

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Suspension of Union Electric )  
Company d/b/a Ameren Missouri's Rider SR - Solar )  
Rebate Tariff. )

**File No. ET-2012-0016**  
**Tariff No. YE-2012-0020**

**STAFF'S RESPONSE TO MOTION FOR  
EXPEDITED EFFECTIVE DATE OF TARIFF SHEETS**

**COMES NOW** the Staff of the Missouri Public Service Commission and for its response to the motion of Union Electric Company d/b/a Ameren Missouri for approval of tariff sheets to become effective on less than 30 days' notice states:

1. Concurrent with its motion seeking they take effect on July 22, 2011, with less than 30 days' notice, Ameren Missouri filed tariff sheets, bearing effective dates of August 14, 2011, to halt the Rider SR - Solar Rebate (Schedule 5, Sheet Nos. 122.14 and 122.15) of its tariff.

2. As Ameren Missouri states in its motion, Rider SR is Ameren Missouri's implementation of § 393.1030.3, RSMo. Supp. 2010, the solar rebate provision of the Missouri Renewable Energy Standard (RES) statute. Also, as Ameren Missouri states in its motion, in a June 29, 2011 Judgment in consolidated Case Nos. 10AC-CC00512, 10AC-CC00511, 10AC-CC00513, 10AC-CC00528 and 10AC-CC00536, the Circuit Court of Cole County declared § 393.1030.3, RSMo. Supp. 2010 unconstitutional.

3. Judgments are not final and non-appealable until thirty days have passed after their entry. Rule 75.01. Therefore, if not appealed, the earliest the foregoing judgment will become final and non-appealable is July 29, 2011.

4. Ameren Missouri's Rider SR is clear on its face that it does not create the right to solar rebates—which is created by § 393.1030.3, RSMo. Supp. 2010—it, instead, establishes the

process for seeking those rebates from Ameren Missouri, as shown by the purpose stated on tariff sheet no. 122.14:

Purpose

The purpose of the Solar Rebate Rider is to implement the solar rebate established through §393.1030 RSMo and to establish the terms, conditions and procedures which Company will rely on in accepting rebate applications and authorizing rebate checks to eligible participants.

5. If the Cole County Circuit Court's judgment becomes final and non-appealable, regardless of Rider SR, Ameren Missouri will have no obligation to provide solar rebates to its customers. This is because Rider SR only implements § 393.1030.3, RSMo. Supp. 2010, and does not itself create any right to solar rebates.

**Wherefore**, Staff recommends the Commission deny Ameren Missouri's motion seeking an early July 22, 2011, effective date for its tariff sheets Schedule 5, 1<sup>st</sup> Revised Sheet Nos. 122.14 and 122.15.

Respectfully submitted,

/s/ Nathan Williams

Nathan Williams

Deputy Counsel

Missouri Bar No. 35512

Attorney for the Staff of the

Missouri Public Service Commission

P. O. Box 360

Jefferson City, MO 65102

(573) 751-8702 (Telephone)

(573) 751-9285 (Fax)

[nathan.williams@psc.mo.gov](mailto:nathan.williams@psc.mo.gov)

### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronic mail to all counsel of record this 20<sup>th</sup> day of July 2011.

**/s/ Nathan Williams**\_\_\_\_\_