

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

In the Matter of Union Electric Company, d/b/a)
AmerenUE's Tariffs to Increase Its Annual)
Revenues for Electric Service) Case No. ER-2011-0028

NOTICE OF COMMUNICATION

Issue Date: March 2, 2011

On Wednesday, February 23, 2011, Mr. Steve Spinner, Director of Energy & Utilities Procurement for Anheuser-Busch, made a statement regarding the decline of PSC staffing levels since the construction of the first Callaway nuclear power plant at the Missouri Chamber of Commerce's Chamber Day panel discussion entitled "Our Energy Future." In the discussion, Mr. Spinner further identified himself as representing the Fair Electric Rate Action Fund (FERAF) as well as the Missouri Industrial Energy Consumers (MIEC).

Technically, Mr. Spinner's statement was correct. However, I felt the statement needed to be qualified as the PSC no longer regulates transportation issues and there have been several other events occurring over the last quarter century since construction of the Callaway nuclear power plant was completed.

Attached is my letter, including attachments, to Mr. Spinner regarding this issue. The focus of this letter is on PSC staffing levels. PSC staffing is not an issue in this case and it is my belief that the issue I am communicating with Mr. Spinner on is one of general regulatory policy covered under Section 386.210.4 RSMo. In as much as MIEC is a party to this case, therefore, I am filing this communication in this case because I initiated this

communication outside of the contesting hearing process and the case has not been finally adjudicated as defined in Commission Rule 4 CSR 240-4.020(1)(I).

Commission Rule 4 CSR 240-4.020(1)(G) and (H) define *ex parte* and extra record communications as follows:

(G) *Ex parte* communication—Any communication outside of the contested case hearing process between the commission, a commissioner, a member of the technical advisory staff, or the presiding officer assigned to the proceeding and any party or anticipated party, or the agent or representative of a party or anticipated party, regarding any substantive issue. *Ex parte* communications shall not include a communication regarding general regulatory policy allowed under section 386.210.4, RSMo, communications listed in section (3) of this rule, or communications that are *de minimis* or immaterial.

(H) *Extra-record* communication—Any communication outside of the contested hearing process between the commission, a commissioner, a member of the technical advisory staff, or the presiding officer assigned to the proceeding and any individual interested in a contested case or anticipated contested case regarding any substantive issue. *Extra-record* communications shall not include communications that are *de minimis* or immaterial.

Commission Rules 4 CSR 240-4.020(3) and (4) require the person initiating an *ex parte* or extra record communication to file a notice regarding the communication. As stated previously, I do not believe this communication to fall under either of those definitions, but I am filing this notice immediately after having sent the following communication to Mr. Spinner via electronic mail.

Respectfully Submitted,



Jenn Davis
Commissioner

Dated at Jefferson City, Missouri,
on this 2nd day of March, 2011.