

**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)
Annual Revenues for Electric Service) Case No. ER-2011-0028

PUBLIC COUNSEL'S RESPONSE REGARDING TEST YEAR AND TRUE-UP

COMES NOW the Office of the Public Counsel and for its Response Regarding Test Year and True-up states as follows:

1. On September 3, 2010, Ameren Missouri¹ filed a general rate increase case. Ameren Missouri requests that the Commission establish a historical test year ending March 31, 2010 to be updated for known and measurable changes through February 28, 2011.

2. On September 7, the Commission issued an order that, *inter alia*, directed parties to respond to Ameren Missouri's test year and true-up request no later than October 4.

3. Public Counsel does not at this time object to Ameren Missouri's test year and true-up proposals, but neither does Public Counsel concur in them. Public Counsel respectfully requests that the Commission allow the parties to discuss test year and true-up at the prehearing conference scheduled for October 12, and make their responses on October 19, concurrently with the filing of the proposed procedural schedule.

4. The Commission has, since at least the late 1980s or early 1990s, asked for parties to respond to test year and true-up proposals very early in the 11-month suspension period. While it is certainly important for the Commission to know the parties' positions on test year and true-up issues early in rate cases so that it may expeditiously resolve any conflicts, it makes sense to allow the parties the opportunity to discuss test year and true-up proposals at the

¹ Union Electric Company d/b/a AmerenUE changed its name from AmerenUE to Ameren Missouri on October 1. This pleading will use the current name.

routinely-scheduled early prehearing conference. With the increasing complexity of major rate cases and the increased workload, establishing an appropriate test period and true-up (if any) is also becoming increasingly complicated. Public Counsel suggests that the Commission not only defer the filing of positions on test year and true-up until the due date for the proposed procedural schedule in this case, but also that the Commission consider modifying its standard suspension order to make that the default procedure in rate cases.

WHEREFORE Public Counsel respectfully submits this response to the Commission's September 7 order, and requests leave to file its position on test year and true-up as part of the proposed procedural schedule or concurrently therewith.

Respectfully submitted,

OFFICE OF THE Public Counsel

/s/ Lewis R. Mills, Jr.

By: _____

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been emailed to all parties this 4th day of October 2010.