

**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 for Authority to	)	<b><u>File No. EO-2013-0044</u></b>
Sell or Transfer a Portion of its Franchise, Works,	)	
or System to Bussen Quarries, Inc.	)	

**STAFF RECOMMENDATION TO APPROVE APPLICATION**

**COMES NOW** the Staff of the Missouri Public Service Commission ("Staff"), by and through the undersigned counsel, and for its Recommendation in this matter states to the Missouri Public Service Commission ("Commission") the following:

1. On August 3, 2012<sup>1</sup>, Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri") filed an *Application* with the Commission seeking authorization to sell certain assets to Bussen Quarries, Inc. ("Bussen").
2. On August 9, the Commission directed Staff to file a status update no later than August 20, informing the Commission of a date by which Staff would file a recommendation in this matter.
3. On August 20, Staff filed a status report with the Commission indicating that it would file a recommendation as to the *Application* on or before September 17.
4. Staff's *Memorandum*, attached hereto as Appendix A and incorporated by reference, recommends the Commission approve Ameren Missouri's *Application* for authority to sell one (1) 1,000 kVa transformer, one (1) 40-foot class 3 wood pole, and 110 feet of 15 kVa cabling to Bussen for \$9,376. Portions of the *Memorandum* are designated Highly Confidential pursuant to 4 CSR 240-2.135 (1)(B).

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<sup>1</sup> All dates herein refer to calendar year 2012.

5. The filing requirements for an application requesting authority to sell assets are set forth in Section 393.190.1 RSMo, 4 CSR 240-2.060 and 4 CSR 240-3.110.

6. “The standard governing the Commission's review of an application for sale of assets is set forth in *Fee Fee Trunk Sewer, Inc. v. Litz*: ‘The Commission may not withhold its approval of the disposition of assets unless it can be shown that such disposition is detrimental to the public interest.’ 596 S.W.2d 466, 468 (Mo.App.1980).<sup>2</sup>”

7. After reviewing Ameren Missouri’s *Application* and responses to data requests, Staff asserts that the *Application* meets the Commission’s filing requirements and that the sale is not detrimental to the public interest. As described in the *Memorandum*, the transaction provides benefits to Bussen and Ameren Missouri, as well as benefits to Ameren Missouri’s customers through journal entries that serve to reduce rate base by the amount of the proceeds from the sale.

8. Ameren Missouri is current on all Commission annual assessment and annual report filing requirements.

**WHEREFORE**, Staff recommends that the Commission find Ameren Missouri’s *Application* to sell assets to Bussen Quarries, Inc. is not detrimental to the public interest, and that the Commission approve the *Application*.

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<sup>2</sup> *Environmental Utilities, LLC v. Public Service Com'n*, 219 S.W.3d 256, 265 (Mo. App. W.D., 2007), citing *Fee Fee Trunk Sewer, Inc. v. Litz*, 596 S.W.2d 466, 468 (Mo. App., 1980).

Respectfully submitted,

**/s/Jennifer Hernandez**

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served on this 17<sup>th</sup> day of September 17<sup>th</sup> by electronic mail to: Russ Mitten and Wendy Tatro, attorneys for Union Electric Company d/b/a Ameren Missouri at [rmitten@brydonlaw.com](mailto:rmitten@brydonlaw.com) and [AmerenMOService@ameren.com](mailto:AmerenMOService@ameren.com); and the Office of the Public Counsel at [opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov).

**/s/Jennifer Hernandez**