

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

In the Matter of the Application of Union )  
Electric Company for Authority to Continue )  
The Transfer of Functional Control of Its ) **File No. EO-2011-0128**  
Transmission System to the Midwest )  
Independent Transmission System Operator, Inc. )

**STAFF’S PROCEDURAL NON-OPPOSITION AND SUBSTANTIVE OPPOSITION TO AMEREN  
MISSOURI’S MOTION FOR LEAVE TO AMEND VERIFIED APPLICATION**

COMES NOW, the Staff of the Missouri Public Service Commission (“Staff”), by and through the undersigned counsel, pursuant to 4 CSR 240-2.080(15) and 4 CSR 240-2.050.1, and files this *Staff’s Procedural Non-Opposition And Substantive Opposition To Ameren Missouri’s Motion For Leave To Amend Verified Application* with the Missouri Public Service Commission (“Commission”) respectfully stating the following:

1. On November 1, 2010, Union Electric Company, d/b/a Ameren Missouri (“Ameren Missouri”), filed a pleading asking the Commission to extend its authority to continue the transfer of functional control of its electric transmission system to the Midwest Independent Transmission System Operator, Inc. (“Midwest ISO”) through December 31, 2013.

2. On August 10, 2011, Ameren Missouri filed its *Motion for Leave to Amend Verified Application to Extend Permission and Authority for Participation in Regional Transmission Organization*, which requested the Commission allow Ameren Missouri, pursuant to 4 CSR 240-2.080(20) to file an amended Application, which would change its original request to, among other things, request that

the Commission allow it to continue its Midwest ISO participation through at least May 31, 2015, and shift the burden of proof from itself regarding the question whether it should continue to remain in the Midwest ISO to other parties regarding the question of whether it should not continue to remain in the Midwest ISO.

3. Staff has no procedural objection to Ameren Missouri filing and proceeding with its *Amended Application*. However, Staff does oppose, in particular, the substance of certain changes made in Ameren Missouri's *Amended Application*. Staff requests that the Commission recognize Staff's and other parties' rights to oppose on the merits the substance of the *Amended Application* of Ameren Missouri in future pleadings and testimony and at hearing in this case.

4. In its *Application* filed November 1, 2010, Ameren Missouri states that by July 1, 2012, Ameren Missouri shall file a pleading, along with the actual participation benefit analysis Ameren Missouri proposes to the Commission regarding the matter of Ameren Missouri's continued Midwest ISO participation beyond December 31, 2013. (Paragraph 16.b., p. 9.) Thus, in its *Application* filed November 1, 2010, Ameren Missouri proposed to continue the current procedure of Ameren Missouri re-applying to continue to participate in the Midwest ISO for a fixed period.

5. On July 29, 2011, Ameren Missouri filed the Direct Testimony of Ajay K. Arora who now proposes that Ameren Missouri continue its participation in the Midwest ISO through May 31, 2015, beyond the December 31, 2013 date proposed in the November 1, 2010 Ameren Missouri *Application* in this proceeding. Further, rather than maintain the status quo in which Ameren Missouri participates in the Midwest ISO for a fixed term, and then submits a study for review by the Commission and parties,

Mr. Arora proposes an evergreen provision that Ameren Missouri be given permission to continue to participate in the Midwest ISO (apparently for successive periods of one year each), until such time as substantial evidence is produced by some other entity that continued participation by Ameren Missouri would be detrimental to Ameren Missouri and its customers, and the Commission decides to open an investigation respecting whether continued participation by Ameren Missouri in the Midwest ISO is detrimental to the public interest. (Arora Direct Testimony, pp. 13-14).

6. To be clear, Staff is opposed on the merits to Ameren Missouri's amendments to its Application, but does not oppose the filing of the *Amended Application*. Staff is opposed to Ameren Missouri's new proposals to, among other things, shift the burden of proof from Ameren Missouri to other parties. It is Ameren Missouri which has much more ready access to the relevant information, not, for example, the Staff that has access to the information or the resources to readily conduct a study respecting the effect on the public interest of Ameren Missouri's continued participation in the Midwest ISO. Instead of Ameren Missouri being required to produce a study or to work with an independent consultant such as Charles Rivers Associates to produce a study, Ameren Missouri's proposal would require some other party to produce a study regarding whether Ameren Missouri should no longer continue to remain in the Midwest ISO.

WHEREFORE, Staff submits the *Staff's Procedural Non-Opposition And Substantive Opposition To Ameren Missouri's Motion For Leave To Amend Verified Application* set forth above for the Commission's consideration.

Respectfully submitted,

/s/ Meghan E. McClowry  
Meghan E. McClowry, Mo. Bar #63070  
Legal Counsel  
P.O Box 360  
Jefferson City, MO 65102  
(573) 751-6651 (Telephone)  
(573) 751-9285 (Fax)  
meghan.mcclowry@psc.mo.gov

Steven Dottheim, Mo. Bar #29149  
Chief Deputy Staff Counsel  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751-7489 (Telephone)  
(573) 751-9285 (Fax)  
steve.dottheim@psc.mo.gov

Attorneys for the Staff of the Missouri  
Public Service Commission

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing filing of *Staff's Procedural Non-Opposition And Substantive Opposition To Ameren Missouri's Motion For Leave To Amend Verified Application* was served via e-mail on counsel for all parties of record on this 22nd day of August, 2011.

/s/ Meghan E. McClowry