

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

Jefferson City

January 14, 1983


CASE NO. EO-82-140

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

Sincerely,

  
Harvey G. Hubbs  
Secretary

uncertified copy:

James M. Fischer  
Public Counsel  
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Jefferson City, MO 65101

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a Session of the Public Service  
Commission held at its office  
in Jefferson City on the 18th  
day of January.

CASE NO. EO-82-140

In the matter of Union Electric Company  
of St. Louis, Missouri, for compliance  
with 4 CSR 240-20.060, cogeneration  
tariffs, for customers in the Missouri  
service area of the Company.

ORDER DENYING REQUEST FOR WAIVER

On April 9, 1982, Union Electric Company of St. Louis, Missouri, filed cogeneration tariffs, in compliance with Commission Rule 4 CSR 240-20.060, and requested that they be substituted for cogeneration tariffs originally filed by Union Electric Company in this case on October 15, 1981. Leave for such substitution was granted by the Commission in its "Order Concerning Motion to Substitute" issued May 14, 1982. The substitute tariffs therefore took the place of the original tariffs, which had been suspended by the Commission until October 14, 1982. By its "Order Lifting Suspension" issued October 13, 1982, the revised cogeneration tariffs filed on April 9, 1982, in this case were allowed to go into effect on October 14, 1982.

Commission Rule 4 CSR 240-20.060(3)(A)3 provides in part that cogeneration tariffs originally submitted to the Commission shall be "updated and revised on or before January 15, 1983." The Company's substitute tariff sheets filed on April 9, 1982, reflected updated, current cost data. By the Company's "Motion to Substitute Revised Tariffs for Tariffs Filed and Suspended," filed with the revised tariffs on April 9, 1982, the Company further requested that the substitute tariff sheets be

considered as complying with the January 15, 1983, update requirement of the cogeneration rule, and that the Company be relieved from any obligation to further update the tariffs on or before January 15, 1983. By its "Order Concerning Motion to Substitute" of May 14, 1982, the Commission deferred ruling as to whether the Company should be relieved of its obligation under 4 CSR 240-20.060(3)(A)3, to update and revise the substitute tariffs on or before January 15, 1983.

On October 22, 1982, Union Electric Company filed a "Motion to Clarify Order Lifting Suspension," summarizing the procedural history outlined hereinabove and requesting an order of the Commission stating that the cogeneration tariffs which have now been allowed to go into effect, eliminate the necessity of an additional update on or before January 15, 1983.

On January 14, 1983, the Commission Staff filed its recommendation that Union Electric Company be required to further update its cogeneration tariffs as of January 15, 1983. While the Commission's rule required updating and revision "on or before January 15, 1983" (emphasis added), Staff asserts that the April 9, 1982, update was so far in advance of January 15, 1983, as not to constitute reasonable compliance with the rule.

The Commission determines that the Company's request to waive the January 15, 1983, update and revision of its cogeneration tariffs should be denied. 4 CSR 240-20.060(3)(A)3 provided for an original filing of tariffs and data by September 15, 1981, an update and revision on or before January 15, 1983, and subsequent updates and revisions "not less often than every two (2) years thereafter, unless otherwise ordered by the Commission." The granting of Company's request in this instance would leave the possibility that April, 1982, data would continue to be used in Union Electric's cogeneration tariffs until January 15, 1985, a period of some two years and nine months. The Commission cannot conclude that such a result is reasonable.

However, since the Staff's recommendation in this matter was not filed until the day before the January 15, 1983, deadline for filing updated and revised tariffs and data under the rule, the Commission determines that the Company should be granted an additional thirty (30) days, until February 14, 1983, for compliance.

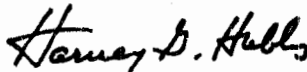
It is, therefore,

ORDERED: 1. That Union Electric Company's request for a waiver of the January 15, 1983, updating requirement of 4 CSR 240-20.060(3)(A)3 be, and is hereby, denied.

ORDERED: 2. That Union Electric Company be, and is hereby, granted an additional thirty (30) days, until February 14, 1983, for the filing of updated and revised tariffs and data under 4 CSR 240-20.060(3)(A)3.

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

BY THE COMMISSION



Harvey G. Hubbs  
Secretary

(S E A L)

Fraas, Chm., McCartney,  
Shapleigh and Musgrave, CC., Concur.,  
Dority, C., Absent.

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, this 14th day of January 1983.

A handwritten signature in cursive script, reading "Harvey G. Hubbs", is written over a horizontal line.

Harvey G. Hubbs  
Secretary