

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

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

**STAFF RESPONSE TO AMEREN MISSOURI**

**COMES NOW** the Staff of the Missouri Public Service Commission, by and through counsel, and for its *Response to Ameren Missouri* in this matter hereby states:

1. Union Electric Company d/b/a Ameren Missouri filed an *Application and Request for Waiver* along with direct testimony and revised tariff sheets on September 21, 2020. The *Application* seeks approval of a new tariffed program to provide Ameren Missouri customers the option to obtain protection from electrical surges that could otherwise enter a customer's electric meter. Staff reviewed the *Application* and proposed tariff sheets and provided its recommendation on November 10, 2020. Ameren Missouri has now filed two *Responses* both to *Staff's Recommendation* on November 20, 2020 and to *Staff's Motion for Determination* on December 1, 2020.

2. Ameren Missouri's most-recently filed response takes clear action to attempt to persuade the Commission that it should not issue an order in response to *Staff's Recommendation* and/or its *Motion for Determination*. Ameren Missouri instead seeks to litigate a case for a program, which Staff argues is outside of the Commission's authority to regulate and beyond that fact, is insufficiently supported. It is an unnecessary burden on the resources of all parties involved to proceed with litigating a case that is lacking on its face.

3. Staff was charged by the Commission in its *Order* of October 13, 2020, to review the *Application* along with its accompanying tariff sheets and testimony and to provide a recommendation. Staff performed that responsibility as ordered and responded that it could not in good conscience recommend approval of an *Application* which does not appear to fall within the Commission's jurisdiction nor be adequately supported such that the Commission could find it was a beneficial program to impose on Ameren Missouri's customers. Since its filing, Staff has been content to wait for the appropriate action to proceed, i.e. a Commission order. Ameren Missouri, however, has made multiple filings in an attempt to thwart proper procedure and tell the Commission how it should proceed.

4. Ameren Missouri had no Commission-imposed deadline in which to file its *Application* and has many resources at its disposal. If it had adequate support to justify why this proposed program falls under the Commission's jurisdiction or technically how it will function as a beneficial program to its customers, Staff would have expected to see that information included with the *Application*. Why Ameren Missouri would hold such information for future testimony filings is unclear. Seeing as sufficient information and support is missing from the *Application* Staff asks the Commission to proceed with a ruling on its *Recommendation* as requested.

5. The purpose of Staff's *Motion for Determination* is: if the Commission agrees with Staff's argument, as stated in its *Motion*, that Ameren Missouri's proposed program in its *Application* falls outside of the Commission's jurisdiction, then it should reject the proposal. If the Commission finds that the proposed program falls within the bounds of the Commission's jurisdiction, then it should require Ameren Missouri to file

additional support for its proposal. Regardless of whether the Commission determines the proposed program falls within its jurisdiction or outside of it, the Commission should direct Ameren Missouri to draft a list of frequently asked questions and answers to provide to its customers in conjunction with notice of the program.

**WHEREFORE**, Staff prays that the Commission will accept *Staff's Recommendation, Motion for Determination and Response to Ameren Missouri*; will proceed with issuing an order regarding *Staff's Recommendation*; will accept the argument in *Staff's Recommendation* and reject Ameren Missouri's *Application* and its revised tariff sheet bearing tracking number YE-2021-0081 as outside of the Commission's regulatory jurisdiction; that if the Commission finds that the proposed program is within its jurisdiction, it rejects the filed revised tariff sheets as vague and lacking sufficient support; that if Ameren Missouri offers the proposed program on a regulated or unregulated basis, the Commission order Ameren Missouri to book all costs related to the program such that future audits for rate increase requests can easily identify these expenses; that if Ameren Missouri offers the proposed program on a regulated or unregulated basis, the Commission order Ameren Missouri to develop a detailed list of frequently asked questions and responses for its customers; and that it grant such other and further relief as the Commission considers just in the circumstances.

Respectively submitted,

**/s/ Whitney Payne**

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**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 2<sup>nd</sup> day of December, 2020, to all counsel of record.

**/s/Whitney Payne**