



order pursuant to 4 CSR 240-2.085 (if that rule is still applicable) or to apply the provisions of 4 CSR 240-2.135.

4. Although the Commission recently opened another case (ES-2007-0474) regarding the Taum Sauk disaster, its scope and purpose are different than the investigation contemplated herein and in the Commission's Report and Order cited above. Case No. ES-2007-0474 is a safety investigation, is not a contested case, and most likely will not involve any ratemaking.

WHEREFORE, Public Counsel respectfully requests that the Commission open a case to investigate whether ratepayers are being held harmless from the Taum Sauk disaster, provide notice and set an intervention deadline, and schedule a prehearing conference and order the filing of a procedural schedule.

Respectfully submitted,

OFFICE OF THE Public Counsel

**/s/ Lewis R. Mills, Jr.**

By: \_\_\_\_\_

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all parties of record in Case No. ER-2007-0002 this day of July 2007:

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