

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 16th day of November, 2023.

In the Matter of Union Electric Company d/b/a)
Ameren Missouri's Application for Approval of)
Revised Tariff Sheet Nos. 54, 54.4, & 54.7 to)
Continue to Default Certain Residential)
Customers to the Evening/Morning Savers)
Rate Plan, Motion for Waiver of 60-Day Notice)
Requirement, Motion for Expedited Treatment,)
And if Expedited Treatment Not Granted,)
Alternative Motion for Approval of Substitute)
Revised Tariff Sheets to Delay Defaulting)
Certain Residential Customers to Smart)
Savers Rate Plan Beyond March 31, 2024.)

File No. ET-2024-0156
Tracking No. JE-2024-0056

ORDER APPROVING APPLICATION AND TARIFF

Issue Date: November 16, 2023

Effective Date: December 3, 2023

Application

On November 3, 2023, Union Electric Company d/b/a Ameren Missouri filed the above-referenced application. Ameren Missouri also filed tariffs, bearing an effective date of December 3.¹ The application and tariffs request authority to continue to default residential customers to the Evening/Morning Savers rate plan instead of the high-differential Smart Savers rate plan.

¹ Calendar references are to 2023 unless otherwise noted.

The Commission issued notice. The Commission's Staff (Staff) filed a Recommendation on November 9. Staff stated that the application amounts to single-issue ratemaking, which is prohibited in Missouri. Staff recommended the Commission suspend the tariff, and proceed to a general rate case. In the alternative, Staff advised the Commission to reject the tariff.

Consumers Council of Missouri (CCM) and Brett Felber applied to intervene on November 10. Commission Rule 4 CSR 240-2.075(4) allows the Commission to grant intervention to a person who has an interest different from that of the general public and which may be adversely affected by a final order arising from the case, or if granting intervention would serve the public interest.

Ameren Missouri responded on November 15. Ameren Missouri opposed Mr. Felber's application to intervene, and did not oppose CCM's application to intervene. Ameren Missouri further argued its application does not constitute single-issue ratemaking or violate the filed-rate doctrine.

CCM's application meets the Commission's standard for intervention in that CCM represents low-income and vulnerable customers, and its intervention is in the public interest. Mr. Felber's motion does not demonstrate that he has an interest in this matter different from that of the general public and that he will be adversely affected by a final order arising from this case. Further, the Commission finds nothing in Mr. Felber's motion suggesting his proposed intervention would serve the public interest. Thus, Mr. Felber's application to intervene is denied.

Discussion

Ameren Missouri asks to continue to default residential customers to its low-differential Evening/Morning Savers rate plan, instead of the high-differential Smart Savers rate plan. Residential customers are free to change their choices at any time, including switching their TOU plan multiple times a year. Ameren Missouri's proposed tariff is merely seeking to modify the details as to which of the multiple TOU rate choices is the default in the TOU rate program in its tariffs.

Staff is concerned that approving the tariff would result in single-issue ratemaking. But Ameren Missouri is not requesting that the Commission change or even limit access to any rates. Instead, it is requesting that from the multiple TOU rate options included in its current tariff, the Commission allow Ameren Missouri to switch the default or plan to which a customer shall be placed from the Smart Savers back to the current TOU Default Evening/Morning Savers rate plan.

Ameren Missouri's application does not seek to change the price per kWh the Commission established under the approved TOU rate implementation plan. What the application does request is to modify the tariff language that determines what TOU rate is first applied to customers who do not choose a specific TOU rate—the default TOU rate. Ameren Missouri's application is not a collateral attack on prior rate cases' Reports and Orders, but simply requesting approval of a tariff filing to modify the default in TOU choices to customers.

The motion for expedited treatment is moot, as the tariffs will take effect on 30 days' notice, as allowed by statute. The Commission may approve this tariff without suspension thereof, and without a hearing.²

Commission Rule 20 CSR 4240-4.017(1) required parties to give the Commission 60 days' notice before filing a case. The Commission may waive this rule for good cause shown. Ameren Missouri has demonstrated good cause by filing a verified declaration stating that circumstances prevented filing the required notice and delaying the filing for 60 days would cause harm.

To allow the tariffs to take effect on December 3, 2023, so that Ameren Missouri may inform its customers in a timely manner to their TOU choices, the Commission finds it reasonable to make its order effective in less than 30 days after issuance.

THE COMMISSION ORDERS THAT:

1. The application is approved.
2. The following tariff sheets filed by Ameren Missouri on November 3, 2023 (Tariff Tracking No. JE-2024-0056), are approved to become effective on December 3, 2023:

P.S.C. MO. No. 6
7th Revised Sheet No. 54, Cancelling 6th Revised Sheet No. 54
5th Revised Sheet No. 54.4, Cancelling 4th Revised Sheet No. 54.4
3rd Revised Sheet No. 54.7, Cancelling 2nd Revised Sheet No. 54.7

² See *In re KCP&L*, 509 S.W.3d 757, 785 (Mo.App. W.D. 2016); *State ex rel. Coffman v. PSC*, 121 S.W.3d 534, 539 (Mo.App. W.D. 2003).

3. Commission Rule 20 CSR 4240-4.017(1) is waived for this application.
4. The motion for expedited treatment is denied as moot.
5. Consumers Council of Missouri's application to intervene is granted.
6. Brett Felber's application to intervene is denied.
7. This order shall become effective on December 3, 2023.



BY THE COMMISSION

Nancy Dippell

Nancy Dippell
Secretary

Holsman, Kolkmeier and
Hahn CC., concur.
Rupp, Chm., Holsman, C., dissent.

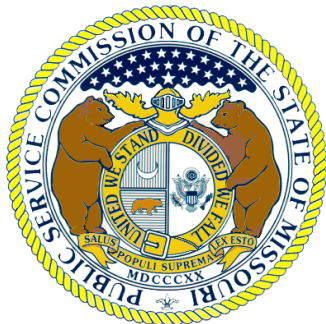
Pridgin, Deputy Chief Regulatory Law Judge

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 16th day of November 2023.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

November 16, 2023

File/Case No. ET-2024-0156

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

Sincerely,



**Nancy Dippell
Secretary**

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