

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

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

NOTICE

Comes now, Terry M. Jarrett, Commissioner for the Missouri Public Service Commission, and for this Notice in the above captioned matter states the following;

(1) On August 3, 2009, I received a letter dated July 30, 2009 from State Representatives Jamilah Nasheed, Chris Carter, Talibden El-Amin, Belinda Harris, Michele Kratky, Mike McGhee and Margo McNeil.¹

(2) "The commission and any commissioner may also advise any member of the general assembly or other governmental official of the issues or factual allegations that are the subject of a pending case, provided that the commission or commissioner does not express an opinion as to the merits of such issues or allegations ..." Section 386.210(5) RSMo Supp. 2008. Here this Commissioner is not advising members of the general assembly and as such has not expressed any opinion as to the merits of the issues or allegations of this matter.

(3) Regarding communication directed to the Commission, as long as the subject matter does not involve the subject of a pending filing or case before the Commission there is no obligation on the communicator or the recipient of the communication to report the communication. This communication specifically identifies the subject of a pending filing or case, and as such Missouri law provides under Section 386.210.3(3)(a) RSMo Supp. 2008 that

¹ Section 386.210(1) states that "[T]he *commission* may confer in person, or by correspondence, [...] or in any other way, with [...] any official, agency or instrumentality ... on any matter relating to the performance of its duties." (Emphasis added). Here, the commission did not initiate communication; nor did this Commissioner - rather a member of Missouri's General Assembly initiated communication by correspondence.

“the person or party making the communication shall no later than the next business day following the communication file a copy of the written communication in the official case file of the pending filing or case and serve it upon all parties of record.” (Emphasis added). This Commissioner is under **no statutory obligation to take any action with regard to the correspondence**; rather, the General Assembly has placed that burden upon the “person or party” that makes the communication, not the Commission, nor this Commissioner.

(4) The Commission maintains an electronic information and filing system (“EFIS”) whereby all documents relating to the above captioned matter are stored. My review of the EFIS system as of the date of my signing this notice, fails to show any filings or disclosures being made by Representatives Jamilah Nasheed, Chris Carter, Talibden El-Amin, Belinda Harris, Michele Kratky, Mike McGhee and Margo McNeil in this matter with regard to the correspondence directed to me.

(5) Commissioners Clayton, Davis and Gunn have filed in EFIS a “Notice Regarding External Communication” on July 30, 2009. This filing included an e-mail message with the subject “Letter of Opposition to Ameren Utility Rate Increase Request” as well as a letter. The letter is representative of the one I received today. I would note however that the e-mail message purports to include me as a recipient, but includes an incorrect e-mail address².

(6) Commission rules do impose upon Commissioners a very specific obligation regarding *ex parte communications* which “apply from the time an on-the-record proceeding is set for hearing by the commission until the proceeding is terminated by final order of the commission.” 4 CSR 240-4(7). Because an on-the-record proceeding has been set in this matter an *ex parte communication* requiring fulfillment of a disclosure obligation by this Commissioner has occurred.

² My electronic mail address is terry.jarrett@psc.mo.gov. The electronic mail message purports to use the address of terry.jannet@psc.mo.gov.

(6) Pursuant to Commission rule, 4 CSR 240-4(6), any "member of the commission ... who receives [a] communication shall immediately prepare a written report concerning the communication and submit it to the chairman and each member of the commission." I have prepared a report in accordance with the specifications set forth in 4 CSR 240-4(6) and have distributed the report in compliance with the Commission rule contemporaneously with this filing. The rule's does not require filing of the report, or the communication in any particular docket, case, file or the EFIS system.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Terry M. Jarrett". The signature is fluid and cursive, with the first name "Terry" and last name "Jarrett" clearly distinguishable.

Terry M. Jarrett, Commissioner

This 3rd day of August, 2009