

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

In the Matter of the Third Prudence Review of)
Costs Subject to the Commission-Approved Fuel) **File No. EO-2013-0407**
Adjustment Clause of Union Electric Company)
d/b/a Ameren Missouri)

ORDER EXTENDING FILING DEADLINES

Issue Date: September 17, 2013

Effective Date: September 17, 2013

On March 1, 2013, the Commission's Staff filed a notice indicating that it started its prudence audit of Union Electric Company d/b/a Ameren Missouri's ("Ameren Missouri") fuel adjustment clause on March 1, 2013. On August 28, 2013, Staff filed its report on the prudence review, finding no imprudence by Ameren Missouri in connection with the fuel adjustment clause for the period June 1, 2011 through September 30, 2012. However, Staff also stated that it intends to file a supplement to the recommendation regarding certain generating unit outages. Staff subsequently informed the Commission that it intends to supplement its report by September 30, 2013. On September 6, 2013, Ameren Missouri filed a "contingent" request for hearing to preserve its right to a hearing if Staff's supplemental report alleges any imprudence on the part of Ameren Missouri. Ten days have elapsed, and no party has filed a response to either Staff's or Ameren Missouri's pleadings.¹

Commission Rule 4 CSR 240-20.090(7)(B) governs the filing of pleadings for prudence reviews of rate adjustment mechanisms, and states, in part, as follows:

¹ Commission Rule 4 CSR 240-2.080(13) provides parties with ten days from the date of filing to respond to any pleading unless otherwise ordered by the Commission.

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.

The rule does not provide for supplemental Staff recommendations or contingent requests for a hearing, but the pleadings of the parties evidence an agreement to permit the Staff to supplement its recommendation by September 30, 2013. Consequently, the Commission will consider the pleadings to constitute an unopposed request for waiver of the filing deadlines. Commission Rule 4 CSR 240-20.090(15) states that the Commission may waive the provisions of the rule for good cause shown after an opportunity for a hearing. Good cause means a good faith request for reasonable relief.² Staff stated in its report that it would need to file a supplemental recommendation because it was still reviewing recently received information concerning generating unit forced outages. The Commission finds the request to be reasonable and that good cause exists to extend all filing deadlines an additional thirty-three (33) days, which is the number of days between the original deadline for a Staff recommendation and Staff's anticipated date of filing its supplemental recommendation. If there are no requests for a hearing, the Commission will issue an order no later than October 30, 2013.

THE COMMISSION ORDERS THAT:

1. Staff shall file its supplemental recommendation no later than September 30, 2013.

² *American Family Ins. Co. v. Hilden*, 936 S.W.2d 207 (Mo. App. W.D. 1996).

2. Any party wishing to request a hearing shall do so no later than October 10, 2013.

3. This order shall become effective immediately upon issuance.



BY THE COMMISSION

A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Michael Bushmann, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 17th day of September, 2013.