

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

In the Matter of the Application of)
Union Electric Company for Authority)
To Continue the Transfer of)
Functional Control of Its Transmission)
System to the Midwest Independent)
Transmission System Operator, Inc.)

Case No. EO-2011-0128

AMEREN MISSOURI’S SUPPLEMENTAL STATEMENT OF POSITION

COME NOW Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri”), by and through counsel, and hereby submits its Supplemental Statement of Position on the issues in this case.

- 1. Is an extension of the term of the Commission’s permission for Ameren Missouri to transfer functional control of Ameren Missouri’s transmission system to the Midwest ISO, on the terms and conditions set out in the Non-unanimous Stipulation and Agreement filed in this docket on November 17, 2011, not detrimental to the public interest?***

Ameren Missouri adopts the response it gave to Issue No. 1 in Ameren Missouri’s Statement of Position, which was filed on November 17, 2011.¹ As a point of further clarification, to the extent there is any question about whether the Non-Unanimous Stipulation and Agreement reflects the following, Ameren Missouri states that it commits, in the cost-benefit study it is agreeing to conduct as outlined in the Non-Unanimous Stipulation and Agreement to at a minimum, to study (a) the option of participating in SPP, (b) the impact of the Midwest ISO’s resource adequacy construct as it may exist or be proposed by the Midwest ISO as of the time of the next study, and (c) the impact of Entergy joining or proposing the join the Midwest ISO as those efforts may stand as of the time of the next study. As an additional clarification, Ameren Missouri hereby commits to abide by the terms and conditions outlined in the Non-

¹ That Statement of Position is Item 138 in EFIS.

Unanimous Stipulation and Agreement if the Commission grants its approval for Ameren Missouri to continue its participation in the Midwest ISO on the terms and conditions reflected in the Non-Unanimous Stipulation and Agreement. As indicated by the fact that the Non-Unanimous Stipulation and Agreement was signed by the undersigned as counsel for both Ameren Missouri and Ameren Transmission Company, the undersigned counsel reiterates that he has been authorized, by Ameren Transmission Company, to bind Ameren Transmission Company to the provisions of paragraph 10.i of the Non-Unanimous Stipulation and Agreement. Moreover, if the Commission desires to condition its order approving the Company's continued participation in the Midwest ISO on Ameren Transmission Company actually complying with paragraph 10.i of the Non-Unanimous Stipulation and Agreement, Ameren Missouri voluntarily consents to such a condition.

2. *What constitutes proving “not detrimental to the public interest” in File No. EO-2011-0128?*

- (a) What “public” is the appropriate public?***
- (b) What “interest” is the appropriate interest?***
- (c) How is “not detrimental” measured?***

Ameren Missouri adopts the response it gave to Issue No. 2 in Ameren Missouri's Statement of Position, which was filed on November 17, 2011.

3. *May the Commission impose the conditions on such a transfer that are reflected at page 12, lines 22 - 28 of the Rebuttal Testimony of Ryan Kind? If so, should the Commission do so?*

Ameren Missouri adopts the response it gave to Issue No. 3 in Ameren Missouri's Statement of Position, which was filed on November 17, 2011.

4. *May the Commission impose the conditions on such a transfer that are reflected at page 17, lines 1 – 3 of the Rebuttal Testimony of Ryan Kind? If so, should the Commission do so?*

Ameren Missouri adopts the response it gave to Issue No. 4 in Ameren Missouri's Statement of Position, which was filed on November 17, 2011.

5. ***Can the Commission condition Ameren Missouri's participation in MISO on the application of the existing terms and conditions applied to Ameren Missouri transmission assets (e.g., Section 5.3 of the Service Agreement and paragraphs (b) through (h) at pages 9-14 of the Ameren Missouri Verified Application in File No. EO-2011-0128) to any affiliate to which Ameren Missouri seeks to transfer transmission assets? If so, should the Commission do so as recommended at page 22, lines 3-27 of the Rebuttal Testimony of Adam C. McKinnie?***

As stated in paragraph 5 of the Second Revised List of Issues and Order of Cross-Examination and First Revised Witness List and Order of Opening Statements, the Company does not agree that this is an issue that should be resolved in this case. Moreover, what conditions the Commission could impose if Ameren Missouri sought to transfer transmission assets owned by Ameren Missouri to an Ameren Missouri affiliate is irrelevant. The only transfer at issue in this case is the transfer of functional control of Ameren Missouri's transmission system to the Midwest ISO. Further, there is no proposed transfer of anything to an Ameren Missouri affiliate. Consequently, the answer to the question is "no."

If Ameren Missouri seeks to transfer transmission assets to an Ameren Missouri affiliate that are part of its franchise, works or system necessary or useful to serve the public, it would have to file a separate Section 393.190 case seeking authority to do so, and what conditions the Commission could or could not impose in that case would be an issue for *that* case. To the extent OPC seeks to address what it may claim to be an alleged "superior right" on Ameren Missouri's part to build regional transmission projects in Ameren Missouri's service territory that OPC may allege Ameren Missouri might "transfer," please see the discussion under Issue No. 3, in Ameren Missouri's Statement of Position (which was filed on November 17, 2011),

with respect to the lawfulness and reasonableness of any such condition the OPC seeks to impose.

6. ***If the Commission agrees that such extension of the term for Ameren Missouri to transfer functional control of Ameren Missouri's transmission system to the Midwest ISO should be granted on the terms outlined at page 19, line 19 to page 21, line 2, should the conditions as proposed by Marlin Vrbas in his testimony, pp. 13-16, be required of Ameren Missouri before any continued transfer of authority is granted? What continuing opportunities and mechanisms for re-examining Ameren Missouri's participation in MISO, if any, should be granted to the parties in this case?***

Ameren Missouri adopts the response it gave to Issue No. 5 in Ameren Missouri's Statement of Position, which was filed on November 17, 2011.

Ameren Missouri states that its overall position in this case is that the Commission should enter its order conditionally approving, on an interim basis, Ameren Missouri's continued participation in the Midwest ISO as not being detrimental to the public interest, on and subject to the conditions outlined in Section B of the Non-Unanimous Stipulation and Agreement,² and that the Commission should find that such continued participation with such conditions is prudent and reasonable. Moreover, the Commission should reject any other conditions suggested by another party herein, for the reasons discussed in the Company's initial Position Statement.

Dated: January 27, 2012.

Respectfully submitted,

SMITH LEWIS, LLP

² And, if desired, the condition discussed under Issue 1, above.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via e-mail on counsel for the parties of record to this case, on this 27th day of January, 2012.

/s/James B. Lowery
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