

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 19th day
of February, 2009.

In the Matter of Union Electric Company, d/b/a
AmerenUE's Tariffs to Increase Its Annual
Revenues for Electric Service

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Case No. ER-2008-0318

ORDER DENYING AMERENUE'S APPLICATION FOR REHEARING

Issue Date: February 19, 2009

Effective Date: February 19, 2009

On January 27, 2009, the Commission issued a Report and Order regarding Union Electric Company d/b/a AmerenUE's tariffs to increase its rates for electric service. That Report and Order became effective on February 6. On February 5, AmerenUE filed an application for rehearing asking the Commission to substantially modify the fuel adjustment clause the Commission approved in the Report and Order.

AmerenUE asks the Commission to revise the approved fuel adjustment clause to allow the company to retain a portion of its off-system sales revenue that would otherwise be passed through the fuel adjustment clause. That would allow AmerenUE to recoup the revenue it expects to lose because of decreased sales of electricity to Noranda's aluminum smelting plant due to damage to the plant resulting from the recent severe ice storm.

The Commission established February 10 as the deadline for the filing of responses to AmerenUE's application. Noranda Aluminum, Inc., the Office of the Public Counsel, the Missouri Industrial Energy Consumers (MIEC), and the Staff of the Commission filed responses opposing AmerenUE's application.

If the Commission were to grant AmerenUE's application for rehearing it would have to set aside the approved stipulation and agreement regarding the fuel adjustment clause, reopen the record to take evidence on the appropriateness of the proposed change, and make a decision before the March 1, 2009 operation of law date. Such action is obviously impossible.

Section 386.500.1, RSMo (2000), indicates the Commission shall grant an application for rehearing if "in its judgment sufficient reason therefor be made to appear." AmerenUE has not shown sufficient reason to rehear the Report and Order. The Commission will deny AmerenUE's application for rehearing.

THE COMMISSION ORDERS THAT:

1. Union Electric Company d/b/a AmerenUE's Application for Rehearing is denied.
2. This order shall become effective immediately upon issuance.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Clayton, Chm., Murray, Davis,
Jarrett, and Gunn, CC., concur.

Woodruff, Deputy Chief Regulatory Law Judge