BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

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MISSOURI COALITION FOR, FAIR COMPETITION
and
COREY MALONE,
Complainants,
ν.
UNION ELECTRIC COMPANY, d/b/a AMEREN MISSOURI,

Case No. EC-2023-0037

Respondent

STAFF MEMORANDUM

COMES NOW the Staff of the Missouri Public Service Commission ("Staff"), by and through undersigned counsel, and submits its Staff Report.

1. On August 3, 2022, the Missouri Coalition for Fair Competition (MCFFC) and Corey Malone (hereafter, "Complainants") filed a formal complaint against Union Electric Company d/b/a Ameren Missouri (hereafter, "Ameren") alleging violations of the "Fair Competition Law," specifically the provisions of §§ 386.754 – 386.764, RSMo.

2. On August 4, 2022, the Commission issued its *Order Giving Notice of Complaint and Directing Response* ("Order"). The *Order* required Ameren to file its Answer no later than September 6, 2022, pursuant to 20 CSR 4240-2.090. On September 6, 2022, Ameren filed its *Answer, Affirmative Defenses, and Motion to Dismiss.*

3. Thereafter, on October 21, 2022, the Commission entered an *Order Directing Staff to Investigate and File a Report* "detailing its findings and recommendations" by November 21, 2022.

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4. Having concluded its investigation, Staff offers its *Memorandum*, filed concurrently, which is confidential pursuant to 20 CSR 4240-2.070(11), and which details Staff's investigation and analysis. In summary, Staff concludes that the Company has not violated any applicable statutes, Commission Rules, or Commission-approved Company tariffs related to the complaint.

5. The attached *Memorandum* more fully explains the circumstances and facts that led Staff to make these conclusions. Staff recommends that the Commission make findings in accordance with the attached *Memorandum*.

WHEREFORE, Staff hereby tenders its *Memorandum* for the Commission's information and consideration.

Respectfully Submitted,

<u>/s/ Carolyn H. Kerr</u>

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Attorney for Staff of the Missouri Public Service Commission

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or First Class United States Postal Mail, postage prepaid, on this 12th day of April, 2023, to all counsel of record.

/s/ Carolyn H. Kerr