

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

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

**RESPONSE TO ORDER DIRECTING NOTICE, SUSPENDING TARIFF,
SETTING HEARINGS, AND DIRECTING FILINGS**

COMES NOW the Office of the Public Counsel and for its Response to Order Directing Notice, Suspending Tariff, Setting Hearings, and Directing Filings states as follows:

1. On July 27, 2009, the Commission issued its Order Directing Notice, Suspending Tariff, Setting Hearings, and Directing Filings. Among other things, that order directed parties to file responses no later than August 27 “either indicating concurrence in AmerenUE’s recommended test year or recommending alternatives to that test year and offering a recommendation concerning a true-up.”
2. Public Counsel concurs in AmerenUE’s proposed test year.
3. With respect to the true-up, February 2010 is approximately six months after the filing and approximately five months before the operation-of-law date. It appears that such time is not adequate to complete the true-up audit and present it to the Commission (as noted by the Staff in its test year/true-up pleading filed today). Parties may be better able to evaluate the timing after the procedural conference when the parties can more fully discuss timelines and the specific needs that AmerenUE believes require a true-up, and evaluate the probable impact of any true-up on the revenue requirement.

4. Public Counsel suggests that a specific recommendation on the need for a true-up should be left to the filing of direct testimony by parties other than AmerenUE. The procedural schedule would need to have place-holders for the necessary filings and hearings, but the question of whether or not those are needed would be addressed in direct testimony.

WHEREFORE, Public Counsel respectfully responds to the Order Directing Notice, Suspending Tariff, Setting Hearings, and Directing Filings that: 1) it concurs in AmerenUE's proposed test year; 2) it concurs in the proposed true-up cut-off proposed by the Staff; and 3) the decision as to whether a true-up is necessary should be decided after parties other than AmerenUE have filed direct testimony.

Respectfully submitted,

OFFICE OF THE Public Counsel

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been emailed to parties of record this 27th day of August 2009.

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