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Witness: Julie M. Cannell
Sponsoring Party: Union Electric Company
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MISSOURI PUBLIC SERVICE COMMISSION

Case No. ER-2010-0036

FUEL ADJUSTMENT CLAUSE REBUTTAL TESTIMONY

OF

JULIE M. CANNELL

ON

BEHALF OF

**UNION ELECTRIC COMPANY
d/b/a AmerenUE**

**St. Louis, Missouri
February, 2010**

FUEL ADJUSTMENT CLAUSE REBUTTAL TESTIMONY

OF

JULIE M. CANNELL

CASE NO. ER-2010-0036

1 **Q. Please state your name, employer, and business address.**

2 A. My name is Julie M. Cannell. I am the president of my own advisory firm, J.M.
3 Cannell, Inc. My business address is P.O. Box 199, Purchase, NY 10577.

4 **Q. Are you the same Julie M. Cannell who filed rebuttal testimony in this case?**

5 A. Yes, I am.

6 **Q. What is the purpose of your rebuttal testimony?**

7 A. The purpose of my rebuttal testimony is to respond to the recommendations of
8 certain intervenors to alter the existing Fuel Adjustment Clause (“FAC”) under which Union
9 Electric Company (“AmerenUE” or “Company”) currently operates.

10 **Q. From what perspective will your comments be made?**

11 A. From the perspective of equity investors.

12 **Q. Would equity investors view the proposals to change the Company’s existing**
13 **FAC as constructive?**

14 A. No, they would not.

15 **Q. Please elaborate.**

16 A. The investment community applauded the Missouri Public Service Commission’s
17 (“Commission” or “PSC”) initiation of a FAC in its January 2009 rate order for the Company.
18 Missouri was one of the last states to institute a formal process for fuel recovery. For example,
19 J.P. Morgan, in commenting on the instant proceeding, observed: “The company operates under

1 a fuel recovery clause (which is a sharp improvement over recent years when it was not allowed
2 to recover fuel)....”¹ Jessup & Lamont also favorably noted the implementation of the FAC:

3 We consider this order to be constructive given that they received roughly 65% of the
4 requested revenue increase, a fuel clause was implemented, and the 10.76% allowed ROE
5 is moderately higher than recent national averages.²

6 **Q. Why is a fuel recovery mechanism of importance to equity investors?**

7 A. Because fuel is one of the largest expense categories for any electric utility,
8 uncertainty around recovery of this significant expenditure translates into earnings
9 unpredictability and subsequently into difficulty in accurately valuing a common stock. Thus,
10 when legislation was passed in Missouri empowering the PSC with the ability to construct a
11 means by which utilities operating in the state could reliably recoup their fuel costs, investors
12 welcomed the prospect of companies’ earnings becoming both more predictable and reflective of
13 the actual recovery of the companies’ largest operating expense.

14 **Q. Why would the alteration of the Company’s FAC be of concern to investors?**

15 A. There are several reasons. First, as noted previously, both in this testimony and in
16 my previously submitted rebuttal, the PSC’s January 2009 rate order for AmerenUE was widely
17 viewed as supportive by the investment community. A very important component of this
18 opinion involved the PSC’s instituting a FAC for AmerenUE that assured recovery of nearly all
19 of the Company’s prudently incurred net fuel costs. Changing the FAC only a little more than a
20 year after it was initiated, as well as degrading the quality of the mechanism, would in my
21 opinion signal to investors that the constructive regulatory tone evident in Missouri in early 2009
22 could be evaporating. It would also signal a lack of regulatory consistency and predictability.
23 As my earlier rebuttal testimony detailed, a lack of consistency on the part of the PSC could then

¹ J.P. Morgan. “Ameren Corp.: Positive Catalysts Unlikely.” October 22, 2009.

² Jessup & Lamont. “Ameren: Union Electric Receives Important and Constructive Rate Order.” January 28, 2009.

1 translate into a higher cost of capital for the state's utilities in general and for AmerenUE
2 specifically. At a time that competition for capital is increasing, the Company could be
3 challenged prospectively in that regard.

4 **Q. What other difficulties might investors have with a material change in the**
5 **Company's FAC?**

6 A. The proposed change in the sharing mix would be detrimental to AmerenUE.
7 Currently, the Company is permitted to recover 95% of its net fuel expenditures, with the
8 remaining 5% being borne by the Company. The recommendation to shift the sharing to 80%
9 recovery for the Company would mean that, all other things being equal, AmerenUE's earnings
10 would become more anemic prospectively.

11 A related factor here is that the Company's FAC permits fuel cost recovery only on a net
12 basis, i.e., after netting off-system sales against fuel and purchased power costs, and then that
13 sum must be shared. In other words, AmerenUE at the outset recovers less of its fuel and
14 purchased power costs through its FAC than the majority of utilities that are permitted full
15 recovery of fuel and purchased power. To then further lower the allowed recovery by reducing
16 the percentage of expenses recouped to 80% from 95% means the Company will fail to recover
17 20%, not 5% of fuel and purchased power cost increases. So, on a comparative or relative basis,
18 the Company would end up further behind.

19 **Q. Wouldn't investors see this proposed shift in sharing as an opportunity for**
20 **management to be more incented to cut operating costs?**

21 A. No, I don't think so. Investors view fuel and purchased power expense as a
22 legitimate operating cost for a utility, and denying recovery of a sizeable portion of that expense
23 would more likely be perceived as punitive rather than as a carrot to encourage better

1 management. This is particularly true when one considers that most FACs permit full recovery
2 of fuel and purchased power costs, a fact that the PSC has recognized. Investors would question
3 why this Commission is imposing an under-recovery of fuel and purchased power costs on
4 AmerenUE when there is no sharing at all in most other jurisdictions. Moreover, investors
5 would question why this change is being made so quickly after the FAC was established, at a
6 time when the first prudence review of AmerenUE's net fuel cost management activities has not
7 yet occurred.

8 **Q. What additional concerns are investors likely to have with the proposed**
9 **change in AmerenUE's FAC?**

10 A. In my earlier rebuttal testimony, I discussed in some detail the problems
11 surrounding regulatory lag, and the investment community's acute awareness of this difficulty as
12 it pertains to the Company. A change in the FAC would put additional pressure on AmerenUE's
13 earnings and thus result in an even greater gap between allowed and earned returns. The
14 Company, already at a disadvantage in the eyes of investors because of the existence of
15 significant regulatory lag, would fall even farther behind.

16 **Q. Please summarize your opinion regarding how investors would view a change**
17 **in the Company's current FAC.**

18 A. I believe the investment community would perceive the proposed alterations to
19 the FAC negatively. Investors considered the implementation of the mechanism in the PSC's
20 January 2009 rate decision a very positive move by the Commission, and one that signaled a
21 constructive regulatory trend developing in Missouri. Altering the FAC so close to the time that
22 it was initiated would likely be viewed as a sign of regulatory inconsistency, which in turn would
23 prompt concerns about the quality of Missouri regulation. Investors would understand that the

1 Company's earnings would be impaired by the proposed change in sharing and that regulatory
2 lag would be aggravated. As a result, the cost of capital could be expected to rise, and access to
3 capital could be impaired, particularly during challenging periods in the financial markets.

4 **Q. Does this conclude your rebuttal testimony?**

5 A. Yes, it does.

In the Matter of Union Electric Company d/b/a AmerenUE's Tariffs to Increase its Annual Revenues for Electric Service.) Case No. ER-2010-0036
) Tracking No. YE-2010-0054
) Tracking No. YE-2010-0055

STATE OF NEW YORK)
) ss
CITY OF PURCHASE)

1. My name is Julie M. Cannell. I work in Purchase, New York, and I am the President of my own advisory firm, J.M. Cannell, Inc.

3. I hereby swear and affirm that my answers contained in the attached testimony to the questions therein propounded are true and correct.

Julie M. Cannell

Subscribed and sworn to before me this 24th day of February, 2010.

Romy E. Cochran
Notary Public

My commission expires: My commission expires on November 17, 2018

