

**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	)	Case No. ER-2010-0036
Service Provided to Customers in the	)	
Company's Missouri Service Area	)	

**PETITION OF MISSOURI ENERGY DEVELOPMENT ASSOCIATION FOR  
LEAVE TO FILE A BRIEF AS *AMICUS CURIAE***

COMES NOW the Missouri Energy Development Association ("MEDA"), pursuant to Missouri Public Service Commission ("Commission") rule 4 CSR 240-2.075(6) and for its request to file a brief as an *amicus curiae* states the following:

1. MEDA is an incorporated trade association whose member companies consist of Union Electric Company, d/b/a AmerenUE; Kansas City Power & Light Company; The Empire District Electric Company; Empire District Gas Company; Laclede Gas Company; Missouri Gas Energy; Atmos Energy Corporation and Missouri-American Water Company. Each of the member companies are regulated by the Commission as provided by law.

2. MEDA seeks leave of the Commission to file the accompanying brief of *amicus curiae* in the captioned case. MEDA petitions for leave to file its brief to address a policy issue of importance to all regulated utilities in the State of Missouri, that is, the nature of the Missouri Public Service Commission's responsibility to properly balance the interests of the public when deciding matters that come before it, particularly in the context of a rate case. MEDA

submits that Public Counsel's Memorandum in Support of Motion for Summary Determination fundamentally misstates the applicable law. As such, it represents a flawed reading of the Missouri Public Service Commission Act and should be disregarded. Because the legal principle addressed by Public Counsel affects all regulated utilities (and not just AmerenUE), MEDA should be allowed to express the views of the regulated industry.

3. MEDA submits simultaneously herewith an *amicus curiae* brief for the Commission's consideration.

4. While the Commission's rule on the filing of *amicus curiae* briefs generally contemplates the filing of a post-hearing brief, the unique circumstances justify the filing of a legal brief at this stage of the proceeding because there is a pending Motion for Summary determination on the part of the Commission. Granting Public Counsel's Motion could adversely affect the interests of not just AmerenUE, but every regulated utility in the State of Missouri. Under these procedural circumstances, it is appropriate that MEDA's voice be heard before the Commission rules on the Motion.<sup>1</sup> Additionally, MEDA believes the matters addressed in its brief will assist the Commission in reaching a well-informed decision on the legal issues presented by the Motion currently pending.

WHEREFORE, MEDA requests the Commission accept its *amicus curiae* brief for consideration in the caption matter.

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<sup>1</sup> The Commission granted similar relief in Case No. EC-2009-0288.

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document was delivered by first class mail, electronic mail or hand delivery, on the 13<sup>th</sup> day of November, 2009, to the following:

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