

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

In the Matter of the Second Prudence Review of)
Costs Subject to the Commission-Approved Fuel)
Adjustment Clause of Union Electric Company)
d/b/a Ameren Missouri)

File No. EO-2012-0074

NOTICE OF APPELLATE COURT OPINION

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”) and notifies the Commission that on May 14, 2013, the Western District Court of Appeals issued its opinion in *State ex rel. Union Electric Company d/b/a Ameren Missouri v. Public Service Commission of the State of Missouri*, Case No. WD75403. This affirmed the Commission’s Order in Case No. EO-2010-0255, requiring Union Electric Company to refund to its ratepayers \$17,169,838. In that case, Case No. EO-2010-0255, the Commission considered the same issue that is disputed in this case, i.e., Union Electric Company d/b/a Ameren Missouri acted imprudently, improperly and unlawfully when it excluded revenues derived from power sales agreements with the AEP Operating Companies, Inc. and Wabash Valley Power Association from off-system sales revenue when calculating the rates charged under its fuel adjustment clause. In Case No. EO-2010-0255 the audit period was March 1 to September 30, 2009. Here the audit period is October 1, 2009, through May 31, 2011. According to Missouri Case.Net, the Western District disposed of the appeal in Case No. WD75403 and sent its opinion and mandate on June 5, 2013.

WHEREFORE, the Staff of the Missouri Public Service Commission notifies the Commission of the Western District Court of Appeals’s opinion in a case related to this one.

Respectfully submitted,

/s/ Nathan Williams

Nathan Williams

Deputy Staff Counsel

Missouri Bar No. 35512

Attorney for the Staff of the

Missouri Public Service Commission

P. O. Box 360

Jefferson City, MO 65102

(573) 751-8702 (Telephone)

(573) 751-9285 (Fax)

nathan.williams@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 6th day of June 2013.

/s/ Nathan Williams