

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

In the Matter of Union Electric Company)	
d/b/a Ameren Missouri's Tariffs to)	<u>Case No. ER-2012-0166</u>
Increase Its Annual Revenues for)	
Electric Service.)	

**STAFF'S CONCURRENCE IN
THE MIEC'S MOTION TO STRIKE PARTS OF AMEREN MISSOURI
WITNESS JAIME HARO'S SUR-SURREBUTTAL TESTIMONY AND
MOTION FOR EXPEDITED TREATMENT**

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, and for its *Concurrence in the MIEC's Motion to Strike Parts of Ameren Missouri Witness Jaime Haro's Sur-Surrebuttal Testimony and Motion for Expedited Treatment*, states as follows:

1. On September 13, 2012, the Commission issued its *Order Granting Ameren Missouri's Alternative Motion to File Sur-Surrebuttal Testimony* in response to certain testimony of Staff witness Lena Mantle and MIEC witness James Dauphinais regarding the propriety of Ameren Missouri's practice of recovering certain Midwest ISO ("MISO") transmission charges through its Fuel Adjustment Clause ("FAC"). The Commission stated:

The disputed issue concerns a provision in Ameren Missouri's FAC tariff relating to Midwest ISO transmission charges. The Commission agrees with the parties that the question can best be brought to the Commission's attention by allowing Ameren Missouri an opportunity to file sur-surrebuttal testimony. The Commission will grant Ameren Missouri's alternative motion for leave to file sur-surrebuttal testimony regarding the disputed issue.

2. Accordingly, Ameren Missouri filed the *Sur-Surrebuttal Testimony* of Jaime Haro on September 19, 2012. Mr. Haro's testimony, for the first time, proposed a "Transmission Cost and Revenue Tracker."

3. On September 21, MIEC filed its *Motion to Strike* directed at the portions of Mr. Haro's testimony that related to the tracker proposal. MIEC asserted:

The Subject Testimony is not responsive to either Mantle's or Dauphinais' surrebuttal testimony and thus is in violation of the Commission's Order granting it leave to file responsive sur-surebuttal testimony. The disputed issue in the various testimonies was whether Ameren Missouri's FAC tariff, as it is currently written, does in fact exclude the transmission expenses at issue from calculation of the FAC surcharge and whether that tariff should be modified to either expressly include, or expressly exclude, such expenses. The remainder of Haro's sur-surrebuttal testimony, while incorrect and misguided on that disputed issue, does in fact address it.

4. Staff now concurs with and joins in the MIEC's *Motion to Strike and Motion for Expedited Treatment*. It is far too late in the day for Ameren Missouri to be permitted to propose a new tracker in testimony immune from response by any other party.

5. Staff also joins in the MIEC's *Motion for Expedited Treatment*.

WHEREFORE, Staff prays that the Commission will strike portions of the *Sur-Surrebuttal Testimony* of Jaime Haro as specified in MIEC's *Motion to Strike* and take up this matter on an expedited basis; and grant such other and further relief as is just in the circumstances.

Respectfully submitted,

s/ Kevin A. Thompson
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served, either electronically or by hand delivery or by First Class United States Mail, postage prepaid, on this **21st day of September, 2012**, to the parties of record as set out on the official Service List maintained by the Data Center of the Missouri Public Service Commission for this case.

s/ Kevin A. Thompson