

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

In the Matter of the Second Prudence Review of)
Costs Subject to the Commission-Approved Fuel)
Adjustment Clause of Union Electric Company)
d/b/a Ameren Missouri)

Case No. EO-2012-0074

JOINT RESPONSE TO ORDER DIRECTING FILING

COME NOW the Staff of the Missouri Public Service Commission and the Office of the Public Counsel and jointly respond to the Commission's June 11, 2013, *Order Directing Filing* as follows:

1. In its *Order Directing Filing* the Commission ordered the parties to "state how the Commission should proceed in light of [the Missouri Court of Appeals May 14, 2013, opinion in, Case No. WD75403]."

2. The parties in this case jointly listed five issues that they tried, briefed and submitted to the Commission for decision.

3. The parties making this joint response agree that the opinion of the Western District Court of Appeal in Case No. WD75403 controls the outcome of the first four of the issues listed in the joint list of issues in this case, but not the fifth.

4. Following is the joint list of issues, followed by the outcomes that the parties making this joint response agree follow from the opinion of the Western District Court of Appeals in Case No. WD75403:

ISSUES

1. Are the revenues derived from the power sales agreements between Ameren Missouri and counter-parties Wabash Valley Power Association, Inc. ("Wabash") and American Electric Power Service Corporation as agent for the AEP Operating Companies ("AEP") excluded from the definition of "OSSR" found in the Original Tariff Sheets Nos. 98.2 and 98.3 of Ameren Missouri's Fuel and Purchase Power Adjustment Clause, which took effect March 1, 2009?

Outcome: No.

2. Was it imprudent, improper and/or unlawful for Ameren Missouri to exclude the Company's power sale agreements with AEP and Wabash from off-system sales and not include the revenues collected under the Company's power sale agreements with AEP and Wabash in OSSR and, therefore, not include those revenues in its calculation of the Fuel and Purchased Power Adjustment rates for the time period of October 1, 2009, to June 20, 2010?

Outcome: Yes.

3. Did Ameren Missouri's conduct described in Paragraph 2, above, result in harm to its ratepayers?

Outcome: Yes.

4. Should Ameren Missouri refund to its ratepayers through its FAC the amount improperly collected from them by virtue of the conduct described in Paragraph 2, above?

Outcome: Yes.

5. What is the amount that should be refunded, if any?

Outcome: The outcome of this issue, which has been fully tried, briefed and submitted for decision by the Commission, is not controlled by the opinion of the Western District Court of Appeals in Case No. WD75403, but is dependent upon the evidence adduced at the hearing in this case.

WHEREFORE, the Staff of the Missouri Public Service Commission and the Office of the Public Counsel state that the Commission should proceed by deliberating on and deciding the issues in this case, then issuing its report and order.

Respectfully submitted,

STAFF OF THE
MISSOURI PUBLIC SERVICE COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 21st day of June, 2013.

/s/ Nathan Williams