

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

In Re: Union Electric Company's	)	
2008 Utility Resource Filing Pursuant	)	<b><u>Case No. EO-2007-0409</u></b>
to 4 CSR 240- Chapter 22	)	

**PUBLIC COUNSEL'S RESPONSE TO ORDER ESTABLISHING TIME IN  
WHICH TO RESPOND TO MOTION FOR CHANGE IN FILING DATE**

COMES NOW the Office of the Public Counsel and for its Response to Order Establishing Time in which to Respond to Motion for Change in Filing Date states as follows:

1. In an order issued on March 18, 2009, the Commission established June 1, 2010 as the filing date for AmerenUE's next Integrated Resource Plan. This date was effectively a compromise, taking into account the tension between allowing AmerenUE enough time to put together a good plan and allowing the parties and the Commission sufficient time to address the plan before AmerenUE needed to make a decision about a baseload plant.

2. On May 11, 2009, AmerenUE filed a Motion for Change in Integrated Resource Plan Filing Date and for Expedited Treatment. In that motion, AmerenUE requests "that its next IRP filing ... be due no later than February 5, 2011." In support of this request AmerenUE represents that "if AmerenUE's next IRP Preferred Resource Plan shows a need to construct a baseload plant within the IRP planning horizon, AmerenUE agrees that it will not make a decision to start construction prior to July 4, 2012," approximately 17 months after the proposed February 5, 2011 filing date.

3. Public Counsel does not object to AmerenUE's requested extension, as long as the Commission makes it explicitly dependent on AmerenUE's commitment regarding the earliest possible date upon which AmerenUE could make a decision to start construction of a

new plant. Public Counsel requests that the Commission order approving the extension explicitly provide that “AmerenUE shall not make a decision sooner than July 4, 2012 to start construction of a new generating plant unless it receives prior approval from the Commission.”

WHEREFORE Public Counsel respectfully submits this Response and requests that the Commission make AmerenUE’s proposed earliest possible decision date an explicit condition in granting AmerenUE’s requested extension.

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 15<sup>th</sup> day of May 2009.

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