

# JONES DAY

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August 26, 2004

Ms. Magalie Roman Salas  
Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

**Re: Ameren Services Company: Notices of Cancellation  
of Service Agreements Under Ameren OATT**

Dear Ms. Salas:

Pursuant to Sections 35.15 and 131.53 of the Commission's regulations, 18 CFR §§ 35.15, 131.53 (2004), Ameren Services Company ("Ameren"), on behalf of Union Electric Company dba AmerenUE ("AmerenUE") and Central Illinois Public Service Company dba AmerenCIPS ("AmerenCIPS"), files notices of cancellation for one hundred thirteen (113) service agreements under the Open Access Transmission Tariff of the Ameren Operating Companies ("Ameren OATT"). *See* Attachment A to this filing for the listing of the service agreements proposed to be cancelled. The filing consists of six copies each of the following:

1. this transmittal letter;
2. Attachment A, listing the Ameren OATT service agreements to be cancelled;
3. the individual revised service agreements indicating such agreements are cancelled;<sup>1</sup> and
4. a Notice of Filing suitable for publication in the **Federal Register**.

Ameren also encloses a diskette containing the Notice of Filing.

## **Background**

On May 1, 2004, Ameren transferred functional control of the transmission facilities of AmerenUE and AmerenCIPS to GridAmerica LLC ("GridAmerica"), an independent transmission company ("ITC") operating within the Midwest Independent Transmission System Operator, Inc. ("Midwest ISO"). Pursuant to the Appendix I ITC Agreement ("ITC Agreement") between GridAmerica and the Midwest ISO, GridAmerica has ceded certain functions related to the provision of transmission service over GridAmerica facilities to the Midwest ISO.<sup>2</sup>

<sup>1</sup> The Commission apparently assigned Service Agreement No. 440 to two separate interconnection agreements, one with Clay County Trust 2000 and one with Reliant Energy Service Inc. In any case, Ameren is cancelling both agreements.

<sup>2</sup> *See Ameren Services Co.*, 101 FERC ¶ 61320 (2002) (Order Conditionally Accepting Agreements for Filing, Suspending Agreements, Subject to Refund, and Ordering Compliance Filing); *Midwest Independent Transmission System Operator, Inc.*, 103 FERC ¶ 61,190 (2003) (Order Accepting and Suspending Proposed Tariff

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On April 15, 2004, in Docket No. ER04-738-000, the Midwest ISO filed Notices of Succession to various Ameren OATT transmission service agreements (“TSAs”) and network integration transmission service agreements (“NITS Agreements”) and Operating Agreements. By that filing, the Midwest ISO advised the Commission that, effective May 1, 2004, the Midwest ISO would begin providing transmission service for Ameren and that such services, previously provided under the Ameren OATT, would henceforth be provided pursuant to the Midwest ISO OATT. The Midwest ISO filing addressed only those agreements that commenced on or continued on and after May 1, 2004. By order of July 6, 2004, the Commission accepted the Notice of Succession, subject to nominal suspension and hearing if the parties are unable to reach a settlement with respect to two agreements in dispute. *Midwest Independent Transmission System Operator, Inc.*, 108 FERC ¶ 61,008 at PP16-17 (2004).

As noted above, as a result of the May 1, 2004 transfer of functional control of the AmerenUE and AmerenCIPS transmission facilities to GridAmerica, Ameren no longer provides transmission service under its own OATT. GridAmerica and the Midwest ISO provide open access transmission service over the Ameren transmission facilities but under rates, terms and conditions of the Midwest ISO OATT. Consequently, effective May 1, 2004, many provisions and certain schedules and attachments of Ameren’s OATT became irrelevant or duplicative of the Midwest ISO OATT. On May 27, 2004, Ameren filed, in Docket No. ER04-884-000, to remove such provisions, schedules and attachments from the Ameren OATT, effective May 1, 2004.

The Commission accepted the revised Ameren OATT by unpublished letter order of July 14, 2004. In the July 14 letter order, the Commission noted that its files showed numerous service agreements under the Ameren OATT that had not been transferred to the Midwest ISO and reminded Ameren to file to cancel such agreements.

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(continued...)

Revisions, Initiating Investigation, Establishing Hearing and Settlement Judge Procedures, and Refund Effective Date and Consolidating Docket); *Ameren Services Co.*, 103 FERC ¶ 61,178 (2003) (Order Denying Rehearing, Conditionally Accepting Compliance Filing, Granting Clarification and Establishing Hearing and Settlement Judge Procedures); *Ameren Services Co.*, 104 FERC ¶ 61,097 (2003) (Order Granting Clarification, Denying Rehearing and Conditionally Accepting Compliance Filing); *Letter Order*, 104 FERC ¶ 61,178 (2003) (Order Approving Stipulation and Agreement between GridAmerica LLC, the GridAmerica Companies, the Midwest Independent Transmission System Operator, Inc., and the Midwest ISO Transmission Owners); *Ameren Services Co.*, 104 FERC ¶ 61,179 ((2003) (Order Accepting Agreement for Filing); *Ameren Services Co.*, Letter Order Accepting Amendments to ITC Agreement and Master Agreement, Docket Nos. ER02-2233-007, -008 (issued Sept. 12, 2003).

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### **Reasons for the Filing**

In response to the Commission's reminder in the July 14 letter order in ER04-884-000, the current filing is a housekeeping filing to cancel those service agreements to which the Midwest ISO did not succeed and which no longer have any relevance under the Ameren OATT. The service agreements to be cancelled are of three types:

1. agreements that terminated by their own terms on or before May 1, 2004 and have not previously been cancelled;
2. umbrella agreements, *i.e.*, agreements generally authorizing Ameren to provide transmission service to the counterparty but which required individual service agreements to be generated for each individual transaction under the umbrella agreement (the general umbrella agreements with Ameren are no longer meaningful or effective; where appropriate, the Midwest ISO succeeded to the individual service agreements under the umbrella agreements); and
3. service agreements covering the Ameren "leg" of transactions where, prior to May 1, 2004, such service required service out of both Ameren and the Midwest ISO. The service agreements for the Midwest ISO "leg" remain in effect and are now sufficient to accomplish the transaction.

Attachment A hereto lists the specific agreements under each of the three categories.

### **Request for Waiver of Filing and Notice Requirements**

Given the limited scope of this filing, Ameren does not believe that Section 35.13 of the Commission's regulations is applicable to this filing. In the event that Ameren has misinterpreted such regulations, Ameren respectfully requests waiver of such requirements.

To the extent necessary, Ameren also respectfully requests waiver of the Commission's notice requirements to permit these agreements to be cancelled effective May 1, 2004. Good cause exists to grant such waiver. As discussed above, the Midwest ISO has succeeded to the active service agreements to assure continuity of transmission service. Ameren and the Midwest ISO worked diligently in the weeks before the May 1, 2004 transfer of operational control to contact all customers currently receiving transmission service or known to have requested transmission service for the period after May 1, 2004 to be certain such customers understood the mechanics and implications of the transfer of operational control and had executed any necessary agreements with the Midwest ISO. There would be no point to denying waiver of the notice requirements where, as here and at the Commission's urging, Ameren transferred functional control of its transmission facilities and, therefore, could no longer provide transmission service on and after May 1, 2004.

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**Other Filing Requirements**

Communications and correspondence with respect to this filing should be directed to the following:

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Ameren has served a copy of the complete filing on the Missouri Public Service Commission and the Illinois Commerce Commission. Ameren has served a copy of the transmittal letter and Attachment A on all affected customers and will provide a complete copy of the filing to any such customer upon request. Finally, Ameren has arranged for the electronic posting of the filing on the Midwest ISO's website at [www.midwestiso.org](http://www.midwestiso.org) under the heading "Filings to FERC."

Ameren believes the materials submitted herewith comply with the Commission's filing requirements and will permit the Commission to review the proposed cancellations and determine them to be just and reasonable. To the extent Ameren may have misinterpreted or failed to comply with such filing regulations, Ameren respectfully requests waiver and that the

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Commission proceed to review and accept the notices of cancellation for filing without suspension or condition.

Respectfully submitted,

**Ameren Services Company**

By   
Carolyn Y. Thompson  
One of its Attorneys

1. Agreements terminated by their own terms on or before May 1, 2004, but not previously cancelled

SA#	Other Party	DKN	Filed	Expiration	Type	NITS/NOA/Inter connection	Umbrella
321	Wayne-White Counties Electric Cooperative	ER00-2361	10/26/01	3/1/01	Network	NITS	
385	Ameren Energy, Inc.	ER01-749	12/21/00	12/1/01	P-T-P		
412	Edgar Electric Coop. Assoc.	ER01-1780	4/12/01	4/30/01	Network	NITS	
413	Edgar Electric Coop. Assoc.	ER01-1780	4/12/01	4/30/01	Network	NOA	
414	Edgar Electric Coop. Assoc.	ER01-1907	4/27/01	4/30/02	Network	NITS	
415	Edgar Electric Coop. Assoc.	ER00-3623	4/27/01	4/30/02	Network	NOA	
416	Ameren Energy, Inc.	ER01-1915	4/30/01	4/1/02	P-T-P-firm		
417	Energy-Koch Trading LP (formerly Axia)	ER01-1934	10/24/01	4/1/02	P-T-P-firm		
418	Wayne-White Counties Electric Cooperative	ER01-1969	10/26/01	4/1/02	Network	NITS	
422	Soyland Power Coop., Inc	ER00-1387	5/10/01	1/1/03	Network	NITS/NOA	
429	Am. Energy Mktg.	ER01-2175	5/30/01	5/1/02	P-T-P-firm		
431	Am. Energy, Inc.	ER01-2436	6/27/01	6/1/02	P-T-P-firm		
440	Reliant Energy Service Inc.	ER02-45-000	10/14/01	9/1/02	P-T-P-firm		
441	Reliant Energy Service Inc.	ER02-45-000	10/4/01	9/1/02	P-T-P-firm		
442	Ameren Energy, Inc.	ER02-45-000	10/14/01	9/1/02	P-T-P-firm		
443	Aquila Energy Marketing Corporation	ER02-117-000	10/17/01	5/1/03	P-T-P-firm		
444	Aquila Energy Marketing Corporation	ER02-117-000	10/17/01	5/1/03	P-T-P-firm		
445	Aquila Energy Marketing Corporation	ER02-117-000	10/17/01	5/1/03	P-T-P-firm		
446	Aquila Energy Marketing Corporation	ER02-117-000	10/17/01	5/1/03	P-T-P-firm		
447	Aquila Energy Marketing Corporation	ER02-117-000	10/17/01	5/1/04	P-T-P-firm		
448	Aquila Energy Marketing Corporation	ER02-117-000	10/17/01	5/1/04	P-T-P-firm		
449	Aquila Energy Marketing Corporation	ER02-117-000	10/17/01	5/1/04	P-T-P-firm		
457	Ameren Energy	ER02-641-000	12/28/01	12/1/02	P-T-P-firm		
458	Illinois Power	ER02-2139-000	6/21/02	1/1/03	P-T-P-firm		
459	Western Resources	ER02-889-000	1/30/02	1/1/03	P-T-P-firm		
460	Cinergy Services, Inc.	ER02-889-000	1/30/02	1/1/03	P-T-P-firm		
461	Xcel Energy	ER02-889-000	1/30/02	1/1/03	P-T-P-firm		
462	Ameren Energy	ER02-889-000	1/30/02	1/1/03	P-T-P-firm		
463	Ameren Energy	ER02-889-000	1/30/02	1/1/03	P-T-P-firm		
464	Ameren Energy	ER02-889-000	1/30/02	1/1/03	P-T-P-firm		
465	Ameren Energy	ER02-889-000	1/30/02	1/1/03	P-T-P-firm		
478	Ameren Energy	ER02-1514-000	4/11/02	4/1/03	P-T-P-firm		
479	Energy-Koch Trading LP (formerly Axia)	ER02-1514-000	4/11/02	4/1/03	P-T-P-firm		
482	MidAmerican Energy Company	ER02-1546-000	4/15/02	6/1/03	Network	NITS	
483	MidAmerican Energy Company	ER02-1546-000	4/15/02	6/1/03	Network	NOA	
484	Wayne-White Counties Electric Cooperative	ER02-1546-000	4/15/02	4/1/03	Network	NITS	
485	Wayne-White Counties Electric Cooperative	ER02-1546-000	4/15/02	4/1/03	Network	NOA	
487	EnerStar Power Corp.	ER02-2367	7/25/02	3/31/04	Network	NITS	
488	EnerStar Power Corp.	ER02-2367	7/25/02	3/31/04	Network	NOA	
491	Ameren Energy Mktg.	ER02-1935	5/30/02	5/1/03	P-T-P-firm		
492	Reliant Energy Service Inc.	ER02-1935	5/30/02	9/1/03	P-T-P-firm		
497	Edgar Electric Coop. Assoc.	ER02-1936	5/2/02	4/30/04	Network	NITS	
498	Edgar Electric Coop. Assoc.	ER02-1936	5/2/02	4/30/04	Network Operating	NOA	



2. Cancelled Umbrella Agreements (Midwest ISO assumed agreements for individual transactions)

SA#	Other Party	DKN	Filed	Expiration	Type	NITS/NOA/Inter connection	Umbrella
383	H.Q. Energy Services	ER01-527	11/29/00	*****	P-T-P-firm		Umbrella
384	H.Q. Energy Services	ER01-527	11/29/00	*****	P-T-P-non-firm		firm-umbrella
404	Ameren Energy, Inc.	ER01-1431	3/7/01	*****	P-T-P-firm		non-firm-umbrella
406	First Energy Services Corp.	ER01-1431	3/7/01	*****	P-T-P-firm		firm-umbrella
408	Split Rock Energy LLC	ER01-1431	3/7/01	*****	P-T-P-firm		firm-umbrella
409	Split Rock Energy LLC	ER01-1431	3/7/01	*****	P-T-P-non-firm		non-firm-umbrella
410	Axia Energy, LP	ER01-1431	3/7/01	*****	P-T-P-firm		firm-umbrella
411	Axia Energy, LP	ER01-1431	3/7/01	*****	P-T-P-non-firm		non-firm-umbrella
420	Engage Energy America	ER01-2011	5/9/01	*****	P-T-P-firm		firm-umbrella
421	Engage Energy America	ER01-2011	5/9/01	*****	P-T-P-non-firm		non-firm-umbrella
427	Otter Tail Power Co.	ER01-2174	5/30/01	*****	P-T-P-firm		firm-umbrella
428	Otter Tail Power Co.	ER01-2174	5/30/01	*****	P-T-P-non-firm		non-firm-umbrella
433	Calpine Energy Serv., LP	ER01-2828	8/13/01	*****	P-T-P-non-firm		non-firm-umbrella
434	Exelon Gen. Co., LLP	ER01-2828	8/13/01	*****	P-T-P-firm		firm umbrella
435	Exelon Gen. Co., LLP	ER01-2828	8/13/01	*****	P-T-P-non-firm		non-firm umbrella
480	Upper Peninsula Power Company	ER02-1514-00	4/11/02	*****	P-T-P-firm		firm umbrella
481	Upper Peninsula Power Company	ER02-1514-00	4/11/02	*****	P-T-P-non-firm		non-firm umbrella
586	Exelon Energy Co.	ER04-229-000	11/26/03	*****	P-T-P-firm		firm umbrella
587	Exelon Energy Co.	ER04-229-000	11/26/03	*****	P-T-P-non-firm		non-firm umbrella
610	Occidental Power Services Inc.	None listed	3/29/04	*****	P-T-P Firm		firm umbrella
611	Occidental Power Services Inc.	None listed	3/29/04	*****	P-T-P Non-Firm		non-firm umbrella
612	Ameren Energy Marketing Company	None listed	3/29/04	*****	P-T-P Firm		firm umbrella
613	Ameren Energy Marketing Company	None listed	3/29/04	*****	P-T-P Non-Firm		non-firm umbrella
614	J. Aron & Company	None listed	3/29/04	*****	P-T-P Firm		firm umbrella
615	J. Aron & Company	None listed	3/29/04	*****	P-T-P Non-Firm		non-firm umbrella
616	Western Farmers Electric Cooperative	None listed	4/6/04	*****	P-T-P Firm		firm umbrella
617	Western Farmers Electric Cooperative	None listed	4/6/04	*****	P-T-P Non-Firm		non-firm umbrella

\*\*\*\*\* Service under this agreement was to terminate on such date as mutually agreed upon by the parties.

3. Cancelled Service Agreements for Ameren "leg" of two-leg (Ameren, Midwest ISO) transactions (other "leg" remains in effect with Midwest ISO)

SA#	Other Party	DKN	Filed	Expiration	Type	NITS/NOA/Inter connection	Umbrella
320	Clay Electric Coop., Inc.	ER00-2365	10/26/01	1/5/05	Network	NITS	
423	Ameren Energy Develop. Co.	ER01-2122	5/25/01	*****	IA	Interconnection	
424	Ameren Energy Develop. Co.	ER01-2122	5/25/01	*****	Parallel Op. Agrmt.	Parallel Op.	
425	Ameren Energy Develop. Co.	ER01-2123	5/25/01	*****	IA	Interconnection	
426	Ameren Energy Develop. Co.	ER01-2123	5/25/01	*****	Parallel	Parallel Op.	
436	Kinder Morgan Missouri, LLC	ER01-2990	8/31/01	*****	IA	Interconnection	
437	Kinder Morgan Missouri, LLC	ER01-2990	8/31/01	*****	Parallel	Parallel Op.	
438	Holland Energy, LLC	ER01-3057	9/14/01	*****	IA	Interconnection	
440	Clay County Trust 2000	ER02-58-000	10/9/01	*****	IA	Interconnection	
456	Clay County Trust 2000	ER02-1619	4/23/02	*****	Parallel	Parallel Op.	
559	Bio-Energy Partners	ER03-883	5/28/03	*****	Parallel	Parallel Op.	
560	Bio-Energy Partners	ER03-883	5/28/03	*****	IA	Interconnection	
574	Ameren Energy Marketing Company	ER03-1147-000	8/1/03	6/30/04	Network	NITS/NOA	
580	Ameren Energy Marketing Company	ER03-1405-000	9/30/03	7/31/04	Network	NITS/NOA	
582	Ameren Energy Marketing Company	ER04-100-001	11/26/03	10/1/04	Network	NITS/NOA	
583	Ameren Energy Marketing Company	ER04-99-001	11/26/03	6/1/06	Network	NITS/NOA	
588	Ameren Energy Marketing Company	ER04-228-000	11/26/03	1/1/05	network	NITS	
618	Wayne-White Counties Electric Cooperative	ER04-803-000	5/3/04	4/1/05	NITS/NOA		
619	EnerStar Power Corp.	ER04-808-000	5/3/04	4/1/07	NITS/NOA		

\*\*\*\*\* Service under this agreement was to terminate on such date as mutually agreed upon by the parties.