

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 12<sup>th</sup> day of  
November, 2009.

In the Matter of Union Electric Company, d/b/a	)	<b><u>File No. ER-2010-0036</u></b>
AmerenUE's Tariffs to Increase Its Annual	)	Tariff Nos. YE-2010-0054
Revenues for Electric Service	)	and YE-2010-0055

**ORDER DENYING MOTION FOR RECONSIDERATION AND MOTION  
FOR CLARIFICATION**

Issue Date: November 12, 2009

Effective Date: November 12, 2009

Union Electric Company, d/b/a AmerenUE has issued a tariff that would implement an interim rate increase of 1.67 percent, subject to refund, as an accompaniment to its general rate increase request. In an order issued on October 7, 2009, the Commission suspended that interim rate increase tariff until January 29, 2010, and established a procedural schedule leading to an evidentiary hearing on December 7. On October 19, the Office of the Public Counsel filed a motion asking the Commission to reconsider its October 7 order, or in the alternative to clarify that order by pre-establishing the standard by which the Commission will judge AmerenUE's tariff at the December 7 hearing. More than ten days have passed since Public Counsel filed its motion, but no party has responded to that motion.

Public Counsel's motion for reconsideration complains that the order the Commission issued on October 7 is not the order Public Counsel expected the Commission to issue, based on Public Counsel's evaluation of discussion among the Commissioners at previous agenda meetings. However, Commissioners are free to reevaluate and change

their positions between agenda meetings. Public Counsel's concern that Commissioners have changed their positions does not require the Commission to reconsider its order.

Public Counsel's motion for reconsideration also repeats the public interest arguments Public Counsel has previously made against an interim rate increase. Public Counsel will be free to raise and support those arguments during the upcoming hearing process and those arguments do not require the Commission to reconsider its order suspending the tariff and scheduling a hearing.

Finally, as an alternative to its motion for reconsideration, Public Counsel asks the Commission to clarify its order suspending the tariff and scheduling a hearing to pre-establish the standard the Commission will use to judge AmerenUE's tariff at the upcoming evidentiary hearing. There is no need to clarify the Commission's order. The appropriate standard for the Commission to apply is a part of the dispute that the Commission will resolve through the hearing process. Until that hearing process is complete, the Commission has no evidentiary basis to make any such determination. As Public Counsel points out, all parties will be afforded an opportunity to prefile written direct, rebuttal, and surrebuttal testimony before the December 7 hearing. As a result, no party can be surprised by the testimony and arguments presented at the hearing. There is no need to clarify the Commission's order.

**THE COMMISSION ORDERS THAT:**

1. Public Counsel's Motion for Reconsideration of Order Further Suspending Interim Rate Tariff and Scheduling Evidentiary Hearing, Or, In the Alternative, Motion for Clarification is denied.

2. This order shall become effective on November 12, 2009.

( S E A L )

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'S. C. Reed', is written over a faint, circular embossed seal.

Steven C. Reed  
Secretary

Clayton, Chm., Davis, Jarrett, Gunn,  
and Kenney, CC., concur.

Woodruff, Chief Regulatory Law Judge