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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 28th
day of March, 2000.

In the Matter of a Proposed Revision)	
to AmerenUE's Economic Development)	<u>Case No. ET-2000-583</u>
Rider Tariff)	Tariff File No. 200000774

ORDER APPROVING TARIFF

On February 29, 2000, Union Electric Company d/b/a AmerenUE filed revised tariffs designed to extend the term of its currently effective economic development rider tariff. On March 20, 2000, the Office of the Public Counsel (Public Counsel) filed a motion to suspend that tariff. In its Motion to Suspend, Public Counsel objected to a provision that any eligible customer must remain a full requirements customer for at least five years to retain the benefit from the discounted rates. Public Counsel termed this requirement an "exit fee" and alleged that it is "harmful to the public interest."

On March 24, 2000, the Staff of the Commission (Staff) filed its memorandum in which it recommended that the Commission deny Public Counsel's motion to suspend, and either approve the tariff or allow it to become effective by inaction. Staff stated that the only change proposed in AmerenUE's tariff filing is to extend the availability of the EDR for a year. Staff opined that Public Counsel's concerns could be brought before the Commission in a complaint filing. Staff stated that

it sees no reason to suspend the tariff while Public Counsel revisits the issues it has raised (and the Commission has ruled upon) in previous cases.

On March 24, 2000, AmerenUE filed a response opposing Public Counsel's motion to suspend. AmerenUE stated that Public Counsel's objection is virtually the same as the one it raised last year, and that the motion offers no more than Public Counsel's opinion that the tariff is harmful. AmerenUE pointed out that Public Counsel has had a year since it first objected to this tariff to provide the Commission with something more substantive than opinion regarding the EDR tariff, including the filing of a complaint. AmerenUE also argued that Public Counsel's comparison of AmerenUE's tariff with a similar tariff approved for Missouri Public Service, a division of UtiliCorp United Inc., is not persuasive. AmerenUE stated that the Commission should not impose on it another company's choice of tariff language absent a rulemaking.

The Commission does not agree with Public Counsel's interpretation of the tariff provision as an "exit fee." Repayment of the benefits received does not constitute an "exit fee," but simply leaves the customer in the position it would have been in had it not qualified for (or chosen to take service under) the rider. Furthermore, the customer will only be required to return the discounts it received if it affirmatively chooses to take service from another supplier.

AmerenUE is simply renewing a tariff that has been in effect for approximately a year. If Public Counsel believed that it can prove that the tariff is "harmful to the public interest," it could have, at any time during the past year, filed a complaint making this claim and thus had an opportunity to present evidence.

The Commission has reviewed the tariff filing, Public Counsel's motion to suspend, AmerenUE's response, and the Staff memorandum. The Commission concludes that Public Counsel has not raised any legitimate concerns about AmerenUE's tariff. The Commission determines the tariff to be in the public interest, and will approve it.

IT IS THEREFORE ORDERED:

1. That Tariff No. 200000774, filed February 29, 2000, by Union Electric Company d/b/a AmerenUE, consisting of the following tariff sheets is hereby approved for service on or after March 31, 2000:

P.S.C. Mo. Schedule No. 5

Sixth Revised Sheet No. 122.31 Canceling Fifth Revised Sheet No. 122.31

2. That the motion to suspend filed by the Office of the Public Counsel on March 20, 2000, is denied.

3. That this order shall become effective on March 31, 2000.

4. That this case may be closed on April 1, 2000.

BY THE COMMISSION

A handwritten signature in black ink, reading "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Crumpton, Murray,
and Drainer, CC., concur
Schemenauer, C., dissents

Mills, Deputy Chief Regulatory Law Judge