

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 13th day of
January, 2010.

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

**ORDER DENYING AMERENUE'S REQUEST FOR CLARIFICATION
REGARDING APPLICATION OF STATUTES AND RULES**

Issue Date: January 13, 2010

Effective Date: January 13, 2010

On December 18, 2009, Union Electric Company, d/b/a AmerenUE, filed a request asking the Commission to clarify the application of statutes and Commission rules regarding the activities of parties to this rate case. In particular, AmerenUE is concerned that certain entities, including some that are parties to this case, have undertaken a public relations or advertising campaign to raise awareness about the rate case and, at least impliedly, to oppose AmerenUE's request for a rate increase. Specifically, AmerenUE asks the Commission to indicate whether the Commission believes such activities would violate Commission rule 4 CSR 240-4.020(4), which states:

It is improper for any person interested in a case before the commission to attempt to sway the judgment of the commission by undertaking, directly or indirectly, outside the hearing process to bring pressure or influence to bear upon the commission, its staff or the presiding officer assigned to the proceeding.

A group of consumer parties, specifically, AARP, Missouri Industrial Energy Consumers, Office of the Public Counsel, Consumers Council of Missouri, Missouri Energy Users'

Association, and the Missouri Retailers Association, filed a joint response to AmerenUE's request on December 30, 2009.

The Commission is concerned that the hearings, particularly the local public hearings, proceed in an efficient and courteous manner. For that reason, on September 2, 2009, the Commission issued a Notice Regarding Conduct During Proceedings that reminded the parties of the existence of the rules regarding such conduct. No further statement should be necessary.

AmerenUE, however, asks the Commission to render a sort of advisory opinion on whether certain activities of other parties would violate those rules of conduct. The Commission will not do so. The rules speak for themselves and the Commission has no authority to issue an order of general applicability that would expand upon them outside the established rule-making process.

If AmerenUE believes a specific party has violated a specific rule it may file an appropriate motion or complaint to bring that matter to the Commission's attention. Unless such a motion or complaint is filed, there is nothing before the Commission upon which the Commission can issue a ruling.

The Commission will, however, continue to monitor the activities of third-party organizations that are directly or indirectly affiliated with parties in this case. The Commission will not hesitate to issue an appropriate order if there is a violation of any statute, Commission rule, or order.

THE COMMISSION ORDERS THAT:

1. AmerenUE's Request for Clarification Respecting Application of the Commission's Statutes and Standard of Conduct Rules is denied.

2. This order shall become effective immediately upon issuance.

(S E A L)

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'S. Reed', is positioned above the printed name of the Secretary.

Steven C. Reed
Secretary

Clayton, Chm., Jarrett, Gunn, and Kenney, CC., concur;
Davis, C., dissents with dissenting opinion to follow.

Woodruff, Chief Regulatory Law Judge