

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
(1) Definitions. As used in this rule, the following terms mean as follows: (1) As used in this rule, the following terms mean:	(1) This subsection defines various terms as used in this subsection	(1) Definitions. This section defines various terms as used in this rule:
	(A) Accumulation period means the time period set by the commission in the general rate proceeding over which historical fuel and purchased power costs and fuel-related revenues are accumulated for purpose of determining the actual net energy costs (ANEC);	(A) Accumulation period means the time period set by the commission in the general rate proceeding over which historical fuel and purchased power costs and fuel-related revenues are accumulated for purpose of determining the actual net energy costs (ANEC). An accumulation period may be a time period of between three (3) and twelve (12) months with the timing and number of accumulation periods to be determined in the general rate proceeding establishing, continuing or modifying the FAC. <i>Found in Staff's (8)(F)</i>
	(B) Actual net energy costs (ANEC) means prudently incurred fuel and purchased power costs minus fuel-related revenues of a rate adjustment mechanism (RAM) during the accumulation period;	
	(C) Base energy costs means that part of the fuel and purchased power costs minus fuel-related revenues of a RAM that are included in base rates as determined by the commission in a general rate case and that when divided by kWh at the regional transmission organization's price node for the electric utility's load or, if the electric utility is not a participant in a regional transmission organization, at the generator equals the base factor (BF);	(C) Base energy costs means the fuel and purchased power costs net of fuel-related revenues as determined by the commission to be included in a RAM that are also included in revenue requirement used to set base rates in a general rate case; <i>Remove last part of Staff's definition because it sets rate design</i>
	(D) Base factor (BF) means base energy costs per kWh at the regional transmission organization's price node for the electric utility's load or, if the electric utility is not a participant in a regional transmission organization, at the generator which are established in a general rate proceeding, which may vary by season of the year, and which are included in the utility's fuel adjustment clause (FAC);	(D) Base factor (BF) means base energy costs rate(s) which is established in a general rate proceeding, which may vary within a year, and which are included in the utility's fuel adjustment clause (FAC); <i>This definition would not restrict rate design to \$/kWh</i>
	Base rates mean the tariffed rates that do not change between general rate proceedings;	(E) Base rates mean the tariffed rates that do not change between general rate proceedings. Base rates shall be designed to recover the FAC costs and revenues and the non-FAC costs and revenues as determined by the commission in the general rate proceeding;

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
	(E) Chapter 22 filings mean an electric utility's most recent 4 CSR 240-22 Electric Utility Resource Planning triennial compliance filing and most recent annual update report to that triennial compliance filing, if any, to which staff and other parties to the utility's resource planning case have filed their reports or comments;	
		(G) EFIS means the electronic filing and information system of the commission;
(A) Electric utility or utility means electrical corporation as defined in section 386.020, RSMo, subject to commission regulation pursuant to Chapters 386 and 393, RSMo;	(H) Electric utility or utility means electrical corporation as defined in section 386.020, RSMo, subject to commission regulation pursuant to Chapters 386 and 393, RSMo;	
	(I) FAC charge means the positive or negative dollar amount on each utility customer's bill which in the aggregate is to recover from or return to customers the fuel and purchased power adjustment (FPA) amount;	
(C) Fuel adjustment clause (FAC) means a mechanism established in a general rate proceeding that allows periodic rate adjustments, outside a general rate proceeding, to reflect increases and decreases in an electric utility's prudently incurred fuel and purchased power costs. The FAC may or may not include off-system sales revenues and associated costs. The commission shall determine whether or not to reflect off-system sales revenues and associated costs in a FAC in the general rate proceeding that establishes, continues or modifies the FAC; <i>(both rules)</i>	(J) Fuel adjustment clause (FAC) means a mechanism established in a general rate proceeding which is designed to recover from or return to customers the fuel and purchased power adjustment (FPA) amounts through periodic changes to the fuel adjustment rates made outside a general rate proceeding;	
	(K) Fuel adjustment rate (FAR) means the rate used to determine the FAC charge on each utility customer's bill during a recovery period of a FAC. The FAR shall be designed to recover from or return to customers the recovery period FPA. The FAR may be positive or negative;	
	(L) Fuel and purchased power adjustment (FPA) means the dollar amount intended to be recovered from or returned to customers during a given recovery period of a FAC. The FPA may be positive or negative. It includes:	

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
	1. The difference between the net base energy cost and the fuel and purchased power costs minus fuel-related revenues actually incurred during the corresponding accumulation period taking into account any incentive ordered by the commission;	1. The difference between the actual net energy cost (ANEC) and the net base energy cost (NBEC) of the corresponding accumulation period taking into account any incentive ordered by the commission; <i>Use rule defined terms</i>
	2. True-up amount(s) ordered by the commission prior to or on the same day as commission approval of the FAR adjustment;	
	3. Interest;	3. Interest on the FPA, true-up amount and prudence adjustment;
	4. Prudence adjustment(s) ordered by the commission since the last FAR adjustment; and	
	5. Any other adjustment ordered by the commission.	
(B) Fuel and purchased power costs means prudently incurred and used fuel and purchased power costs, including transportation costs. Prudently incurred costs do not include any increased costs resulting from negligent or wrongful acts or omissions by the utility. If not inconsistent with a commission approved incentive plan, fuel and purchased power costs also include prudently incurred actual costs of net cash payments or receipts associated with hedging instruments tied to specific volumes of fuel and associated transportation costs. <i>(both rules)</i>	(M) Fuel and purchased power costs means prudently incurred and used fuel and purchased power costs, including transportation costs. Prudently incurred costs do not include any increased costs resulting from negligent or wrongful acts or omissions by the utility. Fuel and purchased power costs may include prudently incurred actual costs of net cash payments or receipts associated with hedging instruments tied to specific volumes of fuel and associated transportation costs	(M) Fuel and purchased power costs means prudently incurred and used fuel and purchased power costs, including transportation costs. Prudently incurred costs do not include any increased costs resulting from negligent or wrongful acts or omissions by the utility. <i>Language regarding hedging not needed. To be determined by Commission in rate proceeding.</i>
1. If off-system sales revenues are not reflected in the rate adjustment mechanism (RAM), fuel and purchased power cost only reflect the prudently incurred fuel and purchased power costs necessary to serve the electric utility's Missouri retail customers. 2. If off-system sales revenues are reflected in the RAM, fuel and purchased power costs reflect both: A. The prudently incurred fuel and purchased power costs necessary to serve the electric utility's Missouri retail customers; and B. The prudently incurred fuel and purchased power costs associated with the electric utility's off-system sales; <i>(both rules)</i>	1. If off-system sales revenues are not reflected in the rate adjustment mechanism (RAM), fuel and purchased power costs shall only reflect the prudently incurred fuel and purchased power costs necessary to serve the electric utility's Missouri retail customers.	

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
	2. Fuel and purchased power costs do not include environmental costs as defined in 4 CSR 240-20.091(1) or renewable energy standard compliance costs as defined in 4 CSR 240-20.100(1);	
	(N) Fuel-related revenues means those revenues related to the generation or purchase of energy. Fuel-related revenues may include, but are not limited to, off-system sales, emission allowance sales, and renewable energy credits or certificates whenever such renewable energy credits or certificates are not included in a RESRAM in compliance with 4 CSR 240-20.100;	
(D) General rate proceeding means a general rate increase proceeding or complaint proceeding before the commission in which all relevant factors that may affect the costs, or rates and charges of the electric utility are considered by the commission; <i>(both rules)</i>	(O) General rate proceeding means a general rate increase proceeding or complaint proceeding before the commission in which all relevant factors that may affect the costs, or rates and charges of the electric utility are considered by the commission;	
(E) Initial RAM rules means the rules first adopted by the commission to implement Senate Bill 179 of the Laws of Missouri 2005;		
	(M) Interest means monthly interest at the utility's short term borrowing rate to accurately and appropriately remedy any over- or under-collections during a recovery period or any commission ordered refund of imprudently incurred costs;	(P) Interest means monthly interest at the utility's short term borrowing rate to accurately and appropriately remedy any over- or under-billing during a recovery period, true-up, or any commission ordered refund of imprudently incurred costs; <i>Key on billing not collections; interest is applied on true-up amount too.</i>

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
<p>(F) Interim energy charge (IEC) means a refundable fixed charge, established in a general rate proceeding, that permits an electric utility to recover some or all of its fuel and purchased power costs separate from its base rates. An IEC may or may not include off-system sales and revenues and associated costs. The commission shall determine whether or not to reflect off-system sales revenues and associated costs in an IEC in the general rate proceeding that establishes, continues or modifies the IEC;</p> <p><i>(both rules)</i></p>	<p>(P) Interim energy charge (IEC) means a mechanism that includes a refundable fixed amount billed through an interim energy rate (IER) established in a general rate proceeding that permits an electric utility to recover some or all of its fuel and purchased power costs separate from the fuel and purchased power costs included in its base rates. Base energy cost in the base rates is the floor of the IEC. The base energy cost plus the fuel and purchased power costs to be billed through the IER is the ceiling of the IEC. An IEC may or may not include fuel-related revenues and costs related to those revenues;</p>	<p>(Q) Interim energy charge (IEC) means a mechanism that includes a refundable fixed amount billed through an interim energy rate (IER) established in a general rate proceeding that permits an electric utility to recover some or all of its fuel and purchased power costs separate from the fuel and purchased power costs included in its base rates. Base energy cost in the base rates is the floor of the IEC. The base energy cost plus the fuel and purchased power costs to be billed through the IER is the ceiling of the IEC. An IEC may or may not include fuel-related revenues and costs related to those revenues;</p>
		<p>(R) Mega-watt hour or MWh is one million (1,000,000) watt-hours or one thousand (1,000) kilo-watt hours (kWh);</p> <p><i>MWh is used several times in the rule. If MCF and MMBtu is defined then MWh should be too.</i></p>
	<p>(F) MCF is one thousand (1,000) cubic feet of natural gas;</p>	
	<p>(G) MMBtu is equal to one million (1,000,000) Btus;</p>	<p>(T) MMBtu is one million (1,000,000) Btus;</p> <p><i>Makes consistent with definition of MWh and MCF</i></p>
	<p>(Q) Net base energy costs means the product of the utility's base factor (BF) times the kWh used at the regional transmission organization's price node for the electric utility's load or, if the electric utility is not a participant in a regional transmission organization at the generator for the accumulation period;</p>	<p>(U) Net base energy costs means the fuel and purchased power costs net of fuel-related revenues billed during the accumulation period in base rates;</p> <p><i>OPC definition does not restrict rate design to a \$/kWh rate</i></p>
<p>(G) Rate adjustment mechanism (RAM) refers to either a fuel adjustment clause or interim energy charge;</p> <p>(E) Rate adjustment mechanism (RAM) means either a fuel adjustment clause (FAC) or an interim energy charge (IEC);</p>	<p>(S) Rate adjustment mechanism (RAM) refers to either a commission-approved fuel adjustment clause or a commission-approved interim energy charge;</p>	<p>(V) Rate adjustment mechanism (RAM) refers to either a commission-approved fuel adjustment clause (FAC) or a commission-approved interim energy charge (IEC);</p> <p><i>Added acronyms used in rule</i></p>
	<p>(T) Rebase base energy costs means the resetting of the base energy cost in the FAC as part of the total revenue requirement in each general rate proceeding in which the FAC is continued or modified;</p>	<p>(W) Rebase base energy costs means the resetting of the base energy cost in the FAC as part of the total revenue requirement in each general rate proceeding in which the FAC is continued or modified;</p> <p><i>Language not needed with OPC definition of base energy cost.</i></p>

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
	(U) Recovery period means the period over which the FAR is applied to retail customer usage on a per kilowatt-hour (kWh) basis in an effort to recover the FPA. A recovery period is determined in the general rate case and shall not be longer than twelve (12) billing months;	(X) Recovery period means the period over which the FAR is applied to retail customer usage to recover the FPA. A recovery period is determined in the general rate case and shall not be longer than twelve (12) billing months; <i>This definition does not restrict rate design to a \$/kWh rate</i>
(H) Staff means the staff of the Public Service Commission; <i>(both rules)</i>	(V) Staff means the staff of the Public Service Commission; and	
(I) True-up year means the twelve (12)-month period beginning on the first day of the first calendar month following the effective date of the commission order approving a RAM unless the effective date is on the first day of the calendar month. If the effective date of the commission order approving a rate mechanism is on the first day of a calendar month, then the true-up year begins on the effective date of the commission order. The first annual true-up period shall end on the last day of the twelfth calendar month following the effective date of the commission order establishing the RAM. Subsequent true-up years shall be the succeeding twelve (12)-month periods. If a general rate proceeding is concluded prior to the conclusion of a true-up year, the true-up year may be less than twelve (12) months. <i>(in both rules)</i>	(W) True-up amount means; 1. For a FAC, the true-up amount shall be the difference between the FPA and the utility's aggregate FAC charges billed for a recovery period. If the aggregate FAC billed charges for a recovery period are more than the FPA, true-up amount will be negative. If the aggregate FAC charges billed for the recovery period are less than the FPA, the true-up amount will be positive;	(Z) True-up amount means; 1. For a FAC, the true-up amount shall be the difference between the FPA and the utility's aggregate FAC charges billed for a recovery period. If the aggregate FAC billed charges for a recovery period are more than the FPA, the true-up amount will be negative. If the aggregate FAC charges billed for the recovery period are less than the FPA, the true-up amount will be positive;
		A. The electric utility may request in its general rate case to use the final Regional Transmission Organization (RTO) determinates to update the FPA for its true-up if the electric utility belongs to an RTO where the RTO may, after the beginning of the recovery period, finalize the determinants used to calculate the FPA for the recovery period. <i>Consistent with Ameren Mo current practice</i>

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
	<p>2. For an IEC, the true-up amount shall be determined as follows for each consecutive twelve-(12) month period:</p> <p>A. If the actual fuel and purchased power cost is greater than the IEC ceiling, the true-up amount shall be zero;</p> <p>B. If the actual fuel and purchased power cost is less than the IEC ceiling and greater than the IEC floor, the true-up amount shall be the difference between the actual fuel and purchased power cost and the combined IEC billed and the base energy cost. The customers will be credited/refunded this amount; or</p> <p>C. If the actual fuel and purchased power cost is less than the IEC floor, the true-up amount shall be the aggregate IEC billed. The customers will be credited/refunded this amount.</p>	
<p>(2) Applications to Establish, Continue or Modify a RAM. Pursuant to the provisions of this rule, 4 CSR 240-2.060 and section 386.266, RSMo, only an electric utility in a general rate proceeding may file an application with the commission to establish, continue or modify a RAM by filing tariff schedules. Any party in a general rate proceeding in which a RAM is effective or proposed may seek to continue, modify or oppose the RAM. The commission shall approve, modify or reject such applications to establish a RAM only after providing the opportunity for a full hearing in a general rate proceeding. The commission shall consider all relevant factors that may affect the costs or overall rates and charges of the petitioning electric utility.</p>	<p>(2) Establishment, Continuance or Modification a RAM. An electric utility may only file an application with the commission to establish, continue or modify a RAM in a general rate proceeding. Any party in the general rate proceeding may seek to continue, modify or oppose the RAM. The commission shall approve, modify or reject such request only after providing the opportunity for a full hearing in the general rate proceeding. The commission shall consider all relevant factors that may affect the costs or overall rates and charges of the petitioning electric utility.</p>	

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
<p>(2) When an electric utility files to establish a RAM as described in 4 CSR 240-20.090(2), the electric utility shall file the following supporting information as part of, or in addition to, its direct testimony:</p> <p>(3) When an electric utility files a general rate proceeding following the general rate proceeding that established its RAM as described by 4 CSR 240-20.090(2) in which it requests that its RAM be continued or modified, the electric utility shall file with the commission and serve parties, as provided in sections (9) through (11) in this rule the following supporting information as part of, or in addition to, its direct testimony:</p>	<p>(A) The electric utility shall file the following supporting information, in electronic format where available (with formulas intact), as part of, or in addition to, its direct testimony:</p>	
<p>(A) An example of the notice to be provided to customers as required by 4 CSR 240-20.090(2)(D); <i>Sections (2) & (3)</i></p>	<p>1. An example of the notice to be provided to customers. The notice shall include a commission approved description of how its proposed RAM shall be applied to monthly bills. This description shall include the electric utility's estimate of the amount of the proposed change in rates arising from changes in the base energy costs and the estimated impact on a typical customer's bill resulting from the proposed change to the base energy costs.</p>	<p>1. An example of the notice to be provided to customers. The notice shall include a commission approved description of how its proposed RAM shall be applied to monthly bills, This description shall include the electric utility's estimate of the amount of the proposed change in rates arising from changes in the base energy costs and the estimated impact on a typical customer's bill resulting from the proposed change to the base energy costs.</p>
<p>(B) An example customer bill showing how the proposed RAM shall be separately identified on affected customers' bills in accordance with 4 CSR 240-20.090(8);</p> <p>(B) If the electric utility proposes to change the identification of the RAM on the customer's bill, an example customer bill showing how the proposed RAM shall be separately identified on affected customers' bills, including the proposed language, in accordance with 4 CSR 240-20.090(8);</p>	<p>2. An example customer bill showing how the proposed RAM shall be separately identified on affected customers' bills;</p>	<p>2. An example customer bill showing how the proposed RAM shall be separately identified on affected customers' bills in accordance with section (12); <i>Ties this to section (12)</i></p>
<p>(C) Proposed RAM rate schedules; <i>Sections (2) & (3)</i></p>	<p>3. Proposed RAM tariff sheets;</p>	
<p>(D) A general description of the design and intended operation of the proposed RAM; <i>Sections (2) & (3)</i></p>	<p>4. A detailed description of the design and intended operation of the proposed RAM;</p>	
<p>(E) A complete explanation of how the proposed RAM is reasonably designed to provide the electric utility a sufficient opportunity to earn a fair return on equity; <i>Sections (2) & (3)</i></p>	<p>5. A detailed explanation of how the proposed RAM is reasonably designed to provide the electric utility a sufficient opportunity to earn a fair return on equity;</p>	<p>5. A detailed and complete explanation of how the proposed RAM is reasonably designed to provide the electric utility a sufficient opportunity to earn a fair return on equity;</p>

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
<p>(F) A complete explanation of how the proposed FAC shall be trued-up to reflect over-or under-collections, or the refundable portion of the proposed IEC shall be trued-up, on at least an annual basis; <i>Sections (2) & (3)</i></p>	<p>6. A detailed explanation of how the proposed FAC shall be trued-up for over-and under-collections, or how and when the refundable portion of the proposed IEC shall be trued-up;</p>	<p>6. A detailed and complete explanation of how the proposed FAC shall be trued-up for over-and under-billing, or how and when the refundable portion of the proposed IEC shall be trued-up; <i>Need to key off of "billing" not "collections"</i></p>
	<p>7. A detailed description of how the electric utility's monthly short-term interest rate will be defined and how it will be applied, during the accumulation period and the recovery period, to true-up amounts and prudence disallowances;</p>	<p>7. A detailed and complete description of how the electric utility's monthly short-term interest rate will be defined and how it will be applied, during the accumulation period and the recovery period, to true-up amounts and prudence disallowances;</p>
<p>(G) A complete description of how the proposed RAM is compatible with the requirement for prudence reviews; <i>Sections (2) & (3)</i></p>	<p>8. A detailed description of how the proposed RAM is compatible with the requirement for prudence reviews in 4 CSR 240-20.090(8);</p>	<p>8. A detailed and complete description of how the proposed RAM is compatible with the requirement for prudence reviews in section (11);</p>
<p>(H) A complete explanation of all the costs that shall be considered for recovery under the proposed RAM and the specific account used for each cost item on the electric utility's books and records; <i>Sections (2) & (3)</i></p>	<p>9. A detailed explanation of fuel and purchased power costs that are to be recovered under the proposed RAM with identification of the specific account and sub-account where that cost will be recorded on the electric utility's books and records;</p>	<p>9. In order for the commission to make the determination in subsection (C) and (E), a detailed and complete explanation of each fuel and purchased power cost type and fuel-related revenue type that is to be recovered under the proposed RAM including, but not limited to:</p> <ul style="list-style-type: none"> A. Why the cost or revenue type should be included in the RAM; B. The cost incurred or revenue received by the electric utility's proposed test year; C. The annual expected magnitude of the cost or revenue for the next four (4) years; D. A measure of volatility and the reason for the volatility of the cost or revenue type; E. The uncertainty surrounding the cost or revenue type and the reason for the uncertainty; F. An explanation of how the electric utility manages the cost or revenue type; and G. The specific account and sub-account where the cost or revenue will be recorded on the electric utility's books and records;

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
(I) A complete explanation of all the revenues that shall be considered in the determination of the amount eligible for recovery under the proposed RAM and the specific account where each such revenue item is recorded on the electric utility's books and records; <i>Sections (2) & (3)</i>	10. A detailed explanation of the fuel related revenues that are to be considered in determining the amount to be recovered under the proposed RAM with identification of the specific account and sub-account where that revenue will be recorded on the electric utility's books and records;	<i>Revenues included in OPC's proposed 9 above so this is not needed.</i>
(J) A complete explanation of any incentive features designed in the proposed RAM and the expected benefit and cost each feature is intended to produce for the electric utility's shareholders and customers; <i>Sections (2) & (3)</i>	11. A detailed explanation of any incentive feature in the proposed RAM with the expected benefit and cost each feature is intended to produce for both the electric utility and its Missouri retail customers;	11. A detailed and complete explanation of any incentive feature in the proposed RAM with the expected benefit and cost each feature is intended to produce for both the electric utility and its Missouri retail customers;
(K) A complete explanation of any rate volatility mitigation features designed in the proposed RAM; (K) A complete explanation of any rate volatility mitigation features in the proposed RAM;	12. A detailed explanation of any rate volatility mitigation feature in the proposed RAM;	12. A detailed and complete explanation of any rate volatility mitigation feature in the proposed RAM;
(L) A complete explanation of any feature designed into the proposed RAM or any existing electric utility policy, procedure, or practice that can be relied upon to ensure that only prudent costs shall be eligible for recovery under the proposed RAM; <i>Sections (2) & (3)</i>	13. A detailed explanation of any feature of the proposed RAM and any existing electric utility policy, procedure, or practice that ensures only prudent fuel and purchased power costs and fuel-related revenue shall be recovered through the proposed RAM, including, but not limited to, competitive bidding practices;	13. A detailed and complete explanation of any feature of the proposed RAM and any existing electric utility policy, procedure, or practice that ensures only prudent fuel and purchased power costs and fuel-related revenue shall be recovered through the proposed RAM, including, but not limited to, competitive bidding practices;
		13. If the electric utility is proposing an IEC, a detailed and complete explanation of the methodology used to determine the base and ceiling of the IEC; <i>Need to know how the base and ceiling is calculated for IEC.</i>
		14. If the electric utility is proposing an IEC, a detailed and complete explanation of the methodology used to allocate fuel and purchased power costs and fuel-related revenue to specific customer classes in the base of the IEC, and how any subsequent refunds or credits to the customer classes will be allocated; <i>Need to know how IEC refund/credit will be allocated back to classes</i>
		15. If the electric utility is proposing an IEC, a detailed and complete explanation of how any subsequent refunds or credits will be provided to customers; <i>Need to know how IEC refund/credits will go back to customers.</i>

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
	14. If the proposed RAM includes incorporating fuel and purchased power costs and fuel-related revenue in the electric utility's base rates, a detailed explanation of the methodology used to allocate fuel and purchased power costs and fuel-related revenue to specific customer classes in the base rates or FAR and in any subsequent rate adjustments during the term of the proposed RAM;	16. If the electric utility is proposing a FAC, a detailed and complete explanation of the methodology used to allocate fuel and purchased power costs and fuel-related revenue to specific customer classes in the base rates and the subsequent FARs; <i>Make specific to FAC. IEC covered in previous requirements. Shortened using defined terms.</i>
(M) A complete explanation of the specific customer class rate design used to design the proposed RAM base amount in permanent rates and any subsequent rate adjustments during the term of the proposed RAM; Sections (2) & (3)	15. A detailed explanation of the rate design of the RAM for each customer class, including at a minimum the electric utility's justification for the methodology chosen for determining the rate design and how that methodology is consistent with the methodology used to allocate fuel costs, purchased power costs and fuel-related revenue in base rates;	15. A detailed and complete explanation of the rate design of the RAM for each customer class, including at a minimum the electric utility's justification for the methodology chosen for determining the rate design and how that methodology is consistent with the methodology used to allocate fuel costs, purchased power costs and fuel-related revenue in base rates; <i>While OPC recommends leaving this in, if the references to \$/kWh are not removed from other parts of the rule, then this is not needed because the rule will be implicitly specifying a \$/kWh rate.</i>
(N) A complete explanation of any change in business risk to the electric utility resulting from implementation of the proposed RAM in setting the electric utility's allowed return in any rate proceeding, in addition to any other changes in business risk experienced by the electric utility; Sections (2) & (3)	16. A detailed explanation of any change to the electric utility's business risk resulting from implementation of the proposed RAM, in addition to any other changes in business risk the electric utility may experience;	16. A detailed and complete explanation of any change to the electric utility's business risk resulting from implementation of the proposed RAM, in addition to any other changes in business risk the electric utility may experience;
	17. A detailed explanation of any risk to each of the electric utility's Missouri retail customer classes resulting from implementation of the proposed RAM, including the electric utility's estimated quantification of that risk and how the electric utility will manage that risk;	17. A detailed and complete explanation of any risk to each of the electric utility's Missouri retail customer classes resulting from implementation of the proposed RAM, including the electric utility's estimated quantification of that risk and how the electric utility will manage that risk;
(3)(O) A description of how responses to subsections (B) through (N) differ from responses to subsections (B) through (N) for the currently approved RAM;		

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
<p>(2)(P) A proposed schedule and testing plan with written procedures for heat rate tests and/or efficiency tests for all of the electric utility's nuclear and non-nuclear generators, steam, gas, and oil turbines and heat recovery steam generators (HRSR) to determine the base level of efficiency for each of the units;</p> <p>(3)(Q) The results of heat rate tests and/or efficiency tests on all the electric utility's nuclear and non-nuclear steam generators, HRSR, steam turbines and combustion turbines conducted within the previous twenty-four (24) months;</p>	<p>18. A level of efficiency for each of the electric utility's generating units determined by the results of heat rate tests and/or efficiency tests that were conducted on each of the electric utility's steam generators, including nuclear steam generators, heat recovery steam generators, steam turbines and combustion turbines within the twenty-four (24) months preceding the establishment of the electric utility's submittal of the RAM. The electric utility may, in lieu of filing the foregoing results with the commission, provide them to the staff and to other parties granted intervention in the general rate proceeding as part of the workpapers it provides in connection with its direct case filing. If the electric utility submits the heat rate tests and/or efficiency tests in workpapers, it will provide a statement in its testimony as to where the results can be found in workpapers;</p>	<p>20. A level of efficiency for each of the electric utility's generating units determined by the results of heat rate tests and/or efficiency tests that were conducted on each of the electric utility's steam generators, including nuclear steam generators, heat recovery steam generators, steam turbines and combustion turbines within the twenty-four (24) months preceding the filing of the general rate increase case as required by subsection (2)(K).</p> <p>A. The results of the heat rate tests shall be filed in a table format by generating unit type, rated megawatt (MW) output rating, the numerical value of the latest heat rate test and the date of the latest heat rate test;</p> <p>B. The electric utility shall provide documentation of the actual heat rate test procedures. The electric utility may, in lieu of filing the documentation of these procedures with the commission, provide them to the staff, OPC, and to other parties granted intervention in the general rate proceeding as part of the workpapers it provides in connection with its direct case filing. If the electric utility submits the heat rate tests and/or efficiency tests in workpapers, it will provide a statement in its testimony as to where the results can be found in workpapers;;</p> <p><i>OPC's proposal would clarify that it is for establishment, continuation or modification of RAM.</i></p> <p><i>Incorporates Staff version (2)(K)1. and 2. Requires table to be filed. Allows documentation to be submitted.</i></p>

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
<p>(O) The supply-side and demand-side resources that the electric utility expects to use to meet its loads in the next four (4) true-up years, the expected dispatch of those resources, the reasons why these resources are appropriate for dispatch and the heat rates and fuel types for each supply-side resource; in submitting this information, it is recognized that supply- and demand-side resources and dispatch may change during the next four (4) true-up years based upon changing circumstances and parties will have the opportunity to comment on this information after it is filed by the electric utility; <i>Same as (3)(P)</i></p>		
<p>(Q) Information that shows that the electric utility has in place a long-term resource planning process, important objectives of which are to minimize overall delivered energy costs and provide reliable service; <i>Same as (3)(R)</i></p>	<p>19. Information that shows that the electric utility has in place a long-term resource planning process, important objectives of which are to minimize overall delivered energy costs and provide reliable service;</p>	<p>21. The status and commission file number(s) of the electric utility's Chapter 22 filings.</p> <p>A. If the commission found the electric utility's Chapter 22 filing to be less than fully compliant, the electric utility shall provide a list containing each resource planning deficiency and concern that was not resolved and an explanation of how that deficiency or concern impacts fuel costs, purchased power costs or fuel-related revenue in the time period until the electric utility files its next general rate proceeding and over the time period of the resource plan; and</p> <p>B. If a commission decision on the electric utility's Chapter 22 filing is pending the electric utility shall provide a list of each alleged resource planning deficiency or concern, if any, and how it impacts fuel costs, purchased power costs and fuel-related revenue in the time period until the electric utility files its next general rate proceeding and over the time period of the resource plan.</p> <p><i>With case number, we should be able to go back to the filing to get a better understanding. Would need to do this anyway to see if it was properly explained.</i></p>

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
<p>(R) If emissions allowance costs or sales margins are included in the RAM request and not in the electric utility's environmental cost recovery surcharge, a complete explanation of forecasted environmental investments and allowances purchases and sales; and <i>Same as (3)(S)</i></p>	<p>21. If the electric utility proposes to include emissions allowances costs or sales revenue in the proposed FAC and not in an environmental cost recovery mechanism, a detailed explanation of its emissions management policy, and its forecasted environmental investments, emissions allowances purchases and emissions allowances sales;</p>	
	<p>22. For each power generating unit the electric utility owns (in whole or in part) or controls, the electric utility shall file graphs, accompanied by the data supporting the graphs, for each month over the immediately preceding five (5) years, showing the monthly equivalent availability factor, the monthly equivalent forced outage rate, and the length and timing of each planned outage of that unit; and</p>	
<p>(2)(S) Authorization for the commission staff to release the previous five (5) years of historical surveillance reports submitted to the commission staff by the electric utility to all parties to the case.</p>	<p>23. Authorization for the staff to release to all parties to the general rate proceeding in which the establishment of a RAM is requested, the previous five (5) years of historical surveillance monitoring reports the electric utility submitted in EFIS in compliance with 4 CSR 240-20.090(14).</p>	<p>24. Authorization for the staff to release to all parties to the general rate proceeding, the previous five (5) years of historical surveillance monitoring reports the electric utility submitted in EFIS in compliance with section (14). If less than five years of reports are available, the authorization should be for the release of all available surveillance reports.</p> <p><i>Staff version specific to establishment of RAM. This proposal applies to continuation and modification also.</i></p>
<p>(3)(T) Any additional information that may have been ordered by the commission to be provided in the previous general rate proceeding.</p>	<p>(B) In lieu of providing copies of information, a party filing for modification or continuance of a RAM in which the information required in 4 CSR 20.090(2)(A) has been previously filed with the commission as part of a general rate proceeding and has not changed, may certify that the information has not changed and provide to all parties the reference location in EFIS to find the information. An electric utility filing to continue or modify a RAM must also provide to all parties any additional information the commission ordered the electric utility to provide when seeking to continue or modify its RAM.</p>	<p><i>OPC does not agree with this. However if it is included then it should read:</i></p> <p>(B) In lieu of providing copies of information, a party filing for modification or continuance of a RAM in which the information required in subsection (2)(A) has been previously filed with the commission as part of a general rate proceeding and has not changed in any manner, may certify that the information has not changed and provide to all parties the general rate case number and the location in EFIS, including the EFIS item and page number where the information can be found.</p> <p>(C) An electric utility filing to continue or modify a RAM must also provide to all parties any additional information the commission ordered the electric utility to provide when seeking to continue or modify its RAM.</p>

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
<p>(A) The commission may approve the establishment, continuation or modification of a RAM and associated rate schedules provided that it finds that the RAM it approves is reasonably designed to provide the electric utility with a sufficient opportunity to earn a fair return on equity and so long as the rate schedules that implement the RAM conform to the RAM approved by the commission.</p>	<p>(C) The commission may approve the establishment, continuation or modification of a RAM and associated tariff sheets provided that it finds that the RAM it approves is reasonably designed to provide the electric utility with a sufficient opportunity to earn a fair return on equity and so long as the tariff sheets that implement the RAM conform to the RAM approved by the commission. During its determination of whether an electric utility should be allowed to establish, continue or modify a RAM, the commission shall consider whether the fuel and purchased power costs and fuel-related revenues that would flow through the RAM are:</p>	<p>(C) The commission may approve the establishment, continuation or modification of a RAM and associated tariff sheets that implement the RAM provided that it finds that the RAM it approves is reasonably designed to balance the provision of a sufficient opportunity for the electric utility to earn a fair return on equity and the increased risk to the ratepayers as a result of the RAM. During its determination of whether an electric utility should be allowed to establish, continue or modify a RAM, the commission shall, at a minimum, consider the following criteria:</p>
	<ol style="list-style-type: none"> 1. Substantial enough to have a material impact upon revenue requirements and the financial performance of the electric utility between rate cases; 2. Beyond the control of management, where utility management has little influence over experienced levels of fuel and purchased power costs and fuel-related revenues; and 3. Volatile in amount, causing significant swings in income and cash flow if not tracked. 	<ol style="list-style-type: none"> 1. A RAM is necessary to provide the electric utility with a sufficient opportunity to earn a fair return on equity which is measured by the following standards: <ol style="list-style-type: none"> A. Past and expected changes in the costs and revenues proposed to be included in the RAM are substantial enough to have a material impact upon revenue requirement and the financial performance of the electric utility between rate cases; B. Changes in the costs and revenues included are beyond the control of management, where utility management has little influence over experienced revenue or cost levels; and C. The changes in cost and revenue types included are volatile in amount, causing significant swings in income and cash flows if not tracked. 2. The RAM is not harmful to ratepayers which is measured by the following standards: <ol style="list-style-type: none"> A. The RAM does not shift an unreasonable amount of risk regarding the electric utility's fuel and purchased power costs, including transportation, to the customers; and B. It does not create significant swings in the bills of the customers; and 3. The RAM is in the public interest. <p><i>OPC Criteria for approving a RAM from KCPL rate case ER-2014-0370.</i></p>

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
(B) The commission may take into account any change in business risk to the utility resulting from establishment, continuation or modification of the RAM in setting the electric utility's allowed return in any rate proceeding, in addition to any other changes in business risk experienced by the electric utility.	(D) The commission may take into account any change in business risk of the utility resulting from establishment, continuation or modification of the RAM in setting the electric utility's allowed return on equity in any general rate proceeding, in addition to any other changes in business risk experienced by the electric utility.	
(C) In determining which cost components to include in a RAM, the commission will consider, but is not limited to only considering, the magnitude of the costs, the ability of the utility to manage the costs, the volatility of the cost component and the incentive provided to the utility as a result of the inclusion or exclusion of the cost component. The commission may, in its discretion, determine what portion of prudently incurred fuel and purchased power costs may be recovered in a RAM and what portion shall be recovered in base rates.	(E) In determining which fuel and purchased power costs and fuel-related revenues to include in a RAM, the commission will consider, but is not limited to only considering, the magnitude of each cost or revenue, the ability of the utility to manage each cost or revenue, the volatility of each cost or revenue and the incentive provided to the utility as a result of the inclusion or exclusion of each cost or revenue. The commission may, in its discretion, determine what portion of prudently incurred fuel and purchased power costs and fuel-related revenues may be recovered in a RAM and what portion shall be recovered in base rates.	(E) If the commission determines that the electric utility should be allowed a RAM, the commission shall determine which prudently incurred fuel and purchased power cost types and fuel-related revenue types may be recovered in a RAM and what portion shall be recovered in base rates. In determining which fuel and purchased power cost types and fuel-related revenue types shall be included in a RAM, the commission shall consider, but is not limited to only considering, the magnitude of past and expected changes in each cost or revenue type, the ability of the utility to manage each cost or revenue type, the volatility of the changes of each cost or revenue type and the incentive provided to the utility as a result of the inclusion or exclusion of each cost or revenue type. <i>This is specific to determining which costs and revenues should be included if Commission approves a RAM.</i>
(D) The electric utility shall include in its initial notice to customers regarding the general rate case, a commission approved description of how the costs passed through the proposed RAM requested shall be applied to monthly bills.		
(E) Any party to the general rate proceeding may oppose the establishment, continuation or modification of a RAM and/or may propose alternative RAMs for the commission's consideration including but not limited to modifications to the electric utility's proposed RAM.	(G) Any party to the general rate proceeding may oppose any RAM and/or may propose alternative RAMs for the commission's consideration.	
(F) The RAM and periodic adjustments thereto shall be based on historical fuel and purchased power costs.	(H) The RAM, including the fuel adjustment rates, shall be based on historical fuel and purchased power costs and fuel-related revenues.	(G) The RAM and, any adjustments to the FARs if a FAC is approved, shall be based on historical fuel and purchased power costs and fuel-related revenues. <i>IEC rates should not change between rate cases except for true-up amounts.</i>

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
(G) The electric utility shall meet the filing requirements in 4 CSR 240-3.161(2) in conjunction with an application to establish a RAM and 4 CSR 240-3.161(3) in conjunction with an application to continue or modify a RAM.	(I) The electric utility shall comply with the filing requirements in this rule to establish, continue, or modify a RAM. In addition to other remedies provided by law, the commission may reject the utility's request for continuation or modification of a RAM if it finds that the utility has not complied with 4 CSR 240-20.020(2) in its filing to establish continue or modify a RAM.	(H) The electric utility shall comply with the filing requirements to establish, continue, or modify a RAM. In addition to other remedies provided by law, the commission may reject the utility's request for the establishment , continuation or modification of a RAM if it finds that the utility has not complied with subsection (2)(A) in its filing to establish, continue or modify a RAM. <i>4 CSR 240-20.020 Residential Electric Underground Distribution Systems was rescinded on August 15, 1983. I don't think that is what the Staff actually meant to refer to.</i>
	(J) For a FAC, the base energy costs shall be used to set base rates. However, non-FAC fuel-related costs and revenues may be included in the revenue requirement used in setting base rates.	(J) For a FAC, electric utility must rebase base energy costs whenever it makes an application to continue or modify a RAM. <i>There should be a requirement in rules to rebase. Staff's proposed language is covered in definitions.</i>
	(K) The electric utility must conduct heat rate tests and/or efficiency tests on each of the electric utility's nuclear and non-nuclear steam generators, heat recovery steam generators (HRSGs), steam turbines and combustion turbines within twenty-four (24) months preceding the filing of a request to establish, continue or modify a RAM. 1. The results of those tests shall be provided to the staff, Office of Public Counsel (OPC) and to intervenors in the general rate proceeding as part of the workpapers it provides in connection with the filing of its direct case filing and shall be presented in a table format by generating unit, unit type, rated megawatt (MW) output rating, the numerical value of the latest heat rate test and the date of the latest heat rate test; and 2. The electric utility shall provide a statement in its testimony where the heat rate test results, the actual heat rate test documentation, the heat rate testing schedule for all generating units and the heat rate test procedures can be found in its workpapers;	(K) The electric utility must conduct heat rate tests and/or efficiency tests on each of the electric utility's nuclear and non-nuclear steam generators, heat recovery steam generators (HRSGs), steam turbines and combustion turbines within twenty-four (24) months preceding the filing of a request to establish, continue or modify a RAM. <i>1. and 2. are in (A)20.</i>

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
	(L) True-ups. For an electric utility with a FAC, the utility shall include in its proposed tariff sheets provisions which shall accurately and appropriately remedy any true-up amount as part of the electric utility's determination of its FPA for a change to its FARs. The proposed tariff sheets shall include at a minimum:	(L) For an electric utility with a FAC, the utility shall include in its proposed tariff sheets provisions which shall accurately and appropriately remedy any true-up amount as part of the electric utility's determination of its FPA for a change to its FARs. The proposed tariff sheets shall include at a minimum: <i>Just removed first word "True-ups."</i>
	1. When the electric utility will file for a true-up; 2. How the true-up amount will be determined including but not limited to any recalculation of the FPA; and 3. How and when the true-up amount will be recovered.	1. When the electric utility will file for a true-up; 2. How the true-up amount will be determined including, but not limited to, if the utility is requesting the Commission allow it to recalculate its FPA in its true-up process, how that recalculation will be done; and 3. How and when the true-up amount will be recovered.
	For an electric utility with an IEC mechanism, a true-up must be filed within sixteen (16) months of the operation of law date of the IEC and be filed annually thereafter.	(M) For an electric utility with an IEC, a true-up must be filed within sixteen (16) months of the operation of law date of the IEC and be filed annually thereafter. <i>Formatting. This either needs to go before (L)1. or be a new subsection (M).</i>
(H) Any party to the general rate proceeding may propose a cap on the change in the FAC, reasonably designed to mitigate volatility in rates, provided it proposes a method for the utility to recover all of the costs it would be entitled to recover in the FAC, together with interest thereon.	(M) Any party to the general rate proceeding may propose a cap on the periodic changes to the fuel adjustment rate (FAR), to mitigate volatility in rates, provided it proposes a method for the utility to recover all of the costs it would be entitled to recover in the FAC, together with interest thereon.	
(3) Application for Discontinuation of a RAM. The commission shall allow or require the rate schedules that define and implement a RAM to be discontinued and withdrawn only after providing the opportunity for a full hearing in a general rate proceeding. The commission shall consider all relevant factors that affect the cost or overall rates and charges of the petitioning electric utility.	(3) Discontinuance of a RAM. The tariff sheets that define and implement a RAM shall only be discontinued and withdrawn after the opportunity for a full hearing in a general rate proceeding. The commission shall consider all relevant factors that affect ratepayers, the cost or overall rates, and charges of the petitioning electric utility.	

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
(4) When an electric utility files a general rate proceeding following the general rate proceeding that established its RAM as described in 4 CSR 240-20.090(2) in which it requests that its RAM be discontinued, the electric utility shall file with the commission and serve parties as provided in sections (9) through (11) in this rule, the following supporting information as part of, or in addition to, its direct testimony:	(A) When an electric utility files a general rate proceeding in which it requests that its RAM be discontinued, the electric utility shall file with the commission, and serve on the parties, the following supporting information, in electronic format where available (with formulas intact), as part of, or in addition to, its direct testimony:	
(A) An example of the notice to be provided to customers as required by 4 CSR 240-20.090(3)(C);	1. An example of the notice to be provided to customers regarding the general rate case, and a commission approved description of why it believes the RAM should be discontinued;	1. The electric utility's proposed initial notice to customers regarding the general rate case to be approved by the commission. The proposed notice shall include a description of why the electric utility believes the RAM should be discontinued; <i>Specifically state that the notice of discontinuance be in the initial notice regarding the rate case.</i>
(B) A complete explanation of how the over-collection or under-collections of the FAC or the over-collections of the IEC that the electric utility is proposing to discontinue shall be handled;	2. A detailed explanation of how the electric utility proposes to discontinue its RAM. A. If requesting to discontinue its FAC, the electric utility shall include the following in its explanation: i. The ending date of the last FAC accumulation period; ii. The beginning and ending dates of the recovery period for that accumulation period; and ii. The procedure for the true-up associated with the recovery period for that accumulation period. B. If requesting to discontinue its IEC, the electric utility shall include a detailed explanation of how any over-collections will be returned to the electric utility's retail customers;	2. If requesting to discontinue a FAC, the following: A. The ending date of the last FAC accumulation period; B. The beginning and ending dates of the recovery period for the last accumulation period; and C. The procedure for the true-up associated with the recovery period for the last accumulation period. 3. If requesting to discontinue an IEC, a detailed explanation of how any over-billing will be returned to the electric utility's retail customers; <i>Correct rule formatting and clarity. Need to key off of "billing" not "collections"</i>
(C) A complete explanation of why the RAM is no longer necessary to provide the electric utility a sufficient opportunity to earn a fair return on equity;	3. A detailed explanation of why the RAM is no longer necessary to provide the electric utility a sufficient opportunity to earn a fair return on equity;	3. A detailed and complete explanation of why the RAM is no longer necessary to provide the electric utility a sufficient opportunity to earn a fair return on equity;

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
(D) A complete explanation of any change in business risk to the electric utility resulting from discontinuation of the adjustment mechanism in setting the electric utility's allowed return, in addition to any other changes in business risk experienced by the electric utility; and	4. A detailed explanation of any impact on setting the electric utility's allowed return on equity in any rate proceeding as a result of the change to the electric utility's business risk resulting from discontinuation of its RAM, in addition to any other changes in business risk experienced by the electric utility;	4. A detailed and complete explanation of any impact on setting the electric utility's allowed return on equity in any rate proceeding as a result of the change to the electric utility's business risk resulting from discontinuation of its RAM, in addition to any other changes in business risk experienced by the electric utility;
(E) Any additional information that may have been ordered by the commission to be provided.	5. Any additional information that, in the previous general rate proceeding, the commission ordered the electric utility to provide when seeking to discontinue its RAM.	5. Any additional information that the commission ordered the electric utility to provide when seeking to discontinue its RAM.
(A) Any party to the general rate proceeding may oppose the discontinuation of a RAM on the grounds that the utility is opportunistically discontinuing the RAM due to declining fuel or purchased power costs and/or increasing off-system sales revenues. If the commission finds that the utility is opportunistically seeking to discontinue the RAM for any of these reasons, the commission shall not allow the RAM to be discontinued, and shall order its continuation or modification. To continue or modify the RAM under such circumstances, the commission must find that it provides the electric utility with a sufficient opportunity to earn a fair rate of return on equity and the rate schedules filed to implement the RAM must conform to the RAM approved by the commission. Any RAM and periodic adjustments thereto shall be based on historical fuel and purchased power costs.	(B) Any party to the general rate proceeding may oppose the discontinuation of a RAM on the grounds that the utility is opportunistically discontinuing the RAM due to declining fuel or purchased power costs and/or increasing fuel-related revenues. If the commission finds that the utility is opportunistically seeking to discontinue the RAM for any of these reasons, the commission shall not allow the RAM to be discontinued, and shall order its continuation or modification. In addition to other remedies provided by law, the commission may reject the utility's request for discontinuance of a RAM if it finds that the utility has not complied with this rule in its application to establish, discontinue, continue, or modify a RAM. To continue or modify the RAM under such circumstances, the commission must find that it provides the electric utility with a sufficient opportunity to earn a fair rate of return on equity and the tariff sheets filed to implement the RAM must conform to the RAM approved by the commission. Any RAM and periodic adjustments to the FAR shall be based on historical fuel and purchased power costs and fuel-related revenues.	(B) Any party to the general rate proceeding may oppose the discontinuation of a RAM on the grounds that the utility is opportunistically discontinuing the RAM due to declining fuel or purchased power costs and/or increasing fuel-related revenues. If the commission finds that the utility is opportunistically seeking to discontinue the RAM for any of these reasons, the commission shall not allow the RAM to be discontinued, and shall order its continuation or modification. In addition to other remedies provided by law, the commission may reject the utility's request for discontinuance of a RAM if it finds that the utility has not complied with this rule in its request to discontinue its RAM. To continue or modify the RAM under such circumstances, the commission must find that it balances the provision of a sufficient opportunity for the electric utility to earn a fair rate of return on equity and the interest of the ratepayers as a result of the discontinuance of the RAM. The tariff sheets filed to implement the RAM must conform to the RAM approved by the commission. <i>Add balance of interests. Does not restate that the RAM is based on historical costs/revenues.</i>
(B) The commission may take into account any change in business risk to the corporation resulting from discontinuance of the RAM in setting the electric utility's allowed return in any rate proceeding, in addition to any other changes in business risk experienced by the electric utility.	(C) The commission may take into account any change in business risk of the electric utility resulting from discontinuance of the RAM in setting the electric utility's allowed return on equity in any general rate proceeding, in addition to any other changes in the electric utility's business risk.	

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
(C) The electric utility shall include in its initial notice to customers, regarding the general rate case, a commission approved description of why it believes the RAM should be discontinued.	(D) The electric utility shall include in its initial notice to customers, regarding the general rate case, a commission approved description of why it believes the RAM should be discontinued.	<i>Now in (3)(A)I.</i>
(D) Subsections (2)(A) through (C), (F) and (G) shall apply to any proposal for continuation or modification.		
(E) The electric utility shall meet the filing requirements in 4 CSR 240-3.161(4).		
	(4) Requirements for Electric Utilities That Have a RAM. If the commission grants, modifies or continues an electric utility's RAM, the electric utility shall:	
	(A) Upon 30 days prior written notice to the electric utility, provide for review by staff at its corporate headquarters, or some other place mutually agreed upon by the electric utility and staff, a copy of each and every nuclear fuel, coal, natural gas and fuel transportation contract (to the extent related to generation of electricity), the utility's hedging policies and the utility's internal policy for participating in a Regional Transmission Organization ancillary services market (if applicable), including every amendment and modification to each contract, that was in effect during a RAM for the electric utility; and	(A) Upon 30 days prior written notice to the electric utility, provide for review by staff at its corporate headquarters, or some other place mutually agreed upon by the electric utility and staff, a copy of each and every nuclear fuel, coal, natural gas and fuel transportation contract (to the extent related to generation of electricity), the utility's hedging policies and the utility's internal policy for participating in a RTO ancillary services market (if applicable), including every amendment and modification to each contract, that was in effect during a RAM for the electric utility; and
	(B) Notify the Staff through EFIS of every new nuclear fuel, coal, natural gas and fuel transportation contract and every new amendment and every new modification to currently existing contracts within thirty (30) days of the effective date of the contract, amendment or modification. The notification shall include where the contracts, amendments, modifications, and related competitive bidding materials may be reviewed.	

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
<p>(5) Each electric utility with a RAM shall submit, with an affidavit attesting to the veracity of the information, the following information on a monthly basis to the auditing manager of the commission, the Office of the Public Counsel (OPC) and others, as provided in sections (9) through (11) in this rule. This submittal to the commission may be made through the commission's electronic filing and information system (EFIS). The following information shall be aggregated by month and supplied no later than sixty (60) days after the end of the month being reported on when the RAM is in effect. The first submission shall be made within sixty (60) days after the end of the first complete month after the RAM goes into effect. It shall contain, at a minimum:</p>	<p>(5) Periodic Reports. So long as it has a RAM in effect, each electric utility shall submit a report that covers each period used to accumulate costs and revenues for inclusion in the RAM through the commission's electronic filing and information system (EFIS) and to the Office of the Public Counsel (OPC) and to other parties. Each periodic report shall be verified by the affidavit of an electric utility representative(s) who has knowledge of the subject matter and who attests to both the veracity of the information and his/her knowledge of it. The information identified in this section shall be provided in electronic format where available (with formulas intact), and shall be submitted no later than sixty (60) days after the end of the period being reported. The first periodic submission shall be made within sixty (60) days after the end of the first complete month after the electric utility's RAM goes into effect. Each periodic report shall contain the following information:</p>	<p>(5) Periodic Reports. So long as it has a RAM in effect, each electric utility shall submit a report that covers each accumulation period through EFIS, and provide to the OPC and to other parties. Each periodic report shall be verified by the affidavit of an electric utility representative(s) who has knowledge of the subject matter and who attests to both the veracity of the information and his/her knowledge of it. The information identified in this section shall be provided in electronic format where available (with formulas intact), and shall be submitted no later than the electric utility's filing for an adjustment to its RAM based on that accumulation period. Each periodic report shall contain the following information by month:</p> <p><i>Used to be provided monthly. This changes the requirement to provide them for each accumulation period. For Ameren Mo this would be every 4 months. For all other utilities every 6 month. OPC version specifies that this is monthly data and requires that it be provided before or at the time of a filing to change the FAR.</i></p> <p><i>All information provided in this section should be monthly not "for the period" if the information is to be provided at the end of each accumulation period.</i></p> <p><i>OPC also proposes moving the information provision requirement in section (8) to this section.</i></p>
<p>(A) The revenues billed pursuant to the RAM by rate class and voltage level;</p>		<p>(A) The billing month and calendar month actual energy usage in kWhs by rate class and voltage level; Staff's (8)(B)1.A.</p>
<p>(B) The revenues billed through the electric utility's base rate allowance by rate class and voltage level;</p>		
		<p>(B) Net base energy costs billed in base rates by rate class and voltage level along with workpapers (with formula intact) detailing the calculation; Staff's (8)(B)1.H.</p>
		<p>(C) FARs by voltage level along with workpapers (with formula intact) detailing the calculation; Staff's (8)(B)1.H.(II) and (III)</p>

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
(C) The electric utility's actual fuel and purchased power costs allocated by rate class and voltage level using commission approved allocation methods;	(C) The electric utility's actual fuel and purchased power costs, allocated by voltage level;	(D) The fuel and purchased power costs and fuel related revenues for each month, year-to-date and prior calendar year by account, sub-account and any other designation ordered. If accounts, sub-accounts and other designations are not comparable to costs and revenues listed in the electric utility's FAC tariff sheets, the electric utility shall also include the costs as listed in the tariff sheets; <i>This should cover all costs and revenues included in the FAC and make them trackable.</i> <i>Staff's (8)(B)I.F.</i>
	(D) The electric utility's actual fuel-related revenue, allocated by voltage level;	Not needed – see (B)
(D) All significant factors that have affected the level of RAM revenues and fuel and purchased power expenses along with workpapers documenting these significant factors;	(E) Each significant factor that has affected the level of the electric utility's fuel-related revenues in the period, along with workpapers documenting each of these significant factors; (F) Each significant factor that has affected the level of the electric utility's fuel and purchased power costs in the period, along with workpapers documenting each of these significant factors;	(E) Each significant factor that has affected the level of the electric utility's fuel-related revenues in the period, along with workpapers documenting the magnitude and impact of each of these significant factors; (F) Each significant factor that has affected the level of the electric utility's fuel and purchased power costs in the period, along with workpapers documenting the magnitude and impact of each of these significant factors; <i>Add requirement for magnitude to avoid statements such as "off-system sales declined."</i>
		(G) Extraordinary costs passed through the FAC, if any, due to such costs being an insured loss or subject to reduction due to litigation or for any other reason; <i>Staff's (8)(B)I.I.</i>
(E) The difference, by rate class and voltage level, between the total fuel and purchased power revenues collected through base rates and the RAM and the fuel and purchased power expenses incurred;		
(F) Off-system sales revenue; (G) Off-system sales expenses; (H) Off-system megawatt-hour sales;	(G) Off-system megawatt-hours sold in the period;	(H) Megawatt-hours sold and net and gross revenue received: 1. Beyond the MWhs purchased through the RTO markets; and 2. Through bilateral contracts along with the length and purchaser of each bilateral contract; <i>Recognizes the new RTO world we live in.</i> <i>Staff's (8)(B)I.E.</i>

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
		(I) Megawatt capacity sold and revenue received: 1. Through the RTO markets; and 2. Through bilateral contracts along with the length and purchaser of each bilateral contract; <i>Recognizes the new RTO world we live in.</i> <i>Staff's (8)(B)1.E.</i>
(I) Megawatt-hours generated, fuel consumption and expense, and heat rates by generating facility;	(H) Megawatt-hours generated, fuel consumption, and fuel expense, by generating facility;	<i>Moved to (M) below</i>
(J) Megawatt-hours purchased with firm and non-firm purchases separately stated;	(I) Megawatt-hours purchased in the period;	(J) Megawatt-hours purchased and cost: 1. Beyond the MWs sold to the RTO markets; and 2. Through bilateral contracts along with the length and supplier of each bilateral contract; <i>Recognizes the new RTO world we live in.</i> <i>Staff's (8)(B)1.D. and C.(I)</i>
		(K) Megawatt capacity purchased and cost: 1. Through the RTO markets; and 2. through bilateral contracts along with the length and supplier of each bilateral contract; <i>Recognizes the new RTO world we live in.</i>
		(L) Reason for the purchase of capacity in the RTO markets;
(K) Prices of fuel purchased by fuel type breaking out freight and transportation prices;	(J) Prices of fuel purchased by fuel type during the period, breaking out freight and transportation prices;	(M) By generating facility: 1. Megawatt-hours generated; 2. Fuel consumption by fuel type; 3. Fuel expense by fuel type; 4. The cost of fuel purchased by fuel type; 5. Freight and transportation prices by fuel type; and 6. Other fuel cost types designated in the FAC; <i>Staff's (8)(B)1.B. and C.(IV)</i>

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
<p>(L) The electric utility's monthly fuel report. If the electric utility proposes to change the contents or name of the fuel reports, staff, OPC and others that receive the information will be contacted thirty (30) days in advance of the change and notified of such actions. Staff, OPC and others that receive the information shall have the opportunity to discuss the further availability of such information. Specifically the monthly fuel reports are identified as:</p> <ol style="list-style-type: none"> 1. Kansas City Power and Light Company Report 25: Fuel Statistics 2. The Empire District Electric Company Fuel Report 3. Aquila Networks—L&P Monthly Production Statistics 4. Aquila Networks—MPS Monthly Production Statistics 5. AmerenUE—AmerenUE SB 179 Fuel Report; and 		
	<p>(K) The following information for the reported period, as well as for year-to-date and prior calendar year:</p> <ol style="list-style-type: none"> 1. Fuel-related revenue, by account, and any other designation ordered by the commission; 2. Fuel costs included in the fuel and purchased power costs; 	<p><i>Not needed. Now requested in (D) – duplication of requested information</i></p>
	<p>(L) The following information for the period, by generation facility, by fuel type and by total for the electric utility:</p>	<p>(N) The following information by generation facility, by fuel type and by total for the electric utility:</p>
	<ol style="list-style-type: none"> 1. Quantity of fuel burned, with designation of the units in which the quantity is reported (e.g. tons, MCF, MMBtu); 2. Million British Thermal Units (MMBtu) of fuel burned; 3. Average cost of fuel per MMBtu, by fuel type; 4. Aggregate megawatt hours (MWhs) of net energy generated by the generating facility at each generation station, where net energy generated is the gross generation net of the station use; and 5. Average cost of fuel per MWh; 	

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
	(M) A detailed description of each account, and any other designation ordered by the commission, where each fuel and purchased power cost or fuel-related revenue is recorded;	(O) A detailed description of each account, sub-account , and any other designation ordered by the commission, where each fuel and purchased power cost or fuel-related revenue is recorded. The report shall identify any changes since the last periodic report to accounts, sub-accounts or other designations of costs and revenue types ordered to be included by the commission in the last general rate proceeding; <i>Need so we do not have to go back to rate case to find the descriptions. The added sentence allows account, sub-accounts and other designations to change between rate cases. However, it does not allow new costs or revenue types to be added.</i>
	(S) Each revision to the electric utility's internal policy for participating in: 1. A Regional Transmission Organization (RTO) ancillary services market, if the RTO in which the electric utility participates has such a market; 2. RTO energy markets by RTO; 3. RTO capacity markets by RTO; and 4. Financial swaps or other financial-only transactions, if the commission allowed such financial transaction to be included in the electric utility's RAM.;	(P) Each revision to the electric utility's internal policy for participating in: 1. A RTO ancillary services market, if the RTO in which the electric utility participates has such a market; 2. RTO energy markets by RTO; 3. RTO capacity markets by RTO; and 4. Financial swaps or other financial-only transactions, if the commission allowed such financial transaction to be included in the electric utility's RAM; <i>RTO is previously defined. If not changed, then need to either capitalize other references to regional transmission organization or not capitalize here.</i>
	(T) The electric utility's monthly short-term debt interest rate, along with:	<i>Staff's (8)(B)2.</i>
	1. An explanation of the how that rate was determined; 2. The calculation of the short-term debt interest rate; 3. Identification of any changes in the basis(es) used for determining the short-term debt interest rate from the previous monthly report; and 4. If there is a change in the basis(es) used for determining the short-term debt interest rate, a copy(ies) of the changed basis(es) or identification of where it/they may be reviewed; and	<i>Staff's (8)(B)2., A.- D.</i>

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
(M) Any additional information ordered by the commission to be provided;	(U) Any additional information that the commission has ordered the electric utility to provide in its periodic reports.	<i>Staff's (8)(B)I.H.(I)</i>
(N) To the extent any of the requested information outlined above is provided in response to one section, the provision of such information only needs to be provided once.		
<p>(6) Each electric utility with a RAM shall submit, with an affidavit attesting to the veracity of the information, a Surveillance Monitoring Report, which shall be treated as highly confidential, as required in 4 CSR 240-20.090(10) to the manager of the auditing department of the commission, OPC and others as provided in sections (9) through (11) in this rule. The submittal to the commission may be made through EFIS.</p> <p>(10) Submission of Surveillance Monitoring Reports. Each electric utility with an approved RAM shall submit to staff, OPC and parties approved by the commission a Surveillance Monitoring Report in the form and having the content provided for by 4 CSR 240-3.161(6).</p>	<p>(6) Surveillance Monitoring Reports. So long as it has a RAM in effect, each electric utility shall submit, either to the manager – Resource Analysis Section or in electronic format where available (with formulas intact) through EFIS and to OPC and other parties, a Surveillance Monitoring Report, within fifteen (15) days after each of the electric utility's United States Securities and Exchange Commission (SEC) 10-Q and 10-K filings are due. The Surveillance Monitoring Report shall be verified by the affidavit of an electric utility representative(s) who has knowledge of the subject matter and who attests to both the veracity of the information and his/her knowledge of it. These Surveillance Monitoring Reports are highly confidential.</p>	<p>(6) Surveillance Monitoring Reports. So long as it has a RAM in effect, each electric utility shall submit in electronic format where available (with formulas intact) through EFIS and to OPC and other parties as defined in section (18), a Surveillance Monitoring Report. The form of the Surveillance Monitoring Report form is included herein.</p> <p><i>Removed mention of Resource Analysis Section manager to be consistent with the rest of this rule.</i></p> <p><i>There are several requirements in this section heading as proposed by Staff. OPC recommends that verification be moved to (F), timing requirement moved to (D), and the designation of the surveillance reports as HC moved to (C) as provided below.</i></p> <p><i>Form needs to be included because it includes details not in the rule.</i></p>
(A) There are five (5) parts to the electric utility Surveillance Monitoring Report. Each part, except Part one, Rate Base Quantifications, shall contain information for the last twelve (12)-month period and the last quarter data for total company electric operations and Missouri jurisdictional operations. Page one, Rate Base Quantifications shall contain only information for the ending date of the period being reported. The form of the Surveillance Monitoring Report form is included herein.	(A) There are six (6) parts to the electric utility Surveillance Monitoring Report. Each part, except Part I—Rate Base Quantifications, shall contain information for the last twelve (12)-month period and the last quarter based on total company electric operations data and on Missouri jurisdictional operations data. Part I—Rate Base Quantifications, shall contain only information as of the ending date of the period being reported. The content of the Surveillance Monitoring Report follows.	

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
<p>1. Rate Base Quantifications Report. The quantification of rate base items on page one shall be consistent with the methods or procedures used in the most recent rate proceeding unless otherwise specified. The report shall consist of specific rate base quantifications of:</p> <ul style="list-style-type: none"> A. Plant in service; B. Reserve for depreciation; C. Materials and supplies; D. Cash working capital; E. Fuel inventory; F. Prepayments; G. Other regulatory assets; H. Customer advances; I. Customer deposits; J. Accumulated deferred income taxes; K. Any other item included in the utility's rate base in the most recent rate proceeding; L. Net Operating Income from page three; and M. Calculation of the overall return on rate base. 	<p>1. Part I—Rate Base Quantifications. The quantification of rate base items in Part I shall be consistent with the methods and procedures used in the electric utility's most recent rate proceeding before the commission, unless otherwise specified. Part I shall consist of specific quantifications of the following rate base items:</p> <ul style="list-style-type: none"> A. Plant in service; B. Reserve for depreciation; C. Materials and supplies; D. Cash working capital; E. Fuel inventory; F. Prepayments; G. Other regulatory assets; H. Customer advances; I. Customer deposits; J. Accumulated deferred income taxes; and K. All other items included in the electric utility's rate base from its most recent general rate proceeding before the commission; L. Net Operating Income from Part III; and M. Calculation of the overall return on rate base. 	
<p>2. Capitalization Quantifications Report. Page two shall consist of specific capitalization quantifications of:</p> <ul style="list-style-type: none"> A. Common stock equity (net); B. Preferred stock (par or stated value outstanding); C. Long-term debt (including current maturities); D. Short-term debt; and E. Weighted cost of capital including component costs. 	<p>2. Part II—Capitalization Quantifications. Part II shall consist of specific quantifications of the following capitalization-related items:</p> <ul style="list-style-type: none"> A. Common stock equity (net); B. Preferred stock (par or stated value outstanding); C. Long-term debt (including current maturities); D. Short-term debt; and E. Weighted cost of capital including component costs. 	
<p>3. Income Statement. Page three shall consist of an income statement containing specific quantification of:</p>	<p>3. Part III—Income Statement. Part III shall consist of an income statement containing specific quantification of:</p>	

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
<p>A. Operating revenues to include sales to industrial, commercial and residential customers, sales for resale and other components of total operating revenues;</p> <p>B. Operating and maintenance expenses for fuel expense, production expenses, purchased power energy and capacity;</p> <p>C. Transmission expenses;</p> <p>D. Distribution expenses;</p> <p>E. Customer accounts expenses;</p> <p>F. Customer service and information expenses;</p> <p>G. Sales expenses;</p> <p>H. Administrative and general expenses;</p> <p>I. Depreciation, amortization and decommissioning expense;</p> <p>J. Taxes other than income taxes;</p> <p>K. Income taxes; and</p> <p>L. Quantification of heating degree and cooling degree days, actual and normal;</p>	<p>A. Operating revenues, including revenues from sales to industrial, commercial and residential customers, sales for resale and all other components of total operating revenues;</p> <p>B. Operating and maintenance expenses in fuel expense, production expense, purchased power energy, and purchased power capacity;</p> <p>C. Transmission expense;</p> <p>D. Distribution expense;</p> <p>E. Customer accounts expense;</p> <p>F. Customer service and information expense;</p> <p>G. Sales expense;</p> <p>H. Administrative and general expense;</p> <p>I. Depreciation, amortization and decommissioning expense;</p> <p>J. Taxes other than income taxes;</p> <p>K. Income taxes; and</p> <p>L. Quantification of heating degree and cooling degree days, both actual and normal.</p>	
<p>4. Jurisdictional Allocation Factor Report. Page four shall consist of a listing of jurisdictional allocation factors for the rate base, capitalization quantification reports and income statement.</p>	<p>4. Part IV—Jurisdictional Allocation Factors. Part IV shall consist of a list of the jurisdictional allocation factors used for determining the electric utility's rate base, capitalization quantification and income statement.</p>	
<p>5. Financial Data Notes. Page five shall consist of notes to financial data including, but not limited to:</p> <p>A. Out of period adjustments;</p> <p>B. Specific quantification of material variances between actual and budget financial performance;</p> <p>C. Material variances between current twelve (12)-month period and prior twelve (12)-month period revenue;</p> <p>D. Expense level of items ordered by the commission to be tracked pursuant to the order establishing the RAM;</p> <p>E. Budgeted capital projects; and</p> <p>F. Events that materially affect debt or equity surveillance components.</p>	<p>5. Part V—Financial Data Notes. Part V shall consist of notes to the reported financial data including, but not limited to:</p> <p>A. Out-of-period adjustments;</p> <p>B. Specific quantification of material variances between actual and budget financial performance;</p> <p>C. Specific identification and quantification of material variances between current twelve (12)-month period and prior twelve (12)-month period revenue;</p> <p>D. The expense levels of each item the commission has ordered be tracked in the RAM;</p> <p>E. Budgeted capital projects; and</p> <p>F. Events that materially affect debt or equity surveillance components.</p>	<p>D. The expense levels of each cost type the commission has ordered be tracked in the RAM;</p> <p><i>Consistent terminology</i></p>

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
	6. Part VI – Missouri Energy Efficiency and Investment Act (MEEIA). An electric utility with approved MEEIA demand-side management programs and/or an approved demand-side programs investment mechanism shall include all quarterly filing requirements of 4 CSR 240-20.093(9).	<i>Why only MEEIA? Why not RESRAM too? Not needed if OPC proposed (E) below is included in rule.</i>
(B) The Surveillance Monitoring Report shall contain any additional information ordered by the commission to be provided.	(B) Each Surveillance Monitoring Report shall include any additional information the commission has ordered be provided.	
		(C) The Surveillance Monitoring Reports are highly confidential. <i>In (6) in Staff's version.</i>
		(D) The Surveillance Monitoring Report shall be submitted within fifteen (15) days of the electric utility's next scheduled United States Securities and Exchange Commission (SEC) 10-Q or 10-K filing with the initial submission within fifteen (15) days of the electric utility's next scheduled SEC 10-Q or 10-K filing following the effective date of the commission order establishing the RAM. <i>In (6) in Staff's version.</i>
(B) If the electric utility also has an approved environmental cost recovery mechanism, the electric utility must submit a single Surveillance Monitoring Report for both the environmental cost recovery mechanism and the RAM.		(E) If the electric utility also has any other approved cost recovery mechanism(s) which requires submission of surveillance monitoring reports, the electric utility shall submit a single Surveillance Monitoring Report that incorporates the requirements of the surveillance monitoring report requirements for all cost recovery mechanisms.
		(F) The Surveillance Monitoring Report shall be verified by the affidavit of an electric utility representative(s) who has knowledge of the subject matter and who attests to both the veracity of the information and his/her knowledge of it. <i>In (6) in Staff's version.</i>

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
(C) Upon a finding that a utility has knowingly or recklessly provided materially false or inaccurate information to the commission regarding the surveillance data prescribed in 4 CSR 240-3.161(6), after notice and an opportunity for a hearing, the commission may suspend a fuel adjustment mechanism or order other appropriate remedies as provided by law.		(G) Upon a finding that a utility has knowingly or recklessly provided materially false or inaccurate information to the commission regarding the surveillance data prescribed in this section, after notice and an opportunity for a hearing, the commission may suspend a fuel adjustment mechanism or order other appropriate remedies as provided by law.
		<i>The utilities want this section removed and a Surveillance reporting section added to 4 CSR 240-3. The removal of this section is appropriate only when the Commission has an approved surveillance reporting rule in Chapter 3. Since it does not, this section should remain in this rule until these requirements are effective in Chapter 3.</i>
(C) The electric utility shall annually submit its approved budget, in electronic form, based upon its budget year in a format similar to Surveillance Monitoring Report. The budget submission shall provide a quarterly and annual quantification of the electric utility's income statement. The budget shall be submitted within thirty (30) days of its approval by the electric utility's management or within sixty (60) days of the beginning of the electric utility's fiscal year, whichever is earliest. The budget submission shall be highly confidential.	(7) Budget Report. Annually the electric utility shall submit in EFIS and provide to OPC and other parties, its approved budget for the upcoming budget year, in electronic format (with formulas intact) and in a layout similar to its Surveillance Monitoring Report. The budget submission shall provide a quarterly and annual quantification of the electric utility's income statement. The budget report shall be submitted within thirty (30) days of when the electric utility's budget is approved by the electric utility's management or within sixty (60) days of the beginning of the electric utility's fiscal year, whichever is earliest. The budget submission shall be designated "highly confidential" and treated accordingly.	
(7) When an electric utility files tariff schedules to adjust an FAC rate as described in 4 CSR 240-20.090(4) with the commission, and served upon parties as provided in sections (9) through (11) in this rule, the tariff schedule must be accompanied by supporting testimony, and at least the following supporting information:	(8) Periodic Changes to Fuel Adjustment Rates. An electric utility that has a FAC shall file proposed tariff sheet(s) to adjust its FARs following each accumulation period. The FARs shall be designed to bill the electric utility's customers, in the aggregate, the FPA if the FPA is positive, or return the FPA to the utility's customers if the FPA is negative. When an electric utility files with the commission tariff schedule(s) to change its fuel adjustment rates and serves it upon parties, the filed tariff schedule(s) shall be accompanied by:	

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
	<p>(A) Prefiled testimony that shall include:</p> <ol style="list-style-type: none"> 1. The proposed FARs; 2. The change in the FARs; 3. The impact of the proposed FARs on the monthly bill of the electric utility's typical residential customer, together with the definition of typical residential customer used to determine that impact; 4. An explanation that details the factors which contributed to the FPA amount; 5. An explanation of each RAM cost, that changed as compared to the prior accumulation period and the reason for the change; 6. An explanation of each RAM revenue that changed as compared to the prior accumulation period and the reason for the change; 	<p>1. The accumulation period NBEC and ANEC;</p> <p>5. An explanation that details the factors which contributed to the FPA amount, including but not limited to:</p> <ol style="list-style-type: none"> I. An explanation of each RAM cost including a quantification of the amount of change in each RAM cost, that changed as compared to the prior accumulation period and the reason for the change; II. An explanation of each RAM revenue including a quantification of the amount of change in each RAM revenue, that changed as compared to the prior accumulation period and the reason for the change; and III. If allowed in the RAM, quantification of hedging gains and losses with commissions paid to make such hedges listed separately; <p><i>Made 5. and 6. along with hedging costs/revenues a definition of 4. Added quantification or the utilities would just say off-system sales decreased, etc. as they do now and not give magnitude of change.</i></p>
	<p>4. If hedging costs are allowed in the RAM, either a statement that there have been no new, removal of, modification of, or clarification of a hedging policy of the electric utility, or, if there has been new, removal of, modification of or clarification of a hedging policy of the electric utility, a complete explanation of the change, including monetary impact for the review period and expected impact in future periods will be provided.</p>	<p>6. If hedging costs are allowed in the RAM, either a statement that there have been no new, removal of, modification of, or clarification of a hedging policy of the electric utility, or, if there has been new, removal of, modification of or clarification of a hedging policy of the electric utility, a complete explanation of the change, including monetary impact for the review period and expected impact for the next four (4) years.</p> <p><i>Limited provision of monetary impact of change to four (4) years instead of the undefined "future period"</i></p>

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
	<p>5. Either a statement that there has been no change in the electric utility's internal policy for participating in a RTO market, or if there has been a change in the electric utility's internal policy for participating in a RTO market, a complete explanation of the change, including monetary impact for the review period and expected impact in future periods will be provided.</p>	<p>7. Either a statement that there has been no change in the electric utility's internal policy for participating in a RTO market, or if there has been a change in the electric utility's internal policy for participating in a RTO market, a complete explanation of the change, including monetary impact for the review period and expected impact for the next four (4) years.</p> <p><i>Limited provision of monetary impact of change to four (4) years instead of the undefined "future period"</i></p>
	<p>6. A list of possible RTO charge types and RTO revenue types that are expected within the next twelve months; and</p> <p>7. A separate list of every change in RTO charge types and revenue types with the effective date of each.</p>	<p><i>These are not needed if the Commission orders no changes to cost and revenue types or if the rule specifies no changes to the cost and revenue types included in the FAC between rate cases.</i></p>
<p>(A) The following information shall be included with the filing:</p>	<p>(B) The following information in electronic format where available (with formulas intact):</p>	<p>(B) Verification that the information required by section (5) has been submitted to EFIS and provided to OPC and the parties to the previous rate proceeding. This information shall be provided as workpapers to any intervenors in the case in which the periodic adjustment was filed.</p> <p><i>All that is needed if the information is included in OPC's proposed section (5)</i></p>

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
<p>1. For the period from which historical costs are used to adjust the FAC rate:</p> <p>A. Energy sales in kilowatt-hours by rate class and voltage level;</p> <p>B. Fuel costs by fuel type and generating facility by fuel type included in fuel and purchased power costs in the FAC rate and the base rates; and</p> <p>C. Purchased power costs included in fuel and purchased power costs with costs differentiated by:</p> <p>(I) Short-term and long-term purchased power contracts, where long-term is defined as contracts with terms greater than one (1) year;</p> <p>(II) On-peak and off-peak costs; and</p> <p>(III) Demand and energy costs, separately stated;</p> <p>D. Market purchased megawatt-hours and costs included in fuel and purchased power costs;</p> <p>E. Revenues from, expenses associated with and megawatt-hours from off-system sales;</p> <p>F. Extraordinary costs not to be passed through, if any, due to such costs being an insured loss, or subject to reduction due to litigation or for any other reason</p> <p>G. Base rate component of fuel and purchased power costs and revenues from off-system sales; and</p> <p>H. Any additional requirements ordered by the commission;</p> <p>2. Calculation of the proposed FAC collection rates;</p>	<p>1. For the period of historical costs which are being used to propose the fuel adjustment rates:</p> <p>A. The billing month and calendar month actual energy sales in kilowatt-hours, by rate class and voltage level;</p> <p>B. The actual fuel costs of the types of fuel costs designated in the FAC, listed by generating unit and fuel type;</p> <p>C. The actual purchased power costs of the types of purchased power costs designated in the electric utility's FAC, differentiated by:</p> <p>(I) Purchased power;</p> <p>(II)</p> <p>(III) Demand costs and energy costs, separately stated;</p> <p>(IV) The actual fuel transportation costs of the types of fuel costs designated in the FAC;</p> <p>D. The megawatt-hours and costs of purchased power of the type included in the electric utility's FAC, differentiated by:</p> <p>(I) Long-term purchased power, with a definition of long-term purchased power;</p> <p>(II) Short-term purchased power, with a definition of short-term purchased power; and</p> <p>(III)</p> <p>E. Revenues, gross and net, of off-system sales;</p> <p>F. Fuel-related revenues other than off-system sales revenues separated by type of fuel-related revenue;</p> <p>H. Net base energy costs collected in permanent rates; and</p> <p>(I) Any additional requirements the commission ordered;</p> <p>(II) Calculation of each of the proposed fuel adjustment rates;</p>	<p><i>These can be found in the OPC proposed periodic filing requirements noted beside each requirement here.</i></p> <p>(5)(A)</p> <p>(5)(J)</p> <p>(5)(I)</p> <p>(5)(K) and (5)(J)</p> <p>(5)(M)</p> <p>(5)(J)</p> <p>(5)(J)</p> <p>(5)(J)</p> <p>(5)(H)</p> <p>(5)(D) and (5)(I)</p> <p>(5)(B)</p> <p>(5)(U)</p> <p>(5)(C)</p>

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
<p>3. Calculations supporting the voltage differentiation of the FAC collection rates, if any, to account for differences in line losses by voltage level of service; and</p> <p>4. Calculations underlying any seasonal variation in the FAC collection rates; and</p>	<p>(III) Calculations of the voltage differentiation in the proposed FAC rates, if any, to account for differences in line losses by service voltage level;</p> <p>I. Extraordinary costs passed through the electric utility's FAC, if any, due to such costs being an insured loss or subject to reduction due to litigation or for any other reason.</p> <p>2. The electric utility's monthly short-term debt interest rate, along with:</p> <p>A. An explanation of how that rate was determined;</p> <p>B. The calculation of the short-term debt interest rate;</p> <p>C. Identification of any changes in the basis(es) used for determining the short-term debt interest rate since the last FAC rate adjustment; and</p> <p>D. If there is a change in the basis(es) used for determining the short-term debt interest rate, a copy(ies) of the changed basis(es) or identification of where it/they may be reviewed; and</p> <p>3.</p>	<p>(5)(C)</p> <p>(5)(G)</p> <p>(5)(Q)</p> <p>(5)(Q)1.</p> <p>(5)(Q)2.</p> <p>(5)(Q)3.</p> <p>(5)(Q)4.</p>
<p>(B) Workpapers supporting all items in subsection (A) shall be submitted to the commission, and served upon parties as provided in sections (9) through (11) in this rule. This submittal to the commission may be made through EFIS.</p>	<p>(C) Workpapers, in electronic format where available (with formulas intact), supporting all items in subsections (A) and (B) shall be submitted to the manager of the resource analysis section of the commission, the Office of the Public Counsel (OPC) and other parties. These workpapers may be submitted to the manager of the resource analysis section of the commission through EFIS.</p>	<p>(C) Workpapers, in electronic format where available (with formulas intact), supporting all items in subsections (A) that are not provided in the electric utility's section (5) submission shall be submitted through EFIS and provided to the Office of the Public Counsel (OPC) and other parties.</p> <p><i>Recognition that information is provided in compliance with (5). Also made consistent with other submission to EFIS language.</i></p>
	<p>(D) Determinations of imprudence amounts, true-up amounts and any corrections shall be made in separate cases in EFIS, not in a FAR adjustment case.</p>	
	<p>(E) The electric utility shall initiate a new case with an ER designation for each periodic adjustment of its FARs.</p>	

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
(4)(A) An electric utility with a FAC shall file one (1) mandatory adjustment to its FAC in each true-up year coinciding with the true-up of its FAC. It may also file up to three (3) additional adjustments to its FAC within a true-up year with the timing and number of such additional filings to be determined in the general rate proceeding establishing the FAC and in general rate proceedings thereafter.	(F) An electric utility with a FAC shall file an adjustment to its FARs within two (2) months of the end of each consecutive twelve (12) month period after the effective date of the FAC. It may also file up to three (3) additional adjustments to its FARs within each twelve (12) month time period, with the timing and number of such additional filings to be determined in the general rate proceeding establishing, continuing or modifying the FAC.	(F) An electric utility with a FAC shall file an adjustment to its FARs within two (2) months of the end of each accumulation period after the effective date of the FAC. <i>Moved requirements regarding length of accumulation period to definition of accumulation period (1)(A)</i>
		(G) The fuel and purchased power cost types and fuel-related revenue types included in the ANEC used to determine the FPA shall not differ from the cost and revenue types approved by the commission in the last general rate proceeding in which a RAM was approved for the utility. <i>Consistent with Commission order in KCPL case ER-2014-0370</i> <i>The rest of (G) incorporates current tariff language regarding new market settlement types in the rule so that it no longer needs to be included on the tariff sheets.</i>
		1. If an RTO implements a new market settlement type that the electric utility or another party believes possesses the characteristics of, and is of the nature of, an RTO revenue or cost type approved by the commission for inclusion in the electric utility's FAC in the previous general rate increase, the electric utility shall include the new market settlement type subject to the following requirements: A. The party proposing the inclusion of a new market settlement type shall make a filing before the commission. I. If the electric utility is proposing the inclusion of a new market settlement type, it will make a filing with commission giving notice of the new cost or revenue type no later than sixty (60) days prior to the electric utility including the new settlement type in the ANEC.

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
		<p>(II) If a party other than the electric utility is proposing the inclusion of a new market settlement type, the filing shall be made sixty (60) days prior to the electric utility's next periodic adjustment filing;</p> <p>B. The filing shall include, but is not be limited to:</p> <p>(I) Identification of the account affected by the change;</p> <p>(II) A description of the new settlement type demonstrating that it possesses the characteristics of, and is of the nature of a cost or revenue type allowed in the electric utility's FAC by the commission in the preceding general rate case; and</p> <p>(III) Identification of the preexisting schedule, or market settlement type which the new settlement type replaces or supplements; and</p> <p>C. To challenge the inclusion of a new market settlement type, a party shall make a filing before the commission including the reasons why it believes the electric utility did not show that the new market settlement type possesses the characteristics of a cost or revenue type allowed by the commission.</p> <p>(I) The filing shall be made within thirty (30) days of the electric utility's filing;</p> <p>(II) The party requesting the inclusion of the new market settlement type shall bear the burden of proof to show that the new market settlement type possesses the characteristics of, and is of the nature of a cost or revenue type allowed in the electric utility's FAC by the commission in the preceding general rate case;</p> <p>(III) If a party challenges the inclusion of the market settlement type, the challenge will not delay the FAR filing schedule; and</p> <p>(IV) If the challenge is upheld by the commission, the costs will be refunded or revenues, returned, along with interest in the next periodic adjustment.</p>

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
(B) The electric utility must be current on its submission of its Surveillance Monitoring Reports as required in section (10) and its monthly reporting requirements as required by 4 CSR 240-3.161(5) in order for the commission to process the electric utility's requested FAC adjustment increasing rates.	(G) The electric utility must be current on its submission of its Surveillance Monitoring Reports required by section (14) and its monthly reporting requirements of 4 CSR 240-20.090(5).	(H) The electric utility must be current on its submission of its Surveillance Monitoring Reports required by section (14). <i>Verification of compliance with section (5) required in OPC's proposed (B)</i>
(4) Periodic Adjustments of FACs. If an electric utility files proposed rate schedules to adjust its FAC rates between general rate proceedings, the staff shall examine and analyze the information filed by the electric utility in accordance with 4 CSR 240-3.161 and additional information obtained through discovery, if any, to determine if the proposed adjustment to the FAC is in accordance with the provisions of this rule, section 386.266, RSMo and the FAC mechanism established in the most recent general rate proceeding. The staff shall submit a recommendation regarding its examination and analysis to the commission not later than thirty (30) days after the electric utility files its tariff schedules to adjust its FAC rates.	(H) Staff shall review the information filed by the electric utility in accordance with this rule and additional information obtained through discovery, if any, to determine if the proposed adjustment to the FARs is in accordance with the provisions of this rule, section 386.266, RSMo and the FAC mechanism established in the utility's most recent general rate proceeding. Within thirty (30) days after the electric utility files its testimony and tariff sheets to adjust its FARs, the staff shall submit a recommendation regarding its examination and analysis to the commission.	(I) Staff shall review the information filed and submitted by the electric utility in accordance with this rule and additional information obtained through discovery, if any, to determine if the proposed adjustment to the FARs is in accordance with the provisions of this rule, section 386.266, RSMo and the FAC mechanism established in the utility's most recent general rate proceeding. Within thirty (30) days after the electric utility files its testimony and tariff sheets to adjust its FARs, the staff shall submit a recommendation regarding its examination and analysis to the commission.
	(I) OPC and other parties may file a response to the electric utility's proposed FAR adjustment within forty (40) days after the electric utility files its testimony and tariff sheet(s) to adjust its FARs.	

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
<p>If the FAC rate adjustment is in accordance with the provisions of this rule, section 386.266, RSMo, and the FAC mechanism established in the most recent general rate proceeding, the commission shall either issue an interim rate adjustment order approving the tariff schedules and the FAC rate adjustments within sixty (60) days of the electric utility's filing or, if no such order is issued, the tariff schedules and the FAC rate adjustments shall take effect sixty (60) days after the tariff schedules were filed. If the FAC rate adjustment is not in accordance with the provisions of this rule, section 386.266, RSMo, or the FAC mechanism established in the most recent rate proceeding, the commission shall reject the proposed rate schedules within sixty (60) days of the electric utility's filing and may instead order implementation of an appropriate interim rate schedule(s).</p>	<p>(J) Within sixty (60) days after the electric utility files its testimony and tariff sheet(s) to adjust its FARs, the commission shall either:</p> <ol style="list-style-type: none"> 1. Issue an interim rate adjustment order approving the tariff sheets and the adjustments to the FARs; 2. Allow the tariff sheets and the adjustments to the FARs to take effect without commission order; or 3. Reject the proposed rate schedules, suspend the timeline of the FAR adjustment filing, set a prehearing date and order the parties to propose a procedural schedule. The commission may order the electric utility to file tariff sheet(s) to implement interim adjusted FARs to reflect any part of the proposed adjustment that is not in question. 	
<p>(C) If the staff, Office of the Public Counsel (OPC) or other party which receives, pursuant to a protective order, the information that the electric utility is required to submit in 4 CSR 240-3.161 and as ordered by the commission in a previous proceeding, believes that the information required to be submitted pursuant to 4 CSR 240-3.161 and the commission order establishing the RAM has not been submitted in compliance with that rule, it shall notify the electric utility within ten (10) days of the electric utility's filing of an application or tariff schedules to adjust the FAC rates and identify the information required. The electric utility shall supply the information identified by the party, or shall notify the party that it believes the information provided was in compliance with the requirements of 4 CSR 240-3.161, within ten (10) days of the request. If the electric utility does not timely supply the information, the party asserting the failure to provide the required information must timely file a motion to compel with the commission.</p>	<p>(K) If the staff, OPC or other party which receives, pursuant to 4 CSR 240-2.135, the information that the electric utility is required to submit and as ordered by the commission in a previous proceeding, believes that the information required to be submitted pursuant to this rule and the commission order establishing the FAC has not been submitted in compliance with that rule or order, it shall notify the electric utility within ten (10) business days of the electric utility's filing of tariff sheets to adjust the FARs and identify the information required and not submitted in compliance with that rule or order. The electric utility shall supply the information identified by the party, or shall notify the party that it believes the information provided was in compliance with the requirements of this rule and the commission order establishing the FAC, within ten (10) business days of the request. If the electric utility does not timely supply the information, the party asserting the failure to provide the required information must timely file a motion to compel with the commission.</p>	<p>(K) If the staff, OPC or other party which receives, pursuant to 4 CSR 240-2.135, the information that the electric utility is required to submit and as ordered by the commission in a previous proceeding, believes that the information is insufficient to make a recommendation regarding the electric utility's proposed FAR, it shall notify the electric utility within ten (10) business days of the electric utility's filing of tariff sheets to adjust the FARs and identify the information required and not submitted in compliance with that rule or order. The electric utility shall supply the information identified by the party, or shall notify the party that it believes the information provided was in compliance with the requirements of this rule and the commission order establishing the FAC, within ten (10) business days of the request. If the electric utility does not timely supply the information, the party asserting the failure to provide the required information must timely file a motion to compel with the commission.</p> <p><i>Remove implicit statement that filing and submissions are in compliance with rule.</i></p>

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
<p>While the commission is considering the motion to compel, the processing timeline for the adjustment to increase FAC rates shall be suspended. If the commission then issues an order requiring the information be provided, the time necessary for the information to be provided shall further extend the processing timeline for the adjustment to increase FAC rates. For good cause shown the commission may further suspend this timeline. Any delay in providing sufficient information in compliance with 4 CSR 240-3.161 in a request to decrease FAC rates shall not alter the processing timeline.</p>	<p>1. While the commission is considering the motion to compel, the processing timeline for the adjustment to increase the FARs shall be suspended. If the commission then issues an order requiring the information be provided, the time necessary for the information to be provided shall further extend the processing timeline for the adjustment to increase the FARs. For good cause shown the commission may further suspend this timeline. If the commission issues and order compelling discover, interest will not be accrued by the utility from the time the commission receives a motion to compel until the time that the utility provides the requested information.</p>	<p>1. While the commission is considering the motion to compel, the processing timeline for the adjustment to increase the FARs shall be suspended. If the commission then issues an order requiring the information be provided, the time necessary for the information to be provided shall further extend the processing timeline for the adjustment to increase the FARs. If the commission issues and order compelling discover, interest will not be accrued by the utility from the time the commission receives a motion to compel until the time that the utility provides the requested information. For good cause shown the commission may further suspend this timeline. <i>Moved provision of suspension of timeline to end.</i></p>
	<p>2. Except as provided herein, any delay in providing sufficient information in compliance with this rule and the commission order establishing the FAC in a request to decrease the FARs shall not alter the processing timeline.</p>	<p>2. Except as provided herein, any delay in providing sufficient information in compliance with this rule and the commission order establishing the FAC in a request to decrease the FARs shall not alter the processing timeline.</p>
		<p>(L) A recommendation to approve a FAR or the absence of a response to a FAR filing does not constitute a statement that the electric utility met the requirements of section (5) of this rule. <i>Just want to be specific. May not have time to review everything provided in section (5) in the 30-40 days after the utility provides the information.</i></p>
<p>(5) True-Ups of RAMs. An electric utility that files for a RAM shall include in its tariff schedules and application, if filed in addition to tariff schedules, provision for true-ups on at least an annual basis which shall accurately and appropriately remedy any over-collection or under-collection through subsequent rate adjustments or refunds. (A) The subsequent true-up rate adjustments or refunds shall include interest at the electric utility's short-term borrowing rate.</p>	<p>(9) True-Ups of RAMs. The purpose of a true-up case is to accurately and appropriately remedy any over-collection or under-collection during a recovery period, including the interest accrued at the utility's short-term interest rate.</p>	<p>(9) True-Ups of RAMs. The purpose of a true-up case is to accurately and appropriately remedy any over-billing or under-billing during a recovery period, including the interest accrued at the utility's short-term interest rate. <i>True-up should key off billing not collection.</i></p>

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
(B) The true-up adjustment shall be the difference between the historical fuel and purchased power costs intended for collection during the true-up period and billed revenues associated with the RAM during the true-up period.		
(8) When an electric utility that has a RAM files its application containing its annual true-up with the commission, as described in 4 CSR 240-20.090(5), any rate schedule filing must be accompanied by supporting testimony, and the electric utility shall: (A) File the following information with the commission and serve upon parties as provided in sections (9) through (11) in this rule:	(A) When an electric utility files with the commission to true-up its RAM the filing shall be accompanied by: 1. Pre-filed testimony that includes a discussion detailing the material factors which contributed to the true-up amount.	
<p>1. Amount of costs that it has over-collected or under-collected through the RAM by rate class and voltage level;</p> <p>2. Proposed adjustments or refunds by rate class and voltage level;</p> <p>3. Electric utility's short-term borrowing rate; and</p> <p>4. Any additional information ordered by the commission; and</p>	<p>2. The following information in electronic format where available (with formulas intact)</p> <p>A. Any revision to the calculation of the net base energy cost for the accumulation period;</p> <p>B. The calculation of the monthly amount that was over-collected or under-collected through its RAM;</p> <p>C. The electric utility's monthly short-term debt interest rate along with:</p> <p>i. An explanation of how that rate was determined;</p> <p>ii. The calculation of the short-term debt interest rate;</p> <p>iii. Identification of any changes in the basis(es) used for determining the short-term debt interest rate since the last RAM rate adjustment; and</p> <p>iv. If there is a change in the basis(es) used for determining the short-term debt interest rate, a copy(ies) of the changed basis(es) or identification of where it/they may be reviewed;</p> <p>D. Any additional information that the commission has ordered the electric utility to include in its RAM true-up filing.</p>	<p>2. The following information in electronic format where available (with formulas intact):</p> <p>B. The calculation of the monthly amount that was over-billed or under-billed through its RAM;</p> <p>C. The electric utility's monthly short-term debt interest rate along with:</p> <p>I. An explanation of how that rate was determined;</p> <p>II. The calculation of the short-term debt interest rate;</p> <p>III. Identification of any changes in the basis(es) used for determining the short-term debt interest rate since the last RAM rate adjustment; and</p> <p>IV. If there is a change in the basis(es) used for determining the short-term debt interest rate, a copy(ies) of the changed basis(es) or identification of where it/they may be reviewed;</p>

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
<p>(B) Submit the following information to the commission and served upon the parties as provided in sections (9) through (11) in this rule. This submittal to the commission may be made through EFIS.</p> <ol style="list-style-type: none"> 1. Workpapers detailing how the determination of the over-collection or under-collection of costs through the RAM was made including any model inputs and outputs and the derivation of any model inputs; 2. Workpapers detailing the proposed adjustments or refunds; 3. Basis for the electric utility's short-term borrowing rate; and 4. Any additional information ordered by the commission to be provided. 	<p>4. Workpapers, in electronic format where available (with formulas intact), supporting all items in subsections (A) and (B) shall be submitted in EFIS and provided to the Office of the Public Counsel (OPC) and other parties.</p>	<p>3. Workpapers, in electronic format where available (with formulas intact), supporting all items provided in this subsection shall be submitted in EFIS and provided to the Office of the Public Counsel (OPC) and other parties.</p> <p><i>Proposed language references subsection (B) which would not have workpapers.</i></p>
	<p>(B) Determinations of imprudence, adjustments to FARs and any corrections shall be made in a true-up case,</p>	<p>(D) Determinations of imprudence amounts, adjustments to FARS and any corrections shall be made in separate cases in EFIS, not in a FAR adjustment case.</p> <p><i>Language consistent with (8)(O). Proposed language allows all of these to be done in a true-up case.</i></p>
	<p>(C) The electric utility shall initiate a new case with an EO designation for each true-up of its RAM.</p>	
<p>(C) The electric utility must be current on its submission of its Surveillance Monitoring Reports as required in section (10) and its monthly reporting requirements as required by 4 CSR 240-3.161(5) at the time that it files its application for a true-up of its RAM in order for the commission to process the electric utility's requested annual true-up of any under-collection.</p>	<p>(D) The electric utility must be current on its submission of its Surveillance Monitoring Reports as required in section (14) and its monthly reporting requirements as required by 4 CSR 240-20.090(5) at the time that it files its true-up of its RAM in order for the commission to process the electric utility's requested true-up of any under-collection.</p>	<p>(D) The electric utility must be current on its submission of its periodic reporting requirements as required by section (5) and its Surveillance Monitoring Reports as required in section (6) at the time that it files its true-up of its RAM in order for the commission to process the electric utility's requested true-up of any under-billing.</p> <p><i>Add requirement to be current on periodic submissions, not just surveillance submissions.</i></p> <p><i>Need to key off of "billing" not "collections"</i></p>

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
(D) The staff shall examine and analyze the information filed by the electric utility pursuant to 4 CSR 240-3.161 and additional information obtained through discovery, to determine whether the true-up is in accordance with the provisions of this rule, section 386.266, RSMo and the RAM established in the electric utility's most recent general rate proceeding. The staff shall submit a recommendation regarding its examination and analysis to the commission not later than thirty (30) days after the electric utility files its tariff schedules for a true-up.	(E) The staff shall examine and analyze the information filed by the electric utility pursuant to this rule and additional information obtained through discovery and as ordered by the commission, to determine whether the true-up amount is in accordance with the provisions of this rule, section 386.266, RSMo and the RAM established in the electric utility's most recent general rate proceeding. The staff shall submit a recommendation regarding its examination and analysis to the commission not later than thirty (30) days after the electric utility files for a true-up amount.	(E) The staff shall examine and analyze the information filed and submitted by the electric utility pursuant to this rule and additional information obtained through discovery and as ordered by the commission, to determine whether the true-up amount is in accordance with the provisions of this rule, section 386.266, RSMo and the RAM established in the electric utility's most recent general rate proceeding. The staff shall submit a recommendation regarding its examination and analysis to the commission not later than thirty (30) days after the electric utility files for a true-up amount.
	(F) OPC and intervenors may file a response to the proposed true-up amount within forty (40) days of the electric utility true-up filing.	
The commission shall either issue an order deciding the true-up within sixty (60) days of the electric utility's filing, suspend the timeline of the true-up in order to receive additional evidence and hold a hearing if needed or, if no such order is issued, the tariff schedules and the FAC rate adjustments shall take effect by operation of law sixty (60) days after the utility's filing.	(G) Within sixty (60) days of the electric utility's true-up filing the commission shall issue an order: 1. Allow the tariff sheet(s) reflecting the true-up amount to take effect without commission order; or 2. If it determines that the true-up amount reflected in the tariff sheet(s) is incorrect, reject the proposed tariff sheet(s) containing the true-up amount, suspend the timeline of the true-up filing, and set a prehearing date and order the parties to propose a procedural schedule. The commission shall allow the electric utility to file tariff sheet(s) to implement interim FARs reflecting any part of the true-up amount that is not in question, and questions about the correctness of the true-up amount will not delay adjustments to FAR rates unrelated to the true-up.	1. Allowing the tariff sheet(s) reflecting the true-up amount to take effect without commission order; or 2. If it determines that the true-up amount reflected in the tariff sheet(s) is incorrect, rejecting the proposed tariff sheet(s) containing the true-up amount, suspending the timeline of the true-up filing, and setting a prehearing date and ordering the parties to propose a procedural schedule. The commission shall allow the electric utility to file tariff sheet(s) to implement interim FARs reflecting any part of the true-up amount that is not in question, and questions about the correctness of the true-up amount will not delay adjustments to FAR rates unrelated to the true-up. <i>Correct verb tense</i>

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
<p>1. If the staff, OPC or other party which receives, pursuant to a protective order, the information that the electric utility is required to submit in 4 CSR 240-3.161 and as ordered by the commission in a previous proceeding, believes the information that is required to be submitted pursuant to 4 CSR 240-3.161 and the commission order establishing the RAM has not been submitted or is insufficient to make a recommendation regarding the electric utility's true-up filing, it shall notify the electric utility within ten (10) days of the electric utility's filing and identify the information required. The electric utility shall supply the information identified by the party, or shall notify the party that it believes the information provided was responsive to the requirements, within ten (10) days of the request. If the electric utility does not timely supply the information, the party asserting the failure to provide the required information must timely file a motion to compel with the commission.</p>	<p>(H) If the staff, OPC or other party which receives, pursuant to 4 CSR 240-2.135, the information that the electric utility is required to submit and as ordered by the commission in a previous proceeding, believes the information that is required to be submitted pursuant to this rule and the commission order establishing the RAM has not been submitted or is insufficient to make a recommendation regarding the electric utility's true-up filing, it shall notify the electric utility within ten (10) days of the electric utility's filing and identify the information required. The electric utility shall supply the information identified by the party, or shall notify the party that it believes the information provided was responsive to the requirements, within ten (10) days of the request. If the electric utility does not timely supply the information, the party asserting the failure to provide the required information must timely file a motion to compel with the commission.</p>	<p>(H) If the staff, OPC or other party which receives, pursuant to 4 CSR 240-2.135, the information that the electric utility is required to submit and as ordered by the commission in a previous proceeding, believes the information that is required to be submitted pursuant to this rule and the commission order establishing the RAM has not been submitted or is insufficient to make a recommendation regarding the electric utility's true-up filing, it shall notify the electric utility within ten (10) days of the electric utility's filing and identify the information required. The electric utility shall supply the information identified by the party, or shall notify the party that it believes the information provided was responsive to the requirements, within ten (10) days of the request. If the electric utility does not timely supply the information, the party asserting the failure to provide the required information must timely file a motion to compel with the commission. <i>Remove implicit statement that filing and submissions are in compliance with the rule.</i></p>
<p>While the commission is considering the motion to compel the processing timeline for the adjustment to the FAC rates shall be suspended. If the commission then issues an order requiring the information to be provided, the time necessary for the information to be provided shall further extend the processing timeline. For good cause shown the commission may further suspend this timeline.</p>	<p>1. While the commission is considering the motion to compel, the processing timeline for the determination of the true-up amount shall be suspended. If the commission then issues an order requiring the information to be provided, the time necessary for the information to be provided shall further extend the processing timeline. For good cause shown the commission may further suspend this timeline. If the commission issues and order compelling discover, interest will not be accrued by the utility from the time the commission receives a motion to compel until the time that the utility provides the requested information.</p>	<p>1. While the commission is considering the motion to compel, the processing timeline for the determination of the true-up amount shall be suspended. If the commission then issues an order requiring the information to be provided, the time necessary for the information to be provided shall further extend the processing timeline. If the commission issues and order compelling discovery, interest will not be accrued by the utility from the time the commission receives a motion to compel until the time that the utility provides the requested information. For good cause shown the commission may further suspend this timeline. <i>Move provision for suspending timeline to end.</i></p>

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
<p>2. If the party requesting the information can demonstrate to the commission that the adjustment shall result in a reduction in the FAC rates, the processing timeline shall continue with the best information available. When the electric utility provides the necessary information, the RAM shall be adjusted again, if necessary, to reflect the additional information provided by the electric utility.</p>	<p>2. If the party requesting the information can demonstrate to the commission that the true-up amount shall result in a reduction in the FAR, the processing timeline shall continue with the best information available. When the electric utility provides the necessary information, the FAR shall be adjusted again, if necessary, to reflect the additional information provided by the electric utility.</p>	<p>2. If the party requesting the information can demonstrate to the commission that the true-up amount shall result in a reduction in the customer's bills, the processing timeline shall continue with the best information available. When the electric utility provides the necessary information, the FAR shall be adjusted again, if necessary, to reflect the additional information provided by the electric utility.</p> <p><i>Makes this applicable to an IEC and FAC</i></p>
		<p>(L) A recommendation to approve a true-up or the absence of a response to a true-up filing does not constitute a statement that the electric utility met the requirements of section (5) of this rule.</p> <p><i>Just want to be specific. May not have time to review everything provided in section (5) in the 30-40 days after the utility provides the information.</i></p>
<p>(6) Duration of RAMs and Requirement for General Rate Case. Once a RAM is approved by the commission, it shall remain in effect for a term of not more than four (4) years unless the commission earlier authorizes the modification, extension, or discontinuance of the RAM in a general rate proceeding, although an electric utility may submit proposed rate schedules to implement periodic adjustments to its FAC rates between general rate proceedings.</p>	<p>(10) Duration of RAMs and Requirement for General Rate Case. Once a RAM is approved by the commission, it shall remain in effect for a term of not more than four (4) years unless the commission earlier authorizes the modification, extension, or discontinuance of the RAM in a general rate proceeding, although an electric utility may submit proposed rate schedules to implement periodic adjustments to its FARs between general rate proceedings.</p>	
<p>(A) If the commission approves a RAM for an electric utility, the electric utility must file a general rate case with the effective date of new rates to be no later than four (4) years after the effective date of the commission order implementing the RAM, assuming the maximum statutory suspension of the rates so filed.</p>	<p>(A) If the commission approves a RAM for an electric utility, the electric utility must file a general rate case with the effective date of new rates to be no later than four (4) years after the effective date of the commission order implementing the RAM, assuming the maximum statutory suspension of the rates so filed.</p>	

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
<p>1. The four (4)-year period shall not include any periods in which the electric utility is prohibited from collecting any charges under the adjustment mechanism, or any period for which charges collected under the adjustment mechanism must be fully refunded. In the event a court determines that the adjustment mechanism is unlawful and all moneys collected are fully refunded as a result of such a decision, the electric utility shall be relieved of any obligation to file a rate case. The term fully refunded as used in this section does not include amounts refunded as a result of reductions in fuel or purchased power costs or prudence adjustments.</p>	<p>1. The four (4)-year period shall not include any periods in which the electric utility is prohibited from collecting any charges under the RAM, or any period for which charges collected under the RAM must be fully refunded. In the event a court determines that the RAM is unlawful and all moneys collected are fully refunded as a result of such a decision, the electric utility shall be relieved of any obligation to file a general rate case. The term fully refunded as used in this section does not include amounts refunded as a result of reductions in fuel or purchased power costs minus fuel-related revenues or prudence adjustments.</p>	
(7) Prudence Reviews Respecting RAMs. A prudence review of the costs subject to the RAM shall be conducted no less frequently than at eighteen (18)-month intervals.	(11) Prudence Reviews Respecting RAMs. A prudence review of the fuel and purchased power costs and fuel-related revenues subject to the RAM shall be conducted by staff no less frequently than at eighteen (18)-month intervals.	
(A) All amounts ordered refunded by the commission shall include interest at the electric utility's short-term borrowing rate.	(A) All amounts ordered refunded by the commission shall include interest at the electric utility's short-term borrowing rate.	
(B) The staff shall submit a recommendation regarding its examination and analysis to the commission not later than one hundred eighty (180) days after the staff initiates its prudence audit. The timing and frequency of prudence audits for each RAM shall be established in the general rate proceeding in which the RAM is established. The staff shall file notice within ten (10) days of starting its prudence audit. The commission shall issue an order not later than two hundred ten (210) days after the staff commences its prudence audit if no party to the proceeding in which the prudence audit is occurring files, within one hundred ninety (190) days of the staff's commencement of its prudence audit, a request for a hearing.	(B) The staff shall file notice within ten (10) days of starting its prudence review and shall submit a recommendation regarding its examination and analysis to the commission not later than one hundred eighty (180) days after initiating its prudence review. Parties to the prudence review proceeding shall have ten (10) days after the staff files its recommendation to request a hearing. The commission shall issue an order not later than thirty (30) days after the staff files its recommendation if no party requests a hearing.	

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
<p>1. If the staff, OPC or other party auditing the RAM believes that insufficient information has been supplied to make a recommendation regarding the prudence of the electric utility's RAM, it may utilize discovery to obtain the information it seeks. If the electric utility does not timely supply the information, the party asserting the failure to provide the required information must timely file a motion to compel with the commission. While the commission is considering the motion to compel the processing timeline shall be suspended. If the commission then issues an order requiring the information to be provided, the time necessary for the information to be provided shall further extend the processing timeline. For good cause shown the commission may further suspend this timeline.</p> <p>2. If the timeline is extended due to an electric utility's failure to timely provide sufficient responses to discovery and a refund is due to the customers, the electric utility shall refund all imprudently incurred costs plus interest at the electric utility's short-term borrowing rate.</p>	<p>1. If the staff, OPC or other intervenor auditing the RAM believes that insufficient information has been supplied to make a recommendation regarding the prudence of the electric utility's RAM, it may utilize discovery to obtain the information it seeks. If the electric utility does not timely supply the information, the party asserting the failure to provide the required information must timely file a motion to compel with the commission. While the commission is considering the motion to compel the processing timeline shall be suspended. If the commission then issues an order requiring the information to be provided, the time necessary for the information to be provided shall further extend the processing timeline. For good cause shown the commission may further suspend this timeline.</p> <p>2. If the timeline is extended due to an electric utility's failure to timely provide sufficient responses to discovery and a refund is due to the customers, the electric utility shall refund all imprudently incurred costs plus interest at the electric utility's short-term borrowing rate.</p>	
(8) Disclosure on Customers' Bills. Any amounts charged under a RAM approved by the commission shall be separately disclosed on each customer's bill. Proposed language regarding this disclosure shall be submitted to the commission for the commission's approval.	(12) Disclosure on Customers' Bills. Any amounts charged under a commission-approved RAM shall be separately disclosed on each customer's bill. Proposed language regarding this disclosure shall be submitted to the commission for the commission's approval in the general rate proceeding establishing, modifying or continuing the RAM.	

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
<p>(9) Rate Design of the RAM. The design of the RAM rates shall reflect differences in losses incurred in the delivery of electricity at different voltage levels for the electric utility's different rate classes. Therefore, the electric utility shall conduct a Missouri jurisdictional system loss study within twenty-four (24) months prior to the general rate proceeding in which it requests its initial RAM. The electric utility shall conduct a Missouri jurisdictional loss study no less often than every four (4) years thereafter, on a schedule that permits the study to be used in the general rate proceeding necessary for the electric utility to continue to utilize a RAM.</p>	<p>(13) Rate Design of the RAM. The design of the RAM rates shall reflect differences in losses incurred in the delivery of electricity at different voltage levels for the electric utility's different rate classes as determined through the periodic conduct of Missouri jurisdictional system loss studies.</p> <p>When the electric utility initially seeks authority to use a RAM, the end of the twelve (12)-month period of actual data collected that is used in its Missouri jurisdictional system loss study must be within the twenty-four (24) months immediately preceding the date the utility files its general rate case requesting a RAM.</p> <p>When the electric utility seeks to continue or modify its RAM, the end of the twelve (12)-month period of actual data collected that is used in its Missouri jurisdictional system loss study must be no earlier than four (4) years before the beginning of the twelve (12)-month period the utility uses for developing the general rates it proposes the Commission approve in that general rate proceeding.</p>	<p>(13) Rate Design of the RAM. The design of the RAM rates shall reflect differences in losses incurred in the delivery of electricity at different voltage levels for the electric utility's different rate classes as determined through the periodic conduct of Missouri jurisdictional system loss studies.</p> <p>(A) When the electric utility initially seeks authority to use a RAM, the end of the twelve (12)-month period of actual data collected that is used in its Missouri jurisdictional system loss study must be within the twenty-four (24) months immediately preceding the date the utility files its general rate case requesting a RAM.</p> <p>(B) When the electric utility seeks to continue or modify its RAM, the end of the twelve (12)-month period of actual data collected that is used in its Missouri jurisdictional system loss study must be no earlier than two (2) years before the beginning of the twelve (12)-month period the utility uses for developing the general rates it proposes the Commission approve in that general rate proceeding.</p> <p><i>With Staff's proposal, the loss study could use data collected 5 1/2 years before rates go into effect. OPC's recommendation limits it to 3 1/2 years.</i></p>
<p>(10) Submission of Surveillance Monitoring Reports. Each electric utility with an approved RAM shall submit to staff, OPC and parties approved by the commission a Surveillance Monitoring Report in the form and having the content provided for by 4 CSR 240-3.161(6).</p>	<p>(14) Submission of Surveillance Monitoring Reports. Each electric utility with an approved RAM shall submit to staff, OPC and parties as defined in 4 CSR 240-20.090(20) a Surveillance Monitoring Report in the form and having the content provided for by 4 CSR 240-3.161(6).</p>	<p><i>Included in OPC (6) above</i></p>
<p>(A) The Surveillance Monitoring Report shall be submitted within fifteen (15) days of the electric utility's next scheduled United States Securities and Exchange Commission (SEC) 10-Q or 10-K filing with the initial submission within fifteen (15) days of the electric utility's next scheduled SEC 10-Q or 10-K filing following the effective date of the commission order establishing the RAM</p>	<p>(A) The Surveillance Monitoring Report shall be submitted within fifteen (15) days of the electric utility's next scheduled United States Securities and Exchange Commission (SEC) 10-Q or 10-K filing with the initial submission within fifteen (15) days of the electric utility's next scheduled SEC 10-Q or 10-K filing following the effective date of the commission order establishing the RAM.</p>	<p><i>Included in OPC (6)(D) above</i></p>

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
(B) If the electric utility also has an approved environmental cost recovery mechanism, the electric utility must submit a single Surveillance Monitoring Report for both the environmental cost recovery mechanism and the RAM.	(B) If the electric utility also has any other approved cost recovery mechanism(s) which requires submission of surveillance monitoring reports, the electric utility shall submit a single Surveillance Monitoring Report that incorporates the requirements of the surveillance monitoring report requirements for all cost recovery mechanisms.	<i>Included in (6)(E) above</i>
(C) Upon a finding that a utility has knowingly or recklessly provided materially false or inaccurate information to the commission regarding the surveillance data prescribed in 4 CSR 240-3.161(6), after notice and an opportunity for a hearing, the commission may suspend a fuel adjustment mechanism or order other appropriate remedies as provided by law.	(C) Upon a finding that a utility has knowingly or recklessly provided materially false or inaccurate information to the commission regarding the surveillance data prescribed in 4 CSR 240-3.161(6), after notice and an opportunity for a hearing, the commission may suspend a fuel adjustment mechanism or order other appropriate remedies as provided by law.	<i>Included in OPC (6)(F) above</i>
(11) Incentive Mechanism or Performance-Based Program. During a general rate proceeding in which an electric utility has proposed establishment or modification of a RAM, or in which a RAM may be allowed to continue in effect, any party may propose for the commission's consideration incentive mechanisms or performance-based programs to improve the efficiency and cost effectiveness of the electric utility's fuel and purchased power procurement activities.	(15) Incentive Mechanism or Performance-Based Program. During a general rate proceeding in which an electric utility has proposed establishment or modification of a RAM, or in which a RAM may be allowed to continue in effect, any party may propose for the commission's consideration incentive mechanisms or performance-based programs to improve the efficiency and cost effectiveness of the electric utility's fuel and purchased power procurement and/or off-system sales activities.	
(A) The incentive mechanisms or performance-based programs may or may not include some or all components of fuel and purchased power costs, designed to provide the electric utility with incentives to improve the efficiency and cost-effectiveness of its fuel and purchased power procurement activities.	(A) The incentive mechanisms or performance-based programs may or may not include some or all components of base energy costs, designed to provide the electric utility with incentives to improve the efficiency and cost-effectiveness of its fuel and purchased power procurement and/or off-system sales activities.	(A) The incentive mechanisms or performance-based programs may or may not include some or all components fuel and purchased power costs or revenues. <i>Proposed last sentence just repeats the last part of (15)</i>

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
(B) Any incentive mechanism or performance-based program shall be structured to align the interests of the electric utility's customers and shareholders. The anticipated benefits to the electric utility's customers from the incentive or performance-based program shall equal or exceed the anticipated costs of the mechanism or program to the electric utility's customers. For this purpose, the cost of an incentive mechanism or performance-based program shall include any increase in expense or reduction in revenue credit that increases rates to customers in any time period above what they would be without the incentive mechanism or performance-based program.	(B) Any incentive mechanism or performance-based program shall be structured to align the interests of the electric utility's customers and shareholders. The anticipated benefits to the electric utility's customers from the incentive or performance-based program shall equal or exceed the anticipated costs of the mechanism or program to the electric utility's customers. Customer rates shall include the cost of an incentive mechanism or performance-based program in any time period above what they would be without the incentive mechanism or performance-based program.	
(C) If the commission approves an incentive mechanism or performance-based program, such incentive mechanism or performance-based program shall be binding on the commission for the entire term of the incentive mechanism or performance-based program. If the commission approves an incentive mechanism or performance-based program, such incentive mechanism or performance based program shall be binding on the electric utility for the entire term of the incentive mechanism or performance-based program unless otherwise ordered or conditioned by the commission.	(C) If the commission approves an incentive mechanism or performance-based program, such incentive mechanism or performance-based program shall be binding on the commission for the entire term of the incentive mechanism or performance-based program. If the commission approves an incentive mechanism or performance-based program, such incentive mechanism or performance based program shall be binding on the electric utility for the entire term of the incentive mechanism or performance-based program unless otherwise ordered or conditioned by the commission.	
(12) Pre-Existing Adjustment Mechanisms, Tariffs and Regulatory Plans. The provisions of this rule shall not affect: (A) Any adjustment mechanism, rate schedule, tariff, incentive plan, or other ratemaking mechanism that was approved by the commission and in effect prior to the effective date of this rule; and (B) Any experimental regulatory plan that was approved by the commission and in effect prior to the effective date of this rule.	(16) Pre-Existing Adjustment Mechanisms, Tariffs and Regulatory Plans. The provisions of this rule shall not affect: (A) Any adjustment mechanism, tariff, incentive plan, or other ratemaking mechanism that was approved by the commission and in effect prior to _____; and (B) Any experimental regulatory plan that was approved by the commission and in effect prior to _____	<i>Not needed</i>

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
(13) Nothing in this rule shall preclude a complaint case from being filed, as provided by law, on the grounds that a utility is earning more than a fair return on equity, nor shall an electric utility be permitted to use the existences of its RAM as a defense to a complaint case based upon an allegation that it is earning more than a fair return on equity. If a complaint is filed on the grounds that a utility is earning more than a fair return on equity, the commission shall issue a procedural schedule that includes a clear delineation of the case timeline no later than sixty (60) days from the date the complaint is filed.	(17) Nothing in this rule shall preclude a complaint case from being filed, as provided by law. If a complaint is filed on the grounds that an electric utility is acting in violation of its approved RAM tariff sheets or on the grounds that its rates have become unjust and unreasonable, the commission shall issue a procedural schedule that includes a clear delineation of the case timeline no later than sixty (60) days from the date the complaint is filed.	
(9) Providing to other parties items required to be filed or submitted in preceding sections (3) through (8). Information required to be filed with the commission or submitted to the manager of the auditing department of the commission and to OPC in sections (3) through (8) shall also be, in the same format, served on or submitted to any party to the related general rate proceeding in which the RAM was approved by the commission, periodic rate adjustment proceeding, annual true-up, prudence review, or general rate case to modify, extend or discontinue the same RAM, pursuant to the provisions of a commission protective order, unless the commission's protective order specifically provides otherwise relating to these sections of the commission's rule on RAMs.		
(10) Party status and providing to other parties affidavits, testimony, information, reports and workpapers in related proceedings subsequent to general rate proceeding establishing RAM.	(19) Party status and party rights in RAM proceedings subsequent to the last general rate case where the commission establishes, continues or modifies the electric utility's RAM.	

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
<p>(A) A person or entity granted intervention in a general rate proceeding in which a RAM is approved by the commission, shall be a party to any subsequent related periodic rate adjustment proceeding, annual true-up or prudence review, without the necessity of applying to the commission for intervention. In any subsequent general rate proceeding, such person or entity must seek and be granted status as an intervenor to be a party to that case. Affidavits, testimony, information, reports, and workpapers to be filed or submitted in connection with a subsequent related periodic rate adjustment proceeding, annual true-up, prudence review, or general rate case to modify, extend or discontinue the same RAM shall be served on or submitted to all parties from the prior related general rate proceeding and on all parties from any subsequent related periodic rate adjustment proceeding, annual true-up, prudence review, or general rate case to modify, extend or discontinue the same RAM, concurrently with filing the same with the commission or submitting the same to the manager of the auditing department of the commission and OPC, pursuant to the provisions of a commission protective order, unless the commission's protective order specifically provides otherwise relating to these materials.</p>	<p>(A) Each party to the most recent general rate proceeding in which the commission established, continued or modified the electric utility's RAM shall be a party to each subsequent related RAM rate adjustment proceeding, RAM true-up proceeding and RAM prudence review proceeding, without applying to the commission for intervention, and shall be entitled to access the periodic reports required by this rule during the period of time when they are entitled to be a party to such proceedings without applying for intervention. In any subsequent general rate proceeding, such person or entity must seek and be granted status as an intervenor to be a party to that case and to consequently be a party, without seeking and being granted stated as an intervenor to RAM-related proceedings initiated after that case.</p>	<p>(A) Each party to the most recent general rate proceeding in which the commission established, continued or modified the electric utility's RAM shall be a party to each subsequent related RAM rate adjustment proceeding, RAM true-up proceeding and RAM prudence review proceeding, without applying to the commission for intervention, and shall be provided the periodic and surveillance reports required by this rule during the period of time when they are entitled to be a party to such proceedings without applying for intervention. In any subsequent general rate proceeding, such person or entity must seek and be granted status as an intervenor to be a party to that case and to consequently be a party, without seeking and being granted stated as an intervenor, to RAM-related proceedings initiated after that case.</p> <p><i>Until all parties have access to EFIS non-case related submissions, the information, both periodic reports and surveillance reports, should be provided by the electric utility.</i></p>

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
<p>(B) A person or entity not a party to the general rate proceeding in which a RAM is approved by the commission may timely apply to the commission for intervention, pursuant to 4 CSR 240-2.075(2) through (4) of the commission's rule on intervention, respecting any related subsequent periodic rate adjustment proceeding, annual true-up, or prudence review, or, pursuant to 4 CSR 240-2.075(1) through (5), respecting any subsequent general rate case to modify, extend or discontinue the same RAM. If no party to a subsequent periodic rate adjustment proceeding, annual true-up, or prudence review, objects within ten (10) days of the filing of an application for intervention, the applicant shall be deemed as having been granted intervention without a specific commission order granting intervention, unless within the above-referenced ten (10)-day period the commission denies the application for intervention on its own motion. If an objection to the application for intervention is filed on or before the end of the above-referenced ten (10)-day period, the commission shall rule on the application and the objection within ten (10) days of the filing of the objection.</p>	<p>(C) Anyone may seek to intervene, pursuant to 4 CSR 240-2.075, in any RAM rate adjustment proceeding, RAM true-up proceeding, RAM prudence review proceeding, or general rate proceeding to modify, continue or discontinue a RAM. If no party objects to the intervention request within ten (10) days of when it is filed, then the applicant for intervention shall be deemed to have been granted intervention without a specific commission order, unless within the above-referenced ten (10)-day period the commission denies the application for intervention on its own motion. If an objection to the application for intervention is filed on or before the end of the above-referenced ten (10)-day period, the commission shall rule on the application and the objection within ten (10) days of the filing of the objection.</p>	<p><i>Renumber as (B)</i></p>

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
<p>(11) Issuance of Protective Orders and Discovery.</p> <p>(A) In each general rate proceeding where the commission may approve, modify, or reject a RAM, and each general rate case where the commission may authorize the modification, extension, or discontinuance of a RAM, the electric utility or the complainant, depending upon which entity initiates the case, shall file a motion for commission issuance of a protective order. The protective order shall, among other things, provide that the results of discovery may be used in any subsequent periodic rate adjustment proceeding, annual true-up, or prudence review without a party resubmitting the same discovery requests (data requests, interrogatories, requests for production, requests for admission, or depositions) in the subsequent proceeding to parties that produced the discovery in the prior proceeding, subject to a ruling by the commission concerning any evidentiary objection made in the subsequent proceeding.</p> <p>(B) The commission shall establish a new case for each mutually exclusive twelve (12)-month period encompassing an annual true-up, prudence review and possible periodic rate adjustments, upon the filing of the first pleading or rate schedule respecting such annual true-up, prudence review or periodic rate adjustments, and shall issue a new protective order, pursuant to 4 CSR 240-2.085, to apply in the proceeding without the necessity of any party applying for a protective order. This new protective order shall be identical to the protective order in the immediately preceding related case, unless the electric utility or other party files and serves upon the parties in the immediately preceding related case, at least thirty (30) days prior to the filing of the first pleading or rate schedule respecting the annual true-up, prudence review and possible periodic rate adjustments, encompassing an appropriate twelve (12)-month period, a proposed new protective order for commission consideration.</p>	<p>(20) Discovery. Each discovery response that a party obtains in general rate proceedings where the electric utility seeks for the commission to approve, modify, reject, continue or discontinue a RAM and in related subsequent RAM rate adjustment proceedings, RAM true-up proceedings and RAM prudence review proceedings may be offered as evidence in any subsequent RAM rate adjustment proceeding, RAM true-up proceeding, RAM prudence review proceeding or general rate proceeding to modify, continue or discontinue its RAM as if the response were made to a discovery request in that proceeding without requiring the party who made the request to resubmit the same discovery request (data request, interrogatory, request for production, request for admission, or deposition), subject to commission ruling on any evidentiary objection(s). Unless the commission orders otherwise, sua sponte or on a party's motion, the discovery response shall have the same protection it was last afforded, by rule or by commission order.</p>	<p>(18) Discovery. Each discovery response that a party obtains in general rate proceedings where the electric utility seeks for the commission to approve, modifies, rejects, continues or discontinues a RAM and in related subsequent RAM rate adjustment proceedings, RAM true-up proceedings and RAM prudence review proceedings may be offered as evidence in any subsequent RAM rate adjustment proceeding, RAM true-up proceeding, RAM prudence review proceeding or general rate proceeding to modify, continue or discontinue its RAM as if the response were made to a discovery request in that proceeding without requiring the party who made the request to resubmit the same discovery request (data request, interrogatory, request for production, request for admission, or deposition), subject to commission ruling on any evidentiary objection(s). Unless the commission orders otherwise, sua sponte or on a party's motion, the discovery response shall have the same protection it was last afforded, by rule or by commission order.</p> <p><i>There is no provision in this rule for an electric utility to request the Commission reject a RAM but the rule does allow the Commission to reject a RAM. This language removes the complication of saying an electric utility can request a RAM be rejected.</i></p>

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
<p>If the commission does not rule on the request for a proposed new protective order by the time that information sought to be protected is provided to another party or filed with the commission, the information shall be provided or filed at the level of protection designated by the providing or filing party.</p> <p>(C) If an electric utility or other party files for a new protective order less than thirty (30) days prior to the filing of the first pleading or rate schedule respecting an annual true-up, prudence review or possible periodic rate adjustments, encompassing an appropriate twelve (12)-month period, the commission shall initially issue a protective order identical to the protective order in the immediately preceding related case to be in effect while the commission considers responses and decides whether the new protective order proposed by the electric utility or other party shall be adopted for any additional material to be disclosed by parties in the proceeding in question.</p> <p>(D) Subsequent protective orders shall authorize use of the results of discovery from any preceding proceeding relating to the same RAM, without a party resubmitting the same discovery requests (data requests, interrogatories, requests for production, requests for admission, or depositions) in the subsequent proceeding to parties that produced the discovery in the earlier proceeding, subject to a ruling by the commission concerning any evidentiary objection made in the subsequent proceeding.</p>		

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
<p>(12) Supplementing and updating data requests in subsequent related proceedings. If a party which submitted data requests relating to a proposed RAM in the general rate proceeding where the RAM was established or in the general rate proceeding where the same RAM was modified or extended, or in any subsequent related periodic rate adjustment proceeding, annual true-up, or prudence review, wants the responding party to whom the prior data requests were submitted to supplement or update that responding party's prior responses for possible use in a subsequent related periodic rate adjustment proceeding, annual true-up, prudence review or general rate case to modify, extend or discontinue the same RAM, the party which previously submitted the data requests shall submit an additional data request to the responding party to whom the data requests were previously submitted which clearly identifies the particular data requests to be supplemented or updated and the particular period to be covered by the updated response. A responding party to a request to supplement or update shall supplement or update a data request response, from a related general rate proceeding where a RAM was established, a general rate case where the same RAM was modified or extended, or a related periodic rate adjustment proceeding, annual true-up, or prudence review that the responding party has learned or subsequently learns is in some material respect incomplete or incorrect.</p>	<p>(21) Supplementing and updating discovery responses in subsequent related proceedings. A party who provided a discovery response in a prior case as described in section (12) shall be under no obligation to supplement or update that response in a subsequent proceeding, unless the requesting party issues a discovery request in the subsequent case which clearly identifies the particular discovery requests to be supplemented or updated and the particular period to be covered by the updated response. A party responding to a request to supplement or update a prior proceeding discovery response shall supplement or update the discovery response where the responding party has learned or subsequently learns its response is in some material respect in detailed or incorrect.</p>	

Current (4 CSR 240-20.090 & 3.161)	Proposed by Staff (9/29/2015)	OPC Proposal
(13) Separate cases for each general rate proceeding involving a RAM and for each mutually exclusive twelve (12)-month annual true-up period of a RAM. Each general rate proceeding where the commission may approve, modify, or reject a RAM; each general rate case where the commission may authorize the modification, extension, or discontinuance of a RAM; and each mutually exclusive twelve (12)-month period of a RAM that encompasses an annual true-up, prudence review, and possible periodic rate adjustments shall comprise a separate case.	(22) The commission shall establish a new case for each general rate proceeding, RAM rate adjustment proceeding, RAM true-up proceeding and RAM prudence review proceeding.	
(14) For the purposes of this rule, a RAM (even if continued in substantially the form approved in the previous general rate proceeding) shall be considered to be a new distinct RAM after each general rate proceeding required by section 386.266.4(3), RSMo or if it were modified or extended in a general rate case.		
(15) Right to Discovery Unaffected. In addressing certain discovery matters and the provision of certain information by electric utilities, this rule is not intended to restrict the discovery rights of any party.	(23) Right to Discovery Unaffected. In addressing certain discovery matters and the provision of certain information by electric utilities, this rule is not intended to restrict the discovery rights of any party.	
(14) Rule Review. The commission shall review the effectiveness of this rule by no later than December 31, 2010, and may, if it deems necessary, initiate rulemaking proceedings to revise this rule. <i>(both rules)</i>		
(15) Waiver of Provisions of this Rule. Provisions of this rule may be waived by the commission for good cause shown after an opportunity for a hearing. (16) Waivers. Provisions of this rule may be waived by the commission for good cause shown.	(24) Waiver of Provisions of this Rule. Provisions of this rule may be waived by the commission for good cause shown after an opportunity for a hearing.	