

**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)
December 31, 2012)

Case No. EO-2013-_____

**MOTION TO MAKE CERTAIN DOCUMENTS PUBLIC,
REQUEST FOR WAIVER,
AND MOTION FOR EXPEDITED TREATMENT**

COME NOW the Missouri Industrial Energy Consumers (“MIEC”), the Office of Public Counsel, AARP, and the Consumers Council of Missouri, and for their Motion to Make Certain Documents Public, Request for Waiver, and Motion for Expedited Treatment, state as follows:

1. On May 24, 2013, Ameren Missouri (“Ameren”) filed with the Staff of the Commission and other parties, including the Movants, a Surveillance Monitoring Report for the twelve month period ending March 31, 2013 (“Report”). Commission Regulations 4 CSR 240-3.161(6) and 4 CSR 240-20.090(10) require electric corporations like Ameren that have fuel adjustment clauses to file surveillance reports such as the Report. Those regulations provide that the Report is to be treated as highly confidential, subject to a waiver of that requirement for good cause shown. *See* 4 CSR 240-3.161(16) and 4 CSR 240-20.090(15).

2. Ameren designated the Report “Highly Confidential” (“HC”).

3. The Commission’s regulation 4 CSR 240-2.135(1)(B) prescribes what information is typically eligible for designation as HC:

Highly confidential information is information concerning:

1. Material or documents that contain information relating directly to specific customers;
2. Employee-sensitive personnel information;
3. Marketing analysis or other market-specific information relating to services offered in competition with others;

4. Marketing analysis or other market-specific information relating to goods or services purchased or acquired for use by a company in providing services to customers;
5. Reports, work papers, or other documentation related to work produced by internal or external auditors or consultants;
6. Strategies employed, to be employed, or under consideration in contract negotiations; and
7. Information relating to the security of a company's facilities.

4. The information in the Report does not meet the above standard for HC. The information contains only historical information and no projections that might be considered proprietary. Indeed, this Commission and the parties in ER-2012-0166 recently considered and discussed extensively, in public with Ameren's consent, the identical report, only for the twelve month period ending June 30, 2012. The Commission considered the reported Return on Equity ("ROE") for that twelve month period in light of Ameren's claim in that rate case that it needed extraordinary regulatory treatment referred to as Plant In Service Accounting ("PISA"). *See* Report and Order in ER-2012-0166, pp. 30-36 ("In the Matter of Union Electric Company, d/b/a Ameren Missouri's Tariff to Increase Its Annual Revenues for Electric Service"). There, this Commission properly considered the fact that in the twelve month period ending June 30, 2012 (at that time the most current such report available), Ameren's actual ROE was 10.53 percent when its then-approved ROE was 10.2. That fact, coupled with Ameren's inability to articulate "that there is any great un-met need for additional capital investment to ensure delivery of safe and adequate service[.]" and other facts, compelled this Commission to reject Ameren's claim for a substantial enhancement of the regulatory paradigm that would have cost ratepayers \$240 million over 40 years. *Id.* at 34-5.

5. Ratepayers in general, including Movants, have an interest in knowing how Ameren is performing financially, particularly since electric rates are increasing, with no apparent end to the increases in sight. Moreover, its financial well-being could bear on its ability to provide safe and adequate service.

6. The Movants seek declassification of the Report and a variance from the provisions of this Commission's rule designating the report HC.

7. Movants request that the Commission order Ameren to file its response to this motion no later than July 12, 2013.

8. Movants request that the Commission rule on this motion expeditiously because of the general interest and importance of the Report and because this is unlikely to be a contested issue. Pursuant to 4 CSR 240-2.080(14), Movants state that they respectfully request the Commission to act on this Motion no later than July 16, 2013.¹

WHEREFORE, Movants respectfully request that the Commission grant this Motion expeditiously.

Respectfully submitted,

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¹ Movants expect that Ameren will consent to have this historical data made public, just as it did in ER-2012-0166, and it did on March 11, 2013 in response to a similar Motion from Movants. Accordingly, the Commission could issue an order by delegation once Ameren Missouri consents.

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was mailed, electronically, to counsel for Ameren and counsel for the Commission this 9th day of July, 2013 as follows:

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