

In the Matter of the First True-Up)
Filing Under the Commission-)
Approved Fuel Adjustment Clause of) Case No. ER-2010-0274
Union Electric Company d/b/a Ameren Missouri.)

COMES NOW Union Electric Company d/b/a Ameren Missouri (“Company” or “Ameren Missouri”), by and through counsel, and hereby responds to the Staff’s above-referenced Recommendation. In this regard, Ameren Missouri states as follows:

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when the Company's FAC was first approved. Second, the Staff asserts that even if a mistake was made, the filed rate doctrine and the prohibition against retroactive ratemaking would preclude the Commission from remedying the mistake.

5. The Company disagrees with both of the Staff's bases.

6. 4 CSR 240-20.090(5)(D) provides that the Commission shall, within 60 days of the utility's filing, either issue an order deciding whether the true-up filing by the utility is in accordance with its FAC rule, Section 386.266, RSMo., and the FAC tariff, or that the Commission will suspend the timeline in order to receive additional evidence and hold a hearing, if needed.

7. In view of the disagreement between the Staff and the Company, the Company requests that the Commission schedule an early prehearing conference so that the parties can discuss an appropriate procedure for resolving the Company's Application.

WHEREFORE, Ameren Missouri hereby requests that the Commission make and enter its order setting an early prehearing conference in this case.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was served via e-mail on all counsel of record to the case in which the fuel adjustment clause in effect for the true-up filing made herein was approved, on this 10th day of January, 2010.

/s/James B. Lowery