

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

Tesson Heights Enterprises, 12335 West Bend Drive,)
St. Louis, Missouri 63128,)

Complainant,)

v.)

Case No. EC-95-58

Union Electric Company, 1901 Chouteau Avenue,)
St. Louis, Missouri 63103,)

Respondent.)

REPORT AND ORDER

Issue Date: October 17, 1995

Effective Date: November 16, 1995

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Tesson Heights Enterprises, 12335 West Bend Drive,)
St. Louis, Missouri 63128,)
)
Complainant,)
)
v.) Case No. EC-95-58
)
Union Electric Company, 1901 Chouteau Avenue,)
St. Louis, Missouri 63103,)
)
Respondent.)
)

APPEARANCES

Paul H. Gardner, Attorney at Law, and Linda K. Gardner, Attorney at Law, Goller & Associates, P.C., 131 East High Street, Jefferson City, Missouri 65101, for Tesson Heights Enterprises.

Steven R. Sullivan, Attorney, Union Electric Company, 1901 Chouteau Avenue, Post Office Box 149, St. Louis, Missouri 63166, for Union Electric Company.

Lewis R. Mills, Jr., Deputy Public Counsel, Office of the Public Counsel, Post Office Box 7800, Jefferson City, Missouri 65102, for the Office of the Public Counsel and the public.

Aisha Ginwalla, Assistant General Counsel, Missouri Public Service Commission, Post Office Box 360, Jefferson City, Missouri 65102, for the staff of the Missouri Public Service Commission.

ADMINISTRATIVE

LAW JUDGE: Joseph A. Derque, III.

REPORT AND ORDER

Procedural History

This docket was opened as the result of a complaint, filed August 25, 1994, by Excel Retirement Community, Inc. Subsequently, it was found that the real party in interest in this matter was Tesson Heights Enterprises (Tesson Heights). First and second amended complaints were filed, correcting this error and amending the complaint in other specifics.

In its second amended complaint, Tesson Heights alleges it began to receive electrical service from Union Electric Company (UE) at its facility on 12335 West Bend Drive, St. Louis, Missouri, upon completion of this facility in October, 1986. Tesson Heights alleges it was improperly classified on the residential service rate schedule from the date of inception of service through December 31, 1993. Tesson Heights states that, as a result of this improper classification, Union Electric Company violated its tariffs on file with this Commission. Tesson Heights, therefore, requests relief from this Commission in the following specifics: "(1) that Respondent unlawfully and improperly classified Tesson Heights and billed Complainant on Respondent's multiple-occupancy residential rate classification in violation of Respondent's rate schedules on file with the Commission from the inception of electric service at Tesson Heights through January 1, 1994, (2) that Respondent failed or refused to convert Complainant to an applicable, more favorable non-residential rate classification upon request by Complainant until March 21, 1994, (3) that Respondent's placement of Complainant on the multiple-occupancy residential rate classification was unduly preferential and discriminatory to the disadvantage of Complainant, and (4) that this Commission issue its order authorizing Complainant to seek recovery of the resulting overcharges in Circuit Court."

Respondent, Union Electric Company, filed its answer and counterclaim to the second amended complaint on January 30, 1995. In that answer UE denies all matters alleged by Tesson Heights and in issue in this case. As the basis for its counterclaim, UE voluntarily placed Tesson Heights on the large general service rate, the rate desired by Tesson Heights, as of January 1, 1994. UE requests the Commission: (1) find that Tesson Heights was appropriately classified under the

multiple-occupancy residential rate, the rate Tesson Heights was under from 1986 through December 31, 1993; (2) order UE to switch Tesson Heights back to this rate; and (3) permit UE to recover any balance due from the rate differential back to January 1, 1994.

After substantial discovery, this matter was completely litigated before the Missouri Public Service Commission (Commission) on July 24-26, 1995. After accepting briefs from the parties, this matter was finally submitted to the Commission for decision on September 1, 1995.

Pending Motion

On September 8, 1995, Tesson Heights filed a motion to strike portions of supplemental surrebuttal testimony filed by UE. This testimony was in response to supplemental surrebuttal testimony filed as Exhibit 10 at the evidentiary hearing of this matter by Tesson Heights, to which UE had no opportunity to respond at that time.

The motion will be denied. Objection to the supplemental surrebuttal testimony filed as an exhibit by Tesson Heights was made by UE at the evidentiary hearing. The Commission ruled that the Tesson Heights testimony would be allowed into evidence but that UE would have the opportunity to respond with a late-filed exhibit. The Commission stated that the testimony of both Tesson Heights and UE would be given the weight they were entitled. The Commission finds that due process has been accomplished in this evidentiary matter, that a ruling has already been made as to the admissibility of the testimony of both parties, and that no further action is necessary.

Findings of Fact

The Missouri Public Service Commission, having considered all of the competent and substantial evidence upon the whole record, makes the following findings of fact. The positions and arguments of all parties have been considered by the Commission in making this decision. Failure to reflect a piece of evidence, position, or argument of any party to this litigation in this Report And Order in no way indicates that the Commission has failed to consider relevant evidence, but indicates only that the omitted matter was not considered relevant to the decision or outcome. In addition, the Commission will not present each party's version of the facts in this Report And Order, but will make its own independent findings, on substantial and competent evidence of record, upon which its decision will be based.

Tesson Heights Enterprises, a corporation with its home offices in the state of Texas, is the owner/operator of Tesson Heights, located in St. Louis, Missouri. Construction of Tesson Heights was completed and electric service billing began on October 1, 1986. Tesson Heights consists of 186 apartment units, administrative offices, central dining rooms, activity areas, a beauty shop, mail room, and housekeeping offices. Tesson Heights is located on a contiguous seven-acre tract of land in St. Louis County. There is one large building on this tract of land with three wings of three floors each.

Operation of the nursing facility, licensed by the Missouri Department of Social Services as a Residential Care Facility I, began on November 13, 1986. At that time Tesson Heights began service with UE, the regulated electric utility in whose service area Tesson Heights is located. Tesson Heights is supplied electricity through a single delivery point and single meter. The secondary distribution system at Tesson Heights is owned

and maintained by Tesson Heights and all service is billed to Tesson Heights through the single meter.

The evidence of record indicates that during construction of Tesson Heights, discussions took place between the UE marketing representative, the contractor, and a representative of Tesson Heights regarding the type and extent of electric meters and metered service at the facility. As a result, Tesson Heights agreed to save the expense of individually metering each residential apartment, purchase the secondary service equipment only, and serve the facility on a single meter. As an alternative, Tesson Heights was offered the option of metering each residential apartment individually and the remainder of the facility separately on a single meter. As this option was substantially more expensive to install than the single-metered option, Tesson Heights chose to single meter the entire facility.

Tesson Heights was charged the multiple-occupancy residential service classification (1(M)) from the beginning of service to the facility until that rate was voluntarily changed by UE on January 1, 1994, to the large general service classification (3(M)). The 3(M) rate is used for large commercial consumers and is the more economical of the two rates.

The record reflects that Tesson Heights, at the time of construction, was offered two rate options, made dependent by UE on the type of metering chosen. If Tesson Heights chose the single meter option, UE informed Tesson Heights that the 1(M) rate would apply. If Tesson Heights chose the option providing for individual residential metering and with a separate meter for the common portion of the facility, then the residential rate would apply to the individual apartments and the general service rate would apply to the common areas.

Testimony reveals that the employee of UE in contact with Tesson Heights was a "marketing representative" who had no knowledge of, or authority to determine, proper rate classifications. Testimony reveals that this representative was not familiar with rate classifications and had no responsibility for assignment of rates to various customers but, in fact, was responsible only for residential rates. UE failed to show that Tesson Heights was ever informed of the existence, or shown the tariffed language, of the various rate classification tariffs under which it might qualify. At no time was Tesson Heights informed that the entire facility might qualify, under the existing tariffs, for a 3(M) large general service rate.

On at least two occasions after commencing operations, those being in 1987 and 1989, Tesson Heights inquired from UE as to why the electric bills at the facility were high and as to whether the facility was on the correct rate. Testimony revealed that Tesson Heights company management, located in Texas and responsible for various retirement homes nationwide, found the Tesson Heights electric bill to be the highest of all the retirement centers on a company-wide basis.

UE responded to both inquiries by conducting energy efficiency "audits" of the Tesson Heights facility and suggesting various passive energy-saving measures. Some of these measures were implemented by Tesson Heights, with no significant improvement. Testimony did not reveal any mention by UE of a possible classification change to a general service rate.

In 1993 Tesson Heights employed a consulting firm specializing in the examination of utility bills for the purpose of determining opportunities for savings. Tesson Heights was informed of the possibility

of obtaining a lower commercial rate by its consultants, resulting, finally, in this litigation.

UE argues that Tesson Heights was not improperly served under the residential rate classification during the October 1986 to January 1994 time period. UE maintains that Tesson Heights is neither a "transient" facility nor a "nursing home" under the Commission rule regarding metering. As support for this proposition, substantial factual evidence was placed in the record as to the nature and functions of Tesson Heights' business operations and activities.

In addition, UE argues that Tesson Heights agreed to the residential rate and was allowed to install a single meter at its facility as a matter of economics, saving substantial installation costs for meters on all individual apartments. UE supports this proposition by also alleging that the Staff of the Commission (Staff) approved the single metering arrangement. UE contends, generally, that throughout the construction process the parties always understood that the rate classification would remain the 1(M) residential.

UE adds that it offered to allow Tesson Heights to meter its "house load", i.e., those common areas used to support the residents such as dining halls and administrative offices, with a single meter and place that load on a commercial rate, much the same as was done in the **Friendship Village** cases, Nos. EC-92-276 and EC-92-277. UE states that Tesson Heights, with full knowledge of its options, rejected this offer, choosing instead to save construction costs with the single meter option, placing all load at the site on the residential rate.

The Staff, after thorough analysis, took the position that Tesson Heights, although not a "nursing home" under the metering rules, should have been classified under the appropriate commercial rate as the

result of the language of the tariff itself and the "rate classification consequences" that flow from single metering.

To discuss the arguments presented by the parties, it is necessary to set out the applicable portions of the rate classification tariffs of UE and the Commission's rules on metering. The complete text of the tariffs and rules is set out in Attachment A to this Report And Order. The pertinent portions are as follows:

4 CSR 240-20.050 Individual Electric Meters--When Required

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(2) Each residential and commercial unit in a multiple-occupancy building construction of which has begun after June 1, 1981 shall have installed a separate electric meter for each residential or commercial unit.

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(4) For the purposes of carrying out the provisions of sections (2) and (3), the following exceptions apply and separate metering will not be required:

(A) For transient multiple-occupancy buildings and transient mobile home parks--for example, hotels, motels, dormitories, rooming houses, hospitals, nursing homes, fraternities, sororities, campgrounds and mobile home parks. . . .

SERVICE CLASSIFICATION NO. 3(M)
LARGE GENERAL SERVICE RATE

1. Rate Application. This rate is applicable to all secondary service to (1) any non-residential customer whose billing demand in any summer month exceeds 100 kW, or (2) at customer's request, to any other non-residential customer.

It is well settled, both in general statutory interpretation and interpretation of tariffs, that where the language of the tariff is clear and unambiguous, no extrinsic evidence as to intent, previous interpretation, or history is necessary. (*D.F.M. Investment Co., d/b/a St. Louis Honda, v. UE*, EC-91-349). In the Commission's metering rule, the language is straightforward as to the listing of examples of the type of facility exempt from the Commission's individual metering rule and from the Public Utility Regulatory Policies Act of 1978 (PURPA), from which the rule is derived. One of those examples specifically set out is nursing homes.

Substantial argument and evidence is contained in the record as to what constitutes a nursing home under the rule, as the rule itself fails to define the term. The Commission finds this term to be used in a generic fashion in its rule, encompassing a broad range of facilities generally engaged in the business of providing various support services for daily living and care of senior citizens who, for a host of reasons, cannot or should not continue to live independently without such support.

The term nursing home has been in use for many years. Over this period of time a large industry has grown up to care for a senior citizen population that has become ever larger in number and older in years. This industry has changed dramatically in the extent and types of services provided and the sophistication with which they are delivered.

In the specific case of Tesson Heights, the testimony of Staff witness Michael W. Straub is very helpful in determining whether Tesson Heights should be considered to be a nursing home as the term is generally understood. Witness Straub testified in both deposition and in the evidentiary hearing that, in his examination of retirement facilities and rates, he found three functional differences which separated commercial

nursing homes from simple multiple-occupancy residential facilities. Those differences were (1) the existence of a common dining facility where most of the residents ate their meals most of the time, (2) the existence of on-duty medical staff, and (3) the fact that utility services were the responsibility of the facility operator.

Witness Straub also testified that he had examined the tariffs and practices of three other regulated electric utilities in the state, those being Kansas City Power & Light Company, St. Joseph Light & Power Company, and The Empire District Electric Company. His examination revealed that no facility similar in nature to Tesson Heights was currently being charged a residential rate for service and that all were, in fact, classified as large general service customers.

In addition to the evidence presented by Mr. Straub, the Commission finds that the record reveals several other salient facts which, when taken together, indicate clearly which facilities should be distinguished as nursing homes. Testimony reveals that the average age of residents in Tesson Heights is in excess of 80 years of age. Further, the average time of residence at Tesson Heights is approximately 18 months, a length of time the Commission considers relatively "transient" for purposes of this case. Finally, and perhaps most importantly, Tesson Heights is licensed as a Residential Care Facility I by the Missouri Department of Social Services. To obtain such a license requires compliance with substantial and detailed standards for geriatric care, including the maintenance of on-duty medical personnel, the maintenance of detailed records, and the requirement of periodic inspections. It is obvious that no ordinary multiple-occupancy residential facility would incur this expense unless it was actively engaged in the commercial business of geriatric care and/or assisted living for senior citizens.

The Commission finds that Tesson Heights is a nursing home as the term is used in the Commission's rules, and is entitled to the single-metered treatment it received at the inception of service.

From the above facts the Commission also finds that Tesson Heights is a commercial enterprise, not merely a multiple-occupancy residence. In applying the rate tariffs, as set out above and in Attachment A, to Tesson Heights, the Commission finds that a clear reading of the residential service classification 1(M) precludes Tesson Heights from being charged the residential rate.

In that tariff, the residential rate is applied to all normal residential service including single family residences, separately metered apartments constructed after June 1, 1981, farm homes and estates, and recreational facilities intended for use by a single family. Paragraph 4 of this tariff, entitled "Single-Metered Multiple-Occupancy Residential Buildings", applies only to buildings constructed prior to June 1, 1981. The Commission finds that, from the facts of record as set out above, Tesson Heights is not a multiple-occupancy residential building and fits none of the categories in the residential tariff.

UE points out the Commission's finding in favor of UE in the ***Friendship Village of South County and Friendship Village of West County complaints v. UE***, Case Nos. EC-92-276 and EC-92-277. There are, however, substantial distinctions between the ***Friendship Village*** cases and this one. In those consolidated cases, the Commission found that the complainant did not maintain its burden of proof. The Commission also found that Friendship Village was fully informed of the possible rate options, including a single-metered large general service option, and the option finally agreed to, that being the segregation of residential and house loads.

Here, UE failed to fully inform Tesson Heights of the various rate options available to it as a legitimate nonresidential, commercial enterprise. The Commission holds that regulated utilities shall, without the supervision of their customers, provide adequate service at the correct rate and no more. Customers should not be required to employ experts to verify the correctness of rates charged, but should be able to rely on the utility to comply with the proper rate tariff. (*DePaul Hospital v. Southwestern Bell Tel. Co.*, 539 S.W.2d 542 (1976).)

The Commission finds that Tesson Heights, as a result of the nature of its business and the circumstances of its operation, as shown above, has qualified for the nonresidential, large general service rate since beginning service on October 1, 1986.

The Commission finds that Tesson Heights, a nursing home, should have been classified by UE, in accordance with the tariffs, as a nonresidential, commercial facility, which does not qualify for residential rate treatment. UE violated its rate tariffs by failing to classify Tesson Heights as a large general service customer since the start of service on October 1, 1986, through December 31, 1993.

In its complaint, Tesson Heights seeks findings by the Commission that UE failed to convert Tesson Heights to a more favorable rate until January 1, 1994, and that UE's placement of Tesson Heights on the multiple-occupancy rate was "unduly preferential and discriminatory to the disadvantage" of Tesson Heights. Both of these requested findings are not necessary to the fair resolution of this matter and are more appropriately left to the civil courts, if necessary at all. The Commission, therefore, will issue no further orders than those establishing the status of Tesson Heights as a nursing home and nonresidential business for purposes of rate classification, and establishing that UE violated its

rate tariffs by improperly classifying Tesson Heights from October 1, 1986, through December 31, 1993.

Conclusions of Law

The Missouri Public Service Commission has arrived at the following conclusions of law.

Union Electric Company is a public utility engaged in the distribution of electric service, regulated by the Commission, and subject to the jurisdiction of the Commission under Chapters 386 and 393, R.S.Mo. 1994.

This complaint was filed pursuant to Section 386.390, R.S.Mo. 1994.

The Commission has the authority to determine the classification of service rendered by a regulated public utility. ***State ex rel. Kansas City Power & Light Co. v. Buzard***, 168 S.W.2d 1044 (Mo. banc 1943), ***DePaul Hospital v. Southwestern Bell Telephone Co.***, 539 S.W.2d 542 (Mo. App. 1976).

Tariffs are to be construed according to their language. The intention of the framers is not necessarily controlling. Where the tariff language is clear and unambiguous, interpretation requires no extrinsic evidence as to intent, previous interpretation, or history. ***In the matter of D.F.M. Investment Co., d/b/a St. Louis Honda, v. Union Electric Company***, Case No. EC-91-349.

The Commission has exclusive jurisdiction to determine which of two approved rates should be charged to the customer. ***Inter City Beverage Company v. Kansas City Power & Light***, W.D. #48856 (1994).

The Commission finds, from substantial and competent evidence on the record as a whole, that, from inception of service on October 1,

1986, through December 31, 1993, Tesson Heights Enterprises, the Complainant, received service under an improper rate classification, that is, the applicable residential tariffed rate (1(M)), and that service should have been furnished under the large general service rate classification (3(M)). Section 393.140, R.S.Mo. 1994.

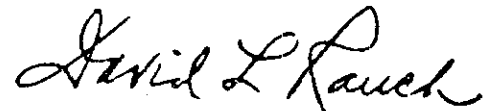
The Commission may not order any monetary or pecuniary award or refund. In addition, while Tesson Heights Enterprises may seek recovery of overcharges in a court of proper jurisdiction, the Commission finds no authority or necessity for it to make such a ruling. *B.G. DeMaranville v. Fee Fee Trunk Sewer*, 573 S.W.2d 674 (Mo. App. 1978).

IT IS THEREFORE ORDERED:

1. That Union Electric Company overcharged Tesson Heights Enterprises for electrical service by placing Tesson Heights Enterprises' facility, located at 12335 West Bend Drive, St. Louis, Missouri, on the residential (1(M)) service rate instead of the proper large general service (3(M)) rate, from October 1, 1986, through December 31, 1993.
2. That the counterclaim of Union Electric Company is hereby dismissed.
3. That this Report And Order shall become effective on the 16th day of November, 1995.

BY THE COMMISSION

(S E A L)



**David L. Rauch
Executive Secretary**

Mueller, Chm., Crumpton and Drainer, CC., concur and certify compliance with the provisions of Section 536.080, R.S.Mo. 1994. McClure and Kincheloe, CC., absent.

Dated at Jefferson City, Missouri, on this 17th day of October, 1995.

APPLYING TO

MISSOURI SERVICE AREA

MAR 30 1990

SERVICE CLASSIFICATION NO. 1(M)
RESIDENTIAL SERVICE RATE

MISSOURI

Public Service Commission

1. Rate Application. This rate is applicable to all normal residential service supplied directly by Company for:

- a. Residences. A single-family residence dwelling or building.
- b. Apartments. A separately metered individual flat or apartment unit used as the home, residence or sleeping place of one or more persons. Also, for buildings constructed before June 1, 1981, a multiple occupancy building of such units where service is delivered and metered at one point or one at which service is delivered at more than one point for valid engineering reasons. The billing provisions for single-metered multiple occupancy residential buildings are as provided in paragraph 4.
- c. Farm Homes and Estates. Supplying combination home and farm use where supplied through a single meter, and limited to the use of service within the residence on the farm or estate and that required for all general farming and agricultural purposes conducted on the premises served. Where separate meters are required to supply operations incidental thereto but located at such distance that they cannot be connected to the main meter, each such additional meter shall be billed separately under this rate.
- d. Recreation Facilities. Summer cottages, homes, trailers or boat slips where individually metered and intended for use by a single family.

*2. Character of Service Supplied. Company will specify and supply one standard single-phase and, for additional residential requirements, one three-phase secondary service voltage under this Service Classification, which service will be cumulated for billing purposes. Unless otherwise required for Company's engineering or other reasons, any additional service requested by customer will be provided, subject to the Company's approval, under the provisions of Section III.Q - Special Facilities. Such additional service, if any, supplied through facilities installed on and after May 5, 1990, will not be cumulated or otherwise combined for billing purposes with any other service supplied to customer.

3. Temporary Service. Temporary service requested for residential use will be supplied under the terms and conditions set forth under Rider D.

FILED

*Indicates Change.

MAY 5 1990

P.S.C. MO. DATE OF ISSUE March 30, 1990 DATE EFFECTIVE May 5, 1990
ILL. C.C. DATE OF ISSUE _____ DATE EFFECTIVE _____
IA. ST. C.C. DATE OF ISSUE _____ DATE EFFECTIVE _____

ISSUED BY William E. Cornelius Chairman St. Louis, Missouri

NAME OF OFFICER

BROWN SCHEDULE E

APPLYING TO MISSOURI SERVICE AREA

RECEIVED

SERVICE CLASSIFICATION NO. 1(M)
RESIDENTIAL SERVICE RATE - (CONT.)

JAN 16 1981

MISSOURI

Public Service Commission

*4. Single-Metered Multiple-Occupancy Residential Buildings graph applies only to buildings constructed and served under this provision prior to June 1, 1981. The total monthly bill to each such building to which service is delivered and metered at one point shall be equal to the total number of dwelling units therein multiplied by the bill per dwelling unit, which bill per dwelling unit shall be calculated by applying the Residential Service Rate to the average kilowatthour use per dwelling unit (equal to the total building use divided by the number of dwelling units, rounded to the nearest kilowatthour). Electrical use for common building services such as hall lights, elevators and laundry areas used exclusively by tenants may be metered and billed through the main building meter. Use for restaurants, arcade shops, retail stores, office space, or any other commercial venture must be separately metered and billed on the appropriate General Service or Primary Service Rate.

5. Residential Service Rate Not Applicable to

a. Service supplied through one meter (or more than one meter if the readings thereof are cumulated for billing purposes) to:

- (1) Premises which consist of one or more dwelling units and a commercial unit, or
- (2) A residence or dwelling unit when any portion of such service is used in a commercial venture.

As used herein, the term "dwelling unit" shall mean that portion of a building which by appearance, design or arrangement is normally used for residential purposes by a single family, whether or not actually occupied, and the term "commercial unit" shall mean that portion of a building or premises which by appearance, design or arrangement is normally used for commercial purposes, whether or not actually so used.

b. Establishments in farming areas processing, distributing or selling farm or other products which do not originate through production on the premises served.

c. Multiple-occupancy club houses, recreational lodges, or other buildings used for group activities.

FILED
FEB 15 1981
Public Service Commission

*Indicates change.

P.S.C. MO. DATE OF ISSUE January 16, 1981 DATE EFFECTIVE February 15, 1981

ILL. C.C. DATE OF ISSUE _____ DATE EFFECTIVE _____

IA. ST. C.C. DATE OF ISSUE _____ DATE EFFECTIVE _____

ISSUED BY Charles J. Dougherty Chairman St. Louis, Missouri
NAME OF OFFICER TITLE

APPLYING TO MISSOURI SERVICE AREA

SERVICE CLASSIFICATION NO. 1(M)
RESIDENTIAL SERVICE RATE

*Rate Based on Monthly Meter Readings

Summer Rate (Applicable during 4 monthly billing periods of June through September)

Customer Charge \$ 5.75 per month

Energy Charge 8.439¢ per kWh

Winter Rate (Applicable during 8 monthly billing periods of October through May)

Customer Charge \$ 5.75 per month

Energy Charge - First 750 kWh 6.12¢ per kWh

- Over 750 kWh 4.045¢ per kWh

RCS Adjustment. The rates contained herein shall be subject to adjustments as provided for in Rider R.

Payments. Bills are due and payable within ten (10) days from date of bill and become delinquent after twenty-one (21) days from date of bill.

Term of Use. Initial period one (1) year, terminable thereafter on three (3) days' notice.

Tax Adjustment. Any license, franchise, gross receipts, occupation or similar charge or tax levied by any taxing authority on the amounts billed hereunder will be so designated and added as a separate item to bills rendered to customers under the jurisdiction of the taxing authority.

*Indicates Change.

Issued pursuant to the Order of the Mo.P.S.C. in Case No. ER-93-52.
P.S.C. Mo. DATE OF ISSUE November 16, 1992 DATE EFFECTIVE January 1, 1993
ILL. C.C. DATE OF ISSUE _____ DATE EFFECTIVE _____
IA. ST.C.C. DATE OF ISSUE _____ DATE EFFECTIVE _____
ISSUED BY William E. Cornelius Chairman St. Louis, Missouri
NAME OF OFFICER TITLE ADDRESS

MISSOURI SERVICE AREA

APPLYING TO

SERVICE CLASSIFICATION NO. 1(M)
RESIDENTIAL SERVICE RATE

*Rate Based on Monthly Meter Readings

Summer Rate (Applicable during 4 monthly billing periods of June through September)

Customer Charge \$ 5.75 per month

Energy Charge 8.674c per kWh

Winter Rate (Applicable during 8 monthly billing periods of October through May)

Customer Charge \$ 5.75 per month

Energy Charge - First 750 kWh 6.29c per kWh
- Over 750 kWh 4.16c per kWh

RCS Adjustment. The rates contained herein shall be subject to adjustments as provided for in Rider R.

Payments. Bills are due and payable within ten (10) days from date of bill and become delinquent after twenty-one (21) days from date of bill.

Term of Use. Initial period one (1) year, terminable thereafter on three (3) days' notice.

Tax Adjustment. Any license, franchise, gross receipts, occupation or similar charge or tax levied by any taxing authority on the amounts billed hereunder will be so designated and added as a separate item to bills rendered to customers under the jurisdiction of the taxing authority.

SUPERSEDED

JAN 01 1993

*Indicates Change.

P.S.C. MO. DATE OF ISSUE November 16, 1990 DATE EFFECTIVE November 26, 1990

ILL. C.C. DATE OF ISSUE _____ DATE EFFECTIVE _____ E - 3

IA. ST. C.C. DATE OF ISSUE _____ DATE EFFECTIVE _____

ISSUED BY William E. Cornelius Chairman St. Louis, Missouri
NAME OF OFFICER TITLE ADDRESS

APPLYING TO

MISSOURI SERVICE AREA

SERVICE CLASSIFICATION NO. 1(M)
RESIDENTIAL SERVICE RATE

*Rate Based on Monthly Meter Readings

SUPERSEDED
NOV 26 1990

Summer Rate (Applicable during 4 monthly billing periods of June through September)

Customer Charge \$5.75 per month

Energy Charge 8.36¢ per kWh

Winter Rate (Applicable during 8 monthly billing periods of October through May)

Customer Charge \$5.75 per month

Energy Charge - First 1000 kWh 6.23¢ per kWh
- Over 1000 kWh 4.41¢ per kWh

RCS Adjustment. The rates contained herein shall be subject to adjustments as provided for in Rider R.

Payments. Bills are due and payable within ten (10) days from date of bill and become delinquent after twenty-one (21) days from date of bill.

Term of Use. Initial period one (1) year, terminable thereafter on three (3) days' notice.

Tax Adjustment. Any license, franchise, gross receipts, occupation or similar charge or tax levied by any taxing authority on the amounts billed hereunder will be so designated and added as a separate item to bills rendered to customers under the jurisdiction of the taxing authority.

SUPERSEDED

NOV 26 1990

*Indicates Change.

Issued pursuant to Order of Mo. P.S.C. in Case Nos. EC-87-114 & EC-87-115.

P.S.C. MO. DATE OF ISSUE December 30, 1987

DATE EFFECTIVE December 31, 1987

ILL. C.C. DATE OF ISSUE _____

DATE EFFECTIVE _____

IA. ST. C.C. DATE OF ISSUE _____

DATE EFFECTIVE _____

E - 4

ISSUED BY William E. Cornelius

President

St. Louis, Missouri

NAME OF OFFICER

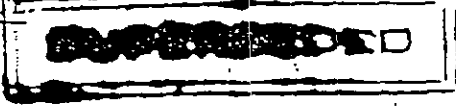
TITLE

ADDRESS

APPLYING TO MISSOURI SERVICE AREA

DEC 31 1987

SERVICE CLASSIFICATION NO. 1(M)
 RESIDENTIAL SERVICE RATE



*Rate Based on Monthly Meter Readings

Summer Rate (Applicable during 4 monthly billing periods of June through September)

Customer Charge \$5.75 per month
 Energy Charge 8.31c per kWh

Winter Rate (Applicable during 8 monthly billing periods of October through May)

Customer Charge \$5.75 per month
 Energy Charge - First 1000 kWh 6.21c per kWh
 - Over 1000 kWh 4.40c per kWh

RCS Adjustment. The rates contained herein shall be subject to adjustments as provided for in Rider R.

Payments. Bills are due and payable within ten (10) days from date of bill and become delinquent after twenty-one (21) days from date of bill.

Term of Use. Initial period one (1) year, terminable thereafter on three (3) days' notice.

Tax Adjustment. Any license, franchise, gross receipts, occupation or similar charge or tax levied by any taxing authority on the amounts billed hereunder will be so designated and added as a separate item to bills rendered to customers under the jurisdiction of the taxing authority.

DEC 31 1987



*Indicates Change.

Issued pursuant to Order of Mo. P.S.C. in Case No. AO-87-48.

P.S.C. MO. DATE OF ISSUE March 24, 1987 DATE EFFECTIVE April 9, 1987
 ILL. C.C. DATE OF ISSUE _____ DATE EFFECTIVE _____
 IA. ST. C.C. DATE OF ISSUE _____ DATE EFFECTIVE _____

E - 5

ISSUED BY William E. Cornelius President St. Louis, Missouri
NAME OF OFFICER TITLE ADDRESS

APPLYING TO MISSOURI SERVICE AREA

SERVICE CLASSIFICATION NO. 1(M)
RESIDENTIAL SERVICE RATE

*Rate Based on Monthly Meter Readings

Summer Rate (Applicable during 4 monthly billing periods of June through September)

Customer Charge \$5.75 per month

Energy Charge 7.83c per kWh

Winter Rate (Applicable during 8 monthly billing periods of October through May)

Customer Charge \$5.75 per month

Energy Charge - First 1000 kWh 5.99c per kWh
- Over 1000 kWh 4.10c per kWh

RCS Adjustment. The rates contained herein shall be subject to adjustments as provided for in Rider R.

Payments. Bills are due and payable within ten (10) days from date of bill and become delinquent after twenty-one (21) days from date of bill.

Term of Use. Initial period one (1) year, terminable thereafter on three (3) days' notice.

Tax Adjustment. Any license, franchise, gross receipts, occupation or similar charge or tax levied by any taxing authority on the amounts billed hereunder will be so designated and added as a separate item to bills rendered to customers under the jurisdiction of the taxing authority.

SUPERSEDED

APR 09 1987

*Indicates Change.

Issued pursuant to Order of Mo. P.S.C. in Case Nos. EO-85-17 and ER-85-160.
P.S.C. MO. DATE OF ISSUE May 3, 1985 DATE EFFECTIVE April 9, 1986

ILL. C.C. DATE OF ISSUE _____ DATE EFFECTIVE _____

IA. ST. C.C. DATE OF ISSUE _____ DATE EFFECTIVE _____

E - 6

ISSUED BY William E. Cornelius President St. Louis, Missouri

APPLYING TO

MISSOURI SERVICE AREA

APR 09 1986

SUPERSEDED

SERVICE CLASSIFICATION NO. 1(M)
RESIDENTIAL SERVICE RATE

MISSOURI
Public Service Commission

*Rate Based on Monthly Meter Readings

Summer Rate (Applicable during 4 monthly billing periods of June through September)

Customer Charge \$5.75 per month

Energy Charge 6.91c per kWh

Winter Rate (Applicable during 8 monthly billing periods of October through May)

Customer Charge \$5.75 per month

Energy Charge - First 1000 kWh 5.50c per kWh
- Over 1000 kWh 3.55c per kWh

RCS Adjustment. The rates contained herein shall be subject to adjustments as provided for in Rider R.

Payments. Bills are due and payable within ten (10) days from date of bill and become delinquent after twenty-one (21) days from date of bill.

Term of Use. Initial period one (1) year, terminable thereafter on three (3) days' notice.

Tax Adjustment. Any license, franchise, gross receipts, occupation or similar charge or tax levied by any taxing authority on the amounts billed hereunder will be so designated and added as a separate item to bills rendered to customers under the jurisdiction of the taxing authority.

APR 09 1986

SUPERSEDED

FILED

APR - 9 1986

*Indicates Change.

Issued pursuant to Order of Mo. P.S.C. in Case Nos. 20-85-19 and 19-85-160.

P.S.C. NO. DATE OF ISSUE April 5, 1985

DATE EFFECTIVE April 5, 1985

ILL. C.C. DATE OF ISSUE

DATE EFFECTIVE

IA. ST. C.C. DATE OF ISSUE

DATE EFFECTIVE

ISSUED BY William E. Cornelius

President

St. Louis, Missouri

MISSOURI SERVICE AREA

APPLYING TO

RECEIVED

SERVICE CLASSIFICATION NO. 3(M)
LARGE GENERAL SERVICE RATE DEC 21 1990

MISSOURI

1. Rate Application. This rate is applicable to all secondary service to (1) any non-residential customer whose billing demand in any summer month exceeds 100 kW, or (2) at customer's request, to any other non-residential customer.
2. Character of Service Supplied. Company will specify and provide a standard single- and/or three-phase alternating current secondary service voltage. Direct current is supplied in limited quantities to existing premises in downtown St. Louis, Missouri.
- *3. Energy Billing. The lesser of customer's maximum monthly metered demand or Rider I billing demand, if applicable, shall be used to apportion customer's kilowatthours to the kWh per kW energy rate steps for billing purposes. In addition, customer's proportion of Base and Seasonal billing demands, as defined in this rate, shall be used to initially apportion customer's kilowatthours to the Base and Seasonal Energy rate steps for billing purposes during the winter billing season.
- *4. Demand Billing
 - A. Total Billing Demand. The monthly Total Billing Demand shall be the maximum metered demand during the current month or, where elected by customer, the billing demand determined in accordance with Rider I, Off-Peak Demand Provisions, but in no event less than 100 kW.
 - B. Base Billing Demand. The monthly Base Billing Demand, used only to apportion kilowatthours during the Company's winter billing season, shall be the Total Billing Demand during customer's immediately preceding May, October or maximum summer billing month, or customer's current winter month's Total Billing Demand, whichever is less.
 - C. Seasonal Billing Demand. The monthly Seasonal Billing Demand, used only to apportion kilowatthours during the Company's winter billing season, shall be the portion of customer's current month's Total Billing Demand in excess of customer's Base Billing Demand.

*Indicates Change.

FILED

FEB 28 1991

P.S.C. MO. DATE OF ISSUE December 21, 1990

DATE EFFECTIVE Public Service Commission

ILL. C.C. DATE OF ISSUE _____

DATE EFFECTIVE _____

IA. ST. C.C. DATE OF ISSUE _____

DATE EFFECTIVE _____

ISSUED BY William E. Cornelius Chairman

St. Louis, Missouri

NAME OF OFFICER

BROWN SCHEDULE F

APPLYING TO

MISSOURI SERVICE AREA

RECEIVED

SERVICE CLASSIFICATION NO. 3(M)
LARGE GENERAL SERVICE RATE (Cont'd.)

MAR 27 1991

MISSOURI
Public Service Commission

D. Customers Without Prior Billing Determinants. Customers on this rate who did not establish a billing demand during preceding billing periods shall have all kilowatthours billed on the Base Energy rate steps during the succeeding winter billing periods. After subsequent billing periods are completed, the customer's billing during the preceding winter will be reviewed using the Base Billing Demand determined from the following May billing period and a refund given if appropriate.

E. Demand Meters. When normal use of an existing customer or the estimated use of a new customer exceeds 25,000 kWh per month for two consecutive summer billing months, or Company has reason to believe that customer's summer demand exceeds 100 kW regardless of his kWh use, Company will install a demand meter for purposes of measuring customer's demand.

*5. Cumulation of Services. Service provided through multiple meters to the same customer on the same premises and cumulated for billing purposes under this Service Classification, prior to May 5, 1990, may continue to receive such billing. Unless otherwise required for Company's engineering or other reasons, any additional services installed at customer's request and agreed to by Company on and after May 5, 1990, will not be cumulated or otherwise combined for billing purposes with any other service supplied to customer.

6. General Rules and Regulations. In addition to the above specific rules and regulations, all of Company's General Rules and Regulations shall apply to the supply of service under this rate.

*Indicates Change.

FILED

APR 27 1991

Public Service Commission

P.S.C. NO. DATE OF ISSUE March 28, 1991

DATE EFFECTIVE April 27, 1991

ILL. C.C. DATE OF ISSUE _____

DATE EFFECTIVE _____

IA. ST. C.C. DATE OF ISSUE _____

DATE EFFECTIVE _____

ISSUED BY William E. Cornelius

Chairman

St. Louis, Missouri

NAME OF OFFICER

TITLE

APPLYING TO MISSOURI SERVICE AREA

SERVICE CLASSIFICATION NO. 3(KM)
LARGE GENERAL SERVICE RATE

SUPERSEDED

0661 9 Z AON

NOV 26 1990

1. Rate Application. This rate is applicable to all secondary service to (1) any non-residential customer whose billing demand in any summer month exceeds 100 kW, or (2) at customer's request, to any other non-residential customer.
2. Character of Service Supplied. Company will specify and provide a standard single- and/or three-phase alternating current secondary service voltage. Direct current is supplied in limited quantities to existing premises in downtown St. Louis, Missouri.
- *3. Demand
 - A. Billing Demand. The monthly billing demand shall be either the maximum demand measured during the month or, where elected by customer, the billing demand determined in accordance with Rider I, Off-Peak Demand Provisions, but in no event less than 100 kW.
 - B. Base Billing Demand. The Base Billing Demand shall be the lesser of a) the customer's billing demand established during the preceding May billing period, or b) October billing period, or c) the maximum billing demand established during any preceding summer billing period, but in no event less than 100 kW.
 - C. Seasonal Billing Demand. The Seasonal Billing Demand shall be the customer's winter billing demand in excess of the customer's Base Billing Demand.
 - D. Rate Limitation. The sum of the Demand and Energy Charges shall be limited to the Rate Limitation times customer's metered kilowatthours, but in no event shall be less than 100 kW times the Base Demand Charge plus the customer's metered kilowatthours times the Energy Charge.

SUPERSEDED

NOV 26 1990

*Indicates Change.

Issued pursuant to Order of Mo.P.S.C. in Case Nos. EO-85-17 and ER-85-160.

P.S.C. MO. DATE OF ISSUE April 5, 1985 DATE EFFECTIVE April 9, 1985

ILL. C.C. DATE OF ISSUE _____ DATE EFFECTIVE _____

IA. ST. C.C. DATE OF ISSUE _____ DATE EFFECTIVE _____

ISSUED BY William E. Cornelius President St. Louis, Missouri

NAME OF OFFICER

TITLE

ADDRESS

APPLYING TO MISSOURI SERVICE AREA

SERVICE CLASSIFICATION NO. 3(M)
LARGE GENERAL SERVICE RATE

*Rate Based on Monthly Meter Readings

Summer Rate (Applicable during 4 monthly billing periods of June through September)

Customer Charge: \$66.00 per month

Energy Charge:

First 150 kWh per kW of Billing Demand @ 8.25c per kWh

Next 200 kWh per kW of Billing Demand @ 6.22c per kWh

All Over 350 kWh per kW of Billing Demand @ 4.17c per kWh

Demand Charge: Total Billing Demand @ \$3.86 per kW

Winter Rate (Applicable during 8 monthly billing periods of October through May)

Customer Charge: \$66.00 per month

Base Energy Charge:

First 150 kWh per kW of Base Demand @ 5.18c per kWh

Next 200 kWh per kW of Base Demand @ 3.87c per kWh

All Over 350 kWh per kW of Base Demand @ 3.02c per kWh

Seasonal Energy Charge: Seasonal kWh @ 3.02c per kWh

Demand Charge: Total Billing Demand @ \$1.38 per kW

D.C. Service \$7.16 per meter plus a surcharge of 0.82c per kWh.
(Applicable only in downtown St. Louis, Missouri, to each kWh supplied to direct current.)

Payments. Bills are due and payable within ten (10) days from date of bill.

Term of Use. Three (3) years, terminable thereafter on three (3) days' notice.

Tax Adjustment. Any license, franchise, gross receipts, occupation or similar charge or tax levied by any taxing authority on the amounts billed hereunder will be so designated and added as a separate item to bills rendered to customers under the jurisdiction of the taxing authority.

*Indicates Change.

Issued pursuant to the Order of the Mo. P.S.C. in Case No. ER-93-52.

P.S.C. Mo. DATE OF ISSUE November 16, 1992 DATE EFFECTIVE January 1, 1993

ILL. C.C. DATE OF ISSUE _____ DATE EFFECTIVE _____

IA. ST. C.C. DATE OF ISSUE _____ DATE EFFECTIVE _____

ISSUED BY William E. Cornelius Chairman St. Louis, Missouri
NAME OF OFFICER TITLE ADDRESS

APPLYING TO MISSOURI SERVICE AREA RECEIVED

SERVICE CLASSIFICATION NO. 3(M)
LARGE GENERAL SERVICE RATE

FEB 11 1992

MO. PUBLIC SERVICE COMM.

Rate Based on Monthly Meter Readings

Summer Rate (Applicable during 4 monthly billing periods of June through September)

Customer Charge: \$66.00 per month

Energy Charge:

First 150 kWh per kW of Billing Demand @ 8.45¢ per kWh
Next 200 kWh per kW of Billing Demand @ 6.38¢ per kWh
All Over 350 kWh per kW of Billing Demand @ 4.27¢ per kWh

Demand Charge: Total Billing Demand @ \$3.96 per kW

Winter Rate (Applicable during 8 monthly billing periods of October through May)

Customer Charge: \$66.00 per month

Base Energy Charge:

First 150 kWh per kW of Base Demand @ 5.32¢ per kWh
Next 200 kWh per kW of Base Demand @ 3.97¢ per kWh
All Over 350 kWh per kW of Base Demand @ 3.10¢ per kWh

Seasonal Energy Charge: Seasonal kWh @ 3.10¢ per kWh

Demand Charge: Total Billing Demand \$1.42 per kW

D.C. Service \$7.16 per meter plus a surcharge of 0.82¢ per kWh.
(Applicable only in downtown St. Louis, Missouri, to each kWh supplied to direct current.)

*Customers formerly served by Arkansas Power and Light Co. may be eligible for a reduction in their monthly bills. See the Table of Contents for details.

Payments. Bills are due and payable within ten (10) days from date of bill.

Term of Use. Three (3) years, terminable thereafter on three (3) days' notice.

Tax Adjustment. Any license, franchise, gross receipts, occupation or similar charge or tax levied by any taxing authority on the amounts billed hereunder will be so designated and added as a separate item to bills rendered to customers ~~under the jurisdiction~~ of the taxing authority.

SUPERSEDED FILED

*Indicates Addition
P.S.C. MO. DATE OF ISSUE February 11, 1992 JAN 04 1993 DATE EFFECTIVE March 13, 1992

ILL. C.C. DATE OF ISSUE _____ DATE EFFECTIVE _____
IA. ST. C.C. DATE OF ISSUE _____ DATE EFFECTIVE Public

ISSUED BY William E. Cornelius Chairman St. Louis, Missouri

APPLYING TO MISSOURI SERVICE AREA

SERVICE CLASSIFICATION NO. 3(M)
LARGE GENERAL SERVICE RATE

*Rate Based on Monthly Meter Readings

Summer Rate (Applicable during 4 monthly billing periods of June through September)

Customer Charge: \$66.00 per month

Energy Charge:

First 150 kWh per kW of Billing Demand	@	8.45c per kWh
Next 200 kWh per kW of Billing Demand	@	6.38c per kWh
All Over 350 kWh per kW of Billing Demand	@	4.27c per kWh

Demand Charge: Total Billing Demand @ \$3.96 per kW

Winter Rate (Applicable during 8 monthly billing periods of October through May)

Customer Charge: \$66.00 per month

Base Energy Charge:

First 150 kWh per kW of Base Demand	@	5.32c per kWh
Next 200 kWh per kW of Base Demand	@	3.97c per kWh
All Over 350 kWh per kW of Base Demand	@	3.10c per kWh

Seasonal Energy Charge: Seasonal kWh @ 3.10c per kWh

Demand Charge: Total Billing Demand \$1.42 per kW

D.C. Service \$7.16 per meter plus a surcharge of 0.82c per kWh. (Applicable only in downtown St. Louis, Missouri, to each kWh supplied to direct current.)

Payments. Bills are due and payable within ten (10) days from date of bill.

Term of Use. Three (3) years, terminable thereafter on three (3) days' notice.

Tax Adjustment. Any license, franchise, gross receipts, occupation or similar charge or tax levied by any taxing authority on the amounts billed hereunder will be so designated and added as a separate item to bills rendered to customers under the jurisdiction of the taxing authority.

SUPERSEDED

MAR 13 1992

*Indicates Change.

P.S.C. MO. DATE OF ISSUE November 16, 1990

DATE EFFECTIVE November 26, 1990

ILL. C.C. DATE OF ISSUE _____

DATE EFFECTIVE _____ F - 5

IA. ST. C.C. DATE OF ISSUE _____

DATE EFFECTIVE _____

ISSUED BY William E. Cornelius

Chairman

St. Louis, Missouri

NAME OF OFFICER

TITLE

ADDRESS

APPLYING TO MISSOURI SERVICE AREA

SERVICE CLASSIFICATION NO. 3(M)

LARGE GENERAL SERVICE RATE

SUPERSEDED

*Rate Based on Monthly Meter Readings

Summer Rate (Applicable during 4 monthly billing periods of June through September) NOV 26 1990

Customer Charge	\$65.00 per month
Demand Charge	\$15.07 per kW
Energy Charge	2.93c per kWh
Rate Limitation	12.97c per kWh

Winter Rate (Applicable during 8 monthly billing periods of October through May)

Customer Charge	\$65.00 per month
Base Demand Charge	\$ 9.31 per kW
Seasonal Demand Charge	\$ 6.21 per kW
Energy Charge	2.93c per kWh
Rate Limitation:	
Base Demand	9.14c per kWh
Seasonal	7.07c per kWh

D.C. Service \$7.16 per meter plus a surcharge of 0.82c per kWh. (Applicable only in downtown St. Louis, Missouri, to each kWh supplied to direct current.)

Payments. Bills are due and payable within ten (10) days from date of bill.

Term of Use. Three (3) years, terminable thereafter on three (3) days' notice.

Tax Adjustment. Any license, franchise, gross receipts, occupation or similar charge or tax levied by any taxing authority on the amounts billed hereunder will be so designated and added as a separate item to bills rendered to customers under the jurisdiction of the taxing authority.

SUPERSEDED

*Indicates Change.

NOV 26 1990

Issued pursuant to Order of Mo. P.S.C. in Case Nos. EC-87-114 & EC-87-115.

P.S.C. MO. DATE OF ISSUE December 30, 1987 DATE EFFECTIVE December 31, 1987

ILL. C.C. DATE OF ISSUE _____ DATE EFFECTIVE _____

IA. ST. C.C. DATE OF ISSUE _____ DATE EFFECTIVE _____

ISSUED BY William E. Cornelius President St. Louis, Missouri

NAME OF OFFICER

TITLE

ADDRESS

APPLYING TO MISSOURI SERVICE AREA

SERVICE CLASSIFICATION NO. 3(M) **DEC 9 1987**
LARGE GENERAL SERVICE RATE

SUPERSEDED

*Rate Based on Monthly Meter Readings

Summer Rate (Applicable during 4 monthly billing periods of June through September)

Customer Charge	\$65.00 per month
Demand Charge	\$15.00 per kW
Energy Charge	2.92c per kWh
Rate Limitation	12.92c per kWh

Winter Rate (Applicable during 8 monthly billing periods of October through May)

Customer Charge	\$65.00 per month
Base Demand Charge	\$ 9.27 per kW
Seasonal Demand Charge	\$ 6.18 per kW
Energy Charge	2.92c per kWh
Rate Limitation:	
Base Demand	9.10c per kWh
Seasonal	7.04c per kWh

D.C. Service \$7.13 per meter plus a surcharge of 0.82c per kWh.
(Applicable only in downtown St. Louis, Missouri, to each kWh supplied to direct current.)

Payments. Bills are due and payable within ten (10) days from date of bill.

Term of Use. Three (3) years, terminable thereafter on three (3) days' notice.

Tax Adjustment. Any license, franchise, gross receipts, occupation or similar charge or tax levied by any taxing authority on the amounts billed hereunder will be so designated and added as a separate item to bills rendered to customers under the jurisdiction of the taxing authority.

DEC 9 1987
SUPERSEDED

*Indicates Change.

Issued pursuant to Order of Mo. P.S.C. in Case No. AO-87-48.

P.S.C. MO. DATE OF ISSUE March 24, 1987 DATE EFFECTIVE April 9, 1987

ILL. C.C. DATE OF ISSUE _____ DATE EFFECTIVE _____

IA. ST. C.C. DATE OF ISSUE _____ DATE EFFECTIVE _____

ISSUED BY William E. Cornelius President St. Louis, Missouri
NAME OF OFFICER TITLE ADDRESS

APPLYING TO MISSOURI SERVICE AREA

SERVICE CLASSIFICATION NO. 3(M)
LARGE GENERAL SERVICE RATE

*Rate Based on Monthly Meter Readings

Summer Rate (Applicable during 4 monthly billing periods of June through September)

Customer Charge	\$65.00 per month
Demand Charge	\$14.10 per kW
Energy Charge	2.85c per kWh
Rate Limitation	12.25c per kWh

Winter Rate (Applicable during 8 monthly billing periods of October through May)

Customer Charge	\$65.00 per month
Base Demand Charge	\$ 8.56 per kW
Seasonal Demand Charge	\$ 5.71 per kW
Energy Charge	2.85c per kWh
Rate Limitation:	
Base Demand	8.56c per kWh
Seasonal	6.66c per kWh

D.C. Service \$6.93 per meter plus a surcharge of 0.80c per kWh.
(Applicable only in downtown St. Louis, Missouri, to each kWh supplied to direct current.)

Payments. Bills are due and payable within ten (10) days from date of bill.

Term of Use. Three (3) years, terminable thereafter on three (3) days' notice.

Tax Adjustment. Any license, franchise, gross receipts, occupation or similar charge or tax levied by any taxing authority on the amounts billed hereunder will be so designated and added as a separate item to bills rendered to customers under the jurisdiction of the taxing authority.

*Indicates Change.

SUPERSEDED
 APR 09 1987

Issued pursuant to Mo. P.S.C. in Case Nos. EO-85-17 and ER-85-160.
 P.S.C. MO. DATE OF ISSUE October 9, 1985 DATE EFFECTIVE April 9, 1986

ILL. C.C. DATE OF ISSUE _____ DATE EFFECTIVE _____ F - 8

IA. ST. C.C. DATE OF ISSUE _____ DATE EFFECTIVE _____

ISSUED BY William E. Cornelius President St. Louis, Missouri

APPLYING TO MISSOURI SERVICE AREA

SERVICE CLASSIFICATION NO. 3(M)
LARGE GENERAL SERVICE RATE

SUPERSEDED

APR 09 1985

*Rate Based on Monthly Meter Readings

Summer Rate (Applicable during 4 monthly billing periods of June through September)

Customer Charge	\$65.00 per month
Demand Charge	\$11.90 per kW
Energy Charge	2.75¢ per kWh
Rate Limitation	10.68¢ per kWh

Winter Rate (Applicable during 8 monthly billing periods of October through May)

Customer Charge	\$65.00 per month
Base Demand Charge	\$ 7.19 per kW
Seasonal Demand Charge	\$ 4.78 per kW
Energy Charge	2.75¢ per kWh
Rate Limitation:	
Base Demand	7.54¢ per kWh
Seasonal	5.94¢ per kWh

D.C. Service \$6.50 per meter plus a surcharge of .75¢ per kWh.
(Applicable only in downtown St. Louis, Missouri, to each kWh supplied to direct current.)

Payments. Bills are due and payable within ten (10) days from date of bill.

Term of Use. Three (3) years, terminable thereafter on three (3) days' notice.

Tax Adjustment. Any license, franchise, gross receipts, occupation or similar charge or tax levied by any taxing authority on the amounts billed hereunder will be so designated and added as a separate item to bills rendered to customers under the jurisdiction of the taxing authority.

*Indicates Change.

Issued pursuant to Mo. P.S.C. in Case Nos. EO-85-17 and ER-85-160.

P.S.C. MO. DATE OF ISSUE October 9, 1985 DATE EFFECTIVE November 8, 1985

ILL. C.C. DATE OF ISSUE _____ DATE EFFECTIVE _____

IA. ST. C.C. DATE OF ISSUE _____ DATE EFFECTIVE _____

ISSUED BY William E. Cornelius President St. Louis, Missouri

MISSOURI SERVICE AREA

SUPERSEDED

RECEIVED

NOV 08 1985
NOV 08 1985

SERVICE CLASSIFICATION NO. 3(M)
LARGE GENERAL SERVICE RATE

APR - 11 1985

MISSOURI
Public Service Commission

*Rate Based on Monthly Meter Readings

Summer Rate (Applicable during 4 monthly billing periods of June through September)

Customer Charge		\$65.00 per month
Demand Charge		\$11.90 per kW
Energy Charge	NOV 08 1985	2.75c per kWh
Rate Limitation		10.68c per kWh

Winter Rate (Applicable during 8 monthly billing periods of October through May)

Customer Charge		\$65.00 per month
Base Demand Charge		\$ 7.03 per kW
Seasonal Demand Charge		\$ 6.20 per kW
Energy Charge		2.75c per kWh
Rate Limitation:		
Base Demand		7.44c per kWh
Seasonal		6.88c per kWh

SUPERSEDED

NOV 08 1985

D.C. Service \$6.50 per meter plus a surcharge of .75c per kWh. (Applicable only in downtown St. Louis, Missouri, to each kWh supplied to direct current.)

Payments. Bills are due and payable within ten (10) days from date of bill.

Term of Use. Three (3) years, terminable thereafter on three (3) days' notice.

Tax Adjustment. Any license, franchise, gross receipts, occupation or similar charge or tax levied by any taxing authority on the amounts billed hereunder will be so designated and added as a separate item to bills rendered to customers under the jurisdiction of the authority.

RECEIVED
APR - 9 1985
Public Service Commission

Issued pursuant to Order of Mo. P.S.C. in Case Nos. EO-85-177 and EO-85-178

P.S.C. NO. DATE OF ISSUE April 5, 1985 DATE EFFECTIVE April 9, 1985

ILL. C.C. DATE OF ISSUE _____ DATE EFFECTIVE _____

IA ST. C.C. DATE OF ISSUE _____ DATE EFFECTIVE _____

ISSUED BY William E. Cornelius President St. Louis, Missouri

Sheet Accounts 111.C. and paragraph 15.113.111.C.; and

(M) Keep mortality records of property and property retirements as will reflect the average life of property which has been retired and will aid in estimating probable service life by actuarial analysis of annual additions and aged retirements when implementing the provisions of Part 101 Income Accounts 403.B. and paragraph 15.404.403.B.

(4) In prescribing this system of accounts, the commission does not commit itself to the approval or acceptance of any item set out in any account for the purpose of fixing rates or in determining other matters before the commission. This rule shall not be construed as waiving any recordkeeping requirement in effect prior to 1994.

(5) Annual reports for all electrical corporations subject to regulation by this commission shall be filed by each electrical corporation with the commission on or before April 15 following the year for which the report is made.

(6) Each electrical corporation subject to the commission's jurisdiction shall submit a depreciation study, data base and property unit catalog to the manager of the commission's energy department and to the Office of the Public Counsel, as required by the terms of subsection (6)(B).

(A) The depreciation study, data base and property unit catalog shall be compiled as follows:

1. The study shall reflect the average life and remaining life of each primary plant account or subaccount;

2. The data base shall consist of dollar amounts, by plant account or subaccount, representing—

A. Annual dollar additions and dollar retirements by vintage year and year retired, beginning with the earliest year of available data;

B. Reserve for depreciation;

C. Surviving plant balance as of the study date; and

D. Estimated date of final retirement and surviving dollar investment for each warehouse, electric generating facility, combustion turbine, general office building or other large structure; and

3. The property unit catalog shall contain a description of each retirement unit used by the company.

(B) An electrical corporation shall submit its depreciation study, data base and property unit catalog on the following occasions:

1. On or before the date adjoining the first letter of the name under which the corporation does business, excluding the word the, as

indicated by the tariffs on file with the commission.

A. The alphabetical categories and submission due dates are as follows:

(I) A, B, C, D: January 1, 1994;

(II) E, F, G, H: July 1, 1994;

(III) I, J, K, L: January 1, 1995;

(IV) M, N, O, P: July 1, 1995;

(V) Q, R, S, T: January 1, 1996; and

(VI) U, V, W, X, Y, Z: July 1, 1996.

B. However—

(I) An electrical corporation need not submit a depreciation study, data base or property unit catalog to the extent that the commission's staff received these items from the utility during the three (3) years prior to the due dates listed in subparagraph (6)(B)1.A; and

(II) A utility with simultaneous due dates under 4 CSR 240-20.030(6)(B)1. and 4 CSR 240-40.040(6)(B)1. may postpone its due date with respect to one (1) of these rules by six (6) months. To exercise this option, the utility must give written notice of its intent to postpone compliance to the manager of the commission's energy department, and to the Office of the Public Counsel, before the utility's first due date;

2. When the utility files its tariff(s) with the commission proposing a general rate increase, as that term is used in the commission's rules pertaining to minimum filing requirements. However, an electrical corporation need not submit a depreciation study, data base or property unit catalog to the extent that the commission's staff received these items from the utility during the three (3) years prior to the utility filing for a general rate increase; or

3. Before five (5) years have elapsed since the last time the commission's staff received a depreciation study, data base and property unit catalog from the utility.

(7) The commission may waive or grant a variance from the provisions of this rule, in whole or in part, for good cause shown, upon a utility's written application.

*Auth: section 393.140. RSMo (1986).**
Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed April 26, 1976, effective Sept. 11, 1976. Amended: Filed Feb. 5, 1993, effective Oct. 10, 1993.

**Original authority 1939, amended 1949, 1967.*

4 CSR 240-20.040 Minimum Filing Requirements

(Rescinded October 10, 1993)

4 CSR 240-20.050 Individual Electric Meters—When Required

PURPOSE: This rule prescribes individual metering for new multiple occupancy buildings and new mobile home parks for all electric corporations under the jurisdiction of the Public Service Commission. This rule is aimed at compliance with Sections 113(b)(1) and 115(d) of Title I of the Public Utility Regulatory Policies Act of 1978 (PURPA), PL 95-617, 16 USC 2601.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) For the purposes of this rule—

(A) A building is defined as a single structure, roofed and enclosed within exterior walls, built for permanent use, erected, framed of component structural parts and unified in its entirety both physically and in operation for residential or commercial occupancy;

(B) Commercial adjacent buildings are defined as buildings on a contiguous plot of land owned by one (1) person, which buildings are occupied and used by one (1) person for single type of commercial operation. A person for the purpose of this definition includes any type of business entity;

(C) A commercial unit is defined as that portion of a building or premises which by appearance, design or arrangement is normally used for commercial purposes, whether or not actually so used;

(D) Construction begins when the footings are poured;

(E) A mobile home park is defined as a contiguous parcel of land which is used for the accommodation of occupied mobile homes;

(F) A multiple-occupancy building is defined as a building or premises which is designed to house more than one (1) residential or commercial unit; and

(G) A residential unit is defined as one (1) or more rooms for the use of one (1) or more persons as a housekeeping unit with space for eating, living and sleeping, and permanent provisions for cooking and sanitation.

(2) Each residential and commercial unit in a multiple-occupancy building construction of which has begun after June 1, 1981 shall have installed a separate electric meter for each residential or commercial unit.

(3) Each mobile home unit in a mobile home park construction of which has begun after June 1, 1981 shall have installed a separate electric meter for each mobile home unit.

(4) For the purposes of carrying out the provisions of sections (2) and (3), the following exceptions apply and separate metering will not be required:

(A) For transient multiple-occupancy buildings and transient mobile home parks—for example, hotels, motels, dormitories, rooming houses, hospitals, nursing homes, fraternities, sororities, campgrounds and mobile home parks which set aside, on a permanent basis, at least eighty percent (80%) of their mobile home pads or comparable space for use by travel trailers;

(B) Where commercial unit space is subject to alteration with change in tenants as evidenced by temporary versus permanent type of wall construction separating the commercial unit space—for example, space at a trade fair;

(C) For commercial adjacent buildings;

(D) For that portion of electricity used in central space heating, central hot water heating, central ventilating and central air-conditioning systems;

(E) For buildings or mobile home parks where alternative renewable energy resources are utilized in connection with central space heating, central hot water heating, central ventilating and central air-conditioning systems; or

(F) For all portions of electricity in commercial units in buildings with central space heating, ventilating and air-conditioning systems.

(5) Any person or entity affected by this rule may file an application with the commission seeking a variance from all or parts of this rule (4 CSR 240-20.050) and for good cause shown, variances may be granted as follows:

(A) The variance request shall be filed in writing and directed to the secretary of the commission;

(B) If the commission deems it in the public interest, a hearing may be held by the commission as in complaint hearings before the commission; and

(C) A variance committee consisting of two (2) members of the commission's utility division staff and a member of the commission's general counsel's office shall be established by the commission within thirty (30)

days from September 28, 1981. The public counsel shall be an *ex officio* member of this committee.

1. The variance committee shall consider all variance applications filed by utilities and shall make a written recommendation of its findings to the commission for its approval.

2. Each applicant for a variance shall have ten (10) days from the date of the variance committee's findings to either accede or request a formal hearing before the commission.

3. If applicant accedes, the commission may adopt the variance committee's findings or set the matter for formal hearing upon the application of any interested person or upon the commission's own motion.

(6) The commission, in its discretion, may approve tariffs filed by an electric corporation which are more restrictive of master metering than the provisions of this rule.

*Auth: section 386.250, RSMo (Cum. Supp. 1991). * Original rule filed March 13, 1980, effective Dec. 15, 1980. Emergency amendment filed May 13, 1981, effective May 31, 1981, expired Sept. 28, 1981. Amended: Filed May 13, 1981, effective Sept. 28, 1981.*

**Original authority 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991.*

4 CSR 240-20.060 Cogeneration

PURPOSE: This rule implements Sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978 with regard to small power production and cogeneration. The objective of Sections 201 and 210 of Public Utility Regulatory Policies Act is to provide a mechanism to set up a cogeneration program for Missouri for regulated utilities.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) Definitions. Terms defined in the Public Utility Regulatory Policies Act of 1978 (PURPA) shall have the same meaning for purposes of this rule as they have under PURPA, unless further defined in this rule.

(A) Avoided costs means the incremental costs to an electric utility of electric energy or capacity or both which, but for the purchase from the qualifying facility or qualifying facilities, that utility would generate itself or purchase from another source.

(B) Back-up power means electric energy or capacity supplied by an electric utility to replace energy ordinarily generated by a facility's own generation equipment during an unscheduled outage of the facility.

(C) Interconnection costs means the reasonable costs of connection, switching, metering, transmission, distribution, safety provisions and administrative costs incurred by the electric utility directly related to the installation and maintenance of the physical facilities necessary to permit interconnected operations with a qualifying facility, to the extent those costs are in excess of the corresponding costs which the electric utility would have incurred if it had not engaged in interconnected operations, but instead generated an equivalent amount of electric energy itself or purchased an equivalent amount of electric energy or capacity from other sources. Interconnection costs do not include any costs included in the calculation of avoided costs.

(D) Interruptible power means electric energy or capacity supplied by an electric utility subject to interruption by the electric utility under specified conditions.

(E) Maintenance power means electric energy or capacity supplied by an electric utility during scheduled outages of the qualifying facility.

(F) Purchase means the purchase of electric energy or capacity or both from a qualifying facility by an electric utility.

(G) Qualifying facility means a cogeneration facility or a small power production facility which is a qualifying facility under Subpart B of Part 292 of the Federal Energy Regulatory Commission's (FERC) regulations.

(H) Rate means any price, rate, charge or classification made, demanded, observed or received with respect to the sale or purchase of electric energy or capacity or any rule or practice respecting any such rate, charge or classification and any contract pertaining to the sale or purchase of electric energy or capacity.

(I) Sale means the sale of electric energy or capacity or both by an electric utility to a qualifying facility.

(J) Supplementary power means electric energy or capacity supplied by an electric utility, regularly used by a qualifying facility in addition to that which the facility generates itself.

(K) System emergency means a condition on a utility's system which is likely to result in imminent significant disruption of service to