

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

In the Matter of Union Electric)
Company, d/b/a Ameren Missouri's)
2010-2011 ACA Audit)

Case No. GR-2012-0077

STAFF RECOMMENDATION

COMES NOW the Staff ("Staff") of the Missouri Public Service Commission ("Commission") in the above-captioned matter, and files its Staff Recommendation in this case.

Background

1. The Commission has held open several of Ameren Missouri's ("Ameren") ACA cases pending resolution of the lawsuit Ameren filed against MoGas Pipeline, LLC ("MoGas"; formerly known as Missouri Pipeline Company ("MPC") and Missouri Gas Company ("MGC")) for a refund of overcharge payments.

2. In Case No. GC-2006-0491, Staff filed a complaint, which generally alleged MoGas (i.e., MPC and MGC) was charging non-affiliated companies more for service than it was charging its affiliates and in doing so, violated its tariffs.

3. In its October 11, 2007 Revised Report and Order, the Commission found that by giving an affiliate lower rates, MoGas (MPC and MGC) had lowered the maximum transportation rates it could charge non-affiliates and that MoGas had been overcharging its non-affiliated customers.

4. The Commission's Order was affirmed on appeal to the Western District Court of Appeals.

5. Ameren filed a petition in Cole County Circuit Court, Case No. 09AC-CC00398, to recover overcharges from MoGas.

6. On September 25, 2012, Judge Nancy Schneider entered an order granting summary judgment in favor of Ameren in its overcharge lawsuit against MoGas. The Court ordered that Ameren recover from MoGas \$7,449,885.68, plus interest. On October 30, 2012, an Amended Judgment and Order was entered which ordered that Ameren recover \$7,449,885.68 from MoGas, plus pre-judgment interest in the amount of \$5,237,102.71, plus post-judgment interest at the statutory rate.

Recommendations

7. Staff recommends the Commission hold this ACA case open so that Staff can monitor Ameren's pursuit of refunds from MoGas (MPC and MGC) and make further recommendations as necessary.

8. Staff recommends the Commission order Ameren to adjust its ACA balances as follows:

	Balance per Ameren Missouri Filing	Prior Period Staff Adjustments	Current Period Staff Adjustments	Ending Balances 8/31/11
Firm Sales ACA	\$4,207,018*	\$375,584	\$0	\$4,582,602
Interruptible Sales ACA	\$ 22,184	\$0	\$0	\$22,184
Rolla System	\$(41,072)	\$(375,584)	\$0	\$(416,656)

**An over-recovery is an amount owed to the customers by the Company and is shown in the table as a negative number. An under-recovery is an amount owed to the Company by the customers and is shown in the table as a positive number.*

9. Staff also recommends the Commission order Ameren to respond to Staff's concerns/comments/recommendations in the Reliability Analysis and Gas Supply Planning section of the accompanying Staff Recommendation Memorandum.

10. Staff also recommends the Commission order Ameren to respond to the concerns/comments/recommendations expressed by Staff in the Hedging Section of the accompanying Staff Recommendation Memorandum.

11. Staff requests the Commission order Ameren to respond to the concerns/comments/recommendations in the accompanying Staff Recommendation Memorandum within 45 days.

WHEREFORE, Staff recommends the Commission order Ameren Missouri to: (1) adjust its ACA balances as reflected in the table above, (2) respond to the Staff's concerns/comments/recommendations in the accompanying Staff Recommendation Memorandum within 45 days, and (3) keep the Commission and Staff informed as to its resolution of the lawsuit against MoGas.

Respectfully submitted,

/s/ Jeffrey A. Keevil

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 21st day of December, 2012.

/s/ Jeffrey A. Keevil