

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

In the Matter of the Consideration of Adoption)
of the PURPA Section 111(d)(16) Integrated)
Resource Planning Standard as Required by) **File No. EW-2009-0290**
Section 532 of the Energy Independence and)
Security Act of 2007.)
)

In the Matter of the Consideration of Adoption)
of the PURPA Section 111(d)(17) Rate Design)
Modifications to Promote Energy Efficiency) **File No. EW-2009-0291**
Investments Standard as Required by Section)
532 of the Energy Independence and Security)
Act of 2007.)
)

In the Matter of the Consideration of Adoption)
of the PURPA Section 111(d)(18) Consideration)
of Smart Grid Investments Standard as Required) **File No. EW-2009-0292**
by Section 1307 of the Energy Independence and)
Security Act of 2007.)
)

In the Matter of the Consideration of Adoption)
of the PURPA Section 111(d)(19) Smart Grid)
Information Standard as Required by Section) **File No. EW-2009-0293**
1307 of the Energy Independence and Security)
Act of 2007.)
)

**UNION ELECTRIC COMPANY d/b/a AMERENUE'S
RESPONSE TO ORDER ESTABLISHING DEADLINE FOR RESPONSES**

COMES NOW Union Electric Company d/b/a AmerenUE (Company or AmerenUE), by
and through counsel, and for its Response to the Commission's March 25, 2009 Order
Establishing Deadline for Responses, states as follows:

1. The above-referenced Order solicits participants in these dockets to address two
issues, as follows: (a) does the prior state action exemption apply to any of the new PURPA
standards encompassed within the Energy Independence and Security Act of 2007; and (b)

should the Commission engage in rulemaking, or some other procedure to adopt any of the new PURPA standards encompassed within the Energy Independence and Security Act of 2007?¹

2. AmerenUE's March 13, 2009 Reply to Staff's Response to Order Setting Date for Filing Procedural Schedules ("AmerenUE's Reply") answers both of those questions.²

AmerenUE provides this brief Response to supplement AmerenUE's Reply.

Question (a): Does the prior state action exemption apply to any of the new PURPA standards encompassed within the Energy Independence and Security Act of 2007?

Answer: No. It is AmerenUE's position, as outlined in AmerenUE's Reply, that the so-called "prior state action exemption" does not apply to any of the four standards which are the subject of the above-captioned File Numbers. The Staff agrees with AmerenUE that there has been no prior state action with respect to both of the smart grid standards (File Nos. EW-2009-0292 and 0293). The Staff alleges that there has been prior state action with respect to the other two EISA standards (File No. EW-2009-0290 (integrated resource planning) and 0291 (rate design/energy efficiency) based upon Staff's allegation that these two standards were considered "in the context of" the 1993 rulemaking that led to the current IRP rules. For the reasons already outlined in AmerenUE's Reply, so-called consideration "in the context of" that earlier rulemaking is not no prior state action, meaning that the prior state action exemption is not available to the Commission respecting those two standards.

Question (b): Should the Commission engage in rulemaking, or some other procedure to adopt any of the new PURPA standards encompassed within the Energy Independence and Security Act of 2007?

Answer: The Commission should consolidate the two "smart grid" dockets (File Nos. EW-2009-0292 and 0293), and then consider both smart grid standards together in one consolidated workshop docket. For the reasons outlined in AmerenUE's Reply, the Commission should not roll those two dockets into the upcoming workshops relating to a possible re-write of the Commission's IRP rules, which is scheduled to begin on May 18, 2009. Draft rules relating to smart grids could then be developed in the consolidated workshop docket.

¹ Hereinafter referred to as the "EISA," which was amended in 2009 by the American Recovery and Reinvestment Act of 2009.

² Because AmerenUE addressed these questions in its earlier Reply, it will not repeat that discussion here and, instead, respectfully asks the Commission to review and consider its earlier Reply and the analysis of these very questions contained therein in connection with its review of this Response.

Also for the reasons outlined in AmerenUE's Reply, the other two standards (integrated resource planning and rate design modifications to promote energy efficiency, File Nos. EW-2009-0290 and 0291) should be considered as part of the upcoming IRP rule workshops, and ultimately should be addressed in the rewritten IRP rules that are expected to result from that IRP rule workshop process.

WHEREFORE, AmerenUE hereby submits this Response to the Commission's March 25, 2009 Order.

Dated: April 15, 2009

Respectfully submitted:
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Response was served via e-mail on the following parties on the 15th day of April, 2009.

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