

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

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

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

For the Missouri Industrial Energy Consumers' Motion to Strike parts of witness Haro's Sur-Surrebuttal testimony that proposes for the first time a "Transmission Cost and Revenue Tracker," they state as follows:

1. In Staff witness Lena Mantle's Direct Testimony (Staff Revenue Requirement Cost of Service Report at 170 and Staff Rate Design and Class Cost of Service Report at 32), she proposed clarifications to the language of Ameren Missouri's fuel adjustment clause ("FAC") tariff. One such clarification related to claimed recovery, under the FAC, of certain transmission capacity charges. Although Mantle's Direct Testimony on the issue could have been clearer, her surrebuttal testimony (Mantle Surrebuttal at 2-7) was perfectly clear. The Staff does not believe that the recovery of certain transmission capacity charges is allowed, or should be allowed, under the FAC.

2. In his surrebuttal testimony, MIEC witness Dauphinais asserted that the FAC tariff does not now allow the recovery of the subject transmission expenses and that, as a matter of policy, the FAC tariff should not include those expenses. Dauphinais Surrebuttal at 1, 3, and 9-16.

3. In response to the surrebuttal testimonies of Mantle and Dauphinais, Ameren Missouri sought to strike their testimony on this issue or, alternatively, sought leave to file sur-surrebuttal testimony. Ameren Motion to Strike ¶ 12. Both the Staff and the MIEC opposed the Motion to Strike, but consented to the filing of the sur-surrebuttal testimony to respond to the issues raised in Mantle’s and Dauphinais’ surrebuttal testimonies. The Commission granted Ameren Missouri leave to file sur-surrebuttal “responsive” testimony addressing the “disputed issue.” Commission Order at 2.

4. On September 19, 2012, Ameren Missouri filed the sur-surrebuttal testimony of Haro. Therein, at Page 2, Lines 19 – 21, Page 3, Lines 1 – 12, Page 22, Lines 16 (after "ER-2010-0356") – 22, and Page 23, Line 1 through Page 27, Line 15 (the “Subject Testimony”), Ameren Missouri proposed for the first time a “Transmission Cost and Revenue Tracker.” No such tracker was addressed in any of the testimonies of Mantle or Dauphinais or any of Ameren Missouri’s prior filings.

5. 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.

6. This Motion is akin to a motion that Ameren Missouri recently filed to strike a portion of the surrebuttal testimony of Staff witness David Murray. The Commission sustained that motion on September 17 because Murray had proposed a "significant new adjustment" that had not been addressed in prior testimony and because the proposal violated Commission rules and the parties' ability to timely respond. Such is the case with Haro's proposed "Transmission Cost and Revenue Tracker."

7. The MIEC moves for expedited treatment of this Motion for the reason that the trial of this matter commences on September 27, 2012 and, should the Commission deny this Motion, it will be difficult at best to respond to the proposed "Transmission Cost and Revenue Tracker," particularly if the Commission decides this Motion after September 24, 2012. Therefore, the MIEC requests that the Commission order Ameren Missouri's response, if any, to this Motion be filed and served by 1:00 pm on September 24 and that the Commission rule on this Motion on that date.

**WHEREFORE**, the MIEC moves the Commission to strike the Subject Testimony of Haro.

Respectfully submitted,

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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/ Edward F. Downey