

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held at its office
in Jefferson City on the 14th
day of October, 1994.

In the matter of Lyle W. Glenny and Glenny	)	
Enterprises Inc. d/b/a Wagon Wheel Campground,	)	
	)	
Complainants,	)	
	)	<u>CASE NO. EC 93-199</u>
vs.	)	
	)	
Union Electric Company,	)	
	)	
Respondent.	)	

ORDER DISMISSING COMPLAINT

On December 21, 1992, Lyle W. Glenny and Glenny Enterprises, Inc. d/b/a Wagon Wheel Campground (Complainant or Wagon Wheel) filed a complaint with the Missouri Public Service Commission against Union Electric Company (UE), in essence alleging that UE has refused to provide individual metered electric service to his annual leased sites, while providing this service to other commercial entities which Complainant apparently feels are similar to his own enterprise. The Commission ultimately issued an Order Directing Staff Report, seeking answers to the following questions:

- (1) Which types of structures are located at the various places of business, including, but not limited to, whether the structures are recreational vehicles, travel trailers or mobile homes, the size of the structures, and the mobility of the structures or lack thereof;
- (2) Which places of business are metered, and under which tariff provision;
- (3) Whether any places of business which have been metered have been charged by UE for the metering, or whether any guarantee agreement has been entered into with UE;
- (4) What other utilities are available to the structures located at the various places of

business, and whether the other utilities are available on a year-long or seasonal basis;

- (5) Whether the residents of the structures located at the various places of business reside there on a year-long, seasonal, temporary, or occasional basis;
- (6) Comparison figures, (either numbers, percentages, or other methods of comparison), for each place of business (e.g., for each place of business, percentage of structures which are non-mobile, or of a certain type or size, percentage of year-long residence, etc.);
- (7) Whether UE has a definition in its tariffs or an internal policy defining the following terms: "permanent dwelling unit," "residential dwelling unit," "mobile home park," and "recreational vehicle park".

The Staff of the Commission filed a memorandum on July 26, 1993, in which it attempted to address the above questions, and gave its recommendation with respect to Commission action on this matter. Staff concluded that Complainant's business was being metered and supplied electricity under the appropriate tariff classification, and that UE was being consistent in applying its Commission-approved tariff sheets. Staff further recommended that the Commission order UE to provide an estimate of what it would cost to provide Complainant with a secondary distribution system, along with UE's determination of Complainant's portion of the construction expense, and submit the cost estimate to both Complainant and the Commission's Energy Department for Staff review. On August 23, 1993, Complainant filed a letter disputing some of the factual statements contained in Staff's memorandum, and on August 25, 1993, UE filed a Response of Union Electric Company To Staff Report, urging the Commission to reject Staff's recommendation that UE provide a cost estimate for the provision of a secondary distribution system.

To understand the issues, a brief background of the case is helpful. Complainant is currently being served under Section III.H.3 of

UE's General Rules and Regulations, P.S.C. MO. No. 5, 2nd Revised Sheet No. 150, Cancelling P.S.C. MO. No. 5, 1st Revised Sheet No. 150. Section III.H.3 is titled "Recreational Vehicle Parks" and states as follows:

3. Recreational Vehicle Parks

Company will extend its electrical distribution system to a single delivery point to provide service to campgrounds and parks which dedicate at least 80% of their space for recreational vehicle sites. Such extensions will be made under the same terms and conditions indicated in this Section III as applicable to non-residential customers.

Mead's Farm, the entity to which Complainant is apparently comparing himself, is currently being served under Section III.H.2 of UE's General Rules and Regulations, P.S.C. MO. No. 5, 5th Revised Sheet No. 149, Cancelling P.S.C. MO. No. 5, 4th Revised Sheet No. 149(M), as follows:

2. Mobile Home Parks

Where a mobile home park owner/operator provides a designated lot with water utilities and sanitary facilities for mobile homes in excess of 400 square feet in size intended for use as residential dwelling units, Company will extend its distribution system to each mobile home lot on the same terms and conditions indicated in this Section III for extensions to residential subdivisions. The billing for electric consumption at any common facilities installed within the mobile home park for the benefit of all the mobile home park occupants shall be to the park's owner/operator.

Based upon a thorough review of Staff's Report, UE's tariffs, and the file in this case, the Commission finds as follows:

Approximately 19 out of about 42 lots at Wagon Wheel Campground are leased on an annual basis. Of these 19 lots, only three are occupied by mobile homes which have been set on concrete blocks with skirting constructed around the base of the unit, and which are in excess of 400 square feet. The remaining inhabited lots contain recreational vehicles or travel trailers which are less than 400 square feet in size. Although the

travel trailers do remain on wheels, mobility is restricted somewhat by the addition of conveniences such as porches, patios, and decks. In contrast, Mead's Farm contains approximately 19 lots which are occupied by mobile homes, out of a total of about 23 inhabited lots, with the remainder either recreational vehicles or travel trailers. All of the mobile homes are set on concrete blocks with skirting around the base of the units, although four of the mobile homes do not exceed 400 square feet in size. These mobile homes, as well as the recreational vehicles, all have patios, porches, and decks attached which would require considerable effort to be removed.

The tenants of Wagon Wheel have available to them water and sewer hookups, which they utilize by running various hoses to the perimeters of the lots, where the hookups are located. Conversely, Mead's Farm has available telephone, water, and sewer facilities, with the water and sewer facilities located under the structures and protected by the skirting constructed around the base of the structures.

Wagon Wheel is operated for seven months of the year, with tenants staying a maximum of ten days in any given month. Additional charges are assessed in the event a tenant wishes to stay longer than ten days. The tenancy lengths at Mead's Farm vary. Some tenants stay on a year-round basis, while others stay during the summer months, for weeks at a time, or only on weekends.

Currently UE provides electric service to Wagon Wheel at a single delivery point. On the other hand, Mead's Farm, at its cost, installed gang meter bases at various locations throughout the premises and brought electric service to the meter base. Thereafter UE extended its distribution facilities to the gang meter base, and installed meters at no cost to customers meeting the requirements for permanent service.

The Commission finds that, overall, the tenants at Mead's Farm are less transient than those at Wagon Wheel, and the structures on the lots of Mead's Farm are less mobile than those on the lots of Wagon Wheel. After a review of the classifications under which Wagon Wheel and Mead's Farm are currently served, as well as a review of other possible classifications under UE's tariff, the Commission determines that Wagon Wheel and Mead's Farm substantially conform to the requirements of their respective tariff classification of recreational vehicle park and mobile home park, and that UE's use of those classifications is both reasonable and appropriate. As this determination resolves the issue raised in Complainant's complaint and no other issues remain outstanding, the Commission is of the opinion that this case should be dismissed.

IT IS THEREFORE ORDERED:

1. That the complaint filed by Lyle W. Glenny and Glenny Enterprises, Inc. d/b/a Wagon Wheel Campground against Union Electric Company in Case No. EC-93-199 be and is hereby dismissed.

2. That this Order shall become effective on October 25, 1994.

BY THE COMMISSION



David L. Rauch
Executive Secretary

(S E A L)

Mueller, Chm., McClure, Perkins,
Crumpton, CC., Concur.
Kincheloe, C., Absent.

