

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

In the Matter of the Tariff Filings of Union	)	
Electric Company, d/b/a Ameren Missouri, to	)	Case No. ER-2012-0166
Increase Its Revenues for Retail Electric Service.	)	

**MOTION TO TAKE OFFICIAL NOTICE OF FACTS REFLECTED IN  
UNIFORM SYSTEM OF ACCOUNTS ACCOUNT NUMBER 565 AND FOR  
ADMISSION OF LATE-FILED EXHIBIT**

COMES NOW Union Electric Company d/b/a Ameren Missouri (“Company” or “Ameren Missouri”), by and through counsel, and hereby requests that the Commission take official notice of facts reflected in Uniform System of Accounts (“USoA”) Account Number 565 and, pursuant to 4 CSR-240.050(3)(B) that it admit into the record the account description from the USoA of Account Number 565. In support of its requests the Company states as follows:

1. The Commission is required to “take official notice of all matters of which the courts take judicial notice.” Section 536.070(6), RSMo. (Cum. Supp. 2011). “Judicial notice of a fact normally dispenses with the necessity of establishing that fact by evidence.” *State v. Weber*, 814 S.W.2d 298 (Mo. App. E.D. 1991). Judicial notice may be taken of a fact, “not commonly known, but which can be reliably determined by resort to a readily available, accurate and credible source.” *Id.*

2. During the evidentiary hearings in this case (on October 3, 2012), Staff witness Lena Mantle indicated that she did not know whether USoA Account Number 565 was where transmission charges were recorded because she did not “have the FERC system of accounts down.”<sup>1</sup> In response the undersigned counsel asked the Commission to take administrative

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<sup>1</sup> Tr. p. 1272, l. 6-14.

notice<sup>2</sup> “of the fact that account 565 is the FERC USOA account for transmission charges,” and Staff counsel objected on the grounds that the undersigned counsel “hasn’t shown that it is or isn’t.”<sup>3</sup> Commissioner Kenney then inquired about whether there is a definition in the USOA of what would be included in Account Number 565.<sup>4</sup> The undersigned counsel indicated he would provide the USOA account description for Account Number 565, and the Regulatory Law Judge indicated that he was reluctant to take notice of something when he was not sure what it was and indicated that it would be helpful if the USOA account could be provided.<sup>5</sup> By this filing, the Company is providing the account description from the USOA of USOA Account Number 565.<sup>6</sup>

WHEREFORE, the Company requests that the Commission take official notice of the fact that USOA Account Number 565 is the FERC USOA account for transmission charges, and that it admit the attached late-filed exhibit, which is the account description of Account Number 565 from the Code of Federal Regulations.

Dated: October 18, 2012

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<sup>2</sup> As noted earlier, the statutes refer to “official notice” but in practice that phrase is often referred to as “administrative notice.”

<sup>3</sup> Tr. p. 1273, l. 7-19.

<sup>4</sup> Tr., p. 1273, l. 22 to p. 1274, l. 6.

<sup>5</sup> Tr., p. 1274, l. 11.

<sup>6</sup> We have provided the first page of the Code of Federal Regulations Title that contains the USOA, the table of contents reference to Account Number 565, and the page where Account Number 565 appears (the entire Title covers 131 pages). We would also point out that requiring that the account descriptor be provided before taking notice of the fact that it exists and that it covers transmission charges is not required by the doctrine of official notice. As we noted earlier, “[j]udicial notice of a fact normally *dispenses with* the necessity of establishing that fact by evidence. Since the fact judicially noticed may be established *without* supporting evidence, that fact must have independent reliability and trustworthiness.” *Weber*, 814 S.W.2d at 303 (emphasis added; citation omitted). Given that the Commission itself has adopted the USOA, and that the USOA is reflected in federal regulations promulgated by the Federal Energy Regulatory Commission and published in the Code of Federal Regulations, there is no question about the “independent reliability and trustworthiness” of the fact that Account Number 565 covers transmission charges.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document was served on all parties of record via electronic mail (e-mail) on this 18th day of October , 2012.

**/s/James B. Lowery**  
James B. Lowery

## SUBCHAPTER C—ACCOUNTS, FEDERAL POWER ACT

### PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR PUBLIC UTILITIES AND LICENSEES SUBJECT TO THE PROVISIONS OF THE FEDERAL POWER ACT

AUTHORITY: 16 U.S.C. 791a–825r, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352, 7651–7651o.

SOURCE: Order 218, 25 FR 5014, June 7, 1960.

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting part 101, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at [www.fdsys.gov](http://www.fdsys.gov).

EFFECTIVE DATE NOTE: At 58 FR 18004–18006, Apr. 7, 1993, part 101 was amended by redesignating Definitions 30 through 38 as 31 through 39 and adding new Definition 30; adding paragraph 21 under the General Instructions; adding Accounts 158.1, 158.2, 182.3, and 254 under Balance Sheet Accounts; adding Accounts 407.3, 407.4, 411.8, and 411.9 under Income Accounts; and adding Account 509 under Operation and Maintenance Expense Accounts. The added text contains information collection and recordkeeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

NOTE: Order 141, 12 FR 8503, Dec. 19, 1947, provides in part as follows:

*Prescribing a system of accounts for public utilities and licensees under the Federal Power Act.* The Federal Power Commission acting pursuant to authority granted by the Federal Power Act, particularly sections 301(a), 304(a), and 309, and paragraph (13) of section 3, section 4(b) thereof, and finding such action necessary and appropriate for carrying out the provisions of said act, hereby adopts the accompanying system of accounts entitled “Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to the Provisions of the Federal Power Act,” and the rules and regulations contained therein; and *It is hereby ordered:*

(a) That said system of accounts and said rules and regulations contained therein be and the same are hereby prescribed and promulgated as the system of accounts and rules and regulations of the Commission to be kept and observed by public utilities subject to the jurisdiction of the Commission and by licensees holding licenses issued by the Commission, to the extent and in the manner set forth therein;

(b) That said system of accounts and rules and regulations therein contained shall, as to all public utilities now subject to the ju-

risdiction of the Commission and as to all present licensees, become effective on January 1, 1937, and as to public utilities and licensees which may hereafter become subject to the jurisdiction of the Commission, they shall become effective as of the date when such public utility becomes subject to the jurisdiction of the Commission or on the effective date of the license;

(c) That a copy of said system of accounts and rules and regulation contained therein be forthwith served upon each public utility subject to the jurisdiction of the Commission, and each licensee or permittee holding a license or permit from the Commission.

This system of accounts supersedes the system of accounts prescribed for licensees under the Federal Water Power Act; and Order No. 13, entered November 20, 1922, prescribing said system of accounts, was rescinded effective January 1, 1937.

*Applicability of system of accounts.* This system of accounts is applicable in principle to all licensees subject to the Commission’s accounting requirements under the Federal Power Act, and to all public utilities subject to the provisions of the Federal Power Act. The Commission reserves the right, however, under the provisions of section 301(a) of the Federal Power Act to classify such licensees and public utilities and to prescribe a system of classification of accounts to be kept by and which will be convenient for and meet the requirements of each class.

This system of accounts is applicable to public utilities, as defined in this part, and to licensees engaged in the generation and sale of electric energy for ultimate distribution to the public.

This system of accounts shall also apply to agencies of the United States engaged in the generation and sale of electric energy for ultimate distribution to the public, so far as may be practicable, in accordance with applicable statutes.

In accordance with the requirements of section 3 of the Act (49 Stat. 839; 16 U.S.C. 796(13)), the “classification of investment in road and equipment of steam roads, issue of 1914, Interstate Commerce Commission”, is published and promulgated as a part of the accounting rules and regulations of the Commission, and a copy thereof appears as part 103 of this chapter. Irrespective of any rules and regulations contained in this system of accounts, the cost of original projects licensed under the Act, and also the cost of additions thereto and betterments thereof, shall be determined under the rules and principles as defined and interpreted in said classification of the Interstate Commerce Commission so far as applicable.

*Maintenance*

- 551 Maintenance supervision and engineering (Major only).
- 552 Maintenance of structures (Major only).
- 553 Maintenance of generating and electric plant (Major only).
- 554 Maintenance of miscellaneous other power generation plant (Major only).
- 554.1 Maintenance of other power production plant (Nonmajor only).

## E. OTHER POWER SUPPLY EXPENSES

- 555 Purchased power.
- 556 System control and load dispatching (Major only).
- 557 Other expenses.

## 2. TRANSMISSION EXPENSES

*Operation*

- 560 Operation supervision and engineering.
- 561.1 Load dispatch—Reliability.
- 561.2 Load dispatch—Monitor and operate transmission system.
- 561.3 Load dispatch—Transmission service and scheduling.
- 561.4 Scheduling, system control and dispatch services.
- 561.5 Reliability planning and standards development.
- 561.6 Transmission service studies.
- 561.7 Generation interconnection studies.
- 561.8 Reliability planning and standards development services.
- 562 Station expenses (Major only).
- 563 Overhead line expense (Major only).
- 564 Underground line expenses (Major only).
- 565 Transmission of electricity by others (Major only).
- 566 Miscellaneous transmission expenses (Major only).
- 567 Rents.
- 567.1 Operation supplies and expenses (Nonmajor only).

*Maintenance*

- 568 Maintenance supervision and engineering (Major only).
- 569 Maintenance of structures (Major only).
- 569.1 Maintenance of computer hardware.
- 569.2 Maintenance of computer software.
- 569.3 Maintenance of communication equipment.
- 569.4 Maintenance of miscellaneous regional transmission plant.
- 570 Maintenance of station equipment (Major only).
- 571 Maintenance of overhead lines (Major only).
- 572 Maintenance of underground lines (Major only).
- 573 Maintenance of miscellaneous transmission plant (Major only).
- 574 Maintenance of transmission plant (Nonmajor only).

## 3. REGIONAL MARKET EXPENSES

*Operation*

- 575.1 Operation Supervision.
- 575.2 Day-ahead and real-time market administration.
- 575.3 Transmission rights market administration.
- 575.4 Capacity market administration.
- 575.5 Ancillary services market administration.
- 575.6 Market monitoring and compliance.
- 575.7 Market facilitation, monitoring and compliance services.
- 575.8 Rents.

*Maintenance*

- 576.1 Maintenance of structures and improvements.
- 576.2 Maintenance of computer hardware.
- 576.3 Maintenance of computer software.
- 576.4 Maintenance of communication equipment.
- 576.5 Maintenance of miscellaneous market operation plant.

## 4. DISTRIBUTION EXPENSES

*Operation*

- 580 Operation supervision and engineering.
- 581 Load dispatching (Major only).
- 581.1 Line and station expenses (Nonmajor only).
- 582 Station expenses (Major only).
- 583 Overhead line expenses (Major only).
- 584 Underground line expenses (Major only).
- 585 Street lighting and signal system expenses.
- 586 Meter expenses.
- 587 Customer installations expenses.
- 588 Miscellaneous distribution expenses.
- 589 Rents.

*Maintenance*

- 590 Maintenance supervision and engineering (Major only).
- 591 Maintenance of structures (Major only).
- 592 Maintenance of station equipment (Major only).
- 592.1 Maintenance of structures and equipment (Nonmajor only).
- 593 Maintenance of overhead lines (Major only).
- 594 Maintenance of underground lines (Major only).
- 594.1 Maintenance of lines (Nonmajor only).
- 595 Maintenance of line transformers.
- 596 Maintenance of street lighting and signal systems.
- 597 Maintenance of meters.
- 598 Maintenance of miscellaneous distribution plant.

6. Transferring loads, switching and reconnecting circuits and equipment for operating purposes. (Switching for construction or maintenance purposes is not includible in this account.)

7. Routine inspection and cleaning of man-holes, conduit, network and transformer vaults.

8. Electrolysis surveys.

9. Inspecting and adjusting line-testing equipment, such as voltmeters, ammeters, wattmeters, etc.

10. Regulation and addition of oil or gas in high-voltage cable systems.

Materials and Expenses:

11. Transportation expenses.

12. Meals, traveling and incidental expenses.

13. Tool expenses.

14. Operating supplies, such as instrument charts, rubber goods, etc.

#### **565 Transmission of electricity by others (Major only).**

This account shall include amounts payable to others for the transmission of the utility's electricity over transmission facilities owned by others.

#### **566 Miscellaneous transmission expenses (Major only).**

This account shall include the cost of labor, materials used and expenses incurred in transmission map and record work, transmission office expenses, and other transmission expenses not provided for elsewhere.

##### ITEMS

Labor:

1. General records of physical characteristics of lines and stations, such as capacities, etc.

2. Ground resistance records.

3. Janitor work at transmission office buildings, including care of grounds, snow removal, cutting grass, etc.

4. Joint pole maps and records.

5. Line load and voltage records.

6. Preparing maps and prints.

7. General clerical and stenographic work.

8. Miscellaneous labor.

Materials and Expenses:

9. Communication service.

10. Building service supplies.

11. Map and record supplies.

12. Transmission office supplies and expenses, printing and stationery.

13. First-aid supplies.

14. Research, development, and demonstration expenses.

#### **567 Rents.**

This account shall include rents of property of others used, occupied, or operated in connection with the transmission system, including payments to the United States and others for use of public or private lands and reservations for transmission line rights of way. (See operating expense instruction 3.)

#### **567.1 Operation supplies and expenses (Nonmajor only).**

This account shall include the cost of materials used and expenses incurred in the operation of the transmission system.

##### ITEMS

1. Building service expenses.

2. Operating supplies, such as lubricants, commutator brushes, water, and rubber goods.

3. Station meter and instrument supplies, such as ink and charts.

4. Station record and report forms.

5. Communication service.

6. First-aid supplies.

7. Tool expense.

8. Transportation expenses.

9. Meals, traveling, and incidental expenses.

#### **568 Maintenance supervision and engineering (Major only).**

This account shall include the cost of labor and expenses incurred in the general supervision and direction of maintenance of the transmission system. Direct field supervision of specific jobs shall be charged to the appropriate maintenance account. (See operating expense instruction 1.)

#### **569 Maintenance of structures (Major only).**

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of structures, the book cost of which is includible in account 352, Structures and Improvements. (See operating expense instruction 2.)

#### **569.1 Maintenance of Computer Hardware.**

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of computer