

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

The Staff of the Missouri Public Service Commission,)	
)	
)	
Complainant,)	
)	
vs.)	File No. EC-2015-0315
)	
Union Electric Company d/b/a)	
Ameren Missouri,)	
)	
Respondent.)	

AMEREN MISSOURI'S RESPONSE TO COMMISSION ORDER DIRECTING FILING

COMES NOW Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri” or “Company”), and for its response to the Commission’s August 29, 2018 *Order Directing Filing*, states as follows:

1. The Company agrees with the Staff’s statement in its September 6 Response where the Staff indicates that it¹ (as the Complainant in this case) has agreed that since Ameren Missouri prevailed on its appeal of the Commission’s order granting summary determination on the Staff’s complaint that started this case, the Staff has agreed that Ameren Missouri is entitled to recalculate the performance incentive award for Program Year 2 of its MEEIA Cycle 2 Plan, That recalculation will reflect a performance incentive award in accordance with Ameren Missouri’s position in this complaint case. The Company also agrees with the Staff’s statement that it has also agreed that Ameren Missouri is entitled to include the resulting sum in its next Rider EEIC adjustment for recovery through its Rider EEIC. *See ¶ 14 of the Revised Non-Unanimous*

¹ And the Office of the Public Counsel (“OPC”) as a signatory to the subject stipulation.

Stipulation and Agreement Addressing Ameren Missouri's Performance Incentive Award, File No. EO-2012-0142.²

2. However, it is not entirely clear to the Company that there “is nothing left for the Commission to do in the matter of the above-captioned complaint.” Staff Response, ¶ 5. This is because the Supreme Court’s mandate remanded this case to the Commission “for further proceedings . . . in conformity with the opinion of this court herein delivered.” This suggests that the Court expects the Commission to issue an order in this case that recognizes what the Company, Staff, and OPC have already agreed must occur as a result of the Court’s reversal of the Commission’s summary determination order in this case.

3. To be sure the Commission complies with the Court’s mandate, the Company recommends the Commission issue a simple order such as “The Commission acknowledges the Court’s mandate. Consequently, as provided for in ¶ 14 of the *Revised Non-Unanimous Stipulation and Agreement Addressing Ameren Missouri's Performance Incentive Award* approved by the Commission in File No. EO-2012-0142, the Company is entitled to recalculate (subject only to verification of the accuracy of the recalculation) its performance incentive award for the 2014 program year in accordance with the Court’s opinion and is further entitled to include the resulting sum for recovery in its next Rider EEIC adjustment filing.”

WHEREFORE, Ameren Missouri recommends the Commission enter an order as outlined above to ensure compliance with the Supreme Court’s mandate.

² As noted, OPC is also a signatory to this Stipulation and it was approved by the Commission in its November 2, 2016 *Order Approving Stipulation and Agreement Regarding Performance Incentive Award*, File No. EO-2012-0142. The Stipulation was treated as unanimous since no party objected to it.

Respectfully submitted,

SMITH LEWIS, LLP

/s/ James B. Lowery

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have on this 12th day of September, 2018, served the foregoing document and its attachment either by electronic mail, or by U. S. Mail, postage prepaid addressed to all parties of record.

/s/ James B. Lowery
James B. Lowery