other available gas consumption information.

*d. Billing Estimates for Re-Billing Purposes

In instances associated with a non-registering meter, the Company shall estimate the customer's monthly gas usage in accordance with the provisions of paragraphs (a)-(c) of this Section C, as applicable, for purposes of rebilling the customer.

D. Estimated Initial and Final Bills

The Company will normally be granted access to customer's premises for purposes of obtaining initial and final meter readings and the associated connection and disconnection of gas service. However, where such access cannot be obtained, or other conditions beyond the control of Company prevent obtaining an actual meter reading, estimated initial and final bills may be rendered by Company. When obtained, meter readings will be adjusted to customer's service responsibility date. However, customer will be responsible for all gas utilized until access is provided to Company for obtaining actual meter readings and the disconnection of gas service. No final bill will be rendered where the amount of the bill for gas usage is less than \$1.00, except for those accounts where a customer deposit is being refunded to customer.

E. Budget Billing Plan

Customers who are billed under the Residential Service Classification or General Service Classification with postcard billing and, at the Company's option, certain eleemosynary customers may elect to be billed and pay for all service under Company's Budget Billing Plan provided customer shall have satisfied Company's credit requirements. The provisions of the Budget Billing Plan are as follows:

*Indicates Change

DATE OF ISSUE _____

DATE EFFECTIVE _____

ISSUED BY _____

C. W. Mueller
Name of Officer

Chairman & CEO
Title

St. Louis, Missouri
Address

P.S.C. Mo. No. 2
Cancelling P.S.C. Mo. No. 2

2nd Revised SHEET No. 59
1st Revised SHEET No. 59

UNION ELECTRIC COMPANY GAS SERVICE

Applying to MISSOURI SERVICE AREA

*Indicates Addition

Issued pursuant to Commission Order in EO-98-263.

DATE OF ISSUE August 6, 1998

DATE EFFECTIVE October 1, 1998

ISSUED BY C. W. Mueller
Name of Officer

President & CEO
Title

St. Louis, Missouri
Address

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 29th day of October, 2001.

A handwritten signature in cursive script, appearing to read "D. E. Micheel", is written over a horizontal line.

Douglas E. Micheel

Service List
Case No. GT-2002-70
October 29, 2001

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ALJ/Secretary:

Woodruff/Boye

Date Circulated

11-26

CASE NO.

67-2002-20

Simmons, Chair

CS

Murray, Commissioner

Lumpe, Commissioner

Gaw, Commissioner

Commissioner

Agenda Date

11-29

Action taken:

5-0 AS

Must Vote Not Later Than

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and

I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,

Missouri, this 29th day of Nov. 2001.

Dale Hardy Roberts

Dale Hardy Roberts

Secretary/Chief Regulatory Law Judge

