

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

In the Matter of the Adjustment of Union Electric	)	
Company d/b/a Ameren Missouri's Fuel Adjustment	)	<b><u>File No. ER-2014-0022</u></b>
Clause for the 13th Accumulation Period	)	Tariff No. JE-2014-0042

**STAFF'S RESPONSE TO MIEC'S AND OPC'S  
JOINT APPLICATION FOR REHEARING**

**COMES NOW** the Staff ("Staff") of the Missouri Public Service Commission ("Commission"), by and through counsel, and responds to certain assertions the Missouri Industrial Energy Consumers ("MIEC") and the Office of Public Counsel ("OPC") make in their Joint Application as follows:

1. In their Joint Application MIEC and OPC assert that the \$26.3 million plus interest refund the Commission ordered in Case No. EO-2012-0074 after finding that Ameren Missouri's exclusion of revenues derived from its power sales agreements with AEP and Wabash from off-system sales revenues ("OSSR") when calculating the rates charged under its fuel adjustment clause was imprudent, improper and unlawful "should have been reflected in the Staff's review of the current FAC filing.." and that "...Staff could have and should have included the refund adjustment in its FAC recommendation . . . ."

2. While Staff agrees with MIEC and OPC that it could have recommended the refund amount be included in the FAC adjustment in this case, it was, and is, Staff's opinion that it should not make that recommendation in this case because of the timing concerns shown in the following chronology of events which demonstrate such a recommendation to be premature:

<u>Date</u>	<u>Event</u>
July 26, 2013	Ameren Missouri files its tariff sheet effective September 24, 2013, to adjust its fuel adjustment clause rates used to determine the fuel adjustment charges on its customers' bills.
July 29, 2013	Commission orders Staff to make its recommendation in this case by August 23, 2013.
July 31, 2013	Commission issues its Report and Order in Case No. EO-2012-0074 effective August 30, 2013 ordering the prudence refund.
August 22, 2013	Ameren Missouri files application for rehearing of the Report and Order in Case No. EO-2012-0074.
August 23, 2013	Staff files its recommendation the Commission approve the tariff sheet Ameren Missouri filed on July 26, 2013 to take effect September 24, 2013.
August 30, 2013	The Commission's Report and Order in Case No. EO-2012-0074 ordering the prudence refund becomes effective.
September 4, 2013	The Commission approves Ameren Missouri's tariff sheet to adjust its fuel adjustment clause rates used to determine the fuel adjustment charges on its customers' bills to be effective September 24, 2013.
September 11, 2013	The Commission denies Ameren Missouri's application for rehearing of the Report and Order in Case No. EO-2012-0074.

**WHEREFORE**, in response to MIEC's and OPC's joint application for rehearing Staff informs the Commission that because of the timing of filings made in this case as set forth above and primarily because of concerns regarding the 30-day effective date of the *Report and Order* in File No. EO-2012-0074 to which Ameren Missouri filed an application for rehearing, it would have been premature for Staff to include in its FAC adjustment recommendation in this case a recommendation regarding the ordered refund and, therefore, Staff did not do so.

Respectfully Submitted,

**/s/ Robert S. Berlin**

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**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the foregoing were served electronically to all counsel of record this 13<sup>th</sup> day of September, 2013.

**/s/ Robert S. Berlin**