

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

In the Matter of Union Electric Company,)	<u>File No. ER-2011-0028</u>
d/b/a Ameren Missouri's Tariff to Increase Its)	Tariff No. YE-2012-0021
Annual Revenues for Electric Service)	

STAFF RESPONSE TO AMEREN MISSOURI'S RECONCILIATION FILING

Comes now the Staff of the Missouri Public Service Commission (Staff), by the Staff Counsel's Office, and responds to Union Electric Company's d/b/a Ameren Missouri's (Ameren Missouri) July 25, 2011 Motion To Approve Reconciliation. In support thereof, the Staff states as follows:

1. On July 13, 2011, the Missouri Public Service Commission (Commission) issued its *Report and Order* in File No. ER-2011-0028 in which it stated at ordered paragraph 3 on page 125:

Governor Nixon has signed into law Missouri Senate Bill 48, which changes the procedure for parties appealing orders from the Missouri Public Service Commission. The new law took effect on July 1, 2011.

Please refer to SB 48 to become familiar with the new appellate process. An unofficial copy of the truly agreed to and finally passed SB 48 may be found at: http://www.senate.mo.gov/11info/BTS_Web/BillText.aspx?SessionType=R&BillID=4065300

Please refer to the Supreme Court Rules for further guidance. The Commission is preparing its version of Form 8, which is required by Supreme Court Rule 81.08(a).

2. On July 25, 2011, Ameren Missouri filed its Motion To Approve Reconciliation (Motion). On July 26, 2011, the Commission issued its Order Establishing Time To Respond To Ameren Missouri's Reconciliation Of Issues Decided By The Commission, wherein the Commission directed the Staff to respond to Ameren Missouri's proposed Reconciliation Of Issues Decided By The Commission, no later than August 1, 2011. All other parties were directed to respond by no later than August 1, 2011, if they desired to do so.

3. Ameren Missouri's Motion specifically requested that "the Commission require the parties to provide any written input they may have regarding this reconciliation by August 1, 2011, and that the Commission promptly approve this reconciliation thereafter." Thus, Ameren Missouri sought and was granted expedited treatment without Ameren Missouri following Commission rule 4 CSR 240-2.080(16). The title of Ameren Missouri's pleading does not include the words "Motion For Expedited Treatment;" the Motion does not set out with particularity the harm that will be avoided, or the benefit that will accrue, including a statement of the negative effect, or that there will be no negative effect, on the party's customers or the general public if the Commission acts by the date desired by the party; and the Motion does not set out with particularity that it was filed as soon as it could have been or an explanation why it was not. The Staff does not point this out so as to exalt form over substance.

4. At paragraph 3 of Ameren Missouri's Motion appears the following statement: "Ameren Missouri has shared the reconciliation with the Commission Staff prior to the filing." Ameren Missouri Staff shared the document with a member of the Staff. The Staff with whom Ameren Missouri "shared" the reconciliation was not told by Ameren Missouri that Ameren Missouri would file the reconciliation on July 25, 2011.

5. If Ameren Missouri had "shared" the reconciliation document with the Staff Counsel's Office, the Staff Counsel's Office would have suggested to Ameren Missouri that as a convenience to the Commission and the parties to File No. ER-2011-0028, Ameren Missouri's reconciliation document should contain "customer class billing determinants" as required by Section 386.420.4:

. . . In any proceeding resulting in the establishment of new rates for a public utility that is not classified as a price-cap or competitive company, the commission shall cause to be prepared, with the assistance of the parties to such proceeding, and shall approve, after allowing the parties a reasonable opportunity

to provide written input, a detailed reconciliation containing the dollar value and rate or charge impact of each contested issue decided by the commission, and the **customer class billing determinants** used by the commission to calculate the rates and charges approved by the commission in such proceeding. . . . [Emphasis added.]

6. In not providing the customer class billing determinants in its filing on July 25, 2011, Ameren Missouri evidently was relying on the fact that the necessary customer class billing determinants, excluding the lighting class and the energy efficiency billing determinants, were filed as Exhibit A to the Third Non-Unanimous Stipulation And Agreement on May 6, 2011, and the Third Non-Unanimous Stipulation And Agreement was approved by the Commission on June 1, 2011 by the Commission's *Order Approving Stipulations And Agreements*. Exhibit A to the Third Non-Unanimous Stipulation And Agreement is attached hereto as Exhibit A, Ameren Missouri's lighting class billing determinants are attached hereto as Exhibit B, and Ameren Missouri's energy efficiency billing determinants are attached hereto as Exhibit C. Counsel for the Staff advised Counsel for Ameren Missouri this date that the Staff intended to file the Exhibit A and lighting class billing determinants with the Commission. Ameren Missouri Staff contacted the Staff and advised that the energy efficiency billing determinants should not be forgotten and provided those billing determinants.

7. The Staff has a few comments for clarification purposes regarding the very first page of the Ameren Missouri Reconciliation, Exhibit A to Ameren Missouri's filing on July 25, 2011. Due to consolidated Case Nos. 10AC-CC00512, 10AC-CC00513, 10AC-CC00528 and 10AC-CC00536 before the Cole County Circuit Court respecting Section 393.1030.3, among other things, and File No. ET-2012-0016 presently pending before the Commission, in addition to whatever judicial review may result from the instant proceedings on the Renewable Energy Standard (RES), the Staff notes that the item identified as "RES Compliance Cost," includes

solar rebates. The Commission in its July 13, 2011 *Report And Order*, as clarified in its July 27, 2011 *Order Denying Applications For Rehearing, Denying Reconsideration, Clarifying A Portion Of The Commission's Report And Order, Correcting The Report And Order Nunc Pro Tunc*, set an annualized expense level of \$885,286 for RES Compliance Cost. (The numbers that are shown "Per Staff" and "Per MIEC" are adjustments to the annualized expense level, neither of which was adopted by the Commission.) Finally, since Ameren Missouri has shown the Commission the courtesy of pointing out minor typographical errors in its July 13, 2011 *Report And Order*, the Staff assumes Ameren Missouri would want the Staff to reciprocate. The word "reconciliation" at the top of the very first page of the Ameren Missouri Reconciliation Exhibit A is misspelled, and certain letters are somewhat transposed in the word "amortization" the second time that word appears on the specified page.

Wherefore the Staff has no objection to the reconciliation filed by Ameren Missouri on July 25, 2011, other than the Staff would add the following items to that document: Exhibit A, the customer class billing determinants from the Third Non-Unanimous Stipulation And Agreement; Exhibit B, the Ameren Missouri lighting class billing determinants; and Exhibit C, the Ameren Missouri energy efficiency billing determinants, all three exhibits attached hereto.

Respectfully submitted,

/s/ Steven Dottheim

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Certificate of Service

I hereby certify that copies of the foregoing Staff Response To Ameren Missouri's Reconciliation Filing have been electronically mailed to all counsel of record this 1st day of August 2011.

/s/ Steven Dottheim