

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

In the Matter of the Revision of the	)	
Commission's Rules Regarding Electric	)	File No. EX-2018-0389
Utilities.	)	

**COMMENTS OF UNION ELECTRIC COMPANY d/b/a AMEREN MISSOURI**

COMES NOW Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri" or "Company"), and for its Comments on the Missouri Public Service Commission Staff ("Staff") draft of a proposed new rule regarding the treatment of customer information, states as follows:

1. On June 25, 2018, a *Notice Opening File* was issued opening this case. On November 7, 2018, the Missouri Public Service Commission ("Commission") issued its *Finding of Necessity and Order Directing that Proposed Rule, Rescissions, and Amendment be Filed for Publication*. Drafts of the rules, rescissions, and amendments were filed the following day.

2. On November 14, 2018, the Commission issued its *Notice of Rulemaking Hearing*, establishing a hearing regarding the proposed rescission of 4 CSR 240-3.145 and 3.185, proposed amendment of 4 CSR 240-20.070, and proposed rule 4 CSR 240-20.105 for January 28, 2019.

3. On December 17, 2018, the draft rules were published in the Missouri Register, with a date for submission of comments to the Commission of January 17, 2019.

4. Ameren Missouri appreciates the efforts that the Commission and its Staff have taken to consolidate and streamline the existing regulations. Ameren Missouri agrees with the rescission of 4 CSR 240-3.145 and 3.185, and the consolidation of the

requirements of these rules into the more specific requirements of 4 CSR 240-20.105 and 20.070, respectively. In these comments, Ameren Missouri will provide guidance to further reflect current practices and needs in the decommissioning and rate schedule regulations.

Accordingly, the remainder of this pleading is organized as follows:

- 4 CSR 240-20.070 – Decommissioning Trust Funds
- 4 CSR 240-20.105 – Filing Requirements for Electric Utility Rate Schedules

#### **4 CSR 240-20.070 – Decommissioning Trust Funds**

5. The proposed revisions to this rule reflect changes necessary to transfer the content of 4 CSR 240-3.185 into this rule. That transfer was accomplished nearly word for word, and with the same substantive content requirements as already existing. Because these requirements have proven to be an effective means for the Commission to monitor decommissioning trust funds, the Company has no additional revisions to suggest to this proposed regulation.

#### **4 CSR 240-20.105 – Filing Requirements for Electric Utility Rate Schedules**

6. This newly proposed rule reflects the transfer of the content of 4 CSR 240-3.145 into chapter 20, with other requirements that apply strictly to electric utilities. The newly proposed rule removes several references to dates back to 1913 throughout, which are entirely appropriate revisions. This new rule does contain some substantive changes to the existing regulation, and while it has been updated, additional updates are advisable to bring the rule into conformance with current practice before the Commission. The Company provides its additional suggested revisions in more detail below.

7. 4 CSR 240-20.105(2). This section requires electrical corporations to keep schedules of rates accessible to the public in various locations, as well as access to assistance by a utility representative at all times during business hours. These requirements can be problematic given the current era of security requirements applicable to electric utilities. As the Commission is aware, Ameren Missouri and other electrical corporations must greatly limit access to their facilities because of the strict regulation by the North American Electric Reliability Corporation ("NERC") of physical access to electric utility information and operations. For example, Ameren Missouri's headquarters in St. Louis is only accessible to the public in one discrete area, which is the entry where visitors are greeted by security. All other portions of the headquarters are only accessible by approved badge access or by monitored escort. It is impractical to have security personnel, who are not tasked with or trained in customer relations, to provide access to hard copies of these schedules at their stations. Further, it is not practical to have an Ameren Missouri customer experience employee stationed at the entrance with security to field such inquiries, particularly since the Company is not able to readily identify an instance where a customer has come to its headquarters with such a request. Yet providing only access to schedules without someone who is able to answer questions about those schedules would only prove frustrating for customers. Further, many of Ameren Missouri's division offices are accessible only by badge access or escort and do not even have a reception area guarded by security. The Company suggests that the majority of its customers have internet access via internet providers or smart devices, and those who do not have personal access are able to obtain free internet access from their local public libraries. Additionally, the Company provides access by telephone to representatives who are able to assist customers even

beyond standard business hours. Because of the impracticality of this requirement's implementation, and because of the proliferation of internet access and availability of customer service representatives, the Company suggests that this requirement can be updated as follows:

(2) Every electric corporation is directed, at a minimum, to publish all of its schedules of rates with this commission on its website, and to provide access by telephone to customer service representatives who can assist customers with questions about those schedules of rates. as follows:

~~(A) — To keep all of its schedules of rates established and filed with the commission in its main or principal operating office and in each division office which is now or may be established;~~

~~(B) — To keep at each of its branch business offices where it contracts for service are made or payment for customer's service is received, copies of all of its established schedules of rates which apply within the area served; and~~

~~(C) That all schedules of rates, at all times during business hours, shall be readily accessible to the public and shall be immediately produced for inspection upon the demand of any person. The production for inspection of schedules of rates shall be accompanied by such assistance on the part of the proper representative of the electrical corporation having a schedule to determine accurately the rate or charge applicable to any particular kind of electric service.~~

8. 4 CSR 240-20.105(5). This section addresses the classification of service types, specifically commercial lighting, commercial power, and street lighting. However, these designations appear to be somewhat dated. Typically, customers will look for their rates under the designations of "residential" and "non-residential." Under "non-residential," further groupings occur, such as small or large general service, small or large primary service, and street lighting, whether company-owned or customer-owned. Additionally, with the progress in battery and battery charging technologies, it is appropriate to delete the requirement that battery charging automatically be designated as commercial; it should not be presumed to be inapplicable for residential service. The Company suggests, then,

that this section be modified as follows to make it easier for customers to identify where they can find information related to their customer classes:

(5) In classifying rates for electrical service the following uniform system of classification will be followed as closely as practical:

(A) ~~All lighting rates for residences, business places, theaters, public buildings, and the like will be placed under the head of commercial lighting.~~ All rates for customers residing in a home, apartment, or other household that does not otherwise qualify for a commercial rate will be placed under the heading of "Residential"; and

(B) ~~All power rates, including rates for battery charging, will be placed under the head of commercial power; and All rates for large or small business, commercial, or outdoor lighting customers will be placed under the heading of "Non-residential," and may appear under subheadings, as appropriate such as:~~

1. Small general service
2. Large general service
3. Small primary service
4. Large primary service
5. Customer-owned Street and Outdoor Area Lighting
6. Miscellaneous

~~(C) All rates for street lighting, including municipal street lighting and the free lighting of public buildings as is done in connection with street lighting will be placed under the head of street lighting.~~

(C) Company-owned Street and Outdoor Area Lighting may appear in Residential, Non-residential, or both, as appropriate.

9. 4 CSR 240-20.105(7). This section references a "title page," which is not particularly relevant when reviewing schedules published in electronic form. The Company suggests that this reference can be deleted from the section as follows:

(7) ~~All sheets except the title page~~ The electrical corporation's tariff sheets must show in the marginal space at the top of the page or sheet, the name of the electrical corporation issuing the PSC No., the number of the schedule and the number of the page or sheet. At the bottom of the sheet in the margin space must be shown, the date of issue and effective date, and the name, title and address of the officer by whom the schedule is issued.

10. 4 CSR 240-20.105(8). The Company has both general and specific recommendations regarding this section. Generally, Ameren Missouri suggests the following:

- As with the section discussed in the preceding paragraph, this section contains many references applicable to a title page, which are not particularly relevant when reviewing schedules published in electronic form.
- Additionally, this section contains many references to a "loose leaf" copy of the rate schedules which, as the Company has previously noted, is no longer necessary given today's proliferation of internet access allowing easier and more efficient access to Ameren Missouri's tariffs.
- That said, this section does contain information that currently appears on the Company's tariff sheets and which is valuable information.

More specifically, Ameren Missouri notes the following regarding certain provisions:

- (D) refers to a schedule rate "governed by a general publication..." This appears to be a reference to the MO PSC Schedule No., which already appears at the top of every tariff page or sheet pursuant to 4 CSR 240-20.105(7), and therefore appears to be unnecessary.
- (E) (renumbered as (D) in the redline below) refers to the use of a specific expiration clause. However, expiration is typically addressed in the "term" section of the Company's tariffs. Reiterating that with certain prescribed language here is unnecessary.
- (F) (renumbered as (E) in the redline below) provides for specific language regarding tariffs that become effective on fewer than 30 days' notice. The Company suggests that this is already obvious when looking at the "date of issue" and "date effective" designations in a tariff sheet's or page's bottom margin. Additionally, including the number of days could actually create more confusion; for example, the days' notice could be entered incorrectly on the tariff sheet, creating a mismatch with the ordered date. Rather than the language suggested, a shorter reference to the Commission proceeding would prove just

as effective, such as "Issued pursuant to the Order of the MoPSC in File No. \_\_\_\_."

- (G) (renumbered as (F) in the redline below) appears to be more relevant to a standardized, printed schedule format. Since the Company is recommending electronic publication of these tariffs is sufficient, this section is unnecessary and can be deleted.

Accordingly, Ameren Missouri suggests that this regulation be modified as follows:

(8) ~~The title page or sheet, if loose leaf, of every~~ Every tariff sheet of a schedule of rates shall show –

(A) The full corporate name of the issuing electrical corporation;

(B) The PSC number of the schedule ~~in bold type in the center of the marginal space at top of the page and~~ immediately under ~~it in small type~~ the PSC number(s) canceled, if any;

(C) A brief description of the service areas from and to or within which the ~~schedule~~ tariff page or sheet applies;

~~(D) When a schedule rate is governed by a general publication, the reference to the general publication by its PSC number must be given. The following phraseology, as the case may be, will be used: "Governed except as otherwise provided herein by schedule PSC Mo. No., which schedule, revised and added pages or sheets or superseding issues thereof is hereby made a part of this schedule." The rate publication referred to must be on file with the commission and be kept at every place where the schedule making reference is to be kept for public inspection;~~

~~(E)(D)~~ The date of issue and the date effective. ~~If the schedule or any portion is made to expire on a specified date, the following clause must be used: "expires, unless sooner changed, canceled, or extended";~~

~~(F)(E)~~ On every schedule, supplement, or revised or added sheet issued on less than thirty (30) days' notice, by permission of the commission, the following notation must be shown: ~~"Issued on \_\_\_\_ days' notice to the public and the commission under special permission of the Public Service Commission of Missouri, No. \_\_\_\_ of date \_\_\_\_." If issued in compliance with an order of the commission, the following notation must be shown: "Issued on \_\_\_\_ days' notice to the public and the commission under order of the Public Service Commission of Missouri, of date \_\_\_\_, in Case No. \_\_\_\_, " when issued by authority of any section of this rule, the notice must be that required by the particular section granting permission "Issued pursuant to the Order of the MoPSC in File No. \_\_\_\_"; and~~

~~(G) On the upper left hand corner of a schedule of fewer than three (3) pages and on schedules issued in loose leaf form, the words, "No supplement to this tariff will be issued except for the purpose of canceling this tariff." A schedule, not in loose leaf form, of three (3) or more pages shall include the words, "Only one supplement to this schedule will be in effect at any one time"; and~~

~~(H)(F)~~ On the marginal space at the bottom of the page will be given the name, title and address of the officer by whom the schedule is issued, the date of issue, and the effective date.

11. 4 CSR 240-20.105(9). As with previous sections, contains references to a title page which seems to be more applicable to hard copies of tariff sheets, and which do not appear to be relevant to tariff sheets published online. Additionally, this regulation references rate classifications that the Company has suggested are appropriate for revision. Accordingly, all such references are updated, and the Company suggests that the redlines below are better suited to current practice:

(9) The schedule shall contain in the order named –

(A) Table of Contents. Provide full and complete statement in alphabetical order of the exact location where information under the general headings or subjects will be found, specifying the page of item numbers. If the schedule contains so small a volume of matter that its ~~title page or~~ interior arrangement plainly may disclose its contents, the table of contents may be omitted.

(B) Description of Territory. A more lengthy description of the territory to be served than can be briefly set forth ~~on the title page~~ in the tariff sheets will often be necessary; any items in this category which bear any relation to the various rates should be explained under this heading;

(C) Classification of Service. Under this heading the kind of service separately grouped for ~~commercial lighting, commercial power, and street lighting~~ Residential and Non-Residential will be set forth in the order named...



12. 4 CSR 240-20.105(13). As with prior sections, this regulation references schedules in "loose-leaf" format. The Company suggests the following revisions to remove those references, and to accommodate website publication:

(13) A change in a schedule shall be known as an amendment and ~~excepting amendments to schedules issued in loose-leaf form,~~ shall be ~~printed~~ published in a supplement to the schedule which it amends, specifying the schedule by its PSC number. The supplement shall be ~~reissued~~ republished each time an amendment is made and shall always contain all the amendments to the schedule that are in force. Supplements to schedules shall be numbered consecutively as supplements to the schedules and shall not be given new or separate PSC numbers. An amendment must always be ~~printed~~ published in the supplement in its entirety as amended.

13. 4 CSR 240-20.105(16) and (18). The entirety of 4 CSR 240-20.105(16) section addresses how loose-leaf rate schedules will be printed. If the Commission accepts the premise that printed rate schedules are no longer necessary, then this entire section can be deleted. As for (18), the first reference to (16) appears to be incorrect, and the remaining references should be updated to account for the deletion of (16):<sup>1</sup>

~~(18)~~(17) The provisions of section ~~(16)~~ (15) of this rule as to the number of supplements to a schedule that may be in effect at any time and the volume of supplemental matter they may contain need not be observed in connection with a supplement issued under sections ~~(14)~~ (13) – ~~(18)~~ (17) of this rule.

14. 4 CSR 240-20.105(21). As with prior proposed revisions, the Company suggests removing the requirement to have a hard copy of the rate changes available for public inspection at its general business office and that website publication of the changes is sufficient. Accordingly, Ameren Missouri suggests the following revisions to this requirement:

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<sup>1</sup> The Company has not renumbered the remaining section numbers appearing after (16) to avoid confusion, but notes that such updates will need to be made.

(21) All changes in rates, charges, or rentals or in the rules that affect the rates, charges, or rentals shall be filed with the commission at least thirty (30) days before the date upon which they are to become effective. The title page of every rate schedule or supplement and the reissue on any page or sheet must show a full thirty (30) days' notice except as otherwise provided in this rule. The proposed change shall be accompanied by a brief summary, approximately one hundred (100) words or ~~less~~ fewer, of the effect of the change on the company's customers. A copy of any proposed change and summary shall also be served on the public counsel ~~and be available for public inspection and reproduction during regular office hours at the general office of the utility.~~

15. 4 CSR 240-20.105(24). This regulation anticipates the filing of schedules and supplements via mail rather than through use of the Commission's Electronic Filing and Information System ("EFIS"). Ameren Missouri believes that all electrical corporations subject to the filing requirements of 4 CSR 240-20.105 currently utilize EFIS rather than paper filing. The Company therefore suggests this provision should be amended as follows:

(24) Except as is otherwise provided, no schedule or supplement will be accepted for filing unless it is ~~delivered to received by~~ the commission ~~free from all charges or claims for postage;~~ the full thirty (30) days required by law before the date upon which the schedule or supplement is stated to be effective. ~~No consideration will be given to or for the time during which a schedule or supplement may be held by the post office authorities because of insufficient postage. Filings will be deemed complete when delivered to the commission's data center or submitted through the commission's Electronic Filing and Information System, or when the filing party attempts to submit the filing through the commission's Electronic Filing and Information System but the submission is not received because of a server or other error attributable to the commission.~~ When a schedule or a supplement is issued and as to which the commission is not given the statutory notice, it is as if it had not been issued and a full statutory notice must be given of any reissue. Unless it is determined that a commission error is prohibiting timely filing through the Electronic Filing and Information System, No no consideration will be given to ~~telegraphic~~ telephonic notices in computing the thirty (30) days' notice required. ~~In these cases the schedule will be returned to the~~

~~sender~~ When the commission rejects a schedule because of an error or omission contained therein, and correction of the neglect or omission cannot be made which takes into account any time elapsing between the date upon which that schedule or supplement was received and the date of the attempted correction. For rate schedules and supplements issued on short notice under special permission of the commission, literal compliance with the requirements for notice named in any order, regulation, or permission granted by the commission will be exacted.

16. 4 CSR 240-20.105(28). As with many of the provisions of this regulation, which was initially established before electronic filing became the norm, this regulation provides only for the submission of hard copies of rate schedules. Standard practice since the adoption of EFIS has been to file tariff sheets and pages electronically. Accordingly, the Company suggests the following revisions to this provision in order to better reflect current practice:

(28) Electrical corporations ~~are directed~~ shall file any rate schedule, supplement, or other charges or regulations with the commission via the Electronic Filing and Information System, or if in filing hard copy schedules, to transmit or hand-deliver one (1) copy of each rate schedule, supplement, or other charges or regulations for the use of the commission. Schedules sent for filing must be addressed to Public Service Commission, PO Box 360, Jefferson City, MO 65102.

17. 4 CSR 240-20.105(29). With the current practice of submitting filings through EFIS, the requirement in this provision that transmittal letters be submitted "in duplicate if receipt is desired" is unnecessary. Accordingly, the Company suggests the following revisions to this section:

(29) All schedules filed with the commission shall be accompanied by a letter of transmittal, ~~in duplicate if receipt is desired,~~ which shall be prepared consistent with the format designated by the commission.

**WHEREFORE**, for the foregoing reasons, the undersigned respectfully requests that the Commission accept these comments for consideration in determining the next steps regarding the proposed rule revisions.

Respectfully submitted,

UNION ELECTRIC COMPANY  
d/b/a AMEREN MISSOURI

/s/ Paula N. Johnson

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#### **CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been emailed to the parties of record on this 17<sup>th</sup> day of January, 2019:

/s/ Paula N. Johnson

Paula N. Johnson