

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

In the Matter of Union Electric Company)	
d/b/a AmerenUE's Tariff Establishing an)	<u>Case No. ET-2007-0459</u>
Industrial Demand Response Program)	

**PUBLIC COUNSEL'S RESPONSE IN OPPOSITION TO
STAFF RECOMMENDATION**

COMES NOW the Office of the Public Counsel and for its Response in Opposition to Staff Recommendation states as follows:

1. On July 2, 2007, Union Electric Company d/b/a AmerenUE filed a revised Industrial Demand Response (IDR) tariff with an effective date of October 1.
2. The parties have had a number of discussions concerning the IDR proposal, and while the discussions have been worthwhile, consensus has not been reached on all aspects of the IDR proposal.
3. Pursuant to a Commission order issued on August 1, the Staff filed its recommendation on August 31. Public Counsel timely files this response pursuant to the same August 1 order.
4. Despite concerns about the IDR tariff, Staff recommends approval of the IDR tariff as filed on the theory that "something is better than nothing." But as Staff notes, there is ample time to work out the parameters of an IDR program and to have it in place for the summer of 2008. There is no compelling reason to right now approve a flawed tariff that would implement a program to be available next summer. Furthermore, the pleadings responding to the

August 1 order (the lukewarm-at-best Staff recommendation, the MEG response¹, and this response) do not show the proposed tariff to be in the public interest, but rather agree that it needs further work.

5. Public Counsel recommends that the Commission allow the parties until September 19 to file a status report on the progress of their discussions. If the parties have not reached an agreement by then, the Commission can suspend the IDR tariff and order the parties to propose a procedural schedule that would allow Commission resolution in time for AmerenUE to make an IDR program available beginning in the summer of 2008.

WHEREFORE, Public Counsel respectfully requests that the Commission deny the Commission Staff's recommendation to approve AmerenUE's proposed IDR tariff, and instead order the filing of a status report on September 19, 2007.

Respectfully submitted,

OFFICE OF THE Public Counsel

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¹ On September 7, the Missouri Energy Group (MEG) filed a response to the Staff recommendation in which it raised concerns about the improperly-designed IDR program and stated its willingness to continue discussions.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 10th day of September 2007:

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