

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In Re: Union Electric Company d/b/a AmerenUE's)
Filing to Adjust Rates under its Approved Fuel and) **File No. ER-2010-0165**
Purchased Power Cost Recovery Mechanism) Tariff No. YE-2010-0356
Pursuant to 4 CSR 240-20.090(4))

CONCURRING OPINION OF COMMISSIONER KEVIN D. GUNN

Although this Commissioner dissented from the Report and Order in Commission Case No. ER-2008-0318 wherein the Commission authorized AmerenUE's current fuel adjustment clause (FAC), I must concur in the approval of the tariff adjusting AmerenUE's FAC rate schedules. As set out in the body of the order, Staff reviewed AmerenUE's tariff filing. Staff advised the Commission that the tariff complied with Section 386.266,¹ 4 CSR 240-20.090, 4 CSR 240-20.090 and AmerenUE's FAC mechanism, and recommended the tariff be approved. No party opposed Staff's recommendation, objected to the tariff, or requested a hearing. Accordingly, the Commission and this Commissioner are required by 4 CSR 240-20.090(4) to approve AmerenUE's tariff or allow it to go into effect by operation of law.

Therefore, although this Commissioner continues to believe AmerenUE's current FAC shifts an inappropriately high percentage of the risk of rising fuel costs upon the rate payers, I must concur in the approval of the tariff.

¹ 386.266 RSMo (Cum. Supp. 2009)

Respectfully Submitted,

A handwritten signature in black ink, reading "Kevin D. Gunn". The signature is written in a cursive style with a large, prominent initial "K".

Kevin Gunn
Commissioner

Dated at Jefferson City, Missouri,
On this 22nd day of January 2010.