

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

In the Matter of the Application of Union)	
Electric Company d/b/a Ameren Missouri)	Case No. <u>ET-2021-0082</u>
for Approval of its Surge Protection)	Tariff No. YE-2021-0081
Program)	

THE OFFICE OF THE PUBLIC COUNSEL’S POSITIONS ON ISSUES

COMES NOW the Office of the Public Counsel and states its positions on the listed issues

as follows:

I. May Ameren Missouri lawfully offer its proposed surge protection program as a regulated program?

Position: No. As proposed Ameren Missouri’s surge protection program is unduly discriminatory. The program will provide actual or perceived improved quality of service only to program participants, but Ameren Missouri proposes that all of its customers bear the costs of its program. Even if the program were modified to make it nondiscriminatory, as a matter of policy the Commission should not approve it as a regulated activity because Ameren Missouri’s customers readily can obtain the same improvement in the quality of their service by means of devices on the customer side of the meters by which Ameren Missouri serves them.

II. If it is lawful, should the Commission approve an Ameren Missouri surge protection program and treat the revenue, expense and investment associated with it as a regulated activity?

Position: Only if program participants are responsible for Ameren Missouri’s revenue requirement impacts from the program.

III. If the Commission determines it is appropriate to regulate Ameren Missouri’s surge protection program:

A. Should it authorize Ameren Missouri to offer its program at the proposed rate and under the requested tariff provisions?

Position: No, see positions to issues I and II.

B. Should the Commission impose a condition on any approval of the program that requires Ameren Missouri to hold non-participating customers harmless from the revenue requirement associated with the surge protection program?

Position: Yes.

IV. Should the Company provide customer education and outreach in conjunction with any program that may be authorized?

Position: Yes.

V. Should the Commission require any specific accounting treatment related to the program, apart from that accounting required by the Uniform System of Accounts?

Position: The Office of Public Counsel does not have a position on this issue at this time; however, the Office of Public Counsel is not waiving its rights to take a position after the hearing, or to file briefs.

A. Should Ameren Missouri be required to separately designate a depreciation expense and return (as defined in Section 393.1400, RSMo.) on capital investments made in the program and included in the PISA deferral mechanism?

Position: The Office of Public Counsel does not have a position on this issue at this time; however, the Office of Public Counsel is not waiving its rights to take a position after the hearing, or to file briefs.

B. Should Ameren Missouri be required to maintain all program records?

Position: The Office of Public Counsel does not have a position on this issue at this time; however, the Office of Public Counsel is not waiving its rights to take a position after the hearing, or to file briefs.

Respectfully,

/s/ Nathan Williams

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 5th day of April 2021.

/s/ Nathan Williams