Prairie Farms
EXHIBIT 5.0

Subj: **RE: Carbondale meter problem**
Date: 8/15/2011 4:23:05 P.M. Central Daylight Time
From: JWheeler@ameren.com
To: DanLong12@aol.com

Dan,

You're welcome for the information.

Below, just after each one, is information relating to your follow-up questions.

I hope that they are helpful in resolving this matter.

In addition to the information our Regulatory group was able to provide regarding the timing of the rate reclassification from GDS4 to GDS3, they also provided the explanation of Ameren's authority to correct the uncorrected volumes and recover revenues for those corrected volumes in cases such as this (speaking here specifically of a lack of pressure to the pressure compensating device.)

Several fairly recent cases, some involving billing adjustments much larger than your client's rebilling, have gone in front of the ICC, which did not deny Ameren's contention that this type of error is not a metering error, but a billing error. To have been a metering error would have required that the part of the meter that accumulates the registration of raw volumes of natural gas would have been doing so fast or slow (outside an allowed tolerance) or accumulating no usage. None of those conditions were met in this instance.

For this reason, while the parts of the Public Utilities Act concerning Adjustment of Bills for Meter Error that you have quoted in earlier communications relative to Ameren's ability to recover payment for the natural gas that your client used are obviously correct, they are also not applicable to this situation.

Please call or e-mail with any further questions or concerns you may have on this issue.

Jonathan

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From: DanLong12@aol.com [mailto:DanLong12@aol.com]
Sent: Thursday, August 11, 2011 1:41 PM
To: Wheeler, Jonathan S
Subject: Re: Carbondale meter problem

Jon:

Thanks for the information.

It does generate a couple of questions in my mind.

1) Given the volumes that Ameren has now adjusted, i.e. the new total gas volume per month, I have a question as to how the delivery service rate was applied to effectuate the re-billing of charges.

The tariffs (GDS-4 and GDS-3) state that the evaluation period for when a customer might be moved from GDS-4 to GDS-3 is 12 months ending with February each year. If the volumes consumed under rate GDS-4 are under an average of 1000 per month during this evaluation period, then on the next August 1st, the change from GDS-4 to GDS-3 would occur.

I am confused by the way the rates were applied in the re-bill. A change in the rate was performed beginning in April 2010. First, if April 2010 were appropriately billed on GDS-3, that change would have had to take place on August 1, 2009, based on data for the 12 months ending Feb 2009. It does not appear that is how this rate change was determined.

If I understand the rates correctly, the 12 months ending Feb 2010 would need to be evaluated for average volume in order for a change to take place on August 1st 2010. If the monthly volumes ending Feb 2010 do not indicate a rate change, the next date a change could occur would be August 2011, based on an evaluation period ending Feb 2011. There is insufficient monthly data in the re-bill tables to determine when a rate change would occur. And based on the tariff language, the date of the change indicated in the re-bill is incorrect. Rather than provide piecemeal answers to your questions and comments related to the timing of the tariff changes, I offer the following explanation from our Regulatory group of how those changes occurred.

"We had a tariff change in May 2010. At that time, both the Zone I and Zone II customers were reclassified, if necessary, based on average use per day criteria. This was the first time either Zone I (Carbondale's Rate Zone) or Zone II customers were placed on a tariff based on average use per day. We utilized the existing criteria of average use per day from March through February. And, effective with the 'new' rate criteria reclassified accounts in May. Zone III accounts were not affected by this change since they already employed the average use per day criteria. At present, all three zones are on the August 1 reclassification date.

Our tariffs changed three (count them 3) times in 2010. Twice in May and once in November. The first change in May adopted the average use per day criteria to Zone I and Zone II. The subsequent tariff changes, I believe, were just differences in charges."

2) I was wondering if the Ameren billing system still has a trigger each month for high or low bills? Ameren does indeed have high and low bill "triggers" (reports) in each of the two systems through which gas transportation customers' bills pass each month, USMS (Unbundled Services Management System) and CSS (Customer Service System.) These reports generate large numbers of "hits" each month, the vast majority of which are due to changes in usage patterns caused by changes in the equipment a customer is operating over a period or the number of hours they operated in the period compared with other periods. Since Ameren does not staff at a level (nor do our customers pay us to staff at a level) to investigate each and every such out of parameter account, we rely mostly on the zero consumption report to find metering problems. It was your client's appearance on such a report that led to the investigation that uncovered not only the sheared pin that caused the zero consumption, but also the lack of a gas pressure signal to the pressure compensation device. We also hope that our customers are tracking consumption and billing in the context of their operations such that should they see a 75% reduction in consumption without a corresponding change in their operations, they contact us with questions. When this happens, Ameren invariably conducts the appropriate investigation, which in this case could have limited this problem to just a few months.

Thanks for your patience,

Dan

In a message dated 8/10/2011 2:28:19 P.M. Central Daylight Time, JWheeler@ameren.com writes:

Dan,

This message is in reply to your letter of August 3, 2011 which was sent attached to an e-mail message of the same date.

To more clearly and closely associate my responses with your questions and requests, I have placed those responses in the appropriate places in your letter (copied below.)

I trust this information is sufficient to answer your questions and concerns, but feel free to follow up with any requests for clarification or additional questions.

Jonathan

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Mr. Jonathan Wheeler
Key Account Executive
Ameren/Illinois

RE: Ameren Natural Gas Meter Problem at Prairie Farms Dairy, Carbondale, Illinois

My Client has provided me with correspondence from you that summarizes a metering error at their Carbondale facility. This includes a one page summary of billing adjustments Ameren has made for the period April 2010 through April 2011.
First, with respect to this bill, we could really use more detail for those charges in order to better understand the scope of the bill. When we spoke you indicated the bill was for delivery service charges. The attached spreadsheet contains month by month calculations of the corrected gas volumes and bill amounts. Accordingly, in your correspondence to my client, you describe how charges rebilled for rates GDS-3 and GDS-4 result in the Misc. Charge of $29,836.01 contained on that bill. What I do not see addressed is the background for the $5,211.17 amount on that same bill, described as Natural Gas Charges. The $5,211.17 in charges is for the present month's billing for the period 05/31-06/30. As you can see, from the information provided, we cannot reasonably review what has been provided.
Second, during this time period, this Prairie Farms facility was moved from rate schedule GDS-4 to GDS-3 as a result of a reduction in volumes consumed. Given that the meter "mis-registered the volumes metered over that period", can Ameren provide us with assurance that the rate change was related to an actual change in volumes, and not **in whole or in part due** to volumes under-registered because of the error inherent in the meter installation during that

period? As you can see in the DELIVERY SERVICE RATE REASSIGNMENT section of the attached tariff sheet for Rate GDS2, the twelve month period during which rate assignments are evaluated ends February, in this case February 2010, some two months BEFORE any metering problem began.

I have reviewed that portion of the Public Utilities Act concerning Adjustment of Bills for Meter Error. The portion of the "Act" that addresses this is Section 500.240, (a) 3), and I have included it below for your review.

> "If the meter be found to underregister, the utility may render a bill to the customer for the estimated consumption not covered by bills previously rendered during the period of inaccuracy as defined above. Such action shall be taken, however, only in the event the bill for estimated inaccuracy amounts to 50 cents or more (the amount of the additional billing due to the estimated correction is $29,994.39), and such bill shall be conditional upon the utility not being at fault for allowing the incorrect meter to remain in service (Ameren does not track the ups and downs of its customers' consumptions, but when your client's meter read zero, a condition we DO check for, the meter was immediately checked out, which is what our procedures require. At that time, the problem was found. It would be hard to expect Ameren to have known that the reduced consumption exhibited in this situation was not correct when your client, who was not only aware of the lower consumptions but also aware of the way they were operating over the period, did not question those consumptions.). The utility shall in no case render a bill for underregistration where a meter has been found to be slow, unless the particular meter has been inspected and tested in conformity with Sections 500.190, 500.200, 500.210, 500.215 and 500.220." The meter did indeed underregister, but was not found to be slow.

I do understand that the discussions between Ameren and Prairie Farms relate only to the charges addressed by Ameren, and that gas commodity costs related to third party supply are a separate issue. Your understanding is correct.

I now need to address the background information provided by you that is related to the meter problem itself, as it has generated a few additional questions.

First, you state that the problem at issue was discovered by a meter technician investigating a "zero consumption" condition in July. That would indicate to me that the meter problem related to pressure compensation went unnoticed, even to that point in time, since the pressure compensation problem did not initiate the inspection. This causes me to believe that the billing adjustments at issue are really for a period from April 2010 through at least June 2011, and maybe a portion of July, and include more than just adjustments for the pressure compensation problem. We could use details regarding other adjustments included on the bill that are not detailed. You are correct in your belief that more than the adjustment for metering pressure was involved. In addition to that correction for the period of April 2010 through April 2011, there was an estimate of the consumption for the period May 2010 through July 13, 2011 due to the sheared pin in the meter. This problem actually caused zero consumption, requiring that an estimate be made using data that WAS accurately metered from July 13 to July 20. Information about this estimation is included on the same spreadsheet that contains the pressure compensation calculations.

With respect to the pressure compensation problem, it is my understanding that this meter installation is fairly well protected from damage by casual traffic as it is guarded by some steel beams. It is also my understanding that the handle that was damaged or operated at some point to close the valve is in view of anyone reading or inspecting the meter. Is this something that a meter reader would normally not notice? The valve and the tubing connecting the meter to the pressure compensation device are located behind the large instrument box that contains the pressure compensation device and the corrected usage meter display so that the valve would not be readily visible to a meter reader, who in any event would not have the training to know if the valve was in the proper position or not. Are handles such as this one normally left in place, or are they normally removed as has been done now at Carbondale? Typically, such handles are not removed. I am assuming that the handle was removed in this instance to avoid future damage or unauthorized operation.

Next, in your letter to Ron at Carbondale you indicate that the volumes that did not register because of what we now know were two problems totaled 234,111 therms. Over a little more than a one year period, this seems to be a large portion of the total consumption that went unnoticed. Can you provide me with accurate volumes for 12 months prior to the April 2010 problem? It is my understanding that Tylex has already provided you with this data.

At this point we have enough questions that I would like to officially contest the billing adjustment on behalf of my client. As a result, can we place this bill in limbo while we await information from you regarding the various questions we have? The Due Date for this bill has been suspended pending the resolution of this matter.

Regards,

Dan Long
(as agent for Prairie Farms Dairy)
SPI ENERGY GROUP
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From: DanLong12@aol.com [mailto:DanLong12@aol.com]
Sent: Wednesday, August 03, 2011 10:46 AM
To: Wheeler, Jonathan S
Cc: dlattan@prairiefarms.com
Subject: Carbondale meter problem

Jon:

After review of what my client has received from Ameren, I have attached my review of that information and some additional questions we have. In the mean time, as I state in the attachment, we would like to contest the billing adjustment until the questions can be answered and we can more clearly review what occurred.

regards,

Dan Long

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