

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

In the Matter of Union Electric Company's)	
2011 Utility Resource Filing Pursuant to)	<u>Case No. EO-2011-0271</u>
4 CSR 240 – Chapter 22)	

PUBLIC COUNSEL'S CORRECTION *NUNC PRO TUNC*

COMES NOW the Office of the Public Counsel for its Correction *Nunc Pro Tunc* states as follows:

1. On June 23, 2011, Public counsel filed two documents in this case: a review and general discussion of Ameren Missouri's resource plan; and a list of deficiencies and proposed remedies.
2. On July 1, Public Counsel amended the June 23 filing by substitution, replacing the originally filed documents with identical documents except that the substitutes are not marked Highly Confidential.
3. In reviewing the list of deficiencies, Public Counsel has become aware that the proposed remedy for Deficiency Number 7 appears on page 9 below the description of Deficiency Number 8.
4. Public Counsel is filing herewith a corrected page 9 that moves the proposed remedy for Deficiency Number 7 to the proper place on the page.

WHEREFORE, Public Counsel respectfully submits its corrected page 9.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been emailed this 22nd day of July 2011 to the parties of record:

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Proposed Remedy

This deficiency should be remedied by UE re-running its analysis to select a Preferred Resource Plan. In applying its scorecard approach to the new runs UE should correct for all of the errors described above.

7. UE failed to comply with the Commission’s order in Case No. EO-2007-0409 wherein the Commission states that it “directs AmerenUE to more realistically evaluate its IDR [Industrial Demand Response] programs in its next filing.” On page 46 in Chapter 7, UE states that “Non-Dispatchable Demand Response (NDDR) link prices in retail and wholesale markets.” UE’s IRP filing does not show that it has used NDDR types of demand response programs in the alternative resource plans that were developed and instead relied only on dispatchable demand response programs that are also referred to as direct load control (DLC) programs (See Table 7.17 on page 53 in Chapter 7). By modeling only DLC programs for industrial customers and ignoring the enormous potential of NDDR programs, UE has failed to realistically evaluate its IDR programs as directed by the Commission.

Proposed Remedy

This deficiency should be remedied by UE including a realistic evaluation of the potential for IDR programs to further the objective of minimizing PVRR when the Company re-runs its IRP analysis and then selects a Preferred Resource Plan based on the results of the new analysis.

8. 4 CSR 240-22.080(6) - UE provided insufficient and inaccurate information to critical decision makers in selecting and approving the Preferred Resource Plan.

The Company demonstrated a clear bias against energy efficiency in its presentations given to the Union Electric Board of Directors and the Ameren Board of Directors. In presentations to both of these boards the Company refers to the Low Risk Portfolio of energy efficiency programs as the “Lowest Cost Resource Plan,” when their own analyses indicate that the RAP Portfolio of energy efficiency programs results in lower costs when compared correctly with the Low Risk Portfolio. In addition, in both of those presentations the Company claims that the RAP Portfolio has a “moderate disadvantage” in terms of the cost criteria relative to the Low Risk Portfolio, when all of its analyses indicate that the opposite is true. While OPC is hesitant to infer bad faith on the basis of these two documents, it is difficult to understand how such an important point could twice be portrayed so dramatically inaccurately through inadvertence or inattention. The OPC is also concerned about this behavior as it calls into question (a) the ability of the Company as a whole to make important resource decisions based on accurate and unbiased information, and (b) the ability of the Company to achieve the fundamental objective of the IRP, as outlined in 4 CSR 240-22.010(2).