

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

Jefferson City

May 14, 1982


CASE NO. EO-82-140

Charles A. Bremer  
General Attorney  
Union Electric Company  
P. O. Box 149  
St. Louis, MO 63166

Paul A. Agathen  
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Union Electric Company  
P. O. Box 149  
St. Louis, MO 63166

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

Sincerely,

  
Harvey G. Hubbs  
Secretary

uncertified copy:

James M. Fischer  
Public Counsel  
1014 Northeast Drive  
Jefferson City, Missouri 65101

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a Session of the Public Service  
Commission held at its office  
in Jefferson City on the 14th  
day of May, 1982.

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 CONCERNING MOTION TO SUBSTITUTE

On October 15, 1981, Union Electric Company (Company) of St. Louis, Missouri filed proposed tariffs with this Commission to comply with 4 CSR 240-2.060 (Cogeneration). By Order dated December 3, 1981, the Commission suspended those tariffs for a period of one hundred twenty (120) days beyond December 15, 1981, the requested effective date, to April 14, 1982, unless otherwise ordered by this Commission. By Order dated April 12, 1982, the Commission further suspended those tariffs for a period of six (6) months beyond April 14, 1982, to October 14, 1982, unless otherwise ordered by the Commission.

On April 9, 1982, the Company filed its "Motion to Substitute Revised Tariffs for Tariffs Filed and Suspended," in this case. By its Motion, the Company recites a suggestion of the Commission Staff that the Company remove from the proposed tariffs the Form of Electric Power Purchase Agreement included therein in sheets 7(M) through 22(M). The Company does not object to the Staff's suggestion. The Company's Motion was accompanied by a set of revised tariff sheets bearing an issue date of April 15, 1982 and an effective date of May 15, 1982. These revised, or substitute, tariff sheets were essentially identical to the proposed tariffs originally filed and suspended in this case pursuant to the Commission's rule on cogeneration, except that they reflected the removal of the Form of Electric Power Purchase Agreement, and also included updated cost data. The Company's Motion of

April 9, 1982 requested that the substitute tariff sheets attached to the Motion be substituted for the original tariff sheets filed and suspended in this case, rather than constituting a new tariff filing by the Company.

Paragraph (3) (A) 3. of 4 CSR 240-20.060 provides, in part, that cogeneration tariffs originally submitted to the Commission shall be "updated and revised on or before January 15, 1983." Since the Company's substitute tariff sheets filed on April 9, 1982 reflect updated, current cost data, the Company's Motion 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.

On April 12, 1982, the Company filed an "Amended Motion to Substitute Revised Tariffs for Tariffs Filed and Suspended." By its amended Motion, the Company makes it clear that it is not the intent of the Company to formally withdraw its original proposed tariffs in Case No. EO-82-140, and to begin a new docket with the filing of substitute tariffs but, rather, to substitute in Case No. EO-82-140 the substitute tariffs of April 9, 1982 for those originally filed in this case.

The Commission Staff recommends that the revised or substitute tariffs of April 9, 1982 be approved, effective May 15, 1982.

The Commission has considered the Company's Motion of April 9, 1982 and its Amended Motion of April 12, 1982, and the recommendation of the Commission Staff, and determines that the Company's Motion should be granted in part and denied in part. The proposed substitute tariffs filed in this case as Exhibit A to the Company's Motion of April 9, 1982 will be substituted for the tariffs originally filed in this case on October 15, 1981. As a result, the effective date on the substitute tariffs is suspended until October 14, 1982, as per the Commission's prior orders in this case suspending the effective date of the original tariffs filed in this case.

However, the Commission is not prepared to lift the suspension review and consideration of the proposed tariffs. Thus, the substitute tariffs filed April 9

(and also attached to the April 12 Amended Motion) will not become effective May 15, 1982, but will continue to be suspended until October 14, 1982, unless otherwise ordered by the Commission.

Finally, the Commission will defer ruling as to whether the Company should be relieved of its obligation under 4 CSR 240-2.060, paragraph (3)(A)3., to update and revise these tariffs on or before January 15, 1983.

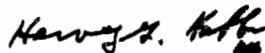
It is, therefore,

ORDERED: 1. That the revised, substitute tariffs filed by Union Electric Company on April 9, 1982, and bearing a Date of Issue of April 15, 1982 and a Date Effective of May 15, 1982, be, and are hereby, substituted for the tariffs originally filed by Union Electric Company in this case on October 15, 1981; and that such original tariffs filed October 15, 1981 be, and are hereby, null and void of no further force and effect.

ORDERED: 2. That the substitute tariffs filed on April 9, 1982 by Union Electric Company in this case be, and are hereby, suspended, and shall remain suspended until October 14, 1982, unless otherwise ordered by the Commission.

ORDERED: 3. That this Order shall become effective on May 15, 1982.

BY THE COMMISSION



Harvey G. Hubbs  
Secretary

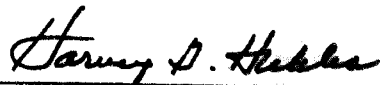
(S E A L)

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

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 May 1982

  
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Harvey G. Hubbs  
Secretary