

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

In the Matter of the Tariff Filings of Union)
Electric Company d/b/a Ameren Missouri, to) File No. ER-2022-0337
Increase Its Revenues for Retail Electric Service.)

AMEREN MISSOURI’S REPLY TO OPC’S RESPONSE

COMES NOW Union Electric Company d/b/a Ameren Missouri (“Company” or “Ameren Missouri”) and pursuant to 20 CSR 4240-2.080(13), hereby submits this reply to OPC’s Response to Staff’s Motion to Strike Surrebuttal Testimony of John S. Riley, as follows:

1. OPC admits that it had a full and fair opportunity to file rebuttal testimony in response to Staff’s (and for that matter, the Company’s) direct case filings on cash working capital lead/lags but failed to do so. By definition OPC did not, as it was required to do, provide “all testimony which is responsive” to Staff’s or the Company’s direct testimony on cash working capital. 20 CSR 4240-2.130(7)(B). OPC has thus violated the Commission’s rules and ignored the mandate of the Procedural Schedule in this case. It should not be allowed to inject a new adjustment (with a revenue requirement impact of approximately \$8 million) into this case for the first time on surrebuttal.

2. Moreover, the entire excuse posited by OPC for violating the Commission’s rule does not hold water. While the Company respectfully disagrees that OPC’s adjustment was proper, even on the facts of the *Spire* decision cited by OPC, the *Spire* decision does not substantively aid OPC here because the *facts before the Commission in this case are far different than in Spire*. In *Spire*, the evidence was that Spire had not paid cash taxes during for the preceding three years and was not expected to do so for three more years.¹ However, in *this*

¹ *Amended Report and Order*, ¶¶ 70-71.

case, Ameren Missouri did pay cash taxes during the test year. See Direct Testimony of Mitch Lansford, p. 53, ll. 9 – 18.

3. There is nothing inconsistent about either the Staff's or the Company's positions on the inclusion of income taxes in the cash working capital requirement. *Spire* is inapposite. OPC has ignored the Commission's rules. Staff's Motion to Strike is well taken.

Respectfully submitted,

/s/ James B. Lowery

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**ATTORNEY FOR UNION ELECTRIC
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Dated: March 27, 2023

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served on all parties of record via electronic mail (e-mail) on this 27th day of March, 2023.

/s/James B. Lowery
James B. Lowery