

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

In the Matter of Tariff Sheets Filed by Union)
Electric Company d/b/a AmerenUE Designed to) Case No. ET-2010-0123
Implement Revisions to AmerenUE's Business) Tariff Tracking No. JE-2010-0229
Energy Efficiency Programs.)

**RESPONSE OF AMERENUE
TO STAFF'S RECOMMENDATION TO APPROVE TARIFF SHEETS
WITH EXPRESS STATEMENT OF NON-DETERMINATION**

COMES NOW Union Electric Company d/b/a AmerenUE (AmerenUE or Company), and hereby responds to the Missouri Public Service Commission Staff's (Staff) *Recommendation to Approve Tariff Sheets with Express Statement of Non-Determination (Recommendation)*. In this regard, AmerenUE states as follows:

1. AmerenUE filed six tariff sheets on September 25, 2009 with an effective date of October 25, 2009. These tariff sheets are all revisions of its currently approved Business Energy Efficiency Portfolio program.
2. On October 8, 2009, after discussions with Staff, AmerenUE withdrew one of the six proposed revised tariff sheets.
3. The page that was withdrawn was the only page containing language referencing the tariff being offered "pursuant to" the Missouri Energy Efficiency Investment Act (§ 393.1124.4 RSMo; 2009)(MEEIA). Staff's request that the Commission issue an order indicating that the Commission is not taking a position of whether this tariff is "pursuant to" MEEIA does not appear to be necessary, given the withdrawn tariff sheet, but AmerenUE does not object to the Commission issuing such an order.

4. Staff's *Recommendation* also set forth Staff's interpretation of MEEIA for at least a portion of the statute. AmerenUE does not completely agree with the interpretation set forth by Staff, but that disagreement does not impact the tariff sheets at issue and so AmerenUE will not go into those details at this time. Additionally, as the *Recommendation* was filed this morning and an order has been added for tomorrow's agenda, AmerenUE would not have time to properly develop a response to Staff's legal interpretation of MEEIA.

WHEREFORE, AmerenUE files this *Response* and asks the Commission to approve the changes to its Business Energy Efficiency Portfolio tariffs so that they become effective on October 25, 2009.

Respectfully submitted,

UNION ELECTRIC COMPANY,
d/b/a AmerenUE

By: /s/ Wendy K. Tatro
Steven R. Sullivan, # 33102
Senior Vice President, General
Counsel and Secretary
Wendy K. Tatro, # 60261
Associate General Counsel
Ameren Services Company
P.O. Box 66149
St. Louis, MO 63166-6149
(314) 554-3484 (phone)
(314) 554-4014 (fax)
AmerenUEService@ameren.com

CERTIFICATE OF SERVICE

The undersigned certifies that true and correct copies of the foregoing have been e-mailed or mailed, via first-class United States Mail, postage pre-paid, to the service list of record this 20th day of October, 2009.

General Counsel's Office
Missouri Public Service Commission
P.O. Box 360
200 Madison Street, Suite 800
Jefferson City, Missouri 65102
gencounsel@psc.mo.gov

Office of Public Counsel
Lewis R. Mills, Jr.
P.O. Box 2230
200 Madison Street, Suite 650
Jefferson City, MO 65102-2230
opcservice@ded.mo.gov

/s/ Wendy K. Tatro

Wendy K. Tatro