

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 17th day
of July, 2013.

In the Matter of the Application of)	
Union Electric Company d/b/a Ameren Missouri)	File No. EA-2013-0502
for Authority to Sell and Repurchase)	
Coal and Lease Property)	

ORDER GRANTING APPLICATION WITH EXPEDITED TREATMENT

Issue Date: July 17, 2013

Effective Date: July 27, 2013

The Missouri Public Service Commission is granting the *Application and Motion for Expedited Treatment* ("application") with the conditions proposed in Staff's recommendation. The application seeks permission to sell coal and lease part of the Sioux Energy Center to support a clean coal program. The Commission will also grant the included motion for expedited treatment to begin the financial and environmental benefits of that program quickly.

Union Electric Company d/b/a Ameren Missouri ("applicant") filed the application¹ and a later supplement.² The Commission granted³ the application for intervention of

¹ Electronic Filing and Information System ("EFIS") No. 1, *Application and Motion for Expedited Treatment*, filed on May 28. All dates are in 2013.

² EFIS No. 3, *Supplement to Application and Motion for Expedited Treatment*, filed on May 30.

³ EFIS No. 7, *Order Granting Intervention*, issued on June 17.

Missouri Industrial Energy Consumers.⁴ Staff filed a recommendation favoring the application,⁵ with proposed conditions, as follows.

- a) No ratemaking determination is being made in this order relative to the sale of coal and the lease of a portion of the property of Ameren Missouri at the Sioux Energy Center over the term of the transaction.
- b) Ameren Missouri shall notify the Commission at least 30 days prior to exercising the Option Agreement for Purchase of Membership Interest.
- c) Prior to exercising the Option Agreement for Purchase of Membership Interest, and as soon as practical once the decision is made to take the action, Ameren Missouri shall make a presentation to the Commission and the parties to this case explaining their decision to exercise this Option.
- d) Should Ameren Missouri exercise the Option Agreement for Purchase of Membership Interest it shall identify any assets it acquires from that agreement, including, but not limited to, any tax credits.
- e) Ameren Missouri shall not sell, transfer or encumber any tax credits it may receive as a result of exercising the Option Agreement for Purchase of Membership Interest. The phrase “sell, transfer or encumber” encompasses the term “assignment” as used in the Option Agreement.
- f) If Ameren Missouri decides to suspend, terminate or otherwise modify the terms of the transaction agreements, the Company will notify the Commission and the parties of the changes by filing a notice with the Commission as soon as practical, once the decision has been made to take the action.[⁶]

⁴ EFIS No. 5, *Application to Intervene*, filed on June 4.

⁵ EFIS No. 10, *Staff's Recommendation to Approve Application*, filed on June 28.

⁶ EFIS No. 10, *Staff's Recommendation to Approve Application*, third and fourth pages, paragraph 14.

No party filed a reply to the recommendation within the ten days allowed by Commission regulation.⁷

No hearing is necessary⁸ to grant unopposed relief.⁹ Therefore, this action is not a contested case,¹⁰ and the Commission need not make separately stated findings of fact. The Commission finds and concludes as follows.

The application is within the Commission's jurisdiction under the following provision:

No . . . electrical corporation . . . shall hereafter . . . lease, transfer, . . . or otherwise dispose of . . . any part of its . . . works or system, necessary or useful in the performance of its duties to the public, nor by any means, direct or indirect, merge or consolidate such works or system . . . , or any part thereof, with any other corporation, person or public utility, without having first secured from the commission an order authorizing it so to do. [¹¹]

The Commission's regulations also require the Commission's order authorizing the transfer of any asset.¹² The Commission will deny the application only if approval would be detrimental to the public interest.¹³

The verified filings show that granting the application, with Staff's proposed conditions, will cause no detriment to the public interest. The absence of opposition supports the expedited treatment that the applicant seeks. It also constitutes good

⁷ 4 CSR 240-2.080(13).

⁸ *State ex rel. Rex Deffenderfer Ent., Inc. v. Public Serv. Comm'n*, 776 S.W.2d 494, 496 (Mo. App., W.D. 1989).

⁹ The Office of the Public Counsel is a party to this action under 4 CSR 240-2.010(10) but has elected to enter no appearance.

¹⁰ Section 536.010(4), RSMo Supp. 2012.

¹¹ Section 393.190.1, RSMo 2000.

¹² 4 CSR 240-3.110(1).

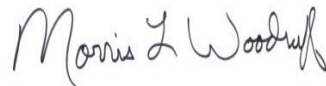
¹³ *State ex rel. City of St. Louis v. Public Serv. Comm'n of Missouri*, 73 S.W.2d 393, 400 (Mo. 1934); and Regulation 4 CSR 240-3.110(1)(D).

cause for the Commission to make this order effective in less than 30 days.¹⁴ Therefore, the Commission will grant the application with the conditions proposed in Staff's recommendation, and will grant the motion for expedited treatment.

THE COMMISSION ORDERS THAT:

1. The *Application and Motion for Expedited Treatment* is granted.
2. Staff's recommended conditions, as described in the body of this order, are incorporated by reference as if fully set forth.
3. This order shall become effective on July 27, 2013.

BY THE COMMISSION



Morris L. Woodruff
Secretary

R. Kenney, Chm., Jarrett, Stoll, and
W. Kenney, CC., concur.

Jordan, Senior Regulatory Law Judge

¹⁴ Section 386.490.2, RSMo Supp. 2012.