

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

|   |   |                              |
|---|---|------------------------------|
| In the Matter of Union Electric Company d/b/a     | ) |                              |
| AmerenUE for Authority to File Tariffs Increasing | ) | <b>Case No. ER-2007-0002</b> |
| Rates for Electric Service Provided to Customers  | ) |                              |
| in the Company's Missouri Service Area.           | ) |                              |

**PUBLIC COUNSEL'S RESPONSE TO ORDER ESTABLISHING TIME TO RESPOND  
TO COMPLIANCE TARIFFS, MOTION FOR CLARIFICATION OF REPORT AND  
ORDER, AND REQUEST FOR LEAVE TO LATE FILE RESPONSE**

COMES NOW The Office of the Public Counsel and for its Response to Order Establishing Time to Respond to Compliance Tariffs states as follows:

1. On May 29, 2007, the Commission issued an order that set a deadline of May 30 at 1:00 P.M. for responses to AmerenUE's compliance tariffs. Given the very short time the Commission has allowed for responses, this pleading will briefly address three points with respect to those tariffs.

2. The Commission's rush to approve the compliance tariffs creates procedural problems. Applications for rehearing of the Report and Order are not due until tomorrow, so the Commission is asking the parties whether the compliance tariffs comply with a Report and Order that those parties may in just a day advise the Commission is unclear, unlawful or unreasonable. Public Counsel believes that the Commission's Report and Order is unclear with respect to whether an off-systems sales revenue tracker was ordered. In its Order Requesting Revised Scenario, issued at the time or after the Report and Order was finalized, the Commission ordered a scenario response based on the following assumption: "Base for sales set at \$230 million with a regulatory asset/liability tracker for consideration in the company's next rate case." In its first scenario request, the Commission included the same assumption (although the dollar figure was

somewhat higher). But the Report and Order does not require such a tracker, and so is unclear as to whether a tracker should be implemented. The compliance tariffs do not implement a tracker. Public Counsel requests that the Commission clarify<sup>1</sup> its Report and Order on this point before it makes a determination as to whether the compliance tariffs actually do comply.

3. Public Counsel has identified two other concerns with the compliance tariffs in the cursory review that it has been able to perform in the short time allowed by the Commission. The first is on Sheet No. 216, Voluntary Green Program. This sheet states that a Renewable Energy Credit (REC) “is the equivalent of 1,000 kWh from a qualified renewable energy source....” A REC is not equivalent to 1,000 kWh or any other amount of actual energy, but rather it is equivalent to the renewable energy attributes of that amount of energy.

4. The final concerns that Public Counsel has identified with the compliance tariffs have to do with the Weatherization Program described on Sheet No. 218. That sheet does not explicitly show that half of the funding for the program is to come from shareholders. The Report and Order, at page 113, makes clear that “funding [will be] provided \$600,000 by ratepayers and \$600,000 by AmerenUE’s shareholders.” That sheet also states (in paragraph b.) that the program will be administered pursuant to the terms of a stipulation and agreement in Case No. EC-2002-1; it should state that the program will be administered pursuant to that agreement and the Report and Order in ER-2007-0002.

5. Assuming the Commission approves the compliance tariffs, the Commission should note in its order doing so that the tariffs should be interpreted consistently with the points raised in this pleading.

---

<sup>1</sup> In its application for rehearing, Public Counsel will suggest that the Report and Order is unlawful and unreasonable in not ordering a tracker.

6. Public Counsel files this pleading less than an hour after the Commission's 1:00 P.M. deadline. The tardiness of the filing is due to the short time the allowed by the Commission in its Order Establishing Time to Respond to Compliance Tariffs, and no party nor the Commission will be harmed by Public Counsel's slight delay.

WHEREFORE, Public Counsel respectfully requests that the Commission clarify its Report and Order, state its interpretation of the compliance tariffs consistent with this pleading, and grant leave to late file.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

**/s/ Lewis R. Mills, Jr.**

By:\_\_\_\_\_

Lewis R. Mills, Jr. (#35275)  
Public Counsel  
P O Box 2230  
Jefferson City, MO 65102  
(573) 751-1304  
(573) 751-5562 FAX  
[lewis.mills@ded.mo.gov](mailto:lewis.mills@ded.mo.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been emailed to all parties this 30th day of May 2007.

Office General Counsel  
GenCounsel@psc.mo.gov

Steve Dottheim  
Steve.Dottheim@psc.mo.gov

John B Coffman  
john@johncoffman.net

James M Fischer  
jfisherpc@aol.com

William J Powell  
powell@smithlewis.com

James B Lowery  
lowery@smithlewis.com

Steven R Sullivan  
srsullivan@ameren.com

Thomas M Byrne  
tbyrne@ameren.com

Wendy Tatro  
wtatro@ameren.com

Paul A Boudreau  
PaulB@brydonlaw.com

Russell L Mitten  
rmitten@brydonlaw.com

Michael C Pendergast  
mpendergast@lacledegas.com

Rick E Zucker  
rzucker@lacledegas.com

Gaylin Carver Rich  
gaylin@hendrenandrae.com

Todd H Iveson.  
todd.iveson@ago.mo.gov

Joseph P Bindbeutel  
joe.bindbeutel@ago.mo.gov

Lisa C Langeneckert  
llangeneckert@stolarlaw.com

Diana M Vuylsteke  
dmvuylsteke@bryancave.com

Sam Overfelt  
moretailers@aol.com

Lyell H Champagne  
lyell@champagneLaw.com

Stuart Conrad  
stucon@fcplaw.com

Robert E Carlson  
bob.carlson@ago.mo.gov

Koriambanya S Carew  
carew@bscr-law.com

Rick D Chamberlain  
rdc\_law@swbell.net

Matthew B Uhrig  
muhrig\_lakelaw@earthlink.net

**/s/ Lewis R. Mills, Jr.**

By: \_\_\_\_\_