

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

In the Matter of Union Electric Company                             )  
d/b/a AmerenUE's Tariff to Increase its                             )        **Case No. ER-2011-0028**  
Annual Revenues for Electric Service                             )

**PUBLIC COUNSEL'S APPLICATION FOR REHEARING**

COMES NOW the Office of the Public Counsel ("Public Counsel") and for its Application for Rehearing states as follows:

1. On July 13, 2011, the Commission issued its Report and Order with an effective date of July 23, 2011. That Report and Order is unlawful, unjust, and unreasonable in that it is not based upon competent and substantial evidence of record and is contrary to the weight of the evidence. The Commission's Report and Order is unjust and unreasonable and not based on competent and substantial evidence in that it fails to make findings of the basic facts that support its conclusions. The Report and Order is unjust, unreasonable, arbitrary and capricious, and unlawful for the following reasons.

2. The Commission erred when it concluded that, as a matter of law, it does not have the authority to require Ameren Missouri to continue to offer a minimal level of energy efficiency programs.

3. The Commission erred when it adopted the nonunanimous stipulation and agreement on process and impact evaluations of the low income weatherization program. Nothing in the record evidence supports the resolution of this issue that was crafted by only two parties to the case. There is no evidence in the case that these evaluations should be performed with the frequency specified in the nonunanimous stipulation and agreement. Neither is there

any evidence that allowing 5% of the program funding to be spent on these evaluations is a reasonable and prudent use of program funds.

WHEREFORE Public Counsel respectfully requests that the Commission grant rehearing of its July 13, 2011 Report and Order.

Respectfully submitted,

OFFICE OF THE Public Counsel

**/s/ Lewis R. Mills, Jr.**

By: \_\_\_\_\_

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 22<sup>nd</sup> day of July 2011:

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