

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE 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 Revenues for Electric Service.)	

**MOTION FOR RECONSIDERATION
AND REQUEST FOR EXPEDITED TREATMENT**

COMES NOW the Office of the Public Counsel, Midwest Energy Consumers Group, Missouri Retailers Association (MRA), AARP, Consumers Council of Missouri and Missouri Industrial Energy Consumers (MIEC) and for their Motion for Reconsideration state as follows:

1. For the reasons set forth herein, the Signatories to this motion, who represent the majority of the end use customer representatives in this case, ask the Missouri Public Service Commission (Commission) to reconsider its order of August 24, 2012, interjecting a new issue into this rate case. The Signatories suggest that the rate stabilization proposal cannot be adequately addressed this late in the case, and that an exploration of the proposal would be more productive if conducted in a separate workshop case.

2. On February 3, 2012, Union Electric Company, d/b/a Ameren Missouri (AMMO), filed tariffs designed to increase rates by approximately \$376 million. On February 6, 2012, the Commission issued an order suspending the tariffs until January 2, 2013 and setting an evidentiary hearing beginning on September 24, 2012. On March 28, 2012, the Commission issued an order that set the following dates for testimony filings:

Direct Testimony on revenue requirement	July 6, 2012
Direct Testimony on rate design	July 19, 2012
Rebuttal Testimony	August 14, 2012
Surrebuttal or Cross-Surrebuttal Testimony	September 7, 2012

3. On August 24, 2012, five months after it set the testimony schedule, the day after the final local public hearing, two weeks before the surrebuttal testimony deadline, and a month before the start of the hearing, the Commission issued an order directing the parties to address a new issue. This new issue is a sketchily outlined proposal that appears to include awarding a higher-than-normal return on equity in this case. The proposal has not been discussed at all in Missouri and many (if not all) of the parties will necessarily be starting with absolutely no knowledge of the concept. Moreover, the brief discussion in the Commission's August 24 order does not provide much basis for a well-developed response.

4. As the Commission's order adding this new issue came out the very next day after local public hearings were completed, no specific details on this new proposal have been provided to the public and there is now no opportunity for the public to provide comments regarding the proposal at a local public hearing.

5. On August 28, 2012, the Staff of the Commission filed a pleading requesting an additional week to file testimony on the Commission's proposal. Staff stated that it would be impossible to file testimony by the date ordered, and just barely possible to file it a week later. On August 29, 2012, AMMO filed a response to Staff's motion, in which it indicated that it is similarly constrained. AMMO suggested that any extension of the testimony filing deadline be applied to all parties.

6. Several of the undersigned are desperately scrambling to try to engage qualified experts to address the Commission's eleventh hour proposal. It is not possible to adequately analyze and evaluate the Commission's proposal (particularly given the limited information the Commission has provided), determine what experts might be qualified – and available – to address it, seek to engage these experts, and develop testimony addressing the proposal, all in

just two or three weeks. Given the time constraints, the Commission simply will not have a well-developed, thoughtful analysis of its proposal in this case. Indeed, the Commission's order does not provide for any responsive testimony and the hearing schedule probably makes responsive testimony impossible.

7. In addition to the very serious problems created by the timing of the proposal, there are a number of other reasons why the proposal would be better addressed in a workshop case rather than this rate case. First, not all of the entities that might want to address the rate stabilization proposal are parties to this case. Potentially interested parties evaluated whether to seek intervention in this case based upon AMMO's filed case and the issues set forth therein. There may be entities that would be interested in addressing the rate stabilization issue, but given its late introduction, they will not have an opportunity to learn of it and seek late intervention. Second, to the extent that such a proposal would be beneficial to AMMO's customers (a premise that the Signatories view with deep skepticism), it might be beneficial to customers of water and gas utilities. Addressing the proposal in this case will allow for the input of neither water and gas utilities nor their customers. Third, the proposal is at this point rather amorphous. Addressing it in a workshop docket rather than through the adversarial process of a contested case will afford stakeholders and the Commission a better opportunity to develop the parameters of a rate stabilization mechanism through dialogue and conversation rather than through testimony and cross-examination. Finally, because the Commission itself is the proponent of the rate stabilization mechanism, both the standard of proof and the burden of proof are unclear. In a workshop docket, the parameters of a mechanism (or parameters of several different mechanisms) can be more fully developed so that if a party proposes to use a rate stabilization

mechanism in a future case, the standard of proof and the burden of proof will be more easily sorted out.

8. In support of their motion for expedited treatment, pursuant to 4 CSR 240-2.080(14)(A), the Signatories state that they desire the Commission to act as soon as possible.¹ Pursuant to 4 CSR 240-2.080(14)(B) the Signatories state that devoting resources to addressing the rate stabilization proposal will necessarily mean devoting fewer resources to the other issues in this case, that addressing the rate stabilization proposal at this point in this contested case is problematic for the reasons set forth herein, and that an expeditious order relieving the parties of the burden of addressing the issue in this case would avoid those harms. Pursuant to 4 CSR 240-2.080(14)(C), the Signatories state that this motion was filed as soon as possible after the Commission issued its August 24, 2012, order and within the time allowed by 4 CSR 240-2.160(2).

WHEREFORE Public Counsel, Midwest Energy Consumers Group, Missouri Retailers Association (MRA), AARP, Consumers Council of Missouri and Missouri Industrial Energy Consumers (MIEC) respectfully request that the Commission reconsider and vacate its August 24, 2012, order as expeditiously as possible.

¹ Since the August 24 order was issued by delegation, the parties assume that an order granting reconsideration of it can be issued by delegation as well.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been emailed to all parties of record this 4th day of September 2012.

/s/ Lewis R. Mills, Jr.

By: _____