

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

In the Matter of a Repository File)	
Concerning Staff's Review of the)	
Commission's Fuel Adjustment)	Case No. EW-2011-0139
Clause Rules)	

**PUBLIC COUNSEL'S ADDITIONAL COMMENTS FOLLOWING AMEREN
MISSOURI'S MARK-UP OF STAFF'S PROPOSED RULES**

COMES NOW the Office of the Public Counsel ("Public Counsel"), and provides the additional comments following Ameren Missouri's ("Ameren") mark-up of Staff's proposed rules as follows:

1. Public Counsel submitted comments in response to Staff's proposed rules on October 20, 2015 and incorporates and reaffirms those comments in this document by reference.¹

2. Upon receipt of the mark-up version from Ameren, Public Counsel observed there are a number of portions of the rules where Ameren supports Public Counsel's recommendations. Public Counsel recommends implementing those changes.

3. While there are many areas where the comments to this point align, fundamental disagreements remain. Specifically:

a) The rule needs to include the requirements of Chapter 22 in order to be complete;

b) The rule should not restrict rate design;

c) There are several instances in the proposed rule where the language "detailed" is used when referring to an explanation or description required by a company utilizing a fuel adjustment clause ("FAC"). In each instance, "detailed *and complete*" is more appropriate as it will require

¹ See EFIS Case No. EW-2011-0139 item no. 150.

companies to provide complete documentation when filing and providing said reports to the Commission;

d) The rule should include a minimum of the necessary criteria to be considered by the Commission in evaluating a FAC;

e) The rule must contain guidelines for the Commission to consider in evaluating the components of a FAC; and

f) The rule should require the Commission to determine impact on ratepayers in addition to the impact on the utility.

4. Ameren suggests companies should not be required to notify all parties independent of the EFIS notification process when filing reports or submitting documents related to the FAC. Until EFIS allows ALL parties to see non-case related submissions and sends a notification to ALL parties that a submission and filing has been made, the rule needs to provide the requirement for notification upon all parties when a submission is made.

5. Megawatt-hours (“MWh”) are the appropriate benchmark for off-system sales and purchased power versus the use of dollars. OPC agrees with Ameren Missouri that the advent of Regional Transmission Organizations (“RTO”) has changed the electric utility industry. With that in mind, the Commission needs to correctly define “off-system sales” and “purchased power” in its FAC rule as we outlined in our office’s comments from October of 2015. MWh above what is needed for load are “off-system sales” and MWh below the load is “purchased power”. Public Counsel is concerned Ameren’s proposed language would result in dollars, not MWh, being used to determine off-system sales and purchased power.

6. Public Counsel agrees surveillance reporting requirements should be added to 4 CSR 240-3 – “Filing and Reporting Requirements”. However, the removal of surveillance reporting

requirements from this rule is only appropriate when the Commission has an approved surveillance reporting rule in Chapter Three. Since it does not, the surveillance reporting requirement should remain.

WHEREFORE, Public Counsel submits its additional comments for consideration in this matter.

Respectfully submitted,
OFFICE OF THE PUBLIC COUNSEL

By: /s/ Steven M. Kretzer

Steven M. Kretzer (#56950)
Senior Counsel
Office of Public Counsel
P. O. Box 2230
Jefferson City MO 65102
(573) 751-5565
(573) 751-5562 FAX
steven.kretzer@ded.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 1st day of March 2016:

Missouri Public Service Commission

Bob Berlin
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
Bob.Berlin@psc.mo.gov

Missouri Public Service Commission

Department Staff Counsel
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
Phone: 573-751-2690
Fax: 573-751-9285
staffcounsel@psc.mo.gov

/s/ Steven M. Kretzer