

**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 RECOMMENDATION TO REJECT TARIFF SHEETS

COMES NOW the Staff of the Missouri Public Service Commission and, for its recommendation the Commission reject tariff sheets Union Electric Company d/b/a Ameren Missouri filed, states:

1. On July 15, 2011, Ameren Missouri filed two 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. 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.

3. 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.

4. Court 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.

5. 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.

6. 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.

7. If the Cole County Circuit Court's judgment becomes final and non-appealable, Ameren Missouri may thereafter file tariff sheets to halt the implementation of § 393.1030.3, RSMo. Supp. 2010.

Wherefore, Staff recommends the Commission reject tariff sheets Schedule 5, 1st Revised Sheet Nos. 122.14 and 122.15 that Ameren Missouri filed on July 15, 2011.

Respectfully submitted,

/s/ Nathan Williams

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Certificate of Service

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

/s/ Nathan Williams_____