

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

In the Matter of Union Electric Company d/b/a)
Ameren Missouri for a Variance from) File No. EE-2020-
Portions of Its Keeping Current Tariffs.)

NOTICE OF CASE FILING AND REQUEST FOR VARIANCE

COMES NOW Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri" or "the Company"), and pursuant to 20 CSR 4240-2.060(4) and 20 CSR 4240-4.017, submits this *Notice of Case Filing and Request for Variance* ("*Notice and Request*"), which would relieve the Company from the 60-day notice requirement of 20 CSR 4240-4.017(1)(D), and facilitate the Company's proposal to waive certain eligibility criteria for its Keeping Current Low-Income Pilot Program ("Keeping Current") during the COVID-19 pandemic. In support of its position, Ameren Missouri states as follows:

INTRODUCTION

1. During the COVID-19 pandemic, Ameren Missouri has been working to both maintain reliable service for its customers, and to develop accommodations for its customers who may be facing financial difficulties as a result of lost work and wages, illness, and other virus impacts. As part of its response, the Company wishes to temporarily suspend the requirement that limits the missed, late, or partial payments a customer may make and remain in Keeping Current. Since these requirements are contained in the Keeping Current tariff, Ameren Missouri is submitting this *Notice and Request* for permission to waive this portion of the tariff until the pandemic is waning.

2. Under 20 CSR 4240-4.017(1)(D), waivers of the 60-day notice may be granted for good cause shown. Good cause includes, among other things, providing a verified statement that no communications have occurred with the office of the commission within the preceding 150

days regarding a substantive issue likely to be in the case. Ameren Missouri meets this requirement. Through this pleading, the Company provides notice that this case involves waivers of tariffed fees, as described above.

3. In support of its position and in compliance with 20 CSR 4240-2.060(1), 20 CSR 4240-2.060(4), and 20 CSR 4240-4.017(1)(D), Ameren Missouri provides the required information in the following sections of this *Notice and Request*:

I. 20 CSR 4240-2.060(1), (A) through (M)¹

II. Requested Variance

I. 20 CSR 4240-2.060(1), (A) through (M)

Paragraph (A) – Applicant

4. The Company is a Missouri corporation doing business under the fictitious name of Ameren Missouri, organized and existing under the laws of the State of Missouri, in good standing in all respects, with its principal office and place of business located at One Ameren Plaza, 1901 Chouteau Avenue, St. Louis, Missouri 63103. The Company is engaged in providing electric and gas utility services in portions of Missouri as a public utility under the jurisdiction of the Commission. The Company is a subsidiary of Ameren Corporation.

Paragraph (B) – Articles of Incorporation; Paragraph (E) – Fictitious Name; Paragraph (G) – Information Previously Submitted; Paragraph (H) – Character of Business²

5. Ameren Missouri previously submitted to the Commission a certified copy of its Articles of Incorporation (See Case No. EA-87-105), as well as its Fictitious Name Registrations as filed with the Missouri Secretary of State's Office (See Case Nos. EA-2019-0181). The Company

¹ Those requesting variances pursuant to 20 CSR 4240-2.060(4) must also provide the information required by 20 CSR 4240-2.060(1).

² Paragraphs (C), (D), and (F) do not apply to Ameren Missouri.

also provided a copy of a recent certified copy of its Certificate of Good Corporate Standing in File No. EF-2020-0224. These documents are incorporated by reference and made a part of this *Notice and Request* for all purposes.

Paragraph I – Correspondence and Communication

6. Correspondence and Communication -- Correspondence, communications, orders and decisions in regard to this *Notice and Request* should be sent to the undersigned counsel as well as:

For the Company:

Tom Byrne
Senior Director, Regulatory Affairs
Ameren Missouri
1901 Chouteau Avenue
PO Box 66149
St. Louis, MO 63166-6149
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Paragraph (K) – Actions, Judgments, and Decisions; Paragraph (L) – Fees³

7. Ameren Missouri has no final unsatisfied judgments or decisions against it from any state or federal agency or court that involve customer service or rates that have occurred within three years of the date of this *Notice and Request*. By the nature of its business, the Company has, from time-to-time, pending actions in state and federal agencies and courts involving customer service or rates. Company has no annual report or assessment fees overdue to this Commission.

Paragraph (M) – Affidavit

8. Ameren Missouri has instituted a policy of asking non-essential employees to work from home for a portion of the pandemic period, as many other utilities are doing at this time. The

³ Paragraph (J) does not apply to Ameren Missouri.

Company is providing an affidavit, written and executed in compliance with recent guidance, in support of this *Notice and Request*.

II. Requested Variances

9. 20 CSR 4240-4.017(D) allows a variance from the 60-day notice requirement for good cause shown. 20 CSR 4240-2.060(4)(B) requires a utility to set out, among other things, the good cause for the granting of a variance or waiver. The good cause for each of these requested variances is discussed in more detail below.

A. 60-Day Notice Requirement

10. Ameren Missouri requests a variance from the 60-day notice requirement of 20 CSR 4240-4.017, which states, in relevant part:

Any person that intends to file a case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such case...

Pursuant to 20 CSR 4240-4.017(1)(D), waivers of the 60-day notice requirement may be granted for good cause shown. The rule further provides that good cause includes "a verified declaration from the filing party that it has had no communication with the office of the commission within the prior one hundred fifty (150) days regarding any substantive issue likely to be in the case..."⁴

As indicated in the Affidavit attached to this *Notice and Request*, the Company nor Cooperative has not had communications with the office of the Commission (as defined by 20 CSR 4240-4.015(10)) regarding any substantive issue likely to be in this case during the preceding 150 days. Accordingly, the Company has established good cause for a waiver from the 60-day requirement of 20 CSR 4240-4.017(1). No other public utility will be affected by granting the Company a waiver from this requirement.

⁴ Pursuant to the Commission's *Order Waiving 60-Day Notice Requirement* issued on August 1, 2017, in File No. WM-2018-0023, the examples of good cause provided in the rule are not exclusive, and the Commission may find that good cause has been established by other circumstances.

B. Waiver of Required Fees

11. Ameren Missouri requests a waiver from the provision in its tariff that limits the missed, late, or partial payments a customer may make and remain in Keeping Current. The Company requests this waiver to help assuage the financial hardships felt by its customers during the COVID-19 pandemic. Specifically, Ameren Missouri requests waivers from the following tariff provision:

Pilots, Variances, and Promotional Practices, D. Keeping Current Low-Income Pilot Program Tariff Sheet Nos. 160.1 and 160.2

1. Participants must remain current within two (2) billing cycles to continue on Program. Participants that default on payments for two (2) consecutive months will be removed from the Program and not be allowed back into the Program for twelve (12) months except that a Keeping Current Agency may request a one-time re-enrollment for a defaulted Participant experiencing a short-term, unanticipated financial hardship. As a one-time exception during the twenty-four (24) month enrollment period, Participants with a missed, late or partial payment will be allowed to receive the monthly bill credit and still be considered current on the program.

The Company asks that this provision, which limits the missed, late, or partial payments a customer may make and remain in Keeping Current, be waived for the indefinitely, until the provisions of Paragraph 12 are met, to ease the financial strains on the customers that reductions in hours worked, job and shift losses, sick leave, and other impacts of COVID-19 may cause.

12. Ameren Missouri will continue to monitor the pandemic and, as it becomes apparent that the outbreak is waning and normal routines may be reinstated, will examine the reinstatement of these limitations. Ameren Missouri will provide at least 15 days' notice to affected customers before these limitations are reinstated.

13. Good cause is shown for this variance because it will help ease financial constraints the pandemic has caused for Ameren Missouri's customers. Because only Ameren Missouri's customers are impacted by this variance, no other utility should be affected.

WHEREFORE, Ameren Missouri respectfully requests that the Commission grant the requested variance of the relevant portions of its Keeping Current tariff cited above, as well as the 60-day notice requirement of 20 CSR 4240-4.017.

Respectfully submitted,

/s/ Paula N. Johnson

Paula N. Johnson, #68963

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ATTORNEY FOR UNION ELECTRIC
COMPANY, d/b/a AMEREN MISSOURI

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served on the Staff of the Commission and the Office of the Public Counsel on this via electronic mail (e-mail) on this 3rd day of April, 2020.

/s/ Paula N. Johnson

Paula N. Johnson