

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

In the Matter of the Joint Application of Union)
Electric Company d/b/a Ameren Missouri for)
Order Approving a Letter Agreement) **Case No. EO-2021-0401**
Allowing the Transfer of Certain Electric)
Customers to the Board of Municipal Utilities)
of the City of Sikeston, Missouri)

STAFF’S RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, and for its *Recommendation*, states as follows:

1. On May 19, 2021, Union Electric Company d/b/a Ameren Missouri and the Board of Municipal Utilities of the City of Sikeston, Missouri (“BMU”), filed their *Request for Waiver and Joint Application for Approval of Letter Agreement Regarding Transfer of Customers*, seeking a waiver of the 60-day notice requirement of 20 CSR 4240-4.017 and approval of a Letter Agreement by which Ameren Missouri will transfer six electric customer accounts to BMU.

2. On May 20, 2021, the Commission issued its *Order Directing Notice and a Staff Recommendation*, stating “Ameren Missouri has served these customers as an intermediary since 1996. Ameren Missouri uses its own meters, but supplies power purchased from BMU at a negotiated rate, and transferred through infrastructure mainly owned by BMU. Shifting these six customers to BMU removes Ameren Missouri as an intermediary.” The Commission set July 23, 2021, as the deadline for Staff’s recommendation.

3. On July 23, 2021, Staff requested an *Extension of Time*, stating: “Staff has reviewed the Application and conducted discovery. Based on Staff’s review and investigation, Staff recommends that the applicants need to enter into a territorial agreement to clearly delineate their respective service areas. Staff requests an extension of thirty (30) days, up to and including August 23, 2021, to allow time for the Joint Applicants to consider a territorial agreement and submit an updated filing with the Commission.” Staff noted that it had consulted Ameren Missouri and that the company had no objection to Staff’s extension request. On the same day, the Commission granted Staff an extension until August 23, 2021.

4. On August 23, 2021, Staff again requested an extension of time, stating: “It is now Staff’s understanding that the joint applicants are in the process of working towards a mutually agreeable territorial agreement. In order to allow the joint applicants time to finish their agreement and make a filing with the Commission, Staff requests the Commission grant it an additional two weeks, up to and including September 7, 2021, to file either its recommendation or a status report.” Again, Staff noted that it had consulted Ameren Missouri and that the company had no objection to Staff’s extension request. On the following day, the Commission granted Staff an extension until September 7, 2021.

5. On September 7, 2021, Staff requested a third extension of time, stating “At this time, the joint applicants have not filed a territorial agreement. Based on Staff’s review of the Application, and the discovery Staff has conducted in this case, Staff continues to recommend the joint applicants enter into a territorial agreement to clearly delineate their respective service areas. ... To permit the joint applicants additional time to work towards a mutually agreeable territorial agreement, Staff requests an extension

of thirty (30) days, up to and including October 7, 2021, to file its recommendation in this matter.” On September 8, 2021, the Commission granted Staff a third extension, until October 7, 2021.

6. On October 6, 2021, Staff filed its *Motion to Dismiss* due to the Joint Applicants failure to file a proposed *Territorial Agreement*.

7. Also on October 6, 2021, at long last, the Joint Applicants filed their proposed *Territorial Agreement*.

8. On October 14, 2021, the Commission by order directed Staff that “No later than October 27, 2021, the Staff of the Commission shall file its recommendation regarding the territorial agreement or a pleading specifying the date certain it will file its recommendation.”

9. Commission Rule 20 CSR 4240-3.130(3) provides that “The application or petition [for approval of a territorial agreement] shall be accompanied by an initial filing fee in the amount of five hundred dollars (\$500).”

10. Although Staff reminded the Joint Applicants of the filing fee requirement on October 15, 2021, the same has not yet been paid.

11. Therefore, Staff’s *Recommendation* herein is that this case be dismissed because the Joint Applicants have failed to meet all of the filing requirements.

WHEREFORE, Staff recommends that the Commission **DISMISS** this case due to the Joint Applicants’ failure to pay the required filing fee; and grant such other and further relief as is just in the circumstances.

Respectfully submitted,

/s/ Kevin A. Thompson

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing was served electronically, or by First Class United States Mail, postage prepaid, upon the parties herein according to the Service List maintained by the Commission's Data Center, **on this 27th day of October, 2021.**

/s/ Kevin A. Thompson