

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

In the Matter of Union Electric Company	)	Case No. ER-2014-0258
d/b/a Ameren Missouri's Tariff to Increase	)	
Its Revenues for Electric Service	)	

**MIEC'S MOTION FOR LEAVE TO FILE OUT OF TIME AND MEMORANDUM OF  
SUPPORT FOR THE OFFICE OF PUBLIC COUNSEL'S REQUEST FOR ORDER  
STRIKING AMEREN MISSOURI'S FAC TARIFF**

COME NOW the Missouri Industrial Energy Consumers ("MIEC") and for their Motion for Leave to File Out of Time and their Memorandum of Support for the Office of Public Counsel's ("OPC") Motion to Strike Union Electric Company's d/b/a Ameren Missouri's ("Ameren") tariff sheets continuing its Fuel Adjustment Rider as well as the pre-filed testimony supporting the Rider, they state as follows.

The issue presented in the subject OPC Request is an important issue to the MIEC and all consumer parties. If they are not adequately and timely apprised of the specific charges that Ameren Missouri is recovering under its FAC clause, parties are prejudiced in conducting discovery and preparing for trial. As OPC correctly notes, Ameren Missouri's filing fails to put parties on notice of the charges that Ameren Missouri intends to surcharge through its FAC. An example of the prejudice, both to Staff and to the MIEC, occurred in Ameren Missouri's last rate case. As noted in OPC's Reply, in Case No. ER-2012-0166, the Commission stated that the issue of including MISO transmission charges under the FAC became "confused." That led ultimately to the filing of Sur-Sur-Surrebuttal testimony at the eleventh hour.

In its Reply Suggestions in this matter, filed less almost ten days ago, Ameren Missouri discusses the above issue and, in particular, the inclusion of Schedules 26 and 26-A transmission charges under its FAC. Ameren Missouri then claims that such charges are associated with

power that Ameren Missouri buys to serve its load. Ameren Reply at 5. This is an important claim that the MIEC intends to address at hearing, but also with this Memorandum of Support. Ameren Missouri is in essence claiming, for purposes of section 386.266.1, that all of the power that it generates to serve its load, in addition to the small amount of power that it buys from other generators, is “purchased power.” These types of issues should not be allowed to creep up on unsuspecting consumers and the Staff, as occurred in Ameren Missouri’s last rate case.

Moreover, as Staff DR 0272.1 evidences, Staff too is forced to obtain information through discovery that Ameren Missouri should have presented in its Direct case in accordance with 4 CSR 240-3.161.

Because the issue of compliance with the FAC regulation 4 CSR 240-3.161 is of importance to the MIEC and to all consumers, and because allowing this Memoranda of Support should not prejudice Ameren Missouri in that the MIEC is raising no new issues, the MIEC respectfully requests that the Commission grant leave to the MIEC to file this Memorandum out of time and consider the MIEC’s support of OPC’s Request.

The MIEC therefore fully supports and adopts by reference OPC’s “Request for Order” dated September 24, 2014, and OPC’s various suggestions in support thereof.

WHEREFORE, Consumers pray the Commission grant the OPC’s Request.

Respectfully submitted,

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**ATTORNEYS FOR THE MIEC**

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been emailed on this 23rd day of October, 2014 to all parties on the Commission's service list in this case.

*/s/ Edward F. Downey*