

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

In the Matter of Proposed Amendment to )		
Commission Rule 4 CSR 240-3.190, )		
Filing and Reporting Requirements. )		Case No. EX-2003-0489

**COMMENTS OF UNION ELECTRIC COMPANY**

Union Electric Company d/b/a AmerenUE (“Ameren”) submits these comments in response to the publication in the November 17, 2003, issue of the Missouri Register of proposed amendments to Missouri Public Service Commission (“Commission”) rule 4 CSR 240-3.190.

As a preliminary matter, Ameren has no objection to those rule changes that change terminology to be consistent with the definitions in 4 CSR 240-3.010. Likewise, Ameren has no objection to the express implementation of reporting through the Commission’s Electronic Filing and Information System (EFIS).

As another preliminary matter, Ameren questions the need for the additional monthly reporting requirements of paragraph (1), and Ameren also questions the use the Missouri Public Service Commission Staff (“Staff”) makes of the information submitted. Ameren notes that during a rate case the Staff asks for some of the same information that is reported on a monthly basis. Ameren further notes that during the most recent Ameren rate case, some of the Staff did not even know the Commission had been receiving this data from Ameren for years.

The following comments pertain to individual proposed new or amended rules.

Paragraph (1)(C) is new. Ameren probably will submit its monthly form EIA-906 to satisfy some of the requirements. Ameren is unsure how other information requirements will be gathered. The fuel blending may have to be based on a best estimate.

Since Callaway's 18-month fuel cycle is not readily convertible to a monthly fuel consumption or Btu generation, Ameren requests that the paragraph's language be amended to exclude nuclear plants from these particular reporting requirements. Also, in order to give the utilities more flexibility, Ameren requests flexibility so that the fuel report can be either for each "unit" (e.g. Rush Island 2) or for each plant (e.g. Rush Island).

Paragraphs (1)(K) and (3)(A) would be amended to raise the reporting threshold from \$50,000 to \$100,000. Ameren supports this change, which approximates the impact of inflation since the reporting rule was first implemented.

The most significant proposed change is the addition of paragraph (4), which deals with the reporting of certain accidents. Ameren opposes this change, for several reasons. First, the reporting will add greatly to the administrative burdens of the electric utilities and cooperatives. The initial reporting, and even more so the follow-up reporting, will require a significant amount of time and effort, which will come at a time when utility personnel are probably already devoting substantial time and effort to the accident investigation and follow-up.

Second, Ameren questions the Commission's need for this reporting. Ameren recognizes that the Commission has the right to investigate whether the utilities are rendering safe and adequate utility service, in accordance with the National Electrical Safety Code. (The federal Occupational Safety and Health Administration has jurisdiction in Missouri over employee health and safety.) For almost ninety years, however, the Staff evidently has been able to discharge this duty without requiring initial and follow-up reporting of electrical contact incidents. What has changed? Ameren is not aware that there are any more or more severe cases of electrical contacts in recent years. Ameren believes that the impetus for this proposed change is related to an incident that occurred when a member of the public was seriously injured when

they contacted an electrical line. The Commission was contacted by news media for information, which they were not immediately able to give. This solitary incident is not sufficient to impose a stringent regulatory reporting burden on electric utilities and cooperatives. Staff, if contacted by the media, can continue to contact the utility for information, as Staff has in the past. Of course, Staff can still seek information from the utilities, either on specific incidents or classes of incidents, pursuant to its broad statutory investigative powers.

If the Commission is not willing to eliminate paragraph (4) in its entirety, then Ameren urges the Commission to substantially revise it, in order to make it more reasonable and relevant. Ameren suggests the following changes.

The rule requires reporting of “any accident resulting from contact with its energized electrical supply facilities.” Ameren suggests inserting “electrical” before “contact.” Ameren believes the Commission is interested in instances where a person or object actually contacts an energized source. The change would eliminate instances, for example, where a vehicle collides with a distribution pole, something that probably happens almost every day in Ameren’s service territory. Ameren also interprets the regulation to not require reporting of contacts that may take place with customer-owned electrical equipment, such as in residences and other structures.

Ameren suggests the Commission not require a follow-up report on each and every incident. As noted above, this mandatory follow-up report will entail significant costs and attention. Instead, Ameren suggests that the rule be changed so that the utility will send a follow-up report when so requested by the Staff. This would give the Staff some discretion as to which reported incidents to pursue and which can be closed. The last sentence should be changed to read: “If requested by the manager of the Energy Department of the Commission or his/her designee, the electric utility or rural electric cooperative shall submit, either by mail or

through EFIS within five (5) business days after such request, an update of the incident and any details not available at the time of the initial report.”

The proposed rule requires reporting of electric contact accidents that result in “ten thousand dollars (\$10,000) in damages to the property of the utility or others.” Ameren suggests that this language be deleted from the proposed rule. First, Ameren suggests the Commission is much more interested in electrical contacts that result in death or hospital admission rather in property damage. Second, it could be very difficult, if not impossible, for a utility to calculate or even estimate property damage by the end of the first business day following discovery of the electrical contact. The damage to the utility’s own facilities may not be entirely evident, and the damage to other persons’ property will be even more difficult to determine or estimate. For example, a construction crane making an electrical contact may have minimal impact on the utility’s equipment, but the crane may sustain damage that may not be known for some time. Such damage may not become evident for days or even weeks after the incident, such as when the owner of the crane or other equipment may file a claim with the utility. To summarize, in the aftermath of an electrical contact, the utility has many more pressing things to do than attempt to quickly calculate or estimate property damage arising from an electrical contact.

If the Commission is unwilling to delete this property damage provision, then Ameren suggests that the \$10,000 reporting limit be raised to a dollar figure that would justify both the investigation and reporting burdens on the utility and the Staff’s efforts if Staff decides to investigate the accident. Ameren suggests \$50,000 as the property damage minimum.

Respectfully submitted,

By Michael F. Barnes  
Michael F. Barnes MBE#24760  
Attorney for Union Electric Company  
1901 Chouteau M/C 1310  
St. Louis, MO 63103  
Ph: (314) 554-2552  
Fax: (314) 554-4014  
E-mail: mbarnes@ameren.com

**Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or emailed to all counsel of record this 17<sup>th</sup> day of December 2003.

Michael F. Barnes  
Michael F. Barnes