

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

Roman Dzhurinkiy and)	
Zinaida Dzhuinskaya,)	
Complainants,)	
)	
v.)	
)	
Union Electric Company d/b/a)	
Ameren Missouri,)	
Respondent.)	

File No. EC-2016-0001

STAFF’S REQUEST FOR EXTENSION AND WAIVER FOR RECOMMENDATION

REQUEST FOR EXTENSION

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, and hereby submits its *Request for Extension and Waiver for Recommendation*, stating as follows:

1. On July 1, 2015, Roman Dzhurinkiy and Zinaida Dzhuinskaya (“Complainants”) filed a formal complaint¹ against Ameren Missouri, alleging that they were improperly denied the benefit of the “low-income” exemption to Ameren Missouri’s Energy Efficiency Investment Charge as defined in MO P.S.C. Schedule No. 6, 1st Revised Sheet No. 90.1, effective date May 27, 2015.
2. On July 1, 2015, the Commission issued a *Notice of Contested Case and Orders for Small Formal Complaint* in this case directing Staff to investigate this complaint and file a report by August 17, 2015.
3. On July 31, 2015, Ameren Missouri filed its *Answer*, raising multiple defenses, including an interpretation of its tariff.

¹ Complainants submitted an informal complaint (EFIS No. C201501834) regarding the same issue against Ameren Missouri on June 12, 2015.

4. At this time, Staff continues its investigation related to this complaint; however, Staff is still in the process of seeking additional information and requires more time to review the assertions of the parties before making its report. Therefore, Staff respectfully requests an extension of time until August 24th, 2015, to file its recommendation.

5. Commission Rule 4 CSR 240-2.070(15)(D) provides that the Commission “may allow staff additional time to complete its investigation for good cause shown.” This case has required a coordinated investigation across multiple Staff departments, in addition, the defenses raised by Ameren Missouri requires a review of File No. ER-2014-0258 to determine the intent of Commission enacting the “low-income” exemption.

WHEREFORE, Staff respectfully requests an extension until August 24th, 2015, in order to complete its investigation and file its Recommendation.

REQUEST FOR WAIVER FOR RECOMMENDATION

1. On July 1, 2015, the Commission issued a *Notice of Contested Case and Orders for Small Formal Complaint*, under Commission Rule 4 CSR 240-2.070(15)(A), and directed Staff file a report under Commission Rule 4 CSR 240-2.070(15)(D).

2. 4 CSR 240-2.070(15)(D) states that in a report on a small formal complaint, “Staff shall not advocate a position beyond reporting the results of its investigation.” The Rule further provides that if Staff believes it should advocate a position, it may file a motion to change the status of the complaint to a Formal Complaint.

3. Staff requests waiver of this requirement in this case so that it may respond to Ameren Missouri's assertions as to the interpretation of Ameren Missouri's tariff. Whereas this case presents to the Commission an issue of first impression as to the interpretation of the definition of "Low-Income" eligibility, Staff believes this circumstance necessitates waiver of the advocacy rule.

4. Staff believes permitting such a waiver in this instance will be equitable to all parties, as the alleged controversy involves \$85, and the Small Formal Complaint Case hearing requirements provide the best opportunity for both parties to participate in the hearing process, as hearings must be held "in the county, or a city not within a county, where the subject utility service was rendered or within (30) miles of where the service was rendered."² If Staff were to file a motion to change the status of the complaint to a formal complaint, both parties may be exposed to costs associated with a Formal Complaint.

WHEREFORE, Staff respectfully requests waiver of rule to advocate in its Recommendation to be filed with the Commission.

Respectfully submitted,

/s/ Hampton Williams

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² Commission Rule 4 CSR 240-126.020(15)(E)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed with first-class postage, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 14th day of August, 2015.

/s/ Hampton Williams