

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

In the Matter of the Application of	)	
Union Electric Company d/b/a Ameren	)	<b>Case No. EO-2012-0146</b>
Missouri for Authority to Sell and	)	
Repurchase Coal and Lease Property	)	

**PUBLIC COUNSEL'S RESPONSE TO ORDER DIRECTING FILING**

COMES NOW the Office of the Public Counsel and for its Response to Order Directing Filing states as follows:

1. On November 9, 2011, Ameren Missouri filed an application seeking authority pursuant to Section 393.190.1 RSMo. 2000 to sell coal and lease a small parcel of land at its Rush Island Plant in order to facilitate a program to utilize refined coal in order to lower costs and reduce emissions from the plant. The Company requested expedited treatment of this application, because implementation of the program was contingent on the coal refinement process being in operation before January 1, 2012.

2. In response to concerns raised at the on-the-record proceeding on November 28, 2011, Ameren Missouri filed a pleading on December 5, 2011 in which it stated that it:

agrees to accept as a condition of the Commission's authority granted herein that it will not sell, transfer or encumber any tax credits it may receive as a result of exercising the option.

3. Public Counsel assumes that Ameren Missouri's December 5, 2011 commitment is intended to encompass the assignment of rights pursuant to Section 6.4(i) of the Option Agreement for Purchase of Membership Interest<sup>1</sup> even though the December 5, 2011 pleading does not use the term "assignment" that is used in the that Option Agreement. If Ameren Missouri confirms that the phrase "sell, transfer or encumber" in its December 5, 2011 filing encompasses the term "assignment" in the Option Agreement, then Public Counsel recommends

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<sup>1</sup> Attached to the Direct Testimony of Robert Neff as Schedule RKN-4 HC

that the Commission approve the application, subject to the conditions set forth in the Staff Recommendation and the additional conditions set forth in Ameren Missouri's December 5, 2011 pleading.

WHEREFORE, Public Counsel respectfully requests that the Commission approve the application Ameren Missouri filed in this proceeding, subject to the conditions proposed by the Staff and the additional conditions set forth in Ameren Missouri's December 5, 2011 pleading.

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 parties of record this 5th day of December 2011.

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

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