

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

In the Matter of the Adjustment of Union Electric)
Company d/b/a Ameren Missouri's Fuel Adjustment) Case No. ER-2015-0128
Clause for the 17th Accumulation Period.)

THE OFFICE OF THE PUBLIC COUNSEL’S REQUEST TO EXCLUDE CHARGE

COMES NOW the Missouri Office of the Public Counsel (Public Counsel) and for its Request to Exclude Charge states as follows:

Background

The tariff sheets approved by the Commission in Ameren Missouri’s last general rate increase case, Case No. ER-2012-0166, allows Ameren Missouri to include certain costs and revenues that were not defined in the tariff. However, if it began including a cost or revenue in its Fuel Adjustment Clause (FAC) that was not identified in its tariff sheets, Ameren Missouri was to include in its monthly Fuel Adjustment Clause Report certain information regarding that cost or revenue item.

Ameren Missouri’s current tariff states the following regarding the Fuel and Purchased Power Adjustment Clause:

Costs and revenues not specifically detailed in Factors FC, PP, E, or OSSR shall not be included in the Company's FAR filings; provided however, in the case of Factors PP or OSSR the market settlement charge types under which MISO or another centrally administered market (e.g., PJM or SPP) bills/credits a cost or revenue need not be detailed in Factors PP or OSSR for the costs or revenues to be considered specifically detailed in Factors PP or OSSR; and provided further, should the MISO or another centrally administered market (e.g. PJM or SPP) implement a market settlement charge type not listed in Exhibit H of the Non-Unanimous Stipulation and Agreement Regarding Class Kilowatt-Hours, Revenues And Billing Determinants, Net Base Energy Costs, and Fuel Adjustment Clause Tariff Sheets approved in Case No. ER-2012-0166 (a “new charge type”):

- A. **The Company may include the new charge type cost or revenue in its FAR filings if the Company believes the new charge type cost or revenue possesses the characteristics of, and is of the nature of, the costs or revenues listed in factors PP or OSSR, as the case may be, subject to another party's right to challenge the inclusion (or failure to include) as outlined in E. below;**
- B. **The Company will include in its monthly reports required by the Commission's fuel adjustment clause rules notice of the new charge type no later than 60 days prior to the Company including the new charge type cost or revenue in a FAR filing. Such notice shall identify the proposed accounts affected by such change, provide a description of the new charge type demonstrating that it possesses the characteristics of, and is of the nature of, the costs or revenues listed in factors PP or OSSR as the case may be, and identify the preexisting market settlement charge type(s) which the new charge type replaces or supplements;**
- C. **The Company will also provide notice in its monthly reports required by the Commission's fuel adjustment clause rules that identifies the new charge type costs or revenues by amount, description and location within the monthly reports;**
- D. **The Company shall account for the new charge type costs or revenues in a manner which allows for the transparent determination of current period and cumulative costs or revenues; and**
- E. **If the Company includes a new charge type cost or revenue in a FAR filing and a party challenges the inclusion (or if the Company does not include a new charge type cost or revenue and a party challenges the failure to include it), such challenge will not delay approval of the FAR filing. To challenge the inclusion of a new charge type, a party shall make a filing with the Commission based upon that party's contention that the new charge type costs or revenues at issue should not have been included, because they do not possess the characteristics of the costs or revenues listed in Factors PP or OSSR, as the case may be. To challenge the failure to include a new charge type, a party shall make a filing with the Commission based upon that party's contention that the new charge type costs or revenues at issue should have been included, because they do possess the characteristics of the costs or revenues listed in Factors PP or OSSR, as the case may be. In the event of a challenge, the Company shall bear the burden of proof to support its decision to include or exclude or its failure to include or exclude a new charge type in a FAR filing. Should such challenge be upheld by the Commission, any such**

costs will refunded (or revenues retained) through a future FAR filing in a manner consistent with that utilized for Factor P.¹

Based on this, Ameren Missouri is allowed to add costs or revenues if Ameren Missouri believes the cost or revenue possesses the characteristics of, and is of the nature of, the costs or revenues listed in the purchased power factor (PP) or off-system sales revenue (OSSR). If a party wishes to challenge that the cost or revenue possesses the characteristics of, and is of the nature of, the costs or revenues listed in the PP or OSSR, that party must make a filing with the Commission.

Ameren has added the following charge to its FAC:

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**²

Public Counsel challenges the inclusion of **

** in Ameren

Missouri's FAC.

Argument

Ameren Missouri's tariff, as cited above, requires notice of a charge type no later than sixty (60) days prior to the Company including the charge type cost or revenue in a Fuel Adjustment Rate (FAR) filing. The tariff also requires that such notice (1) identify the proposed accounts affected by such change; (2) provide a description of the charge type demonstrating that it possesses the characteristics of, and is of the nature of, the costs or revenues listed in factors PP or OSSR as the case may be; and (3) identify the preexisting market settlement charge type(s) which the charge type replaces or supplements.

¹ Tariff of Union Electric Company, Sheet Nos. 72.5-72.6, effective June 30, 2013, emphasis added.

² Ameren Missouri FAC Reporting February 14 HC Change Log p1.

On November 21, 2014, Ameren Missouri submitted a tariff sheet designed to implement an adjustment to its FAR for the accumulation period ending September 30, 2014.

The only description given by Ameren Missouri of the **

** that would be included in its FAC is what is quoted above. Ameren Missouri does not provide identification of the proposed accounts that will be affected by the additional charge, nor does it provide a demonstration that the charge possesses the characteristics of, and is of the nature of, the costs or revenues listed in factors PP or OSSR as the case may be. Also, Ameren Missouri does not identify the preexisting market settlement charge type(s) which this charge type replaces or supplements. As a result, Ameren Missouri has failed to meet any of the three requirements for sufficient notice of the **

** cost or revenue type.

Ameren Missouri has neither provided notice in its monthly reports required by the Commission's fuel adjustment clause rules that identifies the charge type costs or revenues by amount, description and location within the monthly reports, nor accounted for the charge type cost or revenue in a manner which allows for the transparent determination of current period and cumulative cost or revenue as required by the tariff.

Conclusion

Ameren Missouri has failed to meet any of the three requirements for sufficient notice of the ** ** charge type and has not met the requirements for the inclusion of this additional cost or revenue. Therefore, Public Counsel challenges the inclusion of costs or revenues for **

** in this FAR filing as they were included in violation of Ameren Missouri's tariff.

Public Counsel asks the Commission to issue an order excluding the **

** charge type from this FAR filing and order that any such costs will refunded or revenues retained as is just and reasonable.

WHEREFORE, Public Counsel respectfully submits its request.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the parties of record this 23rd day of December 2014:

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