

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

|                                         |   |                       |
|-----------------------------------------|---|-----------------------|
| In the Matter of Union Electric Company | ) |                       |
| d/b/a AmerenUE for Authority to File    | ) |                       |
| Tariffs Increasing Rates for Electric   | ) | Case No. ER-2007-0002 |
| Service Provided to Customers in the    | ) |                       |
| Company's Missouri Service Area.        | ) |                       |

**AMERENUE'S RESPONSE IN OPPOSITION TO MIEC'S APPLICATION FOR  
REHEARING OR RECONSIDERATION**

COMES NOW Union Electric Company d/b/a AmerenUE (AmerenUE or Company) and, pursuant to 4 CSR 240-2.080(15), hereby provides this brief response in opposition to the above-referenced Application filed by the Missouri Industrial Energy Consumers (MIEC) on November 13, 2006.<sup>1</sup> In this regard, AmerenUE states as follows:

1. On November 2, 2006, the Commission issued its Order Granting Motion for Necessary Waivers, Denying Pending Motions, and Directing Filing (the Order). The Order addressed and disposed of every single argument contained in MIEC's Application, each and every one of which was previously presented and briefed by several other parties, all of whom have opposed fuel adjustment clauses and the implementation of S.B. 179 generally.<sup>2</sup>
2. In summary, MIEC raises no grounds of any kind that would justify reconsideration of the Commission's November 2 Order. Consequently, MIEC's Application should be denied.

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<sup>1</sup> MIEC's Application, to the extent it purports to constitute an "Application for Rehearing" under Section 386.500, RSMo and 4 CSR 240-2.160(1), is untimely as a matter of law. Section 386.500, RSMo; *State ex rel. Alton R. Co. v. Pub. Serv. Comm'n*, 155 S.W.2d 149 (Mo. 1941); 4 CSR 240-2.050(1).

<sup>2</sup> Most notably, Public Counsel, the state, represented by General Nixon's office, and AARP/CCM.

Dated: November 16, 2006

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Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served via e-mail, to the following parties on the 16<sup>th</sup> day of October, 2006.

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