

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

Motion to Declassify Surveillance	)	
Monitoring Report of Ameren Missouri	)	
for the Twelve Month Period Ending	)	Case No. EO-2013-0413
December 31, 2012.	)	

**MOTION FOR EXTENSION OF TIME TO RESPOND AND  
MOTION FOR EXPEDITED TREATMENT**

COMES NOW Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri”) and in response to the Commission’s March 8, 2013 *Order Directing Filing*, and for its Motion for Expedited Treatment, states as follows:

1. On March 7, 2013 the Missouri Industrial Energy Consumers (“MIEC”), the Office of the Public Counsel (“OPC”) and AARP/Consumers Council of Missouri (“AARP/CCM”) (collectively, the “Joint Movants”) filed a Motion to Make Certain Documents Public, Request for Waiver, and Motion for Expedited Treatment (the “Joint Motion”). The Joint Motion sought an order declassifying Ameren Missouri’s quarterly Surveillance Monitoring Report, which the Company had submitted on February 28, 2013, in accordance with the Commission’s fuel adjustment clause (“FAC”) rules. *See* 4 CSR 240.3.161(6).

2. The Joint Motion requested that Ameren Missouri be ordered to file a response by March 14, 2013, claiming that “time is of the essence” because of the General Assembly’s consideration of legislation (SB 207 and HB398) in light of the Joint Movants’ contention that disclosure of the information in the Surveillance Monitoring Report was “undoubtedly in the public interest for the Missouri General Assembly to have the most recent economic facts at its disposal . . .” Joint Motion, p. 3.

3. On March 11, 2013, Ameren Missouri filed in this docket its Notice of Submission of Revised Surveillance Monitoring Report which included all of the information the

Joint Movants claim should be available publicly, including to the General Assembly, indicating that while it had properly submitted the original report as a Highly Confidential report (indeed, as required by 4 CSR 240-3.161(6)), it nevertheless was willing to make the revised Report publicly available together with appropriate information that put the Report's information in the proper context given several unusual events that impacted the results reflected in the Report.

4. Ameren Missouri intends to provide a further response to the Joint Motion, and will address therein the important issues it raises regarding the proper (and improper) use of surveillance data in connection with the Commission's regulation of public utilities. However, under the Commission's rules (4 CSR 240-2.080(13)) parties are afforded ten days to file responses to other pleadings, rather than the seven days requested by the Joint Movants and reflected in the Commission's March 8 Order. Insofar as the relief the Joint Movants sought – public disclosure of the information in the Report – has in effect already occurred, there is no reason to shorten the time for response. Due to other commitments of counsel and of Ameren Missouri personnel whose input on the further response Ameren Missouri plans to file is necessary, Ameren Missouri respectfully requests that the Commission vacate or amend its March 8 order to reinstate the normal 10-day response period for both Ameren Missouri and the Staff.<sup>1</sup> This will make responses due on March 17, 2013, and since March 17 is a Sunday the responses will be due on Monday, March 18, 2013.

5. Neither the Commission nor any party will be prejudiced in any way by a four day delay in the filing of responses, particularly since, as noted earlier, the Joint Movants have obtained the relief the Joint Motion sought. This Motion was filed as soon as it could have been under the circumstances. Affording Ameren Missouri this modest amount of additional time will

---

<sup>1</sup> The March 8 Order also directed the Staff to respond to the Joint Motion.

allow Ameren Missouri's counsel and his clients to properly prepare and consider the response Ameren Missouri believes is appropriate regarding these important issues.

WHEREFORE, Ameren Missouri respectfully requests that the Commission make and enter its order vacating or amending the March 8, 2013 *Order Directing Filing* to provide that responses from Ameren Missouri and the Staff will be due in accordance with the provisions of 4 CSR 240-2.080(13), and also requests expedited treatment of the foregoing request in light of the March 14 deadline currently imposed by the March 8 Order.

Respectfully submitted,

**/s/ James B. Lowery**

**James B. Lowery** MBN#40503

Smith Lewis, LLP

111 S. Ninth Street, Ste. 200

P.O. Box 918

Columbia, MO 65205

Telephone: (573) 443-3141

Fax: (573) 442-6686

Email: [lowery@smithlewis.com](mailto:lowery@smithlewis.com)

**Thomas M. Byrne** MBN#33340

Director - Assistant General Counsel

Ameren Services Company

1901 Chouteau Ave.

P.O. Box 66149

St. Louis, MO 63166-6149

Telephone: (314) 554-2514

Facsimile: (314) 554-4014

E-Mail: [AmerenMOService@ameren.com](mailto:AmerenMOService@ameren.com)

**ATTORNEYS FOR  
UNION ELECTRIC COMPANY  
d/b/a AMEREN MISSOURI**

**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing Notice has been e-mailed, this 13th day of March, 2013, to counsel for parties to Commission Case No. ER-2012-0166.

/s/ James B. Lowery  
James B. Lowery