

- The parties do not believe that there are any disputed facts or any disputed issues of law.
- The parties believe that the Commission may order disposition of the remaining funds consistent with the motion to re-open without the need for any additional proceedings.
- The disposition of the remaining weatherization funds is consistent with the Commission's authorization in this case, and with the administration of the continuing AmerenUE weatherization program.
- The parties believe that additional proceedings will not be productive for the Commission or the parties.
- Summary disposition will permit the application of the remaining funds to their intended purpose at the earliest possible time.

Thus, the parties requested that the Commission cancel the prehearing conference and procedural schedule ordered in this case, and order the remaining funds to be distributed to the agencies listed in the motion to re-open. (The Commission notes that a notice canceling the prehearing conference was issued on June 4, 2001.)

In the motion to re-open, the parties stated:

The parties agree that the excess funds should be paid to social service agencies to perform additional weatherization work for low income customers in AmerenUE's gas service territory. Specifically, the parties agree that the funds should be distributed to the four social service agencies which are currently receiving weatherization funds from AmerenUE pursuant to the new weatherization program approved by the Commission in AmerenUE's most recent rate case—Case No GR-2000-512. Pursuant to the agreement of the parties, the following social service agencies are currently receiving weatherization funds from AmerenUE allocated as follows:

Agency	Allocation
Northeast Community Action Corporation	24%
East Missouri Action Agency	20%
Central Missouri Human Development Corp.	43%
Delta Area Economic Opportunity Council	13%

The Missouri counties served by each of these agencies are set forth on Exhibit

A, attached [to the motion]. The parties have agreed that the excess funds from the pilot weatherization program conducted in this proceeding should be allocated to these agencies based on the above-stated percentages.

The Commission requires that each pleading cite the authority under which the pleading is being filed. Commission Rule 4 CSR 240-2.080(3) requires that “[e]ach pleading shall include a...specific reference to the statutory provision or other authority under which relief is requested.”

Neither of the parties’ motions complied with Commission Rule 4 CSR 240-2.080(3) because neither included a specific reference to the statutory provision or other authority under which relief was requested.

The parties should have filed both of their motions under Section 536.060, RSMo 2000, which is discussed below. Further, the parties are admonished to follow the Commission’s rules of practice and procedure in future cases.

Findings and Decision

There is no need for a hearing since no party requested a hearing. The requirement for a hearing has been fulfilled when all those having a desire to be heard are offered an opportunity to be heard. The *Deffenderfer* case held that if no party requests a hearing, the Commission may determine that a hearing is not necessary and that the Commission may make a decision based on the stipulation.^[2]

The Commission concludes that all issues were settled by the stipulation. The Commission has the legal authority to accept a stipulation offered by the parties as a resolution of issues raised in a case. Section 536.060, which allows parties to dispose of cases by stipulation with summary action that waives procedural requirements, states:

Contested cases...may be informally resolved by consent agreement or agreed settlement or may be resolved by stipulation, consent order, or default, or by agreed settlement where such settlement is permitted by law. Nothing contained in sections 536.060 to 536.095 shall be construed...to prevent the waiver by the parties (including, in a proper case, the agency) of procedural requirements which would otherwise be necessary before final decision, or...to prevent stipulations or agreements among the parties (including, in a proper case, the agency).

The Commission will grant the summary disposition motion and will also grant the relief

requested in the motion to re-open.

IT IS THEREFORE ORDERED:

1. That the Missouri Public Service Commission approves the stipulation and agreement as evidenced by the pleadings of the parties taken as a whole.

2. That Union Electric Company d/b/a AmerenUE must pay the excess weatherization funds to social service agencies to fund additional weatherization work as set forth above in this order.

3. That this order shall become effective on June 17, 2001.

BY THE COMMISSION

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

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

Hopkins, Senior Regulatory Law Judge

^[1] See Commission Rule 4 CSR 240-2.115.

^[2] See *State ex rel. Deffenderfer Enterprises, Inc. v. P.S.C.*, 776 S.W.2d 494, 496 (Mo. App. 1989).