

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

City of Fulton, Hannibal Board of Public	)	
Works, Kirkwood Electric, City of Marceline,	)	
and City of New Madrid,	)	
	)	<u>Case No. EC-2026-0156</u>
Complainants,	)	
v.	)	
	)	
Union Electric Company d/b/a Ameren	)	
Missouri,	)	
Respondent	)	

ORDER CLARIFYING COMMISSION DECISION

Issue Date: September 22, 2026

Effective Date: September 22, 2026

This order clarifies the Commission’s determination that the City of Fulton, Hannibal Board of Public Works, Kirkwood Electric, City of Marceline, and the City of New Madrid (collectively “Municipalities”) failed to meet their burden to show that Union Electric Company d/b/a Ameren Missouri violated either its tariff or the Commission’s 1971 order granting a certificate of convenience and necessity. That order denied summary determination for the Municipalities and denied summary determination for Ameren Missouri, but granted summary determination on the pleadings in favor of Ameren Missouri.

Background

On August 5, 2026, the Commission issued its order granting determination on the pleadings in favor of Ameren Missouri. That order became effective September 4, 2026. The Commission notes that both the Municipalities and Ameren Missouri both filed timely

applications for rehearing, which for summary purposes are discussed in the next paragraphs.

The Municipalities application for rehearing states that Commission Rule 20 CSR 4240-2.117, concerning summary determination, allows for resolution of a case by summary determination or determination on the pleadings. The Municipalities argue that Ameren Missouri requested summary determination in its favor but did not request determination on the pleadings.

Ameren Missouri's application for rehearing states that it seeks limited rehearing to clarify the procedural basis for the Commission's disposition. Ameren Missouri argues that disposition on the pleadings was already in front of the Commission based upon the Municipalities, motion for summary determination or determination on the pleadings.

Relevant Law

Section 386.390, RSMo, governing complaints before the Commission, provides that a person, corporation, association or body politic or municipal corporation may file a complaint against a regulated utility setting forth any act or thing done or omitted to be done by any public utility in violation of any provision of law subject to the Commission's authority, any rule promulgated by the commission, any utility tariff, or any order or decision of the commission.

Complainant bears the burden of proof to show by a preponderance of evidence that Respondents have violated a law subject to the Commission's authority, a Commission

rule, or an order of the Commission.¹

Commission Rule 20 CSR 4240-2.117(1)(E), which is located in the first part of the Commission's rule concerning summary disposition provides that the Commission may grant the motion for summary de termination if the pleadings, testimony, discovery, affidavits, and memoranda on file show that there is no genuine issue as to any material fact, that any party is entitled to relief as a mat ter of law as to all or any part of the case, and the commission determines that it is in the public interest.

The second part of the Commission's summary disposition rule is Commission Rule 20 CSR 4240-2.117(2), and provides that the Commission may, on its own motion or on the motion of any party, dispose of all or any part of a case on the pleadings whenever such disposition is not otherwise contrary to law or contrary to the public interest.

Discussion and Decision

This is a complaint case. The question before the Commission in this case was whether Ameren Missouri had violated its tariff or the Commission's order granting Ameren Missouri a certificate of convenience and necessity for the Rush Island Energy Center.

Both Ameren Missouri and the Municipalities asserted that there were no factual disputes that the Commission needed to resolve. Both parties asserted that they were entitled to prevail as a matter of law. The Municipalities filed a motion for summary determination or determination on the pleadings. Ameren Missouri filed a motion for

¹ *State ex rel. GS Technologies Operating Co., Inc. v. Public Service Comm'n*, 116 S.W.3d 680, 693 (Mo. App. 2003). Stating that in cases "complainant alleges that a regulated utility is violating the law, its own tariff, or is otherwise engaging in unjust or unreasonable actions, . . . the burden of proof at hearing rests with the complainant."

summary determination that the Commission determined was defective for failure to include a separate memorandum as required.

Cross motions for summary determination or determination on the pleadings are corollaries of each other because they are on opposite sides of who should prevail as a matter of law. If the moving party prevails, the non-moving party loses and vice versa. This case rested upon the Commission's interpretation of language in Ameren Missouri's tariff and a Commission order. The Commission determined that Ameren Missouri did not violate its tariff or a Commission order. The Municipalities therefore failed to meet their burden of proof to demonstrate that Ameren Missouri committed a violation and that the Municipalities were entitled to prevail as a matter of law.

Determination on the pleadings was before the Commission under the Municipalities' motion. Determination on the pleadings was also available to the Commission on its own motion. Ameren Missouri, in its application for rehearing, noted that the Commission may "on its own motion or on the motion of a party, dispose of all or any part of a case on the pleadings whenever such disposition is not otherwise contrary to law or to the public interest."²

It is evident, therefore, that the Commission's authority to reach disposition on the pleadings did not depend upon Ameren Missouri filing a separate motion for determination on the pleadings.

As previously stated, for purposes of summary disposition or determination on the pleadings, if the Commission determined that Ameren Missouri did not violate its tariff or a

² 20 CSR 4240-2.117(2).

Commission order, then Ameren Missouri prevails in this complaint case. If Ameren Missouri did not violate its tariff or a Commission order, then it followed its tariff and the Commission's order. The Commission determined that Ameren Missouri was entitled to determination on the pleadings.

Additionally, whether Ameren Missouri is entitled to determination on the pleadings is not necessary for the Commission to determine that the Municipalities failed to meet their burden to show that Ameren Missouri committed a violation.

The Commission does not need to rehear any portion of this proceeding to clarify its decision. The Commission is not changing the substance of its order granting determination on the pleadings or the determination itself. Therefore, the Commission clarifies its *Order Granting Summary Determination on the Pleadings* as discussed above.

THE COMMISSION ORDERS THAT:

1. The Commission clarifies its *Order Granting Summary Determination on the Pleadings*, issued August 5, 2026, as discussed in the body of this order.
2. This order is effective when issued.



BY THE COMMISSION

Nancy Dippell

Nancy Dippell
Secretary

John T. Clark, Senior Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 22nd day of September, 2026.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

Pursuant to 386.290, RSMo., 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 22nd day of September, 2026.



A handwritten signature in black ink that reads "Nancy Dippell".

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

September 22, 2026

Case No: EC-2026-0156

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).¹

Sincerely,

A handwritten signature in black ink that reads "Nancy Dippell". The signature is written in a cursive, flowing style.

**Nancy Dippell
Secretary**

¹

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