

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

In the matter of Union Electric Company d/b/a)	
AmerenUE for Authority to File Tariffs Increasing)	
Rates for Electric Service Provided to Customers)	Case No. ER-2010-0036
In the Company's Missouri Service Area)	

NOTICE

Comes now, Terry M. Jarrett, Commissioner for the Missouri Public Service Commission, and for this Notice in the above captioned matter states the following;

(1) On July 24, 2009, AmerenUE filed with this Commission a Rate Increase Request, Revised Tariff Sheets as well as an Interim Rate Tariff.

(2) On July 27, 2009, I received an electronic mail message ("e-mail") from Ms. Gaye Suggett, State Regulatory Liaison (MO) Regulatory Policy & Planning for Ameren Services, 101 East Madison, Jefferson City, MO 65101.¹

(3) Regarding communication directed to the Commission, as long as the subject matter does not involve the subject of a pending filing or case before the Commission there is no obligation on the communicator or the recipient of the communication to report the communication. To the extent this communication could be construed as involving the subject of a pending filing or case, Missouri law provides under Section 386.210.3(3)(a) RSMo Supp. 2008 that "*the person or party making the communication shall no later than the next business day following the communication file a copy of the written communication in the official case file of the pending filing or case and serve it upon all parties of record.*" (Emphasis added). This

¹ Section 386.210(1) states that "[T]he commission may confer in person, or by correspondence, by attending conventions, or in any other way, with the members of the public, any public utility ... on any matter relating to the performance of its duties." Here, the commission did not initiate communication; rather an unsolicited e-mail message was instead delivered to an individual Commissioner by an employee of a publicly regulated utility.

requirement applies even, such as in this matter, when no evidentiary hearing has been scheduled at the time the communication is received.²

(4) This Commissioner is under **no statutory obligation to take any action with regard to this e-mail communication**; rather, the General Assembly has placed that burden upon the “person or party” that makes the communication, not the Commission, nor this Commissioner. The e-mail received by this Commissioner shows that the Office of the Public Counsel and the Staff of the Commission were also recipients. Here, it appears that the appropriate steps were taken by the communicator.³

(5) Commission rules do impose upon Commissioners a very specific obligation regarding *ex parte communications* which “apply from the time an on-the-record proceeding is set for hearing by the commission until the proceeding is terminated by final order of the commission.” 4 CSR 240-4(7). Because no on-the-record proceeding had been set in this matter prior to receiving the communication, no *ex parte communication* requiring fulfillment of any disclosure obligations by this Commissioner has occurred.

(6) Assuming, however, that an *ex parte communication* requiring disclosure did occur, 4 CSR 240-4(6), provides that any “member of the commission ... who receives [a] communication shall immediately prepare a written report concerning the communication and submit it to the chairman and each member of the commission.” While not required to do so, for the purpose of transparency I have prepared a report in accordance with the specifications set forth in 4 CSR 240-4(6) and have distributed the report in compliance with the Commission rule

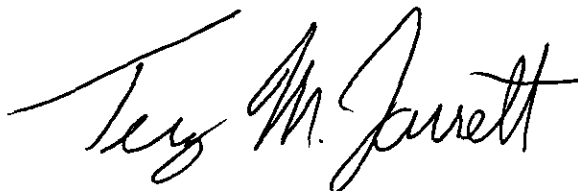
² At the time the e-mail communication was received no evidentiary hearing was scheduled, however, an evidentiary hearing was scheduled later the same day.

³ 4 CSR 240-2.010(11) in defining “Party” states that “[C]ommission staff and the public counsel are parties unless they file a notice of their intention not to participate within the period of time established for interventions by commission rule or order.” No notice of non-participation has been received at this time from either staff or the public counsel.

contemporaneously with this filing. The rule's requirements do not require filing in any particular docket, case or file.

(7) No Missouri law or Commission rule requires this Commissioner to distribute a copy of the communication through the Commission electronic filing and case information system ("EFIS"), and there is no prohibition on it either. It is questionable whether the prohibitions set out in Section 386.480 RSMo 2000 would permit such disclosure of this communication through EFIS. Because of the limits set out in Section 386.480 RSMo 2000, I am filing this notice only in the EFIS system for this matter and not the e-mail communication or report.

Respectfully Submitted,

A handwritten signature in black ink, reading "Terry M. Jarrett". The signature is written in a cursive, flowing style with a large initial "T" and "J".

Terry M. Jarrett, Commissioner

Dated in Jefferson City, Missouri,
on this 29th day of July, 2009.