

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY  
May 22, 1991

CASE NO. ER-91-356

Joseph H. Raybuck, Union Electric Company, P.O. Box 149, St. Louis, MO 63166

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

Enclosed find certified copy of ORDER in the above-numbered case(s).

Sincerely,

*Brent Stewart*

Brent Stewart  
Executive Secretary

Uncertified copy:

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a Session of the Public Service  
Commission held at its office  
in Jefferson City on the 22nd  
day of May, 1991.

In the matter of Union Electric Company's tariff ) CASE NO. ER-91-356  
proposing Rider P-PowerStat Program Rider. )

ORDER DENYING MOTION TO SUSPEND TARIFF

On May 9, 1991, the Office of the Public Counsel (Public Counsel) filed its Motion To Suspend Tariff in response to the filing by Union Electric Company (UE) of a tariff on May 8, 1991, proposed to be effective on June 8, 1991, describing an experimental billing program. The subject tariffs are substantially the same as those filed by UE on April 5, 1991, objected to by the Public Counsel on the basis of a procedural flaw, and withdrawn by UE on May 7, 1991.

On May 13, 1991, UE filed a response to Public Counsel's motion. On May 16, 1991, the Staff of the Commission filed a recommendation of approval of the proposed tariffs. Upon consideration of the tariffs, the Public Counsel's motion, the response of UE, and the Staff's recommendation, the Commission is of the opinion that the motion should be denied and the tariffs should be allowed to go into effect. Since the substance of the tariffs have actually been before the Commission since April 5, 1991, the Commission is of the opinion that good cause is shown for granting UE's request to allow the proposed tariffs to go into effect on less than the 30-day effective date of June 8, 1991.

The Public Counsel's motion is generally founded on the allegations that:  
(1) the involved tariff, PowerStat Program Rider, provides for prepayment of electrical services in violation of Chapter 13 of the Commission's Administrative Rules because Chapter 13 does not provide standards of payments for residential

electrical services other than rendering a bill which corresponds to a period of past utility service; (2) the proposed tariff circumvents the protection of the Commission's Cold Weather Rule, 4 CSR 240-13.055; (3) the proposed tariff language is defective in that it is not absolutely clear that participation in the program is entirely voluntary; and (4) the filing is defective in that it lacks any specific criteria for determining the cost effectiveness of such a program.

The Commission is of the opinion that a reading of the proposed tariff will reveal the clear intention to limit the experimental program to 100 UE customers who will participate on a purely voluntary basis, and must sign an application to participate in the program.

In response to the contention that the program violates the conditions of the Cold Weather Rule UE points out that the terms of the Rider are less stringent than those set forth in the Rules with respect to payment arrangements required to avoid disconnection for nonpayment of a delinquent bill. The Commission Staff's recommendation indicates that the provisions of the Cold Weather Rule will apply and that the PowerStat participant will sign an agreement that explains his role in the program.

In the Commission's opinion the experimental program is for a desirable purpose, is limited in scope, and on a voluntary basis. As such, it does not constitute a substantive violation of the Commission's Administrative Rules. The program is designed to obtain research information as to whether the advanced purchase of electricity may be beneficial to certain of the Company's customers and will not be forced on any of those customers. In the Commission's opinion placing a requirement on UE of guaranteeing the cost effectiveness of research is unreasonable.

For all of the foregoing reasons the proposed tariffs should be approved on the date of this Order.

IT IS THEREFORE ORDERED:

1. That the Motion To Suspend Tariff filed herein on May 9, 1991, by the Office of the Public Counsel be and is, denied.

2. That the following tariff sheets filed herein on May 8, 1991, describing Union Electric Company's PowerStat Program, are approved to be effective on the date of this Order:

Original Sheet No. 117.5  
Original Sheet No. 117.6  
Original Sheet No. 117.7  
Original Sheet No. 117.8

3. That this Order shall become effective on the date hereof.

BY THE COMMISSION

*Brent Stewart*

Brent Stewart  
Executive Secretary

(S E A L)

Steinmeier, Chm., Mueller, Rauch,  
McClure and Perkins, CC., Concur.

Fee/Wright - Buchta

CASE NO. ER-91-356

Wright

Chairman

DLR

Commissioner

Keel

Commissioner

PPP

Commissioner

PPP

Commissioner

3/1584c

c. 5/17

aguda 5/22

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 22nd  
day of May, 1991.

Brent Stewart

Brent Stewart  
Executive Secretary