

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of Union Electric Company d/b/a )  
AmerenUE's Purchased Gas Adjustment Factors ) **File No. GR-2008-0107**  
to be Audited in its 2006-2007 Actual Cost Adjustment )

In the Matter of Union Electric Company, d/b/a )  
AmerenUE's Purchased Gas Adjustment Factors to ) **File No. GR-2008-0366**  
be audited in its 2008-2009 Actual Cost Adjustment. )

In the Matter of Union Electric Company d/b/a )  
Ameren Missouri's Purchased Gas Adjustment ) **File No. GR-2009-0337**  
Factors to be Audited in its 2008-2009 )  
Actual Cost Adjustment )

In the Matter of Union Electric Company d/b/a )  
Ameren Missouri's Purchased Gas Adjustment ) **File No. GR-2010-0180**  
Factors to be Audited in its 2009-2010 )  
Actual Cost Adjustment )

In The Matter Of Union Electric Company, d/b/a ) **File No. GR-2012-0077**  
Ameren Missouri's 2010-2011 ACA Audit )

## ORDER DIRECTING RESPONSE

Issue Date: March 13, 2013

Effective Date: March 13, 2013

The Staff of the Commission has filed a recommendation and memorandum regarding its review of the Actual Cost Adjustment (ACA) filing of Union Electric Company d/b/a Ameren Missouri for each of the ACA years between 2006 and 2011. At Staff's request the Commission has left each of the ACA periods open to allow Staff to monitor Ameren Missouri's pursuit of refunds from MoGas Pipeline, LLC, for overcharges collected in some of the ACA periods in question. In the most recent ACA audit case, GR-2012-0077, Ameren Missouri suggested that since the MoGas overcharges are not present in the gas costs being audited in that case, a final balance could be entered in that case. Staff's reply explained that final balances could not be determined in the more recent cases until the older cases are

finally resolved because the ending balance for the earlier ACA period becomes the beginning balance for the later period. Thus, the later period cannot be finalized until the earlier period is resolved.

That explanation leaves open the question of whether the earlier ACA periods should now be finalized. The Commission is aware that Ameren Missouri has engaged in extensive litigation with MoGas and has been awarded a multi-million dollar judgment by the Circuit Court. However, that judgment is subject to appeal and it is not clear how much Ameren Missouri may ultimately collect from MoGas. Meanwhile, the ACA balance adjustments indicated by Staff's audit for each of these five ACA years remain unresolved, to the possible detriment of either Ameren Missouri or its customers. It may be several more years before Ameren Missouri makes any recovery for the MoGas overcharges and consequently, adjustments for future ACA years will also be delayed.

In light of that situation, the Commission will direct the parties to address the following questions:

- 1) Why is it still necessary for Staff to "monitor" Ameren Missouri's efforts to recover overcharges from MoGas?
- 2) If Ameren Missouri ultimately recovers some amount of overcharges from MoGas, would it be appropriate to reflect those recovered amounts in the ACA periods in which those amounts are recovered rather than in the ACA periods in which the overcharges were incurred?
- 3) If the recovered overcharges can be reflected in future ACA periods, would it now be appropriate to establish the final ACA balances for each of the ACA years back to 2006?
- 4) Are either Ameren Missouri or its customers being harmed by the delay in

finalizing the ACA balances for the years back to 2006?

**THE COMMISSION ORDERS THAT:**

1. The Commission's Staff and Union Electric Company d/b/a Ameren Missouri shall respond to the questions raised in the body of this order no later than April 15, 2013.
2. The Office of the Public Counsel may respond to the questions raised in the body of this order no later than April 15, 2013.
3. This order shall become effective upon issuance.

**BY THE COMMISSION**



Shelley Brueggemann  
Acting Secretary

Morris L. Woodruff, Chief Regulatory  
Law Judge, by delegation of authority pursuant  
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 13<sup>th</sup> day of March, 2013.