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 Annual)	Case No. ER-2008-0318
Revenues for Electric Service)	

CONCURRING OPINION OF COMMISSIONER TERRY M. JARRETT TO THE ORDER DENYING APPLICATIONS FOR REHEARING FILED BY NORANDA, PUBLIC COUNSEL, AND AARP, AND DENYING NORANDA'S MOTION FOR STAY

HOT WEATHER SAFETY PROGRAM

Since it is clear that not only Chairman Clayton, but also Commissioner Gunn¹ and AARP², through its counsel, believe that I do not support a Hot Weather Safety Program, I am compelled to clarify my position with regard to this type of program.

My vote for the Report and Order (which ultimately declined to implement the Hot Weather Safety Program) in this case, and my vote opposing rehearing on this issue, does not mean that I oppose this type of important program. To the contrary; during Commission case discussion in this matter in public Agenda meetings I made clear that I did support the pilot Hot Weather Safety Program provided that the program would include a tracking mechanism, allowing for accountability and verification of the program's results.

I thoroughly appreciate the need to consider options for protecting low-income seniors, including testing the veracity of a program designed to encourage use of air conditioning during Missouri's hottest days, with back end reporting of the results.

¹ See Report and Order EO-2008-0318, January 27, 2009, Dissenting Opinion of Commissioner Kevin D. Gunn and Chairman Robert M. Clayton III, January 27, 2009.

² See AARP's Application for Rehearing, February 5, 2009.

Report and Orders of the Commission are voted on in their entirety, and are not voted on by individual issue. In this case, I was prepared to vote in favor of the Hot Weather Safety Program but I was not able to attract the votes necessary to include it in the Report and Order.³ It does however appear that AARP may soon have a chance to reintroduce a Hot Weather Safety Pilot Program to the Commission. The Southeast Missourian reports today, February 19, 2009, that top officials of Ameren Corp., AmerenUE's parent company, in a conference call with investment analysts have indicated that a rate increase will be sought. These officials however could not say when the rate request would be requested.⁴ As such, if and when a rate increase is requested, I would expect that AARP would likely return to the Commission with another proposal, which would give the Commission an opportunity to revisit this important matter.

In all respects I reaffirm my support for the Report and Order in this case, as well as my vote to deny all Applications for Rehearing and denial of the Motion for Stay in this case.

Respectfully,

Terry M. Jarrett, Commissioner

Dated at Jefferson City, Missouri on this 19th day of February, 2009.

4 http://semissourian.com/article/20090219/NEWS01/702199929

³ Commissioner Davis also publically voiced his support for a Hot Weather Safety Program.