

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

In Re: Union Electric Company's)	
Utility Resource Filing Pursuant to)	<u>Case No. EO-2007-0409</u>
4 CSR 240 – Chapter 22)	

**RESPONSE TO APPLICATION FOR REHEARING
AND MOTION FOR CLARIFICATION**

COMES NOW the Office of the Public Counsel and for its Response to Application for Rehearing and Motion for Clarification states as follows:

1. On February 5, 2008, AmerenUE opened this case by filing its requests for waivers pursuant to 4 CSR 240-22 (the Commission's Integrated Resource Planning rule). On February 19, 2009, the Commission issued its “Final Order Regarding AmerenUE's 2008 Integrated Resource Plan.” Among other things, that order found that:

AmerenUE's 2008 IRP does not demonstrate compliance with the requirements of the Commission's IRP rule. Furthermore, for the same reason, the Commission finds that AmerenUE's resource acquisition strategy does not meet the requirements stated in 4 CSR 240-22.010(2)(A)-(C).

Based on these findings, the Commission ordered AmerenUE to file its next Integrated Resource Plan no later than April 1, 2010.

2. On February 27, AmerenUE filed its Application for Rehearing and Motion for Clarification. The gravamen of the request for rehearing is that AmerenUE wants to delay filing its next IRP case for seven months beyond the date that the Commission ordered. Public Counsel supports the Commission's decision and opposes AmerenUE's request to change it. In ordering AmerenUE to file its next IRP on April 1, 2010, the Commission made a point to note that this case took over a year from filing until the Commission's “Final Order.” Public Counsel notes that it is now apparent that the “Final Order” issued on February 19 will not actually be the

final order, and the final resolution of this case has yet to be reached. Public Counsel also points out that this case did not involve a decision about entering into what AmerenUE touts as the largest construction project in Missouri history, nor did it involve testimony and an evidentiary hearing, nor the number of parties that will likely be involved in the next IRP case. The next IRP case will doubtless be more contested, have a more involved procedural process, take longer to present to the Commission, and take longer for the Commission to decide than this case. Compared to the more than thirteen months that this case will take, the next case could easily take an additional four months for a total time from filing to decision of seventeen months.

3. In its application for rehearing, AmerenUE represents that “the earliest date by which a decision on another baseload unit would be made” is October 1, 2011 (November 1, 2010 plus eleven months).¹ Based upon a more realistic estimate of the time it will take to process the next case, the latest it can be filed to allow for a Commission decision before October 1, 2011 is June 1, 2010. Public Counsel supports the Commission's ordered filing date of April 1, 2010, but if the Commission is inclined to allow AmerenUE more time, it should order the filing to be no later than June 1, 2010.

4. The party that was the most involved in this case, and will be the most involved in the next case, is the Commission Staff. Public Counsel suggests that before the Commission decides whether to alter its February 19 order, it should order Staff to respond to the application for rehearing.

5. AmerenUE also asked for clarification of the Commission's February 19 order. AmerenUE asks the Commission to state that AmerenUE's next filing will be filed under the current IRP rules even if the rules are changed. Public Counsel does not object to the

¹That decision date is critical to the entire planning process. The Commission should hold AmerenUE to it, and require AmerenUE to file notice if it changes.

Commission granting this request for clarification, but suggests that the Commission order Staff to respond to the request for clarification as well.

6. Rule 4 CSR 240-2.080(15) provides that responses to pleadings shall be filed within ten days unless otherwise ordered by the Commission. Public Counsel files this response eleven days after AmerenUE's filing, and requests leave of the Commission to do so. Good cause exists to grant this request, in that the undersigned has been unable to address AmerenUE's filing because of involvement in other Commission matters including a number of local public hearings in Case Nos. ER-2009-0089 and ER-2009-0090.

WHEREFORE, Public Counsel respectfully submits this Response to Application for Rehearing and Motion for Clarification, and requests leave to file one day out of time.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been emailed to all parties this 10th day of March 2009.

/s/ Lewis R. Mills, Jr.

By: _____