

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 12<sup>th</sup> day of  
April, 2018.

In the Matter of Union Electric Company d/b/a )  
Ameren Missouri's 2<sup>nd</sup> Filing to Implement )  
Regulatory Changes in Furtherance of Energy )  
Efficiency as Allowed by MEEIA )

**File No. EO-2015-0055**

**ORDER DENYING MOTION FOR  
DETERMINATION ON THE PLEADINGS**

Issue Date: April 12, 2018

Effective Date: April 12, 2018

On March 23, 2018, the Office of the Public Counsel ("OPC") filed a Motion for Determination on the Pleadings ("motion").<sup>1</sup> In the motion, OPC argues that the Commission should dismiss the application of Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri") for a Flex-Pay Pilot Program ("program").

OPC states that the Commission should dismiss the application because the program would result in "deprivation of service". And "deprivation of service" cannot be a MEEIA program, according to Commission Rule 4 CSR 240-20.092(1)(M).

The Commission will deny the motion. According to their prefiled testimony, OPC and Ameren Missouri disagree on whether the program is a "deprivation of service". Thus, the parties have a factual dispute that the Commission must resolve after hearing.

OPC and Ameren Missouri have devoted a considerable amount of pleading to whether the motion was actually a motion for summary determination rather than a motion for determination on the pleadings. But a genuine issue of material fact exists, as do legal

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<sup>1</sup> Determination on the pleadings is permitted by Commission Rule 4 CSR 240-2.117(2).

and policy issues. Therefore, whether OPC asks the Commission for summary determination or determination on the pleadings, the Commission would deny either motion.

In addition, Ameren Missouri filed a tariff that will implement the program effective October 1, 2018 unless the Commission rejects or suspends it. Thus, this case is subject to an operation of law date. Commission Rule 4 CSR 240-2.117(2) does not allow for determination on the pleadings for cases that are subject to an operation of law date.

For these reasons, the Commission will deny the motion.

**THE COMMISSION ORDERS THAT:**

1. The Motion for Determination on the Pleadings is denied.
2. This order shall become effective when issued.



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

Pridgin, Deputy Chief Regulatory Law Judge

**BY THE COMMISSION**

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

Morris L. Woodruff  
Secretary

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

**WITNESS** my hand and seal of the Public Service Commission,  
at Jefferson City, Missouri, this 12<sup>th</sup> day of April 2018.



  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**April 12, 2018**

**File/Case No. EO-2015-0055**

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***Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).***

***Sincerely,***



**Morris L. Woodruff  
Secretary**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.