

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

In the Matter of the Consideration and Implementation)
of Section 393.1075, the Missouri Energy Efficiency) Case No. EX-2010-0368
Investment Act.)

AMERENUE RESPONSE TO ORDER DIRECTING FILING

COMES NOW, Union Electric Company, d/b/a AmerenUE (AmerenUE), and in response to the Missouri Public Service Commission's (Commission) *Order Directing Filing* issued in this proceeding on August 25, 2010, provides the following list¹ of legal issues in relation to the proposed rules for implementing the Missouri Energy Efficiency Investment Act (MEEIA):

1. 4 CSR 240-20.094(2)(A) and (B). These sections identify incremental and cumulative goals for utility energy efficiency programs. AmerenUE believes that these goals are not found within or authorized by MEEIA, and are therefore unlawful.
2. 4 CSR 240-20.093(2)(G). This section addresses if/when a utility may recover revenues lost due to the impact of its energy efficiency programs. AmerenUE believes this section does not provide for full and timely recovery of these costs and thus that it does not comply with the provisions of MEEIA.
3. 4 CSR 240-20.093(2)(E). This section sets forth criteria for the Commission to consider when it is determining whether or not to establish/modify/continue the cost recovery mechanism for demand-side

¹ By providing this list, AmerenUE is not waiving its right to raise additional legal concerns that may become apparent during the formal rulemaking process. The issues listed within this pleading are the legal concerns which have been identified at this time by the Company.

management (DSM) programs, called the demand-side program investment mechanism (DSIM). These criteria are not found in MEEIA. MEEIA states that the Commission “shall” provide timely cost recovery for DSM programs that are approved by the Commission, result in energy or demand savings and are beneficial for all customers in the customer class. Requiring any other test for the establishment or retention of the cost recovery mechanism (the DSIM) goes beyond and is inconsistent with the statutory authority granted to the Commission by MEEIA.

WHEREFORE, AmerenUE asks the Missouri Public Service Commission to accept this pleading in response to its August 25, 2010 *Order Directing Filing*.

UNION ELECTRIC COMPANY,
d/b/a AmerenUE

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