

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

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|--------------------------------|---|------------------------------|
| Noranda Aluminum, Inc., et al, | ) |                              |
|                                | ) |                              |
| Complainants,                  | ) |                              |
|                                | ) |                              |
| v.                             | ) | <b>Case No. EC-2014-0223</b> |
|                                | ) |                              |
| Union Electric Company, d/b/a  | ) |                              |
| Ameren Missouri                | ) |                              |
|                                | ) |                              |
| Respondent.                    | ) |                              |

**AARP AND CONSUMERS COUNCIL OF MISSOURI'S  
MOTION TO DECLASSIFY CERTAIN PORTIONS  
OF PRE-FILED WRITTEN TESTIMONY**

COMES NOW AARP and the Consumers Council of Missouri ("CCM"), pursuant to 4 CSR 240-2.135(12) and 4 CSR 240-3.161(16), and move to declassify certain portions of pre-filed written testimony, specifically the surrebuttal testimony of Complainant witness Greg Meyer, and the rebuttal and surrebuttal testimonies of Staff witness John Cassidy, as described herein. In support, movants state as follows:

1. On March 12, 2014, the Office of the Public Counsel ("Public Counsel") filed a "Motion to Make Public Certain Documents Regarding Ameren Missouri's Earnings", and on March 25, 2014, that motion was granted by the Missouri Public Service Commission ("Commission"), making public certain dollar amounts contained in the Complaint itself and in the supporting direct testimony of witness Greg Meyer regarding allegations of over-earnings by Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri"). The dollar amounts had originally been redacted and filed as "highly confidential" because those amounts were derived from information

contained in a Surveillance Monitoring Report regarding earnings that was submitted and distributed confidentially, pursuant to Rule 4 CSR 240-3.161.

The Commission's March 25, 2014 Order found that good cause existed to grant Public Counsel's request to waive the confidential designations in question; noting that the Public Counsel could not otherwise even discuss the subject matter of this Complaint case with the public (i.e., Ameren Missouri electric customers). However, the Commission's waiver in that order was limited in its application to information based upon Ameren Missouri's November 22, 2013 Surveillance Monitoring Report, since that order stated "This waiver applies only to that particular report and does not change the rule's general requirement that such surveillance monitoring reports be filed as highly confidential." Id. at 2.

2. Since that time, additional written testimony has been filed in this case, containing more up-to-date alleged over-earnings information—based in part upon Ameren Missouri Surveillance Monitoring Reports that were submitted subsequent to November 22, 2013—including responsive testimonies from Complainant witness Greg Meyer and from Staff witness John Cassidy. Such over-earnings amounts have been redacted; viewable only in the "highly confidential" versions of those written testimonies which are shielded from the general public.

3. Sufficient good cause exists to reveal more of the information that is contained in written rebuttal and surrebuttal testimonies which are derived from more recent Ameren Missouri earnings reports. Both AARP and CCM represent residential electric customers that have a serious and material stake in the outcome of this case. Movants contend that these customers have a right to know the updated over-earnings

amounts that the parties claim to be in dispute in this case. The alleged over-earnings involve money that is being collected from the consumers of a regulated monopoly utility, and knowing the level of these amounts will be crucial to the setting of the future electric rates. Movants contend that the general public should know what the Complainant believes and what the Staff of the Commission believes are the more recent levels of over-earnings for Ameren Missouri, and thus the Commission should allow more sunlight into this important contested case.

4. Because the redacted information in question is primarily based upon Surveillance Monitoring Reports issued by Ameren Missouri, the Movants have communicated with Ameren Missouri counsel regarding what portions of this redacted testimonial information to which the utility would agree to be made public. Based on the representations of the utility's counsel, information related to the Surveillance Monitoring Report which reports earnings regarding year end December 31, 2013 data would be agreeable to be made public, and that it would agree to allow all of the contents of the three aforementioned pre-filed written testimonies to be made public, except as to the redacted information contained at the following locations which would still remain designated as highly confidential:

Surrebuttal testimony of Greg Meyer

- The redacted Budget 2014 numbers contained on the last lines of Table 2 and Table 3 on pages 12-13.
- The redacted portions on lines 6-7 on page 17.
- The redacted number on line 23 on page 17.

- The redacted information on lines 5-7 on page 18.
- The number contained on line 4 of page 19.

#### Rebuttal testimony of John Cassidy

- On pages 18-19, the earned ROEs subsequent to December 31, 2013.
- On pages 33-34, maintenance expense budget information for Budget 2013 and Budget 2014.
- On lines 19 and 21 of page 39, the redacted coal increase numbers would remain highly confidential.
- On lines 5-8 on page 42, the redacted information would remain highly confidential.

#### Surrebuttal testimony of John Cassidy

- On line 2 of page 5, the coal increase information would remain highly confidential.

5. At this time, Movants are only requesting that the Commission declassify the information that is agreeable to be made public by Ameren Missouri, keeping the redacted portions of the testimonies listed above designated as highly confidential. This agreement will allow the public to know what the Complainant and Commission Staff witnesses are testifying, at least with regard to year-end 2013 earnings information. Movants reserve the right to request further declassifications in this case, based upon even more recent earnings information, at a later stage in this proceeding.

WHEREFORE, AARP and CCM respectfully request that the Commission issue an order declassifying the pre-filed written surrebuttal testimony of Complainant witness Greg Meyer, and the rebuttal and surrebuttal testimonies of Staff witness John Cassidy, except for those portions described herein, and that the Commission direct its data center to re-designate such portions of said testimony as public information on the Electronic Filing Information System (EFIS).

Respectfully submitted,

/s/ John B. Coffman

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Attorney for AARP and for CCM

Dated: July 10, 2014

## **CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing has been mailed, emailed or hand-delivered to the parties listed on the Missouri Public Service Commission's official service list of this proceeding on this 10<sup>th</sup> day of July 2014.

/s/ John B. Coffman

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