

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

In the Matter of Union Electric Company     )  
d/b/a Ameren Missouri's Tariffs to Adjust     )  
Its Revenues for Electric Service             )

Case No. ER-2022-0337

**PUBLIC COUNSEL'S OBJECTION TO  
AMEREN MISSOURI'S COMPLIANCE TARIFF SHEETS**

COMES NOW the Office of Public Counsel and objects to Ameren Missouri's tariff sheets filed on June 19, 2023, and thereafter to implement the Commission's June 14, 2023, *Report and Order* to the extent that they implement a § 393.1655.6, RSMo rate cap for Ameren Missouri's Large Primary Service ("LPS") rate class because implementing that rate cap is inconsistent with the Commission's June 14, 2023, *Report and Order*. In support thereof, Public Counsel states:

1. In its June 14, 2023, *Report and Order* the Commission said, "The Commission finds that the revenue increase settled in the Agreement should be allocated to all customer classes on an equal percentage basis."<sup>1</sup> It also found "This statute [(§ 393.1655.6, RSMo)] does not have any direct impact on this rate case because the cap it imposes has not yet been met." The Commission ordered, *inter alia*, "Ameren Missouri is authorized to file tariff sheets sufficient to recover revenues approved in compliance with this order and the approved Stipulation and Agreement,"<sup>2</sup> and "Ameren Missouri must comply with all directives, conditions and other requirements as more fully described in the body of this order."<sup>3</sup>

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<sup>1</sup> p. 23.

<sup>2</sup> Ordered ¶ 4, p. 65.

<sup>3</sup> Ordered ¶ 5, p. 65.

2. According to Ameren Missouri its filed compliance tariff sheets are designed not only to allocate the settled \$140 million rate revenues increase among its customer classes on an equal percentage basis, they also implement a cap on the LPS rate class increase, and allocate the over-the-cap amount to Ameren Missouri's other rate classes on an equal percentage basis. Implementing a cap on the LPS rate class increase does not comply with the Commission's *Report and Order*.

3. In the additional information it provided on June 22, 2023, in its *Response to Order Directing Additional Information*, Ameren Missouri states,

During the pendency of the case, both Riders FAC and RESRAM were subject to normal periodic updates. The most recent update to the FAC occurred on June 1, 2023, and the most recent update to the RESRAM occurred on February 1, 2023. The currently effective Rider rates are both higher than they were as of August 1, 2022 when the direct case was filed. Specifically, the FAC increased from the \$0.0004 per kWh value that was included in the analysis filed in Dr. Bowden's Direct Testimony, to \$0.00501 per kWh that is currently effective and will be effective on July 1, 2023. On February 1, 2023, Rider RESRAM increased from a credit of \$0.0005 per kWh to the currently effective charge of \$0.00035.<sup>4</sup>

4. With the filing of reply briefs on May 16, 2023, this case was submitted to the Commission for decision. Commission Rule 20 CSR 4240-2.150(1). While “[a] party may request that the commission reopen the record for the taking of additional evidence if the request is made after the hearing has been concluded, but before briefs have been filed or oral argument presented, or before a decision has been issued in the absence of briefs or

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<sup>4</sup> *Response to Order Directing Additional Information*, cover pleading, ¶ 16, p. 6.

argument,”<sup>5</sup> Public Counsel is aware of no avenue for the Commission to take additional evidence thereafter, except on rehearing.<sup>6</sup>

5. Not until it perused Ameren Missouri’s *Response to Order Directing Additional Information* filed today did Public Counsel realize that Ameren Missouri’s compliance tariff sheets do not comply with the Commission’s *Report and Order*.

6. Ameren Missouri filing an application for rehearing for the Commission to take evidence on the post-hearing changes to Ameren Missouri’s rates that it states cause implementing the Commission’s order that the \$140 million increase be allocated to all customer classes on an equal percentage basis is an obvious path forward.

7. Public Counsel reaffirms its support of new Ameren Missouri rates that implement the agreed-upon and ordered \$140 million increase being effective July 1, 2023.

Wherefore, the Office of the Public Counsel objects to Ameren Missouri’s tariff sheets filed on June 19, 2023, and thereafter to implement the Commission’s June 14, 2023, *Report and Order* to the extent that they implement a § 393.1655.6, RSMo rate cap for Ameren Missouri’s Large Primary Service ("LPS") rate class for the grounds stated above.

Respectfully,

/s/ Nathan Williams

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<sup>5</sup> Commission Rule 20 CSR 4240-2.110(8).

<sup>6</sup> Commission Rule 20 CSR 4240-2.160; §§ 386.500 & 386.515, RSMo.

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 22<sup>nd</sup> day of June 2023.

/s/ Nathan Williams