

The Staff of the Missouri Public Service
Commission,

Complainant,

VS.

Union Electric Company d/b/a
Ameren Missouri,

Respondent.

Case No. EC-2015-0315

**AMEREN MISSOURI'S RESPONSE IN OPPOSITION TO
THE STAFF'S MOTION FOR SUMMARY DISPOSITION**

COMES NOW Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri” or “Company”) and, pursuant to 4 CSR 240-2.117(C), hereby files its response in opposition to the Staff’s Motion for Summary Disposition (the “Staff’s Motion”) and, in this regard, states as follows:

Response to the Staff's Factual Statements

The Staff’s Motion contains six paragraphs (§§ 6 - 12) which the Staff contends set forth material facts not in dispute. The Company does not agree that the statements in those paragraphs necessarily constitute the material facts not in dispute in this case, and state that such material facts are set forth in §§ 1 – 55 of the Company’s Motion for Summary Disposition (the “Company’s Motion”). The Staff’s Motion, in §§ 13 – 27, also contains various other statements/allegations, some factual in nature and some apparently intended to constitute opinions of, or arguments about, the law. While under the above-cited rule it appears the Company need only respond to §§ 6 – 12, out of an abundance of caution the Company will respond to all of the identified paragraphs, as follows:

6. The Staff has accurately characterized the Company's Answer.

7. The Staff has accurately characterized the Company's Answer.

8. The Staff has accurately characterized the Company's Answer.

9. The Staff has accurately characterized the Company's Answer. In further response, the Company states that it does not believe the "2013 Order" or the Stipulation it approved are pertinent to this complaint.

10. The Staff has accurately characterized the Company's Answer.

11. The Staff has accurately characterized the Company's Answer.

12. The Staff has accurately characterized the Company's Answer.

13. The Company's Answer speaks for itself and the Company otherwise denies the allegations or conclusions reflected in ¶ 13 of the Staff's Motion. *See* the Company's Motion, the materials cited to therein and the affidavits attached thereto.

14. The Staff has accurately characterized the Company's Answer but, as noted, the Company does not believe the 2013 Order is pertinent to this complaint.

15. The Staff has accurately characterized the Company's Answer. However, to the extent that the Company's Answer (¶ 13, responding to ¶ 11 of the Staff's Complaint) suggests that the same avoided cost estimates used for the 2011 preferred plan were used in the net shared benefit ("NSB") calculations in the MEEIA 1 Report (and by the Company's Evaluators in calculating NSB for program year 1 (2014)), the Answer is incorrect. The same methodology was used to determine the avoided costs underlying the NSB used in the MEEIA 1 Report (and to calculate the NSB in the Company's Evaluators' reports), but the avoided cost estimates themselves were different, all as outlined in the Affidavits of William R. Davis and Matthew R. Michels submitted with the Company's Motion. The Company also otherwise denies the

allegations or conclusions reflected in ¶ 13 of the Staff's Motion. *See* the Company's Motion, the materials cited to therein and the affidavits attached thereto.

16. The Staff has accurately characterized the Company's Answer.

17. The Company's Answer speaks for itself and the Company otherwise denies the allegations or conclusions reflected in ¶ 17 of the Staff's Motion. *See* the Company's Motion, the materials cited to therein and the affidavits attached thereto.

18. The Staff has accurately characterized the Company's Answer.

19. The Company's Answer speaks for itself and the Company otherwise denies the allegations or conclusions reflected in ¶ 19 of the Staff's Motion. *See* the Company's Motion, the materials cited to therein and the affidavits attached thereto.

20. The Company's Answer speaks for itself and the Company otherwise denies the allegations or conclusions reflected in ¶ 20 of the Staff's Motion. *See* the Company's Motion, the materials cited to therein and the affidavits attached thereto.

21. The Company's Answer speaks for itself and the Company otherwise denies the allegations or conclusions reflected in ¶ 21 of the Staff's Motion. *See* the Company's Motion, the materials cited to therein and the affidavits attached thereto.

22. The Staff has accurately characterized the Company's Answer.

23. The Staff has accurately characterized the Company's Answer.

24. The Staff has accurately characterized the Company's Answer.

25. The Company's Answer speaks for itself and the Company otherwise denies the allegations or conclusions reflected in ¶ 25 of the Staff's Motion. *See* the Company's Motion, the materials cited to therein and the affidavits attached thereto.

26. Paragraph 26 is not directed toward the Company and requires no response.

27. The Company's Answer speaks for itself and the Company otherwise denies the allegations or conclusions reflected in ¶ 27 of the Staff's Motion. *See* the Company's Motion, the materials cited to therein and the affidavits attached thereto.

The Company's Further Response

28. For its further response to the Staff's Motion, the Company states that there are no material facts in dispute on this complaint and that the undisputed material facts are set forth in the Company's Motion, and states that there are other undisputed facts, outlined in ¶¶ 6 – 12 of the Staff's Motion. The Company further states that to the extent there is disagreement between the Staff and the Company regarding statements in ¶¶ 7 – 27 of the Staff's Motion, that disagreement does not constitute a dispute about any material fact in this case and consequently does not preclude entry of summary disposition in the Company's favor.

29. For its further response to the Staff's Motion, the Company states that it agrees that this complaint can be disposed of in its favor via summary disposition (as outlined in the Company's Motion), but as outlined in the Company's Memorandum of Law in Support of Response in Opposition to the Staff's Motion for Summary Disposition attached hereto and incorporated herein by this reference, denies that the Staff's Motion has carried the Staff's burden to demonstrate its entitlement to disposition of this complaint in the Staff's favor.

WHEREFORE, Ameren Missouri moves for an order of the Commission denying the Staff's Motion for Summary Disposition, and an order of the Commission granting the Company summary disposition of this case by dismissing the Staff's complaint with prejudice.

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Dated: September 16, 2015

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have on this 16th day of September, 2015, 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