

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

THE STAFF OF THE MISSOURI PUBLIC)
SERVICE COMMISSION,)
)
Complainant,)
)
vs.)
)
UNION ELECTRIC COMPANY, DOING)
BUSINESS AS AMEREN MISSOURI,)
)
Respondent.)

Case No. EC-2011-_____

Complaint

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, and for its Complaint against Union Electric Company, doing business as Ameren Missouri, states as follows:

Introduction

1. This Complaint concerns Respondent's failure to comply with the reporting requirements of Commission Rule 4 CSR 240-3.190(3).

Parties

2. Complainant is the Staff of the Missouri Public Service Commission ("Staff"), acting through the Chief Staff Counsel as authorized by Commission Rules 4 CSR 240-2.010(6), 4 CSR 240-2.040(1), and 4 CSR 240-2.070(1).

3. Respondent is Union Electric Company, doing business as Ameren Missouri ("AmMo"), a Missouri general business corporation in good standing headquartered at One Ameren Plaza, 1901 Chouteau Avenue, St. Louis, Missouri 63103, which is engaged in the business of generating electricity that it sells at retail. According to the

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10-K report filed by its corporate parent, Ameren Corporation, with the United States Security and Exchange Commission in February 2011, AmMo generated 48.1 megawatthours of electric current in 2010. According to the Minimum Filing Requirements filed by AmMo in its pending general rate case, ER-2011-0028, AmMo is a traditional, integrated electric utility serving approximately 1,245,711 customers, of which about 1,036,905 are residential customers. AmMo's service territory includes 59 Missouri counties and 508 towns and cities. To serve its customers, AmMo owns and operates four large base load coal-fired generating plants with a combined capacity of approximately 5,500 megawatts ("MW"); one nuclear-fueled generating plant with a capacity of 1,200 MW; 46 oil-fired or natural-gas-fired combustion turbine generating units ("CTGs") with a combined capacity of about 3,000 MW; and three hydroelectric generating plants with a combined capacity of about 810 MW. AmMo operates and maintains 33,000 miles of distribution lines, 630 distribution substations, and 2,900 miles of transmission lines. The Company employs some 4,400 persons and over 1,000 contract employees. Its registered agent is Kenneth L. Schmidt, 500 East Independence Drive, Union, Missouri 63084.

4. AmMo is a wholly-owned subsidiary of Ameren Corporation ("Ameren"), a Missouri general business corporation in good standing headquartered at One Ameren Plaza, 1901 Chouteau Avenue, St. Louis, Missouri 63103. Ameren is a public utility holding company; according to its website, Ameren's operating companies serve 2.4 million electric customers and almost 1 million natural gas customers in Missouri and Illinois. Its registered agent is Kenneth L. Schmidt, 500 East Independence Drive, Union, Missouri 63084.

Jurisdiction

5. By virtue of its activities described in Paragraph 3, above, AmMo is an electrical corporation pursuant to § 386.020(15) and a public utility pursuant to § 386.020(43), and is therefore subject to the jurisdiction of the Commission under §§ 386.250 and 393.140.¹

6. This Commission has authority to hear and determine complaints against public utilities pursuant to § 386.390.1, which provides that “[c]omplaint may be made ... in writing, setting forth any act or thing done or omitted to be done by any corporation ... in violation, or claimed to be in violation, of any provision of law, or of any rule or order or decision of the Commission”

The Event at [REDACTED] on June 6, 2011

[REDACTED] One of AmMo’s three hydroelectric generating stations is the [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

¹ All statutory references, unless otherwise specified, are to the Revised Statutes of Missouri (“RSMo”), revision of 2000, as updated and amended.

8. An event occurred at [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] On June 14 and 15, 2011, members of the Staff visited [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Commission Rule 4 CSR 240-3.190

11. Commission Rule 4 CSR 240-3.190, Reporting Requirements for Electric Utilities and Rural Electric Cooperatives, prescribes the requirements and procedures for the reporting of certain events by electric utilities, specifically:

(3) Every electric utility shall report to the manager of the Energy Department of the commission or his/her designee by telephone or through EFIS by the end of the first business day following discovery, the information described in subsections (3)(A)–(E) below. The electric utility shall submit, either by mail or through EFIS within five (5) business days following the discovery, an update of the incident and any details not available at the time of the initial report:

(A) Details of any accident or event at a power plant involving serious physical injury or death or property damage in excess of two hundred thousand dollars (\$200,000). A detailed investigative report of the accident or event shall be submitted within ninety (90) days, or if the investigation will take longer than ninety (90) days, a

[REDACTED]

draft of the plan for the investigation shall be submitted within ninety (90) days;

(B) Forced outages of any nuclear generating unit(s) that could reasonably be anticipated to last longer than three (3) days;

(C) Forced outages of any fossil-fuel fired generating unit(s) with an accredited capacity of greater than one hundred (100) megawatts that reasonably could be anticipated to last longer than three (3) days, when the unit(s) is forced out due to a common occurrence;

(D) Reductions of coal inventory below a thirty (30)-day supply and reductions of oil inventory below fifty percent (50%) of normal oil inventory; and

(E) Loss of transmission capability that could limit the output of a generating plant.

Staff's Complaint

12. Pursuant to Commission Rule 4 CSR 240-3.190(3)(A), the event that occurred at [REDACTED], is subject to the reporting requirements set out in that rule, specifically: a telephonic report by the end of the first business day following discovery; a written update including additional details within five business days following discovery; and a detailed investigative report within 90 days following discovery or, if the investigation will take longer than 90 days, a draft of the plan for the investigation.

13. AmMo did not make the required telephonic initial report of the event to Staff by the end of the first business day following discovery; instead, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

17. [REDACTED]:

A. [REDACTED]

[REDACTED]

[REDACTED]

[Redacted text block]

B. [Redacted text block]

[Redacted text block]

C. [Redacted text block] :

[Redacted text block].

D. [Redacted text block]

[Redacted text block].

E. [Redacted text block] :

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

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Why is Staff Filing a Complaint?

21. Staff is filing a complaint because, in Staff's opinion, the violation is clear and undeniable. AmMo's apparently sincere, but contrary opinion, reflected in the discussions set out at length above, suggests that Commission guidance would be beneficial.

WHEREFORE, Staff prays that the Commission will give notice to Respondent AmMo as required by law and, after hearing, enter its order finding that AmMo violated Commission Rule 4 CSR 240-3.190(3)(A) by (1) failing to provide a telephonic report of the incident at [REDACTED] to Staff by the end of the first business day following

discovery and (2) failing to provide a written update with additional details within five business days of discovery; and granting such other and further relief as the Commission deems just.

Respectfully Submitted,

/s/ Kevin A. Thompson

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Chief Staff Counsel

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