

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

In the Matter of a Proposed	)	
Rule to Establish Procedures for	)	
Natural Gas Utilities	)	
to Establish an Infrastructure System	)	Case No. GX-2004-0090
Replacement Surcharges.	)	

**COMMENTS OF AMERENUE**

COMES NOW Union Electric Company d/b/a AmerenUE ("AmerenUE"), pursuant to the Notice published in the November 3, 2002 Missouri Register, Vol. 28, No. 21, and respectfully submits the following comments in response to the Missouri Public Service Commission's ("Commission") proposed Infrastructure System Replacement Surcharge Rule (the "Proposed Rule").

The stated purpose of the Proposed Rule is to implement those provisions of House Bill 208 ("H.B. 208") that authorize gas utilities to institute an infrastructure system replacement surcharge ("ISRS"). *See* Sections 393.1009 to 393.1015 (RSMo. Supp. 2003). The purpose of the statute is to provide each gas corporation within the state with the opportunity to file a petition and seek approval of proposed rate schedules in order to establish charges for the recovery of costs for eligible natural gas infrastructure system replacements.

AmerenUE is aware of the comments being filed in this proceeding by other Missouri natural gas utilities, and generally agrees with the concerns they have expressed. AmerenUE does not wish to repeat those detailed and comprehensive comments here. However, AmerenUE does want to separately express its concern to the Commission that great care must be taken when attempting to develop a rule to implement statutory provisions as detailed as those found in H.B. 208. In fact, given the level of detail provided in the statute, there is a good argument that there is no need for any rule at all. If the Commission does decide to adopt a rule governing

ISRS filings, at a minimum the Commission must ensure that the rule does not contradict the letter or spirit of the law as adopted by the General Assembly. Perhaps just as important, the Commission should avoid imposing administrative requirements that would make it impractical for utilities to recover qualifying ISRS costs as HB 208 provides.

AmerenUE agrees that a gas utility seeking an ISRS should provide adequate information to permit the Commission to determine that the construction projects involved qualify for ISRS treatment and that the ISRS has been calculated properly. However, the quantity and depth of such supporting information must be reasonable and should not create a deterrent for a utility availing itself of the law. Similarly, although it is reasonable for the Commission to provide some type of notice to customers of ISRS activity, the notice provisions should not be so burdensome as to deter utilities from making ISRS filings. Clearly the intent of the General Assembly in enacting H.B. 208 was to encourage gas infrastructure replacements and to permit utilities to recover the cost of such replacements outside of the context of a full-blown rate case. If the Commission ultimately adopts a rule to implement H.B. 208, the rule should be designed to further this goal and facilitate the ability of utilities to utilize ISRS filings to recover the cost of qualifying infrastructure projects, not create barriers to this process that the General Assembly did not contemplate when it enacted H.B. 208.

WHEREFORE, AmerenUE respectfully requests that the Commission consider these comments in addressing the Proposed Rule.

Respectfully submitted,  
UNION ELECTRIC COMPANY  
d/b/a AmerenUE

By /s/Thomas M. Byrne  
Thomas M. Byrne, #33340  
Associate General Counsel  
Ameren Services Company  
One Ameren Plaza  
1901 Chouteau Avenue (MC 1310)  
P.O. Box 66149  
St. Louis, MO 63166-6149  
(314) 554-2514 (Direct Line)  
(314) 554-4014 (Facsimile)  
tbyrne@ameren.com

Dated at St. Louis, Missouri this 4th day of December, 2003.

## CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by electronic mail to all counsel of record as shown on the official service list on the Missouri Public Service Commission website (EFIS) this 4<sup>th</sup> day of December 2003.

Mr. Dana K. Joyce  
Missouri Public Service Commission  
d.joyce@psc.mo.gov

Mr. John Coffman  
Office of the Public Counsel  
jcoffman@ded.state.mo.us

/s/ Thomas M. Byrne