

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

The Staff of the Missouri	)	
Public Service Commission,	)	
Complainant,	)	
	)	
vs.	)	Case No: EC-2011-0420
	)	
Union Electric Company, d/b/a	)	
Ameren Missouri	)	
Respondent.	)	

**ANSWER AND MOTION TO DISMISS**

COMES NOW, Union Electric Company, d/b/a Ameren Missouri (“Ameren Missouri” or “Company”), and for its Answer and Motion to Dismiss filed in this proceeding, states as follows:

1. On June 29, 2011, the Staff of the Missouri Public Service Commission (“Staff” or “Complainant”) initiated this proceeding against the Company.
2. Any allegation not specifically admitted herein by the Company is denied.

**ANSWER TO SPECIFIC ALLEGATIONS**

3. Ameren Missouri denies the allegations contained in paragraph 1 of the Complaint.
4. Ameren Missouri admits the allegations in paragraph 2.
5. Ameren Missouri admits the allegations in paragraph 3.
6. Ameren Missouri admits the allegations in paragraph 4.
7. Ameren Missouri admits the allegations in paragraph 5.
8. Ameren Missouri admits the allegations in paragraph 6.

9. Ameren Missouri admits the allegations in paragraph 7.
10. Ameren Missouri admits the allegations in paragraph 8, except that Ameren Missouri disagrees with Staff's characterization of the outage at Taum Sauk as an "event."
11. Ameren Missouri admits the allegations in paragraph 9, except the Company denies Staff's allegation that there was an extensive fire at the Taum Sauk facility. Ameren Missouri also notes that PFMA stands for Potential Failure Modes Analysis.
12. Ameren Missouri admits the allegations in paragraph 10.
13. Ameren Missouri admits the allegations in paragraph 11.
14. Ameren Missouri denies the allegations as stated in paragraph 12 of the Complaint.
15. Ameren Missouri admits that it first advised the Staff of the Taum Sauk outage on June 14<sup>th</sup>, but denies the remaining allegations as stated in paragraph 13 of the Complaint, specifically that the outage was an "event" and that reporting was required.
16. Ameren Missouri admits that it sent Staff an email on June 21<sup>st</sup>, which provided additional details on the Taum Sauk outage, but denies the remaining allegations as stated in paragraph 14 of the Complaint.
17. Ameren Missouri admits the allegations in paragraph 15.
18. Ameren Missouri has no knowledge of conversations among Staff, PSC management and Staff counsel, and so neither admits nor denies the allegations in paragraph 16 regarding the same. Ameren Missouri admits the remaining allegations contained in paragraph 16.
19. Ameren Missouri admits that paragraph 17 contains recitation of portions from several email exchanges between Staff counsel and Ameren Missouri counsel.

20. Ameren Missouri admits the allegations contained in paragraph 18.

21. Ameren Missouri admits the allegations contained in paragraph 19 except that it would clarify that all of Staff's questions were answered in full on July 5, 2011.

22. Ameren Missouri admits the allegations contained in paragraph 20 of the Complaint, except Ameren Missouri would clarify that the conference call discussed in that paragraph did in fact occur.

23. Ameren Missouri does not have independent knowledge of Staff's opinion, so it neither admits nor denies the first sentence in paragraph 21. Ameren Missouri admits that its sincere opinion is that it has not acted in violation of 4 CSR 240-3.190. Ameren Missouri agrees that guidance from the Commission on this issue would be beneficial.

#### **AFFIRMATIVE RESPONSE**

24. Paragraph 11 of Staff's Complaint correctly quotes 4 CSR 240-3.190(3). Subsection (A) contains the reporting requirements for an "accident or event" at a power plant involving serious physical injury or death or property damage in excess of two hundred thousand dollars. Other portions of the regulation set forth when forced outages are required to be reported.

25. Ameren Missouri does not believe it was required to report the Taum Sauk outage under 4 CSR 240-3.190(3) because it constituted a forced outage rather than an "accident or event." The outage was due to a winding failure, and the damage from the outage was entirely confined within the generator. Forced outage reports are specifically mentioned in subsections (B) and (C), which require reporting of forced outages at nuclear generating units and fossil fuel fired generating units, but there is no requirement in the rule for reporting forced outages at hydro-electric generating units.

26. Ameren Missouri also notes that forced outages at hydro-electric generating units are explicitly excluded from the monthly written reports of forced outages that must be submitted to the Staff pursuant to 4 CSR 240-3.190(1)(A), which also supports the Company's position that such outages are not subject to oral reporting under 4 CSR 240-3.190(3).

27. Ameren Missouri has no issue with providing Staff any information on plant outages that it requests. But it does not believe that the Taum Sauk outage was subject to reporting as an "accident or event" under 4 CSR 240-3.190(3).

WHEREFORE, Ameren Missouri respectfully requests that the Commission issue an order dismissing Staff's Complaint, or in the alternative, schedule an early prehearing conference so that the parties can determine whether a stipulation of facts can be developed, or whether this proceeding should be set for an evidentiary hearing.

By: /s/ Thomas M. Byrne  
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## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Answer was served on the following parties via electronic mail (e-mail) or via certified and regular mail on this 29th day of July, 2011.

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/s/ Thomas M. Byrne  
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