

134 FERC ¶ 61,159  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Jon Wellinghoff, Chairman;  
Marc Spitzer, Philip D. Moeller,  
John R. Norris, and Cheryl A. LaFleur.

Ameren Illinois Company	Docket Nos.	ER11-2019-000
		ER11-2054-000
		ER11-2093-000
		ER11-2148-000
		ER11-2180-000
		ER11-2181-000
		ER11-2182-000
		ER11-2184-000
		ER11-2186-000
		ER11-2187-000
		ER11-2191-000
		ER11-2197-000

ORDER CONDITIONALLY ACCEPTING PROPOSED AGREEMENTS, SUBJECT  
TO COMPLIANCE FILING

(Issued March 3, 2011)

1. On November 2, 2010, in Docket No. ER11-2019-000, as amended,<sup>1</sup> Ameren Illinois Company (Ameren Illinois) filed under section 205 of the Federal Power Act

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<sup>1</sup> Ameren Illinois filed the following amendments: Amendment A on November 9, 2010 in Docket No. ER11-2054-000; Amendment B on November 12, 2010 in Docket No. ER11-2093-000; Amendment C on November 18, 2010 in Docket No. ER11-2148-000; Amendments D-J in Docket Nos. ER11-2180-000, ER11-2181-000, ER11-2182-000, ER11-2184-000, ER11-2186-000, ER11-2187-000, and ER11-2191-000 on November 24, 2010; and Amendment K (Final) on November 29, 2010 in Docket No. ER11-2197-000.

(FPA)<sup>2</sup> various revised Legacy Agreements<sup>3</sup> to reflect the recent merger of Illinois Power Company (AmerenIP), Central Illinois Public Service Company (AmerenCIPS), and Central Illinois Light Company (AmerenCILCO) to form Ameren Illinois (Reorganization Transaction). In this order, we conditionally accept the revised Legacy Agreements, effective October 1, 2010, as requested, subject to a compliance filing.

## **I. Background**

2. Ameren Illinois is a public utility holding company whose parent is Ameren Corporation. Prior to the Reorganization Transaction, Ameren Corporation directly owned three public operating companies in Illinois: AmerenCILCO, AmerenIP, and AmerenCIPS.

3. AmerenCILCO and AmerenIP merged with and into AmerenCIPS to become Ameren Illinois pursuant to the Reorganization Transaction, which the Commission approved on June 17, 2010.<sup>4</sup> The merger closed on October 1, 2010,<sup>5</sup> and at that time, AmerenIP and AmerenCILCO ceased to exist.

4. In order to reflect the Reorganization Transaction, Ameren Illinois has taken steps to succeed to certain AmerenCIPS tariffs and to cancel the services tariffs and market-based rate tariffs of both AmerenIP and AmerenCILCO. The Commission approved the cancellation of the AmerenCILCO services tariff and market-based rate tariff and AmerenIP services tariff on December 10, 2010.<sup>6</sup> In addition, it approved the

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<sup>2</sup> 16 U.S.C. § 824e (2006).

<sup>3</sup> The revised Legacy Agreements are designated as Rate Schedule Nos. 100-138 under the Ameren Illinois Company Services Tariff. These Rate Schedules include Interconnection Agreements, Facility Use Agreements, a Facilities Agreement, Coordination Power Agreements, Parallel Operating Agreements and a Boundary Line Agreement, between Ameren Illinois and various customers.

<sup>4</sup> *Ameren Corporation*, 131 FERC ¶ 61,240 (2010); *Ameren Corporation*, 131 FERC ¶ 62,244 (2010).

<sup>5</sup> *See Ameren Corporation*, Notice of Consummation, Docket Nos. EC10-52-000, ES10-29-000, and EL10-48-000 (Oct. 12, 2010).

<sup>6</sup> *Ameren Services Company*, Docket No. ER11-1903-000 (Dec. 10, 2010) (unpublished letter order), and *Ameren Services Company*, Docket No. ER11-1898-000 (Dec. 10, 2010) (unpublished letter order).

cancellation of the AmerenIP market-based rate tariff on December 16, 2010.<sup>7</sup> Also, on December 22, 2010, the Commission approved amendments to the AmerenCIPS market-based rate tariff that reflected the name change from AmerenCIPS to Ameren Illinois.<sup>8</sup>

5. In this proceeding, Ameren Illinois files revised Legacy Agreements to reflect the name changes in various service agreements resulting from the Reorganization Transaction. According to Ameren Illinois, no substantive changes are being made to any of these service agreements. Ameren Illinois states that, in accordance with Commission practice, it has added a cover sheet to each agreement clarifying that Ameren Illinois is now the responsible public utility for each agreement.

6. Ameren Illinois requests waiver of the Commission's 60-day prior notice requirement for an effective date of October 1, 2010, the date that the merger closed.

## **II. Notice of Filing and Responsive Pleadings**

7. Notice of Ameren Illinois' filing in Docket No. ER11-2019-000 was published in the *Federal Register*, 75 Fed. Reg. 69,429 (2010), with interventions and protests due on or before November 23, 2010. None were filed.

8. Notice of Ameren Illinois' filing in Docket No. ER11-2054-000 was published in the *Federal Register*, 75 Fed. Reg. 70,230 (2010), with interventions and protests due on or before November 30, 2010. None were filed.

9. Notice of Ameren Illinois' filing in Docket No. ER11-2093-000 was published in the *Federal Register*, 75 Fed. Reg. 71,109 (2010), with interventions and protests due on or before December 3, 2010. None were filed.

10. Notice of Ameren Illinois' filing in Docket No. ER11-2148-000 was published in the *Federal Register*, 75 Fed. Reg. 74,034 (2010), with interventions and protests due on or before December 9, 2010. None were filed.

11. Notice of Ameren Illinois' filings in Docket Nos. ER11-2180-000 and ER11-2181-000 was published in the *Federal Register*, 75 Fed. Reg. 76,710 (2010), with interventions and protests due on or before December 15, 2010. None were filed.

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<sup>7</sup> *Illinois Power Company*, Docket No. ER11-1910-000 (Dec. 16, 2010) (unpublished letter order).

<sup>8</sup> *Ameren Illinois Company*, Docket Nos. ER10-2649-000 and ER10-2649-001 (Dec. 22, 2010) (unpublished letter order).

12. Notice of Ameren Illinois' filings in Docket Nos. ER11-2182-000, ER11-2184-000, ER11-2186-000, ER11-2187-000, and ER11-2191-000 was published in the *Federal Register*, 75 Fed. Reg. 76,725 (2010), with interventions and protests due on or before December 15, 2010. In Docket No. ER11-2184-000, Consumers Energy Company filed a motion to intervene.

13. Notice of Ameren Illinois' filing in Docket No. ER11-2197-000 was published in the *Federal Register*, 75 Fed. Reg. 76,724 (2010), with interventions and protests due on or before December 20, 2010. Hoosier Energy Rural Electric Cooperative, Inc. filed a motion to intervene.

### **III. Discussion**

#### **A. Procedural Matters**

14. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2010), the timely, unopposed motions to intervene serve to make the entities that filed them parties to this proceeding.

#### **B. Substantive Matters**

15. For the reasons discussed below, we conditionally accept Ameren Illinois' revised Legacy Agreements for filing.

16. Ameren Illinois states that the filings in each of the dockets are ministerial revisions to various service agreements already on file with the Commission in order to reflect name changes that result from the Reorganization Transaction. However, we find that the revised Legacy Agreements do not comply with Order No. 614.<sup>9</sup>

17. Order No. 614 required utilities filing the first change to an existing rate schedule from June 1, 2001 forward to refile the complete rate schedule consistent with the new designation and pagination requirements. The Commission addressed in *Boston Edison* the filing requirements of Order No. 614 in association with a rate schedule, stating that a rate schedule must identify the service, identify any applicable rate or charge for the service, and include all terms and conditions associated with the service.<sup>10</sup> The

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<sup>9</sup> *Designation of Electric Rate Schedule Sheets*, Order No. 614, FERC Stats. & Regs., Regulations Preambles July 1996-December 2000 ¶ 31,096 (2000).

<sup>10</sup> *Boston Edison Company*, 98 FERC ¶ 61,292, at P 16 (2002) (*Boston Edison*). See also *Xcel Energy Services, Inc.*, 126 FERC ¶ 61,001, at P 14 (2009); *Cleco Power LLC*, 127 FERC ¶ 61,279, at P 49 (2009).

Commission further stated that nothing in the regulation allows the inclusion of unrelated material as part of the rate schedule; therefore, all that may be contained in the rate schedule is the material identified in section 35.2(b).<sup>11</sup>

18. Further, the Commission's Order No. 714,<sup>12</sup> which required all utilities to electronically file all tariff, rate schedules and jurisdictional agreements, supplanted the formatting and filing requirements of Order No. 614.<sup>13</sup> The Commission also noted in Order No. 714 that in filing pre-existing contracts and rate schedules, electric utilities are still required to eliminate the use of supplements and include in their filings only effective provisions.<sup>14</sup>

19. Ameren Illinois' revised Legacy Agreements include extraneous material such that the rate schedules are replete with material not subject to the Commission's jurisdiction or not part of the jurisdictional service at issue, and therefore do not comply with Order No. 614.<sup>15</sup> In these cases, the material that is not part of the rate schedule itself should be removed.

20. Additionally, some of the revised Legacy Agreements contain addenda. As discussed in *Boston Edison*, currently effective language in the addenda must be placed in

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<sup>11</sup> *Boston Edison*, 98 FERC ¶ 61,292 at P 16. Section 35.2(b) of the Commission's regulations defines a rate schedule as: a statement of (1) electric service as defined in paragraph (a) of this section, (2) rates and charges for or in connection with that service, and (3) all classifications, practices, rules, regulations, which in any manner affect or relate to the aforementioned service, rates, and charges. Section 35.2(b) further states that this statement shall be in writing and may take the physical form of a contract, purchase or sale or other agreement, lease of facilities, or other writing. Any oral agreement or understanding forming a part of such statement shall be reduced to writing and made a part thereof. 18 C.F.R. § 35.2(b) (2010).

<sup>12</sup> *Electronic Tariff Filings*, Order No. 714, FERC Stats. & Regs. ¶ 31,276 (2008).

<sup>13</sup> Order No. 714, FERC Stats. & Regs. ¶ 31,276 at P 51 & n.37.

<sup>14</sup> *Id.* n.37.

<sup>15</sup> For example, some of the Rate Schedules include notices, transmittal letters, financial documents, and other supporting documentation from past Commission proceedings. While allowable as supporting documentation to a rate schedule if pertinent, such documents should not be in a rate schedule itself.

the rate schedule itself and any language that is not currently effective must be removed.<sup>16</sup>

21. Finally, the revised Legacy Agreements do not contain the information required of tariff documents filed in Whole Document PDF Format.<sup>17</sup> As noted by the *Implementation Guide*, when using Whole Document Format and the Record Binary Data is submitted in PDF, a title page should be included containing the following information: a) Tariff Submitter, b) FERC Tariff Program name, c) Tariff Title, d) Tariff Record Proposed Effective Date, e) Tariff Record Title, f) Option Code, and g) Other information as the Commission may require by notice or order.<sup>18</sup> Further, these PDF documents must be processed and saved by Optical Character Recognition.<sup>19</sup>

22. Accordingly, we will direct Ameren Illinois to make a compliance filing within 60 days of the date of this order to revise the Legacy Agreements to comply in all respects with Order No. 614. We also will require Ameren Illinois to refile the records consistent with the *Implementation Guide*.

23. We will conditionally accept the revised Legacy Agreements for filing, to become effective on October 1, 2010,<sup>20</sup> as requested.

The Commission orders:

(A) Ameren Illinois' revised Legacy Agreements are hereby conditionally accepted for filing, effective October 1, 2010, as requested, as discussed in the body of this order.

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<sup>16</sup> *Boston Edison*, 98 FERC ¶ 61,292 at P 20.

<sup>17</sup> See *Implementation Guide for Electronic Filing of Parts 35, 154, 284, 300, and 341 Tariff Filings* (October 8, 2010) (*Implementation Guide*) at pp.7-8, found on the Commission's website, <http://www.ferc.gov/docs-filing/etariff/implementation-guide.pdf>.

<sup>18</sup> *Id.*

<sup>19</sup> Order No. 714, FERC Stats. & Regs. ¶ 31,276 at n.29, noting that Order No. 703's (*Filing Via the Internet*, FERC Stats. & Regs. ¶ 31,259, at P 23 (2007)) requirements for the filing of electronic documents apply to eTariff filed documents.

<sup>20</sup> Ameren Illinois has shown good cause for us to grant waiver of the prior notice requirement. See *Central Hudson Gas & Elec. Corp.*, 60 FERC ¶ 61,106, at 61,339, *reh'g denied*, 61 FERC ¶ 61,089 (1992).

(B) Ameren Illinois is hereby directed to submit a compliance filing within 60 days of the date of this order, as discussed in the body of this order.

By the Commission.

( S E A L )

Nathaniel J. Davis, Sr.,  
Deputy Secretary.