

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of Union Electric Company)	
d/b/a Ameren Missouri's Tariff Filing to)	
Implement Changes to the Energy)	Case No. GT-2011-0130
Efficient Natural Gas Equipment and)	
Building Shell Measure Rebate Program)	

REPLY TO AMEREN MISSOURI'S RESPONSE

COMES NOW the Missouri Office of the Public Counsel ("OPC") and for its Reply to the November 9, 2010 Response filed by Union Electric Company d/b/a Ameren Missouri (UE) states:

1. OPC offers this reply to the November 9, 2010 Response of Ameren Missouri to Filings by the Office of the Public Counsel. OPC recognizes that the Commission's November 10, 2010 Order Suspending Tariff and Setting Hearing granted OPC's Motion to Suspend, and further arguments on suspension are unnecessary. However, OPC is compelled to offer this reply to UE's response to correct UE's mischaracterization of the facts and OPC's arguments. Providing the Commission with a correct understanding of the facts and arguments will ultimately help the Commission resolve the underlying issues of this case.

2. The first misrepresentation occurs in the first sentence of Paragraph 6, wherein UE states:

OPC's Motion to Suspend itself states that Ameren Missouri's proposed tariff changes are necessary to "...make it possible for [Ameren Missouri] to provide funds for existing residential applications..."

A check of the statements UE alleges OPC made proves that UE quoted OPC out of context and misrepresented OPC's statements. Nowhere in OPC's Motion does OPC once make the assertion that UE's changes are necessary to fund existing applications.

OPC's Motion states:

The alternative supported by the Department of Natural Resources, Staff and OPC was to allocate more program funds for 2010 and make use of the regulatory asset account previously authorized by the Commission so that UE could recover the costs of this additional allocation. This alternative would have made it possible for UE to continue funding both **new and existing** residential rebate applications. UE's proposed tariff changes would only make it possible for UE to provide funds for **existing** residential applications while avoiding the need to make use of the regulatory asset deferral option. New residential rebate applications would continue to be rejected during the remaining months of 2010 under the UE proposal.

This accurate representation of OPC's motion reveals how UE used OPC's language out of context, and even then misquoted OPC's true statement. OPC's actual statement was that the use of a regulatory asset account would provide funding for new and existing applications, which is clearly distinguishable from an OPC argument that UE's proposed changes are "necessary" to fund existing applications. OPC made no such assertion, and no such assertion can be reasonably implied from OPC's Motion.

3. In Paragraph 12 of UE's Response, UE makes an additional assertion that OPC believes to be factually incorrect. UE claims that "OPC itself had proposed that Ameren Missouri undertake a marketing campaign during the Collaborative meetings during the summer." However, OPC asserts that this claim is false and that OPC did not propose that UE undertake a marketing campaign as alleged.

4. UE also states in its response that without the reallocation of funds from the General Service rate class to the Residential rate class, UE "will be *unable* to honor

some of the rebate reservations it has taken from its residential customers.”¹ A more accurate statement is that UE is *unwilling* to honor the rebate reservations because UE is unwilling to continue funding for qualifying residential ratepayers through the previously approved regulatory asset account.

5. OPC brings these matters to the Commission’s attention to correct the above mentioned misstatements and to provide clarification. OPC appreciates the Commission’s prompt actions, and looks forward to the opportunity to provide evidence and argument regarding these matters during the evidentiary hearing.

WHEREFORE, the Office of the Public Counsel respectfully offers this reply to the Response of Ameren Missouri to Filings by the Office of the Public Counsel.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

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¹ UE Response, p. 2. Emphasis added.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 19th day of November 2010:

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