

**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 REPLY TO AMEREN RESPONSE

COMES NOW the Staff ("Staff") of the Missouri Public Service Commission ("Commission") in the above-captioned matter, and files its Reply to Ameren Missouri's Response filed on February 11, 2013 in this case.

1. The Commission has held open several of Ameren Missouri's ("Ameren" or "Company") 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. In addition to the current case, open Ameren ACA cases include Case Nos. GR-2008-0107, GR-2008-0366, GR-2009-0337, and GR-2010-0180. In its Recommendation in this case, Staff recommended this case also be held open in order to monitor Ameren's pursuit of refunds from MoGas.

2. In its Response, Ameren disagreed with Staff's recommendation to hold this case open. However, as set forth in a recent joint pleading by Laclede Gas Company ("Laclede"), Staff, and the Office of the Public Counsel ("OPC") in a Laclede ACA case (Case No. GR-2011-0055¹), since there are open ACA cases covering prior ACA periods it is premature to close the current ACA case.

¹ Request to Cancel Prehearing Conference and Procedural Schedule Filing Date, filed on February 14, 2013, in Case No. GR-2011-0055.

3. From an accounting standpoint, the ACA balance for this period should not be finalized until final ACA balances are established for the prior periods, because the prior period ending balances become the beginning balances for subsequent periods. From a purely legal standpoint, without arguing on the merits, finalizing the ACA balance for this period (or any subsequent ACA period) before the balances for prior periods become finalized could raise issues regarding retroactive ratemaking and/or the filed rate doctrine, thereby arguably precluding the Commission from ordering adjustments in any prior ACA period(s). Therefore, it was premature to set a procedural schedule in the Laclede ACA case and it is certainly premature to close the current Ameren ACA case or to establish final balances for Ameren's 2010-2011 ACA.

4. As stated above, in addition to the current case, open Ameren ACA cases include Case Nos. GR-2008-0107, GR-2008-0366, GR-2009-0337, and GR-2010-0180. The Commission should be aware that Staff and the other parties are not sitting by idly allowing these prior cases to remain open without reason. At least some of these prior cases are likely to be affected by the resolution of external litigation. Furthermore, Ameren and/or Staff have been filing status reports in some of these prior ACA cases informing the Commission of the status of Ameren's litigation with MoGas. However, until the final ACA balances are established for these prior periods, it is premature to close this case for the reasons set forth in paragraph 3 above and as set forth in the attached Memorandum.

5. By Order issued February 11, 2013, Staff was ordered to Reply to Ameren's February 11 Response to Staff's Recommendation no later than March 11, 2013. Staff's Reply, which is set forth herein and in the attached Memorandum,

primarily addresses those areas where Staff and Ameren disagree, to the extent that Staff believes comments are necessary or where Staff believes clarification is required. Comments are provided in the attached Memorandum for the broad issues of: Refund of Missouri Pipeline Company and Missouri Gas Company Overcharges, and Hedging. However, silence of Staff in the attached Memorandum on any particular issue does not necessarily indicate agreement.

WHEREFORE, Staff respectfully requests the Commission issue an order (1) accepting the attached Memorandum setting forth Staff's Reply to Ameren's Response to Staff's Recommendation in this case, (2) holding this case open, (3) ordering Ameren to keep the Commission and Staff informed as to the resolution of its lawsuit against MoGas, and (4) making such further orders as the Commission deems proper.

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 11th day of March, 2013.

/s/ Jeffrey A. Keevil