

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

In the Matter of Union Electric Company d/b/a)	
AmerenUE's for Authority to File Tariffs)	
Increasing Rates for Electric Service Provided to)	Case No. ER-2010-0036
Customers in the Company's Missouri Service)	
Area.)	

**PUBLIC COUNSEL'S STATEMENT OF POSITIONS ON
INTERIM RATE INCREASE ISSUES**

COMES NOW the Office of the Public Counsel and for its Statement of Positions on Interim Rate Increase Issues states as follows:

I. Do the circumstances presently encountered by AmerenUE warrant the Commission authorizing AmerenUE interim rate relief as generally proposed by AmerenUE?

No.

a. Should there be criteria for the Commission to use to decide whether interim rate relief is warranted? If so, what should that criteria be?

Yes, there must be objective criteria by which the Commission evaluates an interim rate increase. The criteria should be those that indicate the existence of an emergency or near emergency.

II. If the circumstances presently encountered by AmerenUE warrant the Commission authorizing AmerenUE interim rate relief as generally proposed by AmerenUE, has AmerenUE provided adequate justification for the proposed level of interim rate relief?

The circumstances do not warrant an interim rate increase.

a. Should there be criteria for the Commission to use to determine the appropriate level of interim rate relief? If so, what should that criteria be?

Yes, there must be objective criteria by which the Commission determines the appropriate level of interim relief. Taking into account the actions that the utility has already taken or could have taken, the amount of interim increase should be just enough to remedy or avert the emergency or near emergency.

III. If the Commission finds that the circumstances presently encountered by AmerenUE warrant the Commission authorizing AmerenUE interim rate relief as proposed by AmerenUE, may and should the Commission adopt criteria for interim rate relief with greater applicability than the instant case?

The Commission should continue to use the emergency/near-emergency criteria. Reaffirmation of this standard, which has been used with no significant deviation for sixty years, may have a *de facto* applicability beyond this case.

IV. Is any interim rate relief criteria other than the emergency/near-emergency criteria lawful?
No.

V. If the emergency/near-emergency criteria is not the sole lawful criteria for interim rate relief, what other criteria is lawful?
None.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

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By: _____

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been emailed to parties of record this 3rd day of December 2009.

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