

Rules of
Department of Economic Development
Division 240 – Public Service Commission
Chapter 3 – Filing and Reporting Requirements

PROPOSED AMENDMENT

**4 CSR 240-3.161 Electric Utility Fuel and Purchased Power ~~Cost-Recovery~~Rate
Adjustment Mechanisms Filing and Submission Requirements**

PURPOSE: This ~~rule sets forth~~ proposed amendment modifies the information that an electric utility must provide when it seeks to establish, continue, modify, or discontinue and/or true-up its rate adjustment mechanism (i.e., fuel ~~and purchased power~~ adjustment clause or interim energy charge). It also sets forth the requirements for the submission of Surveillance Monitoring Reports as required for electric utilities that have a rate adjustment mechanism.

(1) As used in this rule, Definitions.

(A) 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;

(B) MCF is one thousand (1,000) cubic feet of natural gas;

(C) MMBtu is equal to one million (1,000,000) Btus;

(2) The following terms ~~mean~~ used in this subsection are defined in subsection (1) of 4 CSR 240-20.090 Fuel and Purchased Power Rate Adjustment Mechanisms:

(A) 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.

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;

(B) 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;

~~(C) 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;~~

~~(D) 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;~~

~~(E) Rate adjustment mechanism (RAM) means either a fuel adjustment clause (FAC) or an interim energy charge (IEC);~~

~~(F) Staff means the staff of the Public Service Commission; and~~

~~(G) 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.~~

- ~~1. (2) Accumulation period;~~
- ~~2. Fuel adjustment clause (FAC);~~
- ~~3. Fuel adjustment rate (FAR)~~
- ~~4. Fuel and purchased power adjustment (FPA)~~
- ~~5. Fuel and purchased power costs;~~
- ~~6. Fuel-related revenue;~~
- ~~7. General rate proceeding;~~
- ~~8. Interim energy charge (IEC);~~
- ~~9. Net base energy costs;~~
- ~~10. Permanent rates;~~
- ~~11. Recovery period; and~~
- ~~12. Staff.~~

(3) ~~Applications- (Ameren)~~ Requesting Establishment of a Rate Adjustment Mechanism (RAM).

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, in electronic format where available (with formulas intact), as part of, or in addition to, its direct testimony: OPC has a separate document with additional comments on this section.

(A) An example of the notice to be provided to customers as required by 4 CSR 240-20.090(2)(D);

(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(89);

(C) Proposed RAM tariff sheets and rate schedules (Ameren, OPC) including Rate Schedules (PSC, OPC);

(D) A general detailed description of the design and intended operation of the proposed RAM;

(E) A ~~complete~~complete and (OPC) (Ameren opposes)~~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;

(F) A ~~complete~~complete and (OPC) (Ameren opposes)~~detailed~~ explanation of how the proposed FAC shall be true-up ~~to reflect for~~ over-~~and~~ under-collections, or how and when the refundable portion of the proposed IEC shall be true-up, on at least an annual basis;

(G) A ~~complete~~complete and (OPC) (Ameren opposes)~~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;

(H) A detailed description of how the proposed RAM is compatible with the requirement for prudence reviews; in 4 CSR 240-20.090(8);

(~~HI~~) A ~~complete~~complete and (OPC) (Ameren opposes)~~detailed~~ explanation of ~~all the cost each cost~~ that ~~shall is to~~ be ~~considered for recovery~~recovered under the proposed RAM ~~and with identification of~~ the specific account ~~used for each cost item on the electric utility's books and records;~~ OPC – once information provided to explain volatility, uncertainty, risk, etc. Ameren & KCPL– opposed.

(~~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 sub-account where each such revenue item is~~ that cost will be recorded on the electric utility's books and records;

(J) A ~~complete~~detailed explanation of ~~any each OPC fuel-related~~ revenue that is to be considered in determining the amount to be recovered under the proposed RAM with identification of the specific account and sub-account, (KCPL, Ameren-questioning inclusion of sub-accounts) where that revenue will be recorded on the electric utility's books and records;

(~~K~~) A detailed explanation of each incentive ~~features designed~~ feature in the proposed RAM ~~and with~~ the expected benefit and cost each feature is intended to produce for both the electric utility's ~~shareholders~~ utility and its Missouri retail customers;

(~~KL~~) A ~~complete~~detailed explanation of ~~any each~~ rate volatility mitigation ~~features designed~~ feature in the proposed RAM;

(~~LM~~) A ~~complete~~detailed explanation of ~~any each~~ feature ~~designed into of~~ the proposed RAM ~~or any and each~~ existing electric utility policy, procedure, or practice that ~~can be relied upon to ensure that ensures~~ only prudent fuel and purchased power costs and fuel-related revenue shall be eligible for recovery under recovered through the proposed RAM; Ameren – too open ended, too broad.

(M) A complete explanation of the specific customer class rate design used to design (N) If the proposed RAM ~~base amount in permanent rates and any includes incorporating fuel and purchased power costs and fuel-related revenue in the electric utility's permanent 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 permanent rates or FAR and in any OPC – clarification of wording~~ subsequent rate adjustments during the term of the proposed RAM;

(~~NO~~) A ~~complete~~detailed explanation of ~~any change in 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 permanent rates;~~

(P) A detailed explanation of the change to the electric utility's 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 may experience;

~~(Q) A detailed explanation of each risk to the electric utility's Missouri retail customers classes (OPC) Ameren, KCPL & Empire opposes – to explain each future risk is problematic resulting from implementation of the proposed RAM, including the electric utility's estimated quantification of that risk and how the electric utility will reduce that risk; OPC supports what staff has added.~~

~~(R) The supply-side and demand-side resources,~~ based on the resources it includes in its general rate proceeding, that the electric utility expects to use to meet its loads in the ~~next~~ four (4) ~~true up~~ years following commission establishment of a RAM, the expected dispatch of those resources, the reasons why ~~these~~those resources are appropriate for dispatch and the heat rates and fuel types for each supply-side resource; ~~in. In filing (OPC) submitting information is impacted by integrated markets (KCPL)~~ this information, it is recognized that supply- and demand-side resources and dispatch may change during the ~~next~~ four (4) ~~true up~~ years following commission establishment of a RAM based upon changing circumstances, and ~~that~~ parties will have the opportunity to comment on this information after it is filed by the electric utility;

~~(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 (HRSG) to determine the base level of efficiency for each of the units;~~

~~(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;~~

~~(R) If emissions allowance~~ (S) A base 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 electric utility's proposed 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, it will provide a statement in its testimony as to where the results can be found in workpapers;

~~(T) The status and commission file number of the electric utility's Chapter 22 filings. Review this language, should it be tied to IRP?~~

1. If the commission found the electric utility's Chapter 22 filings to be less than fully compliant, the electric utility shall provide:

A. A detailed explanation of why its proposed RAM should be established despite the electric utility's non-compliance with the commission's Chapter 22 resource planning requirements; and

B. A detailed description of each resource planning deficiency and concern that was not resolved and how that deficiency or concern will or will not impact fuel costs, purchased power costs or fuel-related revenue in the time period until the electric utility must file its next general rate proceeding and over the twenty (20) year planning horizon required by Chapter 22; and

2. If a commission decision on the electric utility's Chapter 22 filing is pending the electric utility shall provide:

A. A detailed explanation of why its proposed RAM should be established, if the parties in that case have alleged deficiencies or concerns with the electric utility's resource planning; and

B. A detailed description of how each alleged resource planning deficiency or concern, if any, will or will not impact fuel costs, purchased power costs and fuel-related revenue in the time period until the electric utility must file its next general rate proceeding and over the twenty (20) year planning horizon required by Chapter 22;

(U) If the electric utility proposes to include emissions allowances costs or sales margins are included revenue in the RAM request proposed FAC and not in the electric utility's an environmental cost recovery surcharge mechanism, a completedetailed explanation of its emissions management policy, and its forecasted environmental investments and, emissions allowances purchases and emissions allowances sales; and

(S)-(V) 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

(W) Authorization for the commission 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 to the commission staff by the electric utility to all parties to the case staff in compliance with 4 CSR 240-20.090(11). Empire: concern over 5 years could include parties not in the last rate case.

(3)(4) Applications- If information was provided in a previous case, only need to provide updates and not all the information (Empire and Ameren) (OPC the utility would point out the change) to Continue or Modify a RAM. 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 on the parties, as provided in sections (9) through (11) in this rule the following supportingall information as partrequired in subsection (3) of; this rule and any additional information that, in the previous general rate proceeding, the commission ordered the electric utility to provide when seeking to continue or in addition to, modify its direct testimony:RAM.

(A) An example of the notice to be provided to customers as required by 4 CSR 240-20.090(2)(D);

(B) If the electric utility proposes to change the identification of the (W)-I (Y) and

(5) Application to Discontinue a 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);

(C) Proposed RAM rate schedules;

(D) A general description of the design and intended operation of the proposed RAM;

(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;

(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;

~~(G) A complete description of how the proposed RAM is compatible with the requirement for prudence reviews;~~

~~(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) 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;~~

~~(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;~~

~~(K) A complete explanation of any rate volatility mitigation features 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;~~

~~(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;~~

~~(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;~~

~~(O) A description of how responses to subsections (B) through (N) differ from responses to subsections (B) through (N) for the currently approved RAM;~~

~~(P) 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;~~

~~(Q) The results of heat rate tests and/or efficiency tests on all the electric utility's nuclear and non nuclear steam generators, HRSG, steam turbines and combustion turbines conducted within the previous twenty four (24) months;~~

~~(R) 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;~~

~~(S) 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~~

~~(T) Any additional information that may have been ordered by the commission to be provided in the previous general rate proceeding.~~

~~(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 on the parties as provided in sections (9) through (11) in this rule, 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);

(B) A ~~completedetailed~~ 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~~proposes to discontinue its RAM.

1. If requesting to discontinue its FAC, the electric utility shall include the following in its explanation:

A. The ending date of the last FAC accumulation period;

B. The beginning and ending dates of the recovery period for that accumulation period; and

C. The procedure for the true-up associated with the recovery period for that accumulation period.

2. If requesting to discontinue its IEC, the electric utility shall include a detailed explanation of how any over-collections will be handled; returned to the electric utility's retail customers;

(C) A ~~completedetailed~~ explanation of why the RAM is no longer necessary to provide the electric utility a sufficient opportunity to earn a fair return on equity;

(D) A ~~completedetailed~~ explanation of ~~any change in business risk to the electric utility resulting from discontinuation of the adjustment mechanism in the 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; and Ameren – review language on change in business risk.

(E) Any additional information that ~~may have been ordered by the~~, in the previous general rate proceeding, the commission ordered the electric utility to be provided provide when seeking to discontinue its RAM.

~~(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~~(5) Monthly Reports. So long as it has a RAM in effect, each electric utility shall submit a monthly report through the commission's electronic filing and information system (EFIS). The following information) and to the Office of the Public Counsel (OPC) and to other parties. Each monthly report shall be aggregated by month and suppliedverified 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, which shall be provided in electronic format where available (with formulas intact). The information in the monthly report shall be submitted no later than sixty (60) days after the end of the month being reported on when the RAM is in effect.month. The first monthly 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 monthly report shall contain, at a minimum, the following information:

(A) The billing month revenues billed pursuant to the RAM, by rate class and voltage level;

(B) The billing month revenues billed through the electric utility's ~~base-rate allowance~~permanent rates, by rate class and voltage level;

(C) The electric utility's actual calendar month fuel and purchased power costs, allocated by rate class and voltage level using commission approved allocation methods;

(D) The electric utility's actual calendar month fuel-related revenue, allocated by rate class and voltage level using commission approved allocation methods;

~~(D) All~~ (E) Each significant ~~factors~~factor that ~~have~~has affected the level of ~~RAM~~the electric utility's fuel-related revenues ~~and in the calendar month, 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 ~~expenses~~costs in the calendar month, along with workpapers documenting each of these significant factors;

~~(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~~Calendar month off-system megawatt ~~hour sales~~hours sold;

~~(I) Megawatt~~ (H) Calendar month megawatt-hours generated, fuel consumption ~~and, fuel expense, and heat rates~~rate, by generating ~~facility~~unit;

~~(J) Megawatt~~ (I) Calendar month megawatt-hours purchased ~~with, stating~~ firm and non-firm purchases separately ~~stated~~;

~~(K)~~ (J) Prices of fuel purchased by fuel type during the calendar month, breaking out freight and transportation prices;

(K) The following information, actual and budgeted, for the reported calendar month, as well as for year-to-date and prior calendar year:

1. Actual fuel-related revenue, by account and sub-account number;

2. Actual fuel costs included in the fuel and purchased power costs, by account and sub-account number;

3. Actual fuel handling labor costs;

(L) The following information for the calendar month, by generation unit, by fuel type and by total for the electric utility:

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 units 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;

(M) A detailed description of each account and sub-account where each fuel and purchased power cost or fuel-related revenue is recorded;

(N) Total fuel cost;

(O) Identification of each contract for nuclear fuel, coal, natural gas commodity and transportation the electric utility entered into or renewed during the reported month with

identification of terms and parties of the contract. Identification of when and where staff may review each contract;

(P) A copy of each contract for capacity and/or energy purchase having a length of three (3) months or longer that the electric utility entered into during the reported month;

(Q) A copy of each contract for capacity and/or energy sales of a length of three (3) months or longer that the electric utility entered into during the reported month;

(R) Notice of any change(s) to the electric utility's hedging policy and, if changed, a statement or copy of the changed policy;

(S) Each revision to the electric utility's internal policy for participating in a Regional Transmission Organization (RTO) ancillary services market, if the RTO in which the electric utility participates has such a market;

(T) The electric utility's monthly fuel short-term debt interest rate, along with:

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

(U) Any additional information that the commission has ordered the electric utility proposes to change the contents or name of the fuel provide in its monthly reports, staff, .

(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 others that receive the information will be contacted thirty (30) other parties, a Surveillance Monitoring Report, within fifteen (15) 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 after each of the electric utility's United States Securities and Exchange Commission (SEC) 10-Q and 10-K filings are identified as 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, the information identified in this subsection. These Surveillance Monitoring Reports are highly confidential, as required by 4 CSR 240-20.090(10).

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

(M) Any additional information ordered by the commission to be provided;

(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.

(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.

(A) There are ~~five~~ six (6) parts to the electric utility Surveillance Monitoring Report. Each part, except Part ~~one, I~~—Rate Base Quantifications, shall contain information for the last twelve (12)-month period and the last quarter ~~data for~~ based on total company electric operations data and on Missouri jurisdictional operations. ~~Page one, data. Part I~~—Rate Base Quantifications, shall contain only information ~~for~~ as of the ending date of the period being reported. The form of the Surveillance Monitoring Report ~~form is included herein~~ follows.

1. ~~Part I~~—Rate Base Quantifications ~~Report~~. The quantification of rate base items ~~on page one in Part I~~ shall be consistent with the methods ~~or~~ and procedures used in the electric utility's most recent rate proceeding before the commission, unless otherwise specified. ~~The report~~ Part I shall consist of specific ~~rate base~~ quantifications of the following rate base items:

- 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. ~~Any~~ All other ~~item~~ items included in the electric utility's rate base ~~in the~~ from its most recent general rate proceeding before the commission;

- L. Net Operating Income from ~~page three~~ Part III; and
- M. Calculation of the overall return on rate base.

2. ~~Part II~~—Capitalization Quantifications ~~Report~~. ~~Page two, Part II~~ shall consist of specific ~~capitalization~~ quantifications of the following capitalization-related items:

- 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.

3. ~~Part III~~—Income Statement. ~~Page three~~ Part III shall consist of an income statement containing specific quantification of:

- A. Operating revenues ~~to include, including revenues from~~ sales to industrial, commercial and residential customers, sales for resale and all other components of total operating revenues;
- B. Operating and maintenance expenses ~~for~~ in fuel expense, production ~~expenses~~ expense, purchased power energy, and purchased power capacity;
- C. Transmission ~~expenses~~ expense;
- D. Distribution ~~expenses~~ expense;
- E. Customer accounts ~~expenses~~ expense;
- F. Customer service and information ~~expenses~~ expense;
- G. Sales ~~expenses~~ expense;
- H. Administrative and general ~~expenses~~ expense;
- I. Depreciation, amortization and decommissioning expense;
- J. Taxes other than income taxes;
- K. Income taxes; and

L. Quantification of heating degree and cooling degree days, both actual and normal.

4. Part IV—Jurisdictional Allocation Factor Report. Page four~~Factor Report. Page four~~Factors. Part IV shall consist of a listing list of the jurisdictional allocation factors used for the determining the electric utility's rate base, capitalization quantification ~~reports~~ and income statement.

5. Part V—Financial Data Notes. Page five~~Part V~~ shall consist of notes to the reported financial data including, but not limited to:

A. Out-of-period adjustments;

B. Specific quantification of material variances between actual and budget financial performance;

C. Material~~Specific identification and quantification of material~~ variances between current twelve (12)-month period and prior twelve (12)-month period revenue;

D. Expense level~~The expense levels of items ordered by each item~~ the commission ~~to has~~ ordered be tracked pursuant to the order establishing in the RAM;

E. Budgeted capital projects; and

F. Events that materially affect debt or equity surveillance components.

6. Part VI – Missouri Energy Efficiency and Investment Act (MEEIA). An electric utility with approved MEEIA demand-side management programs and an approved demand-side programs investment mechanism shall include all quarterly filing requirements of 4 CSR 240-20.093(9).

(B) The Each Surveillance Monitoring Report shall contain include any additional information ~~ordered by~~ the commission ~~to has ordered~~ be provided.

(C) The

(7) Budget Report. Annually the electric utility shall ~~annually~~ submit to the manager of the energy resource analysis section of the commission, OPC and other parties, its approved budget for the upcoming budget year, in electronic ~~form, based upon its budget year in a~~ 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 its approval 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)~~(8) Periodic Change to Fuel Adjustment Rates (FAR). When an electric utility files with the commission tariff ~~schedules~~schedule(s) to adjust an FAC rate change its fuel adjustment rates as described in 4 CSR 240-20.090~~(4) with the commission,~~(5), and serves ~~it~~ upon parties ~~as provided in sections (9) through (11) in this rule,~~ the filed tariff schedule ~~must(s) shall~~ be accompanied by supporting.

(A) Prefiled testimony, ~~and at least the~~ that shall include:

1. A discussion that details the factors which contributed to the FPA amount;

2. The change in the fuel adjustment rates;

3. The impact of the proposed fuel adjustment rates 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. 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.

5. Either a statement that there has been no change in the electric utility's internal policy for participating in a Regional Transmission Organization (RTO) market, or if there has been a change in the electric utility's internal policy for participating in a Regional Transmission Organization (RTO) market, a complete explanation of the change, including monetary impact for the review period and expected impact in future periods will be provided.

6. A list of possible RTO charge types and RTO revenue types that are expected within the next twelve months; and

7. A separate list of every change in RTO charge types and revenue types with the effective date of each.

(B) The following supporting information: in electronic format where available (with formulas intact):

(A) The following information shall be included with the filing:

1. For the period from which of historical costs which are being used to adjust propose the FAC rate fuel adjustment rates:

A. Energy A. The billing month and calendar month actual energy sales in kilowatt-hours, by rate class and voltage level;

B. Fuel The actual fuel costs of the types of fuel costs designated in the FAC, listed by fuel type and generating facility by unit and fuel type included in fuel; and

C. The actual purchased power costs in the FAC rate and the base rates; and

C. Purchased power costs included in fuel and of the types of purchased power costs with costs designated in the electric utility's FAC, differentiated by:

(I) Short-term and long-term purchased power contracts, where long-term is defined as contracts with terms greater than one (1) year;

(II) On-peak and off-peak costs; and

(III) Demand costs and energy costs, separately stated;

D. Market purchased The megawatt-hours and costs included in fuel and of purchased power costs of the type included in the electric utility's FAC, differentiated by:

(I) Long-term purchased power, with a definition of long-term purchased power;

(II) Short-term purchased power, with a definition of short-term purchased power; and

(III) Spot market purchased power;

E. Revenues from, expenses associated with, and megawatt-hours from of off-system sales;

F. Fuel-related revenues other than off-system sales revenues separated by type of fuel-related revenue;

G. Extraordinary costs not to be 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;

G. Base rate component of fuel and purchased power costs and revenues from off system sales; and

H. Net base energy costs collected in permanent rates; and

(I) Any additional requirements ordered by the commission ordered;

2. (II) Calculation of each of the proposed FAC collection fuel adjustment rates;

3. (III) Calculations supporting of the voltage differentiation of in the proposed FAC collection rates, if any, to account for differences in line losses by service voltage level of service; and;

4. The electric utility's monthly short-term debt interest rate, along with:

A. An explanation of how that rate was determined;

B. The calculation of the short-term debt interest rate;

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

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

5. Calculations underlying any seasonal variation in the FAC collection rates; and rate(s).

(B) 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 served upon other parties as provided in sections (9) through (11) in this rule. This submittal. These workpapers may be submitted to the manager of the resource analysis section of the commission may be made through EFIS.

(8) (9) RAM True-Ups. When an electric utility that has a RAM files its with the commission an application containing its annual a RAM true-up with the commission, as described in 4 CSR 240-20.090(5), any rate schedule(6), the application filing mustshall be accompanied by supporting:

(A) Prefiled testimony, and the electric utility shall: that includes a discussion detailing the factors which contributed to the true-up amount.

(A) File the (B) The following information with the commission and serve upon parties as provided in sections (9) through (11) in this rule: in electronic format where available (with formulas intact)

1. AmountThe calculation of eoststhe monthly amount that it haswas over-collected or under-collected through the RAM by rate class and voltage levelits RAM;

2. Proposed adjustments or refunds by rate class and voltage levelThe electric;

3. Electric utility's monthly short-term borrowingdebt interest rate along with:

A. An explanation of how that rate was determined;

B. The calculation of the short-term debt interest rate;

C. Identification of any changes in the basis(es) used for determining the short-term debt interest rate since the last RAM rate adjustment; and

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

43. Any additional information ordered by the commission; andthat the commission has ordered the electric utility to include in its application containing a RAM true-up.

(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.

1.

(C) Workpapers detailing how the determination of the over collection or under collection of eosts 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, in electronic format where available (with formulas intact), supporting all;

3. Basis for the electric utility's short term borrowing rate; and

4. Any additional information ordered by the commission to be provided.

(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 in subsections (A) and (B) shall be submitted to the manager of the auditing department resource analysis section of the

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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 and to OPC in sections (3) through (8) through EFIS.

(10) Information Provided to Other Parties. Information in this rule the electric utility is required to file with the commission or submit to the manager of the resource analysis section of the commission and to OPC shall also be served, in the same format, served on, or respectively submitted to any, each party to any of the proceedings listed below. If the electric utility designates any such information as highly confidential or proprietary the related designated information shall be protected as provided by Rule 4 CSR 240-2.135, unless the commission has issued an order specifically providing for a different level of protection for that information in the pending or a prior proceeding.

(A) The most recent general rate proceeding in which the RAM was approved by the electric utility sought commission, periodic approval, modification or discontinuance of its RAM;

(B) The electric utility's last RAM rate adjustment proceeding, annual;

(C) The electric utility's last RAM true-up, proceeding; or

(D) The electric utility's last RAM 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, proceeding. Ameren questions frequency of monthly reporting, could it be quarterly?

(4011) Party status and providing to other parties affidavits, testimony, information, reports and workpapers in related party rights in RAM proceedings subsequent to the last general rate case where the commission establishes, continues or modifies the electric utility's RAM.

(A) Each party to the most recent general rate proceeding establishing RAM.

(A) A person or entity granted intervention in a general rate proceeding in which a RAM is approved by the commission, established, continued or modified the electric utility's RAM shall be a party to any each subsequent related periodic RAM rate adjustment proceeding, annual RAM true-up or proceeding and RAM prudence review proceeding, 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.

(B) Affidavits, testimony, information, reports, and workpapers to be filed or submitted in connection with a subsequent related periodic RAM rate adjustment proceeding, annual RAM true-up, proceeding, RAM prudence review proceeding, or general rate case proceeding where the electric utility is seeking to modify, extend continue or discontinue the same its RAM shall be concurrently 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, each party to modify, extend or discontinue one or more of the proceedings listed below. If the same RAM, concurrently with filing electric utility, or any other party, designates any such information as highly confidential or proprietary, 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 designated information shall be protected as provided by Rule 4 CSR 240-2.135, unless the commission's protective commission has issued an order specifically provides otherwise relating to these

~~materials providing for a different level of protection for that information in the pending or a prior proceeding.~~

~~(B) A person or entity not a party to the 1. The prior related general rate proceeding in which a:~~

~~2. 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 related to the prior general rate case to modify, extend or discontinue the same proceeding;~~

~~3. A RAM. If no party to a subsequent periodic true-up proceeding related to the prior general rate proceeding; or~~

~~4. A RAM prudence review proceeding related to the prior general rate proceeding; and~~

~~(C) Anyone may seek to intervene, pursuant to 4 CSR 240-2.075, in any RAM rate adjustment proceeding, annual RAM true-up, or 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 the filing of an application for intervention, when it is filed, then the applicant for intervention shall be deemed as having to have 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.~~

~~(11) Issuance of Protective Orders and (12) Discovery.~~

~~(A) In each. Each discovery response that a party obtains in general rate proceeding proceedings where the electric utility seeks for the commission may to approve, modify, or reject a RAM, contine or discontinue a RAM and in related subsequent RAM rate adjustment proceedings, RAM true-up proceedings and each 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 case where the commission may authorize proceeding to modify, contine or discontinue its RAM as if the modification, extension, or discontinuance of a RAM, response were made to a discovery request in that proceeding without requiring the electric utility or party who made 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 request to resubmit the same discovery requests request (data requests, interrogatories, requests request, interrogatory, request for production, requests request for admission, or depositions) in the subsequent proceeding to parties that produced the discovery in the prior proceeding, deposition), subject to a commission ruling by the commission concerning on any evidentiary objection made in the subsequent proceeding(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.~~

~~(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. 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.~~

~~(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.~~

~~(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.~~

~~(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.~~ (13) 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 data discovery requests to be supplemented or updated and the particular period to be covered by the updated response. A party responding party to a request to supplement or update a prior proceeding discovery response 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 the discovery response where the responding party has learned or subsequently learns its response is in some material respect incomplete in detailed or incorrect.

~~(13) Separate cases—(14) The commission shall establish a new case 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 adjustment proceeding where the commission may approve, modify, or reject a RAM true-up proceeding and 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.~~

~~(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.

(16) ~~Waivers. Provisions of this rule may be waived by the commission for~~Variances. For good cause shown, the commission may grant variances from provisions of this rule.

~~(17) 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.~~

AUTHORITY: sections 386.250 and 393.140, RSMo 2000 and 386.266, RSMo Supp. 2005. Original rule filed June 16, 2006, effective Jan. 30, 2007.*

**Original authority: 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 386.266, RSMo 2005 and 393.140, RSMo 1939, amended 1949, 1967.*