

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 9th day of
January, 2013.

In the Matter of the True-Up of Union Electric)	
Company d/b/a Ameren Missouri's Fuel)	<u>File No. ER-2013-0311</u>
Adjustment Clause for the 8th Recovery Period)	Tariff No. YE-2013-0240

ORDER RESOLVING ANNUAL FUEL ADJUSTMENT CLAUSE TRUE-UP

Issue Date: January 9, 2013

Effective Date: January 25, 2013

On November 26, 2012, Union Electric Company, d/b/a Ameren Missouri ("Ameren Missouri"), submitted an application containing its eighth true-up filing for its Fuel Adjustment Clause ("FAC"), as required by Section 386.266.4(2) and Commission Rules 4 CSR 240-3.161(8) and 20.090(5). Ameren Missouri requests that the Commission authorize a true-up adjustment and implement it under its FAC tariff for the recovery period ending September 30, 2012. The submitted tariff bears an effective date of January 25, 2013.

The true-up amount of \$1,327,563 identified in this filing is the result of an under-collection during Recovery Period 8 ("RP8") that includes the billing months of February 2012 through September 2012.¹ RP8 is the recovery period for and following Accumulation Period 8 ("AP8") that includes the period of June 1, 2011 through September 30, 2011. The \$1,327,563 true-up amount for RP8 is included in the calculation of the Recovery Period Fuel and Purchased Power Adjustment per kWh rate included in the Company's Accumulation Period 11 ("AP11") adjustment filing, also filed

¹ RP8 is 8 months long as provided for in the modified FAC effective July 31, 2011, as a result of File No. ER-2011-0028.

on November 26, 2012, in File No. ER-2013-0310, in compliance with Ameren Missouri's FAC.²

Staff examined the direct testimony of Erik C. Wenberg, the supporting schedules Ameren Missouri provided with its application in this case, and the monthly information Ameren Missouri has submitted to the Commission. Staff also reviewed Ameren Missouri's monthly interest calculations and agrees with them. Staff has verified that Ameren Missouri has filed its 2011 annual report and is not delinquent on any assessment. Ameren Missouri is current on its submission of its Surveillance Monitoring reports as required in 4 CSR 240-20.090(10) and its monthly reports as required by 4 CSR 240-3.161(5). Staff is not aware of any other matter before the Commission that affects or is affected by this filing, except as noted herein. Consequently, Staff recommends the Commission approve Ameren Missouri's RP8 true-up filing for the billing months February 2012 through September 2012 during which Ameren Missouri under-collected \$1,327,563 with interest from its customers for inclusion in the calculation of the FPARP per kWh rate included in the Company's AP11 adjustment filing in File No. ER-2013-0310.

Neither the governing statute³ nor any other law requires a hearing before approving the unopposed application.⁴ Because this is a non-contested case, the

2 Union Electric Company's Schedule No. 5, Original Sheet No. 98.20: "TRUE-UP OF FAC: After completion of each Recovery Period, the Company will make a true-up filing in conjunction with an adjustment to its FAC. The true-up filing shall be made on the same day as the filing made to adjust its FAC. Any true-up adjustments or refunds shall be reflected in item R above, and shall include interest related as provided for in item I above."

³ Section 386.266, RSMo Supp. 2010. This section provides for a hearing when the FAC is approved, modified or rejected. It does not require a hearing when annual true-ups are filed by the company. Commission Rule 4 CSR 240-20.090(5) states the Commission may hold a hearing if needed, one is not required.

⁴ Section 536.010(4), RSMo Supp. 2010, defines a contested as "a proceeding before an agency in which legal rights, duties or privileges of specific parties are required by law to be determined after hearing." State ex rel. Rex Deffenderfer Ent., Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App., W.D.

Commission acts on evidence that is not formally adduced and preserved.⁵ There is no evidentiary record.⁶ Consequently, the Commission bases its decision on the parties' verified filings.

Based on the Commission's independent and impartial review of the verified filings, the Commission finds that it is in the public interest to approve Ameren Missouri's application and authorize Ameren Missouri to include the calculated under-recovery in its next FAC accumulation period as previously described.

THE COMMISSION ORDERS THAT:

1. The true-up amounts for Recovery Period 8 are established as under-collections by Union Electric Company, d/b/a Ameren Missouri of \$1,327,563 and shall be reflected in the rate adjustment as approved in Commission File No. ER-2013-0310.
2. This order shall become effective on January 25, 2013.
3. This file shall close on January 26, 2013.

BY THE COMMISSION

(S E A L)



Shelley Brueggemann
Acting Secretary

Gunn, Chm., Jarrett, Kenney, and
Stoll, CC., concur.

Stearley, Deputy Chief Regulatory Law Judge

1989).

⁵ *State ex rel. Public Counsel v. Public Service Comm'n*, 210 S.W.3d 344, 353-355 (Mo. App. 2006).

⁶ *Id.* The competent and substantial evidence standard of Article V, Section 18, does not apply to administrative cases in which a hearing is not required by law." *Id.*