

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

In the matter of Union Electric Company,)	
d/b/a AmerenUE's Tariffs to Increase Its)	Case No. ER-2010-0036
Annual Revenues for Electric Service)	

RESPONSE TO NOTICE OF *EX PARTE* COMMUNICATION

COMES NOW the Midwest Utility Users' Association and for its Response to the Notices of *Ex Parte* Communication filed on January 6 and 7, 2010, respectfully states as follows:

1. On January 6 and 7, 2010, Commissioners Davis and Gunn each filed Notices of *Ex Parte* Communications regarding certain communications received from the Fair Electricity Rate Action Fund ("FERAF"). Relying on the Southeast Missourian, these Notices both state that Wal-Mart Stores, Inc. and Best Buy, Inc. are members of FERAF.

2. Counsel files this Response to clarify that Wal-Mart Stores and Best Buy are **not** members of FERAF. While MUUA joined with other consumer groups in the December 30, 2009 Joint Pleading regarding Ameren's Motion to Clarify the Commission's Standard of Conduct Rules, it was clear to state that not all signatories to that pleading were members of FERAF.

Some of the Consumer Parties have engaged in constitutionally protected public discussion of this case as individuals, as associations, and through their attorneys. Some have not engaged in such public discussion, but may do so in the future.¹

¹ Joint Response of AARP, Missouri Industrial Energy Consumers, Office of the Public Counsel, Consumer Council of Missouri, Missouri Energy Users Association and Missouri Retailer's Association to AmerenUE's Request for Clarification Respecting Application of the Commission's Statutes and Standard of Conduct Rules, filed December 30, 2009, at paragraph 20.

3. By this Response, MUUA does not request that the Commission, or any particular Commissioner, take any further action. Rather, MUUA merely files this Response to clarify the pleadings and the extent of its participation in FERAF.

Respectfully submitted,




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ATTORNEY FOR THE MIDWEST
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing pleading by email, facsimile or First Class United States Mail to all parties by their attorneys of record as provided by the Secretary of the Commission.



David L. Woodsmall

Dated: January 7, 2010