

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

In the Matter of Union Electric Company,     )  
d/b/a AmerenUE's Tariffs to Increase Its     )     Case No. ER-2010-0036  
Annual Revenues for Electric Service     )

**SUGGESTIONS IN OPPOSITION TO AMERENUE'S MOTION  
TO MODIFY ORDER ADMITTING TRUE-UP EXHIBIT 244**

The Missouri Industrial Energy Consumers (MIEC) file these Suggestions in Opposition to AmerenUE's Motion to Modify this Commission's Order admitting true-up Exhibit 244 and states as follows:

1.     As AmerenUE admits in its Motion, and admitted in its initial post-hearing brief at page 69, witness Selecky did not make the adjustment that witness Dunkel made relative to the issue of terminal net salvage for steam production plant. In witness Selecky's Surrebuttal testimony, Ex. 406, page 2, lines 6-7, he was clear that failure to address an issue should not be construed as an endorsement of the Staff's or any other parties' position.

2.     Prior to modification, Exhibit 244 did not reflect the impact of accepting both witness Dunkel's and Witness Selecky's adjustments to the Staff's calculation of mass property depreciation rates. AmerenUE's Motion, while acknowledging that witness Selecky did not make the Dunkel adjustment for terminal net salvage, seeks to limit the MIEC's position on this issue to the adjustments that witness Selecky made to the Staff's depreciation allowances for steam plant. The evidence shows that witness Dunkel offered a \$5.8M adjustment. *See* Exhibit 407, Dunkel Rebuttal, page 22, lines 19-20. Given that witness Selecky was silent on that issue, it was an adjustment above and beyond witness Selecky's adjustments. But since the true-up

schedule already showed a \$2M difference between Staff and witness Selecky on the issue of net salvage value for steam production plant, the MIEC agreed that accepting witness Dunkel's adjustment would be to reflect the difference, or \$3.8M.

3. The MIEC did not seek to amend witness Selecky's testimony. Nor did this Commission's order in effect do that. Rather, this Commission's order corrected the true-up reconciliation to reflect witness Dunkel's proposed adjustment in conjunction with witness Selecky's adjustments.

4. The Commission's Order admitting Exhibit 244, but recognizing the impact of witness Dunkel's proposed adjustment, is correct.

WHEREFORE, the MIEC prays that the Commission deny AmerenUE's Motion to Modify.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing document has been transmitted by electronic mail this 3rd day of May, 2010, to all parties on the Commission's service list in this case.

/s/ Diana Vuylsteke \_\_\_\_\_