

**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)	<u>Case No. EO-2009-0126</u>
Plan to Construct and Finance a Second Unit)	
At the Callaway Nuclear Plant Site)	

PUBLIC COUNSEL'S RESPONSE TO ORDER

COMES NOW the Office of the Public Counsel and for its response to the Commission's Order Giving Public Counsel an Opportunity to Respond states as follows:

1. On September 265, 2009, the Commission issued its Order Giving Public Counsel an Opportunity to Respond, noting that in the time since Public Counsel filed its request which created this case, "AmerenUE has withdrawn from its efforts to obtain approval to build Callaway 2. Under the circumstances, it appears Public Counsel's petition requesting an investigation is now moot." The Commission afforded Public Counsel the opportunity to disagree with this premise and argue against dismissal of the case as moot.

2. Public Counsel does not disagree. AmerenUE has repeatedly confirmed that it is not moving forward with Callaway 2, and the federal Nuclear Regulatory Commission is no longer actively processing a license for Callaway 2. Under the circumstances, Public Counsel agrees with the Commission that there is no longer a need to keep this case open.

WHEREFORE Public Counsel respectfully offers this response and states that it does not object to dismissal of this case.

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 in Case No. EO-2009-0126 this 1st day of October 2009.

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