

**IN THE MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

CIVIL CASE INFORMATION FORM

(This form must be filed with the Notice of Appeal)

List every party involved in the case, indicate the position of the party in the circuit court (e.g., plaintiff, defendant, intervenor) and in the Court of Appeals (e.g., appellant, respondent) and the name of the attorney of record, if any, for each party. Attach additional sheets to identify all parties and attorneys if necessary.

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Date Notice filed in Circuit Court:

July 27, 2011

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The Record on Appeal will consist of:

Legal File Only

Legal File and Transcript

FACTUAL BACKGROUND: (Events Giving Rise to Cause of Action. Attach one additional page, if necessary).

The Missouri Public Service Commission issued the Report and Order that is the subject of this appeal, in Commission Case No. ER-2011-0028, on July 13, 2011. In that 125-page Report and Order, the Commission approved a rate increase for Appellant Union Electric Company of approximately \$172 million annually. However, the Commission refused to include in the Company's rate base its approximately \$89 million capital investment in a new upper reservoir at its Taum Sauk Hydroelectric Plant. By failing to allow inclusion of that investment in the Company's rate base, the Company will receive neither a return on (through a return on its rate base), nor a return of (through depreciation expense), its investment in the new upper reservoir. Had the investment been allowed in rate base the annual rate increase approved by the Commission would have been approximately \$11.4 million higher.

After their applications for rehearing before the Commission were denied, the Company filed this appeal.

Appellant contends that the Commission's order was unlawful and unreasonable respecting its decision to deny inclusion of its Taum Sauk investment in rate base for the reasons outlined in the Company's application for rehearing file with the commission, a copy of which is included with this notice of appeal.

ISSUES EXPECTED TO BE RAISED ON APPEAL: (Attach one additional page, if necessary. Appellant is not bound by this list. Attach one copy of the post-trial motion, if one was filed).

1. Whether the Commission's decision to deny inclusion of the Company's investment in a new upper reservoir at its Taum Sauk Hydroelectric Plant is unlawful, unreasonable, constitutes an abuse of discretion, was arbitrary or capricious, was not supported by competent and substantial evidence of record, was against the greater weight of the evidence, or is supported by insufficient findings of fact and conclusions or law.