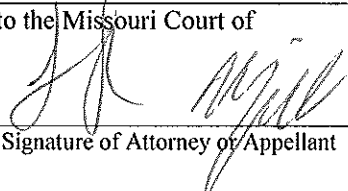


**FILED**

FEB 01 2013

DS
10:22 AM**Missouri Public Service Commission****Missouri Public Service Commission** (Date File Stamp)

Judge or Division: Regulatory Law Judge Morris Woodruff		Appellate Number:	
Appellant: The Office of the Public Counsel		Missouri Public Service Commission File Number: ER-2012-0166	
vs.			
Respondent: Public Service Commission of the State of Missouri			
Notice of Appeal			
Notice is given that The Office of the Public Counsel appeals to the Missouri Court of Appeals <input checked="" type="checkbox"/> Western <input type="checkbox"/> Eastern <input type="checkbox"/> Southern District.			
Date Notice of Appeal (to be filled in by Secretary of Commission)		Filed Signature of Attorney or Appellant 	
The notice of appeal shall include the appellant's application for rehearing, a copy of the reconciliation required by subsection 4 of section 386.420, a concise statement of the issues being appealed, a full and complete list of the parties to the commission proceeding, and any other information specified by the rules of the court. The appellant(s) must file the original and (2) two copies and pay the docket fee required by court rule to the Secretary of the Commission within the time specified by law. Please make checks or money orders payable to the Missouri Court of Appeals. At the same time, Appellant must serve a copy of the Notice of Appeal on attorneys of record of all parties other than appellant(s), and on all parties not represented by an attorney.			
CASE INFORMATION			
Appellant Attorney / Bar Number: Lewis R. Mills, Jr., Mo Bar #35275		Respondent's Attorney / Bar Number: Shelley Brueggemann, Mo Bar #52173	
Address: 200 Madison Street, Suite 650 PO Box 2230 Jefferson City, MO 65102		Address: 200 Madison Street, Suite 800 PO Box 360 Jefferson City, MO 65102	
Telephone: 573-751-4857	Fax: 573-751-5562	Telephone: 573-751-7393	Fax: 573-751-9285
Date of Commission Decision: 12/12/2012	Date of Application for Rehearing Filed: 12/21/2012	Date Application for Rehearing Ruled On: 1/3/2013	
DIRECTIONS TO COMMISSION			
A copy of the notice of appeal and the docket fee shall be mailed to the clerk of the appellate court. Unless otherwise ordered by the court of appeals, the commission shall, within thirty days of the filing of the notice of appeal, certify its record in the case to the court of appeals.			

Certificate of Service

I certify that on 2-4-2013 (date), I served a copy of the notice of appeal on the following parties, at the following address(es), by the method of service indicated.

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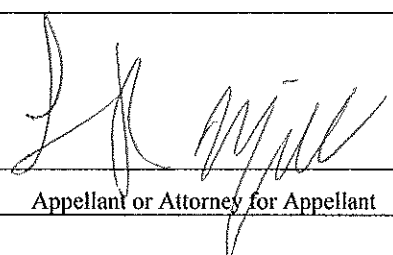
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Appellant or Attorney for Appellant

FORM 1. CIVIL CASE INFORMATION FORM SUPPLEMENT

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

No. WD _____

List every party involved in the case, indicate the position of the party in the circuit court (e.g., plaintiff, defendant, intervenor) and in the Court of Appeals (e.g., appellant, respondent) and the name of the attorney of record, if any, for each party. Attach additional sheets to identify all parties and attorneys if necessary.

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KCP&L Greater Missouri Operations Co.
(Intervenor)

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Date Notice filed in Circuit Court _____

The Record on Appeal will consist of a:

 X Legal File Only or _____ Transcript and Legal File.
(This will include records filed pursuant to Rules 81.13 and 81.16)

FACTUAL BACKGROUND: (Events Giving Rise to Cause of Action)

The Missouri Public Service Commission issued a Report and Order in Commission Case No. ER-2012-0166, on December 12, 2012, effective December 22, 2012. In that Report and Order, the Commission approved a rate increase for Appellant Union Electric Company of approximately \$260 million annually. The Commission also approved the inclusion in the Fuel Adjustment Charge of certain expenditures that Ameren Missouri remits to the Midwest Independent System Operator. This inclusion is unlawful in violation of Section 393.135 RSMo 2000 and Section 386.266.1, RSMo 2000.

Public Counsel timely filed an Application for Rehearing of the Report and Order, which the Commission denied on January 3, 2013.

ISSUE(S): (Anticipated to be Presented by the Appeal; Appellant is Not Bound by this Designation)

Whether the Commission's decision to allow the Midwest Independent System Operator charges to flow through the Fuel Adjustment Charge was lawful.

[Two (2) typewritten pages maximum]

(Added June 25, 1987, effective Dec. 1, 1987. Amended effective June 23, 1988)