

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

In the Matter of the Application of Union Electric)
Company d/b/a Ameren Missouri for the Issuance)
Of an Accounting Authority Order Relating to its)
Electrical Operations.)
File No. EU-2012-0027

PUBLIC COUNSEL’S STATEMENT OF POSITIONS

COMES NOW the Office of the Public Counsel and for its Statement of Positions on the listed issues states as follows:

ISSUES

Issue 1: Do the amounts at issue in this case constitute “fixed costs” or “lost revenues / profits”?

OPC Position: During the relevant period, AMMO recovered all of its fixed costs and earned a profit. The amounts at issue in this case simply constitute additional profits that AMMO might have earned had the ice storm not occurred and nothing else changed. The most accurate description of the amounts at issue might be “lost potential additional profits.”

Issue 2: Should the Commission issue an Accounting Authority Order (“AAO”) authorizing Ameren Missouri to defer and record to the Uniform System of Accounts, account 182.3, Other Regulatory Assets, the “fixed costs” / “lost revenues / profits” which Ameren Missouri was unable to recover from Noranda due to the effects of the January 2009 ice storm?

OPC Position: No, for the reasons stated in Public Counsel’s positions on issues 1 and 5.

Issue 3: Should Ameren Missouri be permitted to amortize these “fixed costs” / “lost revenues or profits” over a reasonable period commencing with the effective date of the rates approved in

Ameren Missouri's pending rate case (Case No. ER-2012-0166) or over a period commencing close in time to the January 2009 ice storm?

OPC Position: No, there is no basis in law or public policy for Ameren Missouri to recover from current and future ratepayers additional profits that Ameren Missouri might have made in the past had an ice storm not occurred.

Issue 4: What is the correct quantification of the "fixed costs" / "lost revenues / profits" which Ameren Missouri was unable to recover from Noranda due to the effects on Noranda's load of the January 2009 ice storm?

OPC Position: Public Counsel believes that the Commission's resolution of the other issues will render this issue moot.

Issue 5: Would the recovery through a Commission Order in a subsequent rate case of any amounts deferred pursuant to the AAO proposed by Ameren Missouri in this proceeding constitute unlawful retroactive ratemaking?

OPC Position: Yes. Unlike the deferral and recovery of past extraordinary expenditures from current and future ratepayers (as is done with typical AAOs), raising the rates of current and future ratepayers to allow Ameren Missouri to recover past lost profits would clearly be unlawful retroactive ratemaking.

WHEREFORE, Public Counsel respectfully submits this Statement of Positions.

Respectfully submitted,

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ATTORNEY FOR OFFICE OF THE
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was served via e-mail on all counsel of record this 20th day of April, 2012.

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