

**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   )

**File No. ER-2010-0036**

**ORDER ESTABLISHING DATE TO RESPOND TO PUBLIC  
COUNSEL'S MOTION TO CONFORM TARIFFS WITH  
SUSPENSION**

Issue Date: February 18, 2011

Effective Date: February 18, 2011

On February 16, 2011, the Office of the Public Counsel filed a motion asking the Commission to conform Union Electric Company, d/b/a Ameren Missouri's rate tariffs to the Order Granting Stay Pursuant to Section 386.520 issued by the Circuit Court of Cole County on December 20, 2010. Public Counsel's motion explains that the Circuit Court of Cole County has granted a request to stay the effectiveness of the Commission's report and order that approved those rates, and that the stay took effect when the Missouri Industrial Energy Consumers (MIEC) filed suspending bonds on February 15, 2011. Public Counsel contends the stay order suspends the increased rates that were allowed under the Commission's report and order and that therefore Ameren Missouri no longer has the authority to charge those rates. For that reason, Public Counsel asks the Commission to mark Ameren Missouri's tariffs as "cancelled" or "suspended." Public Counsel also asks the Commission to designate Ameren Missouri's superseded tariffs as once again effective.

Later on February 16, MIEC filed a pleading supporting Public Counsel's motion. MIEC also points out that it has obtained a similar stay of the Commission's Report and Order in Ameren Missouri's previous rate case, ER-2008-0318. Therefore, it contends Ameren Missouri's rates must be rolled back to their 2007 levels.

Public Counsel asks the Commission to rule on its motion by February 23, only one week after Public Counsel filed its motion. Public Counsel's request for expedited treatment is not reasonable and furthermore is not necessary. If Public Counsel's interpretation of the law is correct, Ameren Missouri is already over-collecting from its ratepayers. As Public Counsel points out in its motion, the Commission has no discretion over that issue as the matter now resides in the Circuit Court of Cole County. All Public Counsel is really asking the Commission to do is to mark some tariff sheets as being in effect or not in effect. The only reason Public Counsel gives for the Commission to do so is to avoid possible confusion on the part of Ameren Missouri's ratepayers. That is not a sufficient reason for the Commission to decide the matter on an expedited basis. Instead, the Commission will allow Ameren Missouri and other interested parties a reasonable opportunity to respond before it considers Public Counsel's motion.

**THE COMMISSION ORDERS THAT:**

1. Any party wishing to respond to Public Counsel's Motion to Conform Tariffs with Suspension shall do so no later than February 25, 2011.
2. This order shall become effective immediately upon issuance.

**BY THE COMMISSION**



Steven C. Reed  
Secretary

( S E A L )

Morris L. Woodruff, Chief Regulatory  
Law Judge, by delegation of authority  
under Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 18<sup>th</sup> day of February, 2011.