

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

In the Matter of the Application of the City     )  
of Farmington for a Change of Electric     )  
Supplier from Union Electric Company d/b/a     )  
Ameren Missouri to City of Farmington     )  
Light & Water     )

**File No. EO-2018-0058**

**NOTICE OF DEFICIENCY AND ORDER DIRECTING FILING**

Issue Date: August 30, 2017

Effective Date: August 30, 2017

On August 28, 2017, the City of Farmington, Missouri ("City") filed an application with the Missouri Public Service Commission ("Commission") requesting that its electric supplier be changed from Union Electric Company d/b/a Ameren Missouri to the City of Farmington Light & Water. The application is deficient and in violation of two Commission rules: 4 CSR 240-2.040(5) and 4 CSR 240-4.017(1).

4 CSR 240-2.040(5) provides that only natural persons may represent themselves before the Commission on his or her own behalf. All other persons or entities must be represented by an attorney licensed to practice in the State of Missouri. It appears from the application that it was not signed or filed by an attorney.

4 CSR 240-4.017(1) states that persons intending to file a case with the Commission must first file a notice summarizing all communications regarding substantive issues between the filing party and the office of the Commission that occurred 90 days prior to filing the notice. In this case no such timely notice was filed, so the City must request a waiver of this section for good cause as described in 4 CSR 240-4.017(1)(D). A copy of that rule is attached to this order.

The Commission will require the City to file an amended application to correct these two deficiencies. If an amended application is not filed by the established deadline, the Commission will dismiss the application.

**THE COMMISSION ORDERS THAT:**

1. The City of Farmington, Missouri shall file an amended application to cure the deficiencies described in the body of this order no later than September 11, 2017.
2. This order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Michael Bushmann, Senior Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,  
on this 30<sup>th</sup> day of August, 2017.



likely to be presented or taken in that case. The term substantive issue does not include procedural issues, unless those procedural issues are contested or likely to materially impact the outcome of a case.

**AUTHORITY:** section 386.410, RSMo 2016.\*  
Original rule filed Nov. 28, 2016, effective July 30, 2017.

\*Original authority: 386.410, RSMo 1939, amended 1947, 1977, 1996.

#### 4 CSR 240-4.017 General Provisions

**PURPOSE:** This rule sets forth provisions that are applicable to both *ex parte* and extra-record communications.

(1) Any person that intends to file a case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such case. Such notice shall detail the type of case and issues likely to be before the commission and shall include a summary of all communication regarding substantive issues likely to be in the case between the filing party and the office of the commission that occurred in the ninety (90) days prior to filing the notice. The filing of such notice shall initiate a new noticed case and be assigned an appropriate case designation and number. If the expected case filing is subsequently made, it shall be filed in the noticed case. If the expected case filing is not made within one hundred eighty (180) days, the noticed case shall close.

(A) The commission may reject any filing not in compliance with this section.

(B) This section shall not apply to small formal complaints under commission rule 4 CSR 240-2.070 or small utility rate cases under commission rule 4 CSR 240-3.050.

(C) This section shall not apply to formal complaints under section 386.390, RSMo, or commission rule 4 CSR 240-2.070. However, formal complaints shall include, contemporaneous with the filing initiating the complaint, a summary of any communication regarding substantive issues likely to be in the case between the filing party and the office of the commission that occurred in the sixty (60) days prior to filing the complaint.

(D) A party may request a waiver of this section for good cause. Good cause for waiver may include, among other things, a verified declaration from the filing party that it has had no communication with the office of the commission within the prior one hundred fifty (150) days regarding any substantive issue likely to be in the case or that circumstances prevented filing the required notice

and delaying the filing for sixty (60) days would cause harm.

(2) Unless properly admitted into evidence in subsequent proceedings, no *ex parte* or extra-record communication shall be considered as part of the record on which the commission reaches a decision in a contested case.

(3) A utility regulated by the commission that offers a tour of its facilities to the office of the commission shall also offer the Office of the Public Counsel an opportunity to participate in that tour. If a commissioner chooses to participate in a tour, the tour shall be posted to that commissioner's calendar at least forty-eight (48) hours in advance.

(4) Each commissioner shall maintain a public calendar on the commission's website to which the commissioners' regulatory activities may be posted.

(5) It is improper for any person interested in a case or noticed case to—

(A) Attempt to influence the judgment of the commission by bringing pressure to bear upon the office of the commission outside of the case process, or

(B) Seek to elicit representations from the office of the commission before a case or noticed case is filed regarding the commission's future rulings or any commissioner's positions in future deliberations.

(6) Pursuant to section 386.210.4, RSMo, nothing in this rule shall be construed as imposing any limitation on the free exchange of ideas, views, and information between any person and the commission or any commissioner, provided that such communications relate to matters of general regulatory policy and do not address substantive issues in or likely to be in a case or noticed case

**AUTHORITY:** section 386.410, RSMo 2016.\*  
Original rule filed Nov. 28, 2016, effective July 30, 2017.

\*Original authority: 386.410, RSMo 1939, amended 1947, 1977, 1996.

#### 4 CSR 240-4.020 Ex Parte Communications

**PURPOSE:** To set forth the standards to promote the public trust in the commission with regard to pending filings and cases. This rule regulates communication between members of the office of the commission and parties regarding substantive issues.

(1) Neither any party nor any member of the

office of the commission shall initiate, participate in, or undertake, directly or indirectly, an *ex parte* communication.

(A) If such a communication occurs, the party and the member of the office of the commission involved in the communication should immediately terminate the communication.

(2) A party or member of the office of the commission who initiates an *ex parte* communication shall, within one (1) business day, following such communication give notice of that communication as follows:

(A) If the communication is written, the initiating party shall file a copy of the written communication in the official case file for the discussed case; or

(B) If the communication is not written, the initiating party shall file a memorandum disclosing the communication in the official case file for each discussed case. The memorandum must contain a list of all participants in the communication; the date, time, location, and approximate duration of the communication; the means by which the communication took place; and a summary of the substance of the communication and not merely a listing of the subjects covered. Alternatively, a recording or transcription of the communication may be filed, as long as that recording or transcription indicates all participants and the date, time, location, approximate duration, and means of communication.

(3) If an *ex parte* communication occurs and the initiating party fails to file a notice in the manner set forth in section (2), any other party or member of the office of the commission involved in the communication, upon learning of the person's failure to file such notice, shall give notice of the *ex parte* communication in the manner set forth in section (2) as soon as practicable but no later than three (3) days later.

(4) The commission may issue an order to show cause why sanctions should not be ordered against any party engaging in an *ex parte* communication.

**AUTHORITY:** section 386.410, RSMo 2016.\*  
Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed April 26, 1976, effective Sept. 11, 1976. Rescinded and readopted: Filed Nov. 4, 2009, effective July 30, 2010. Rescinded and readopted: Filed Nov. 28, 2016, effective July 30, 2017.

\*Original authority: 386.410, RSMo 1939, amended 1947, 1977, 1996.

**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 30<sup>th</sup> day of August 2017.**



  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**August 30, 2017**

**File/Case No. EO-2018-0058**

**Missouri Public Service  
Commission**

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Farmington, MO 63640

**City of Farmington, Missouri**

Legal Department  
110 West Columbia Street  
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**Union Electric Company**

Legal Department  
1901 Chouteau Avenue  
P.O. Box 66149, Mail Code 1310  
St. Louis, MO 63166-6149  
AmerenMOS@ameren.com

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

**Sincerely,**



**Morris L. Woodruff  
Secretary**

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