

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

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

BRIEF OF MISSOURI RETAILERS ASSOCIATION

The Missouri Retailers Association (MRA) concurs in the positions and brief of Complainants in this case with the exception of the proper treatment of Ameren’s solar rebate expenditures for purposes of this case. The MRA writes separately on this issue.

The MRA suggests that the evidence in this case strongly supports making no adjustment to revenues for solar rebate expenditures, and the continued deferral of solar rebate expenditures for consideration in Ameren’s pending rate case, ER-2014-0258.

First, Ameren has not yet recorded a single cent of any solar rebate program expenditure to an expense account; all such costs have been recorded in a regulatory asset account. (Tr. 403:3-404:2). There is no evidence of any solar rebate expense which justifies or supports an adjustment to revenues in this case.

Second, the MRA concurs with the Staff that the amortization of Ameren’s solar rebate program expenditures, and the possible amortization of those expenditures into rates, will be addressed in Ameren’s current general rate case, ER-2014-0258. (Cassidy Surrebuttal, Exhibit 13, pp. 6:14-7:4 and Oligschlaeger Rebuttal, Exhibit p. 11, lines 4-18). This position is in keeping with the expectations of the signatories to the stipulation and agreement in Case ET-214-0085, who could not have anticipated this intervening general rate case.

Finally, Ameren's solar program had not been completed at the time of trial, and not all expenditures have been made or recorded in the regulatory asset account. It is far more reasonable, and consistent with the expectations of the parties, to begin amortization of the deferral, if at all,¹ after the program is complete and can be reviewed in total in Case No. ER-2014-0258.

CONCLUSION

For the reasons stated above, the Commission should reduce Ameren's revenue requirement by \$59,442 million per year, and order rates be reduced, pro rata, accordingly.

Respectfully submitted,

BLITZ, BARDGETT & DEUTSCH

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¹ The Commission's grant of authority to defer recognition of expenditures does not guarantee recovery of the deferrals through rates at a later time. See, *Missouri Gas Energy v. Public Service Commission*, 978 S.W.2d 434, 438-39 (Mo. App. W.D. 1998). (The case law set out in [*State ex rel.*] *Public Counsel v. P.S.C.*, 858 S.W.2d 806 (Mo. App. W.D. 1993)] 858 S.W.2d at 812-813, makes it clear a utility cannot expect the same result in its rate case as existed in previous AAOs.)

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the above Brief of the Missouri Retailers Association was served by electronic transmission this 15th day of August, 2014, on the counsel for the parties of record in this proceeding.

/s/ Thomas R. Schwarz, Jr.
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