

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service Commission
held at its office in Jefferson City on the
21st day of May, 2002.

In the Matter of Union Electric Company d/b/a AmerenUE's)
Gas Adjustment Factors to be Reviewed in its 2000-2001) **Case No. GR-2001-488**
Actual Cost Adjustment)

In the Matter of Union Electric Company d/b/a AmerenUE's)
Gas Adjustment Factors to be Reviewed in its 1999-2000) **Case No. GR-2000-579**
Actual Cost Adjustment)

ORDER APPROVING STIPULATION AND AGREEMENT

This order approves a stipulation and agreement submitted by Union Electric Company d/b/a AmerenUE and the Staff of the Commission regarding the 1999-2000 and 2000-2001 Purchased Gas Adjustment (PGA) and Actual Cost Adjustment (ACA) filings of AmerenUE.

On April 25, 2002, AmerenUE and Staff filed a stipulation and agreement that purports to resolve all issues regarding AmerenUE's 1999-2000 and 2000-2001 PGA/ACA filings. The Office of the Public Counsel did not join in the stipulation and agreement but the stipulation and agreement indicates that Public Counsel neither supports, nor opposes the stipulation and agreement. In any event, Commission Rule 4 CSR 240-2.115(1) provides that the Commission may treat a stipulation and agreement as a unanimous stipulation and agreement if no party requests a hearing. Commission Rule 4 CSR 240-2.115(3) allows a party seven days from the filing of a stipulation and agreement in which to request a hearing. More than seven days have passed since the stipulation and agreement was filed and no party has requested a hearing. Therefore, the Commission will treat the stipulation and agreement as a unanimous stipulation and agreement.

Paragraph 18 of the stipulation and agreement requires Staff to file suggestions or a memorandum in support of the stipulation and agreement within fourteen days of the filing of the stipulation and agreement. Staff filed its memorandum in support of the stipulation and

agreement on May 9. Paragraph 18 of the stipulation and agreement also provides that the other parties have a right to file responsive suggestions within ten days of receiving Staff's memorandum. More than ten days have passed since Staff filed its memorandum and no party has filed a response.

The stipulation and agreement requires AmerenUE to take the following actions:

1. AmerenUE shall decrease its gas costs in the next scheduled ACA filing by \$86,085.25 for the 1999-2000 ACA period and \$89,653.75 for the 2000-2001 ACA period for the Panhandle Eastern Pipe Line Company service area.

2. AmerenUE shall decrease its gas costs in the next scheduled ACA filing by \$254,261 to reflect an adjustment to the DCCB carrying costs claimed for the 2000-2001 ACA period.

3. No later than August 1, 2002, AmerenUE shall provide to the Staff certain information related to its reliability analysis, including but not limited to:

a. A summary of actual usage, actual heating degree days (HDD), and customer counts for 5 or more recent cold days from the 2000/2001 and/or 2001/2002 winters for the Fisk/Lutesville, Cape Girardeau, and Columbia service areas;

b. A comparison of the usage on these actual cold days to the usage estimated by the Company's peak day forecasting model for those days, including a calculation of the percent over (under) estimation by the forecasting model. Firm and interruptible volumes shall be listed separately, and the Company shall show how the model treats these;

c. An explanation when the modeled usage does not reasonably agree with the actual usage encountered, and if the peak day model is re-evaluated based on these findings, an explanation of why this was done and the result of such re-evaluation; and

d. A calculation of customer growth for each service area. If this information continues to be based on an analysis of annual therms per sales customer class, the company shall include an explanation of how the usage is normalized for weather.

4. AmerenUE shall not include interruptible contracts as part of firm capacity for peak day deliverability requirements.

The stipulation and agreement also asks the Commission to approve specified account balances for both the 1999-2000 and the 2000-2001 periods. Those account balances are set

out in Attachment A to the stipulation and agreement.

In the stipulation and agreement, contingent upon the Commission's acceptance of the stipulation and agreement, the parties waived their rights to cross-examine witnesses, to present oral argument or briefs, to have the transcript read by the Commission, and to rehearing and judicial review. The Commission has the legal authority to accept a stipulation and agreement as offered by the parties as a resolution of issues raised in this case, pursuant to Section 536.060, RSMo 2000.

The requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has requested the opportunity to present evidence.^[11] Since no one has requested a hearing, the Commission may grant the relief requested based on the stipulation and agreement.

After reviewing the stipulation and agreement of the parties and Staff's memorandum in support of the stipulation and agreement, the Commission finds that the stipulation and agreement filed on April 25, 2002, should be approved.

IT IS THEREFORE ORDERED:

1. That the stipulation and agreement filed on April 25, 2002 by Union Electric Company d/b/a AmerenUE and the Staff of the Public Service Commission is hereby approved as a resolution of all issues in this consolidated case (See Attachment 1).
2. That this order shall become effective on May 31, 2002.
3. That this case shall be closed on June 1, 2002.

BY THE COMMISSION

(S E A L)

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Simmons, Ch., Murray, Lumpe, Gaw and Forbis, CC., concur

Woodruff, Senior Regulatory Law Judge

^[11] *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App. 1989).