

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

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

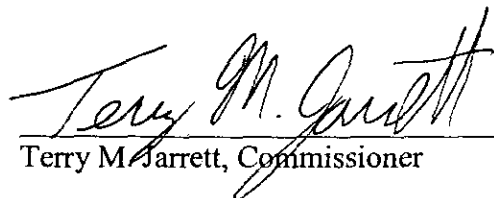
**CONCURRENCE OF COMMISSIONER TERRY M. JARRETT
IN ORDER FURTHER SUSPENDING INTERIM RATE TARIFF
AND SCHEDULING EVIDENTIARY HEARING**

I respectfully concur with my colleagues in the outcome of the Order as to the further suspension of AmerenUE's interim rate tariff and the setting of an evidentiary hearing. I write in concurrence to express my concerns with some of the representations made in the Order, but agree that an evidentiary hearing should have been scheduled. I do not believe adequate emphasis has been placed upon the fact that the September 14, 2009, oral argument was *prior* to any Commission order suspending the interim rate tariff. Counsel arguments therefore should be considered in the light in which they were given – prior to the suspension of the interim rate tariff, and those arguments must not be mistakenly considered as “evidence” – which they are not. I also do not believe that adequate emphasis has been placed upon the fact that the Commission suspended the interim rate tariff before it ultimately ordered an evidentiary hearing with regard to that tariff. While the Commission's Order and Commissioner Davis' Concurrence and Dissent all outline these issues, the value of timing in this matter could be inadvertently overlooked or lost in the analysis which is why I bring these two items to the forefront here. Accordingly, suspension of a tariff is accomplished under the authority set forth in Section 393.150 RSMo (2000), and as such, once a tariff is suspended beyond its effective date, the provisions of Section 393.140(11) RSMo (2000) are no longer controlling.

Additionally, I believe that the Order mischaracterizes interim rate requests by stating that "[I]nterim rate increase requests are a relatively rare occurrence." While the Order correctly acknowledges that "AmerenUE is not the first utility to ask the Commission for an interim rate increase ...," by any measure, the frequency of interim rate requests could be said to be less than general rate increase requests. However to over simplify frequency – and equate it to rarity – obfuscates that the legislature has granted this Commission the authority to grant such relief. The numerosity of such tariff filings by electric utilities has no bearing whatsoever on the validity of the claims made in those filings. Each case stands on its own facts. The Commission regulates far fewer electric utilities' due to mergers and acquisitions than it has in the past, and similar reductions through consolidation, regulatory changes in the gas industry, and the nearly complete deregulation of telecommunication companies leave little room for wonder about the number of requests considering the quantity of regulated entities.

There has also been considerable discussion as to what the appropriate standard is for granting the relief requested here. Missouri law sets the standard, and as such, this Commission is bound to follow the law. While the parties argued that the Commission has applied differing standards in past cases, in my opinion, the Commission has not; rather, the Commission was applying the facts of a particular case to the law. Just as each past interim rate increase request stands on its own facts before the Commission, this matter will as well.

Respectfully submitted,


Terry M. Jarrett, Commissioner

Dated at Jefferson City, Missouri
On this 27th day of October, 2009.