

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 6th day of January, 2016.

Roman Dzhurinskiy and Zinaida Dzurinskaya,)	
)	
Complainants,)	
)	
vs.)	File No. EC-2016-0001
)	
Union Electric Company d/b/a Ameren Missouri,)	
)	
Respondent.)	

**ORDER INCORPORATING STIPULATION AND AGREEMENT,
DISMISSING COMPLAINT, AND CANCELING HEARING**

Issue Date: January 6, 2016

Effective Date: January 16, 2016

Roman Dzhurinskiy and Zinaida Dzhurinskaya (“the Dzhurinskiys”) filed the complaint.¹ The complaint alleges that Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri”) failed to remove the Energy Efficiency Investment Charge (“charge”) from the Dzhurinskiys’ electric bill when the Dzhurinskiys received assistance on a utility bill that was not an Ameren Missouri bill. The complaint argues that such conduct violated Ameren Missouri’s tariff (“tariff”).

The parties filed a unanimous settlement.² The settlement addresses the charge specifically and generally. Specifically, as to the Dzhurinskiys’ bill, the settlement provides

¹ Elerctronic Filing Information System (“EFIS”) No. 1, (July 1, 2015) *Complaint*.

² EFIS No. 56 (December 18, 2015) Stipulation and Agreement and Motion to Dismiss for Good Cause (4 CSR 240-2.115(1)(A) and 4 CSR 240-2.116(4)).

that the Dzhurinskiys have received a credit in the proper amount. Generally, the settlement also provides that Ameren Missouri will file a new tariff (“new tariff”). The new tariff will set a procedure governing removal of the charge from an Ameren Missouri bill when a customer receives assistance on a utility bill that is not an Ameren Missouri bill.

The parties seek approval of their settlement. The Commission will incorporate the settlements’ provisions into this order either as the Commission’s ruling or, for those matters to which the parties agreed but on which Commission has no authority to order, as the Commission’s consent order.³ The Commission is not pre-judging the propriety of the new tariff.

The parties also ask for an order dismissing this action for good cause. Good cause is grounds for dismissing an action under the Commission’s regulations:

A case may be dismissed for good cause found by the commission after a minimum of ten (10) days notice to all parties involved. [⁴]

Good cause means a good faith request for reasonable relief.⁵ That definition describes the parties’ unanimous settlement. The unanimous settlement is good cause to dismiss the complaint. The Commission will also cancel the evidentiary hearing.

The unanimous settlement is also good cause to make this order effective in less than 30 days.⁶

³ Section 536.060, RSMo 2000.

⁴ 4 CSR 240-2.116(4).

⁵ *American Family Ins. Co. v. Hilden*, 936 S.W.2d 207 (Mo. App. W.D. 1996).

⁶ Section 386.490.2, RSMo Supp. 2013; *Harter v. Missouri Pub. Serv. Comm’n*, 361 S.W.3d 52, 58 (Mo. App., W.D. 2011).

THE COMMISSION ORDERS THAT:

1. The provisions of the *Stipulation and Agreement and Motion to Dismiss for Good Cause (4 CSR 240-2.115(1)(A) and 4 CSR 240-2.116(4))* are incorporated into this order as if fully set forth, either as the Commission's ruling or as a consent order, as described in the body of this order.

2. The complaint is dismissed.
3. The evidentiary hearing is canceled.
4. This order shall be effective on January 16, 2016.
5. This file may close after January 16, 2016.

BY THE COMMISSION



A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Hall, Chm., Stoll, Kenney, Rupp, and
Coleman, CC., concur.

Jordan, Senior Regulatory Law Judge