

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

In the Matter of Union Electric Company, d/b/a)	<u>File No. ER-2014-0258</u>
Ameren Missouri's Tariff to Increase Its Annual)	Tariff No. YE-2015-0003
Revenues for Electric Service.)	

**CONSUMERS COUNCIL OF MISSOURI'S SUGGESTIONS IN OPPOSITION
TO AMEREN MISSOURI'S MOTION IN LIMINE OR TO STRIKE PART
OF THE TESTIMONY OF GREG MEYER**

COMES NOW the Consumers Council of Missouri ("Consumers Council" or "CCM"), and files suggestions in opposition to the Motion in Limine filed by Ameren Missouri on January 6, 2015, asking that portions on Greg Meyer's pre-filed direct testimony be stricken.

The portion of Greg Meyer's testimony that the utility is asking to be stricken discusses whether certain solar rebate expenses claimed by Ameren Missouri in this rate case have in fact already been recovered by the utility. Ameren Missouri's procedural theory is that the Missouri Industrial Energy Consumers ("MIEC"), who is sponsoring Meyer's testimony, signed a stipulation in Case No. ET-2014-0085 preventing MIEC from opposing recovery of these solar rebate expenses through retail rates¹, and thus no testimony opposing Ameren's proposed accounting for those costs may be allowed in this rate case.

Consumers Council is very concerned about the manner in which Ameren Missouri is accounting for the costs in question and plans to litigate that issue in the

¹ While the ET-2014-0085 stipulation appears designed to limit opposition to **recovery** of solar rebate expenses, nothing in that document contemplates that Ameren Missouri would attempt **double recovery** of those costs, as it is attempting in this case.

current rate case. Consumers Council was not a party to Case No. ET-2014-0085 and signed no stipulation in that case binding its positions regarding the solar rebate expenses in question.

While not a party to that case, Consumers Council, was indeed a party to the earnings complaint case (Case No. EC-2014-0223) last year, a general rate case in which Ameren Missouri has previously used reference to those very same \$33.7 million dollars of solar rebate costs to successfully defend against granting electric consumers a rate reduction.² To Consumers Council's understanding, the utility has already played this card, in its efforts to dodge an approximate \$25 million dollar reduction to its revenue requirement. Consumers have essentially paid for these costs through the denial of a rate reduction last year. It is outrageous that Ameren Missouri is now attempting to recover those costs a second time.

Consumers Council agrees with the Greg Meyer testimony that Ameren Missouri wishes to have stricken, which states:

I believe it is bad regulatory policy and unfair to consumers to allow a utility to defer certain costs and collect those costs in a future ratemaking proceeding if the evidence shows that the utility has earned above its authorized rate of return on equity during the period of the expense deferral. Simply stated, it is not fair to allow a utility to earn excessive profits while deferring expenses when those expenses could be recorded when paid and still allow a utility to earn at or above its authorized rate of return.

It is common and appropriate for the Commission to review deferred expenses to ensure that a utility has not already reasonably recovered those expenses during past periods due to over-earnings. This issue is worth over \$33.7 million a year for electric

² EC-2014-0223, Report and Order, p. 13, Paragraph 24.

consumers, and striking Greg Meyer's testimony would materially hinder Consumers Council's ability to litigate this issue on behalf of residential consumers.

WHEREFORE, Consumers Council respectfully asks the Commission to deny Ameren Missouri's Motion in Limine to Strike Part of the Testimony of Greg Meyer, regarding the solar rebate expenses.

Respectfully submitted,

/s/ John B. Coffman

John B. Coffman MBE #36591
John B. Coffman, LLC
871 Tuxedo Blvd.
St. Louis, MO 63119-2044
Ph: (573) 424-6779
E-mail: john@johncoffman.net

Attorney for the Consumers Council of Missouri
Dated: January 9, 2015

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all parties on the official service list of this case at the Missouri Public Service Commission, on this 9th day of January, 2015.

/s/ John B. Coffman
