

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

In the Matter of Public Counsel's Petition to
Open a Case to Investigate AmerenUE's
Plan to Construct and Finance a Second Unit
At the Callaway Nuclear Plant Site

) *file*
) **Case No. EO-2009-0126**
)
)

DISSENTING OPINION OF COMMISSIONER CONNIE MURRAY

I respectfully dissent from today's unprecedented decision to order the production of documents where no open proceeding exists and where Public Counsel has not shown good cause. The order infers that Public Counsel has an unfettered right to production of books, accounts, papers or records of any public utility and that the Commission must order their production whenever Public counsel believes it is appropriate.

The effect of today's order is to ignore the important directive in section 386.450 which reads "and upon good cause shown by him". The order attempts to fashion a showing of good cause from the facts that: (1) Public Counsel requested the Commission to open a formal investigation; (2) The Commission did not find good cause to do so at this time although a majority found that an investigation following the legislative session is appropriate; (3) Public Counsel, nevertheless, believes an immediate investigation is appropriate. The logic of the order appears to be that good cause exists whenever Public Counsel believes that it does.

I disagree and therefore, dissent.

Respectfully submitted,


Connie Murray, Commissioner

Dated at Jefferson City, Missouri
on this 25th day of February 2009.