

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

In the Matter of Union Electric Company)
d/b/a AmerenUE's Tariffs To Increase Its) Case No. ER-2011-0028
Annual Revenues for Electric Service)

**MISSOURI INDUSTRIAL ENERGY CONSUMERS'
MOTION FOR LEAVE TO FILE SUPPLEMENTAL TESTIMONY IN RESPONSE TO
AMEREN WITNESS DAVIS' PROPOSAL TO INCREASE REVENUE REQUIREMENT
TO OFFSET LOST SALES FROM ENERGY EFFICIENCY**

For the MIEC's Motion, it states as follows:

1. For Ameren Missouri's Direct testimony on the DSM issue, witness William R. Davis opined that as the result of demand side management and energy efficiency measures taken by Ameren Missouri, its sales have and would decline. He offered a fixed cost recovery mechanism (FRCM) that he opined would compensate Ameren Missouri for the lost revenue attributable to those lost sales. Nowhere in that Direct testimony did he propose a reduction in billing units and a corresponding increase in revenue requirement, and thus rates, to compensate Ameren Missouri for such lost sales (Billing Units Adjustment).
2. In response to the Davis direct, a number of parties and witnesses, including MIEC witness Brosch, responded to his FRCM proposal.
3. In his Rebuttal and Surrebuttal testimonies, Davis reduced the FRCM proposal to a head fake, abandoning the FRCM and offering the Billing Units Adjustment. *See* Davis Reb. p. 6, line 4 through p. 7, line 21 and Surr. p. 1, line 1 through p. 6, line 13. MIEC witness Brosch has not responded to the Billing Unit Adjustment, but proposes to do so in the event that the Commission does not sustain Staff's Motion to Strike the Davis Rebuttal and Surrebuttal advocating the Billing Units Adjustment.

4. On or about April 21, 2011, the Staff filed a Motion to Strike the Rebuttal and Surrebuttal testimonies of Davis and, alternatively, to file supplemental testimony responding to the Billing Units Adjustment. As the Staff has noted in its Motion to Strike, the Rebuttal and Surrebuttal testimonies are objectionable because the Billing Units Adjustment proposed therein was not proposed in the Davis Direct. *See* 4 CSR 240-2.130(7) and 4 CSR 240-2.130(8).

5. Ameren Missouri's Response to Staff's Motion to Strike expressed no opposition to Staff's filing of supplemental testimony to address the Billing Units Adjustment. On or about April 27, 2011, the Staff filed the Supplemental Testimonies of witnesses Rogers and Mantle.

6. The MIEC has not moved to strike the Davis Rebuttal and Surrebuttal, nor does it plan to object to the introduction of such testimony. Rather, it seeks leave to file the attached Supplemental Testimony of witness Brosch, which testimony solely addresses the Billing Units Adjustment.

7. Ameren Missouri consents to this Motion on the understandable condition that the Commission ultimately denies the Staff's Motion to Strike and instead allows Staff to introduce the supplemental testimonies that it filed on April 27.

WHEREFORE, the MIEC prays the Commission sustain this Motion.

Respectfully submitted,

/s/Edward F. Downey

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Certificate of Service

I hereby certify that copies of the foregoing have been transmitted by electronic mail to all counsel of record this 2nd day of May 2011.

/s/ Edward F. Downey