

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

Richard D. Smith,)	
Complainant,)	
)	
vs.)	Case No. EC-2007-0106
)	
AmerenUE,)	
Respondent.)	

MOTION FOR RECONSIDERATION OR CLARIFICATION

COMES NOW the Office of Public Counsel and for its Motion for Reconsideration or Clarification states as follows:

1. As a result of the technical conference held on February 1, 2007, the parties agreed that AmerenUE would commit to certain milestones, which were set out in a joint pleading filed on February 14. Upon meeting (or failing to meet) these milestones, AmerenUE will file periodic reports with the Commission. AmerenUE will file at least four reports over the next eight months, and perhaps as many as eight. A final report will be filed near the end of 2008. The other parties may file responses.

2. The Commission adopted the parties' resolution in an order issued February 27, including the requirement (agreed upon by the parties) that AmerenUE will make regular filings. But the Commission also ordered the case be closed, despite these required filings. The first such filing will (as EFIS is understood to work) automatically re-open the case. If the Commission wants the case to remain closed, it will have to issue a notice closing it. It will then be automatically re-opened again in a few weeks when AmerenUE makes its next filing, and so on.

3. The parties explicitly agreed that AmerenUE is to file the periodic reports, rather than simply submitting them to the parties. From Public Counsel's perspective,

and even more so from Mr. Smith's perspective as Public Counsel understands it, having the Commission retain active oversight over the issues raised in Mr. Smith's complaint was an important feature of the agreed-upon resolution. Closing the case before the final report would frustrate that feature of the agreement.

4. In its February 27 order the Commission stated that it was closing the case because of the "policy of this Commission not to keep complaint cases open indefinitely in this fashion." Public Counsel suggests that closing the case now would be premature; none of the issues raised have been resolved. The parties have merely agreed upon a series of actions and reports that they hope will resolve them.

WHEREFORE Public Counsel respectfully requests that the Commission reconsider or clarify its decision to close this case, and upon such reconsideration, allow this case to remain open until December 31, 2008, or until such time that the Commission determines that the issues raised in the complaint have been resolved; in the alternative, Public Counsel respectfully requests that the Commission clarify how it intends the scheduled filings to be made.

Respectfully submitted,
OFFICE OF THE PUBLIC COUNSEL

By: /s/ Lewis R. Mills, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been emailed to all parties this 9th day of March 2007.

By: /s/ Lewis R. Mills, Jr.