

B ✓
A
Rⁿ

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 8th
day of September, 1998.

In the Matter of the Tariff Filing of)	
Union Electric Company to Modify)	<u>CASE NO. ET-99-96</u>
Interruptible Power Rate Schedule (Service)	
Classification No. 10(M).)	

ORDER DENYING REQUEST FOR SUSPENSION, INTERVENTION
OR HEARING

On August 6, 1998, Union Electric Company (UE) filed two tariff sheets with an effective date of September 7, 1998. The stated purpose of this filing was to clarify the current curtailment provisions concerning interruptible power and to reinstate the limited availability replacement energy pilot program (Pilot Program) of the Interruptible Power Rate Schedule (Service Classification No. 10(M)). This matter was addressed as an uncontested tariff file (Tariff File No. 9900102) within a staff memorandum which was submitted to the Commissioners on September 2. On that date, the Commissioners reviewed this matter in the Commission agenda and determined it was appropriate to allow the tariff to become effective by operation of law. Pursuant to the Commission's decision, a letter was issued on September 2 to UE indicating that the proposed tariff was being made effective in accordance with Section 393.140(11) RSMo. 1994.

On September 4, River Cement Company and Holnam, Inc. (Applicants) filed a Request For Suspension Of Proposed Tariff, For Leave To Intervene, And For A Hearing By Applicants River Cement Company And Holnam, Inc. The Applicants requested that the Commission establish a case file for this tariff and, pursuant to 4 CSR 240-2.065, Case No. ET-99-96 has been established to address the Applicant's request. The Applicants also requested the Commission suspend the tariff, and grant intervention. Both

Applicants state they are cement manufacturers and large end-users of electricity. In addition, both Applicants are currently taking service under UE's interruptible rate.

The staff's memorandum in this matter stated that this change will make clear to the customers the fact that loads may be interrupted on days when the actual daily peak forecast is lower than the previous peak and thus this tariff will avoid any future misunderstanding on this issue. It is important to note that, according to the staff review of the proposed tariff sheets, there will be no change in UE's application of this tariff. Staff has stated that "Instead of implicitly comparing the peak forecast plus the forecast error to the previous annual system peak in order to determine whether or not the company anticipates that a new annual system peak will be established, company will compare the actual forecast to the previous annual system peak less an explicit five percent (5%) allowance for forecasting error."

The limited availability replacement energy pilot program was a program which allowed customers to "buy-through" a curtailment if temporary replacement energy from other sources were available. That pilot program became available on October 30, 1996, to customers who signed a contract by January 1, 1997, and that program expired on December 31, 1997, with no participants. UE proposed to reopen this program as a continuing option for its customers. UE has stated that it anticipates the customer interest in this program may be heightened by the energy related events of June 1998.

The application to suspend the tariff arrived at the Commission two days after the tariff had already been reviewed by the Commissioners and after it had been determined to allow the tariff to go into effect by operation of law. In addition, the Applicants' motion arrived at the

Commission on a day when no agenda meeting was scheduled for conducting Commission business. Therefore, of necessity, this opinion is being issued after the tariff has already become effective. Staff suggests that the tariff revision does not change the tariff but merely clarifies the way in which the current process occurs. If the Applicants believe that UE is not complying with this tariff, their proper remedy would be through the filing of a complaint case. However, the Applicants have not enunciated cause for the Commission to reverse its decision of September 2, 1998. Therefore, Applicant's motion to suspend the tariff will be denied.

IT IS THEREFORE ORDERED:

1. That the request of River Cement Company and Holnam, Inc. to establish a case file for the review of Tariff File No. 9900102 is granted by the establishment of Case No. ET-99-96.

2. That the request of River Cement Company and Holnam, Inc. to suspend Tariff File No. 9900102 or to conduct hearings on this tariff is denied.

3. That River Cement Company and Holnam, Inc.'s request for intervention is moot.

4. That this order shall become effective on September 18, 1998.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Murray, Schemenauer,
and Drainer, CC., Concur.
Crumpton, C., Absent

Roberts, Chief Regulatory Law Judge

RECEIVED

SEP 09 1993

COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION