

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Application of Union Electric Company d/b/a)	
AmerenUE for an Order Authorizing Applicant)	
(If and to the Extent the Transaction Described)	
Herein Would Constitute the Issuance of an)	
Evidence of Indebtedness by Applicant under)	
Sections 393.180 and 393.200 RSMo) to Execute,)	Case No. EF-2006-0278
Deliver and Perform the Agreements and)	
Instruments Necessary to Assume a Lease and)	
Related Documents Pertaining to the NRG)	
Audrain Combustion Turbine Generator Facility)	
Owned By Audrain County, Missouri Which Was)	
Constructed as Part of a Revenue Bond Project)	
under Chapter 100, RSMo		

Concurring Opinion of Commissioner Jeff Davis

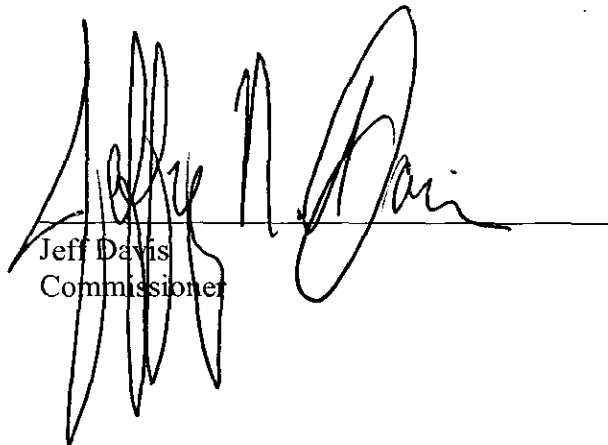
This commissioner concurs with the Order Granting AmerenUE's Application to assume the lease of NRG's Audrain Facility, as it is in the best interest of AmerenUE's ratepayers. However, this commissioner would like to comment on the application to intervene filed by the Missouri Joint Municipal Electric Utility Commission's (MJMEUC) that was denied by a majority of this commission.

This commissioner concurred with the decision to deny MJMEUC's Application for Intervention. MJMEUC obviously has transmission-related grievances with AmerenUE. This causes MJMEUC to intervene in cases where AmerenUE is a principal party and seek to extract concessions from AmerenUE . The exact nature of these problems is difficult to discern from the pleadings filed by MJMEUC in this case, as well as their application to intervene in AmerenUE's application to serve Noranda Aluminum Smelting in front of FERC.¹

¹ FERC Case No. ER05-485

As a matter of personal preference, this commissioner would prefer having the opportunity to address all of MJMEUC's concerns. This could be done in a case wholly dedicated to any perceived inadequacies or alleged improprieties with regard to the transmission system, or its operation, whereby this commission would have the opportunity to decide such issues on their own merits. Other parties including, but not limited to, Ameren UE and the Midwest Independent Systems Operators (MISO), would have the chance to respond to MJMEUC's allegations and present their own evidence. Such a case could hopefully resolve the differences between these parties.

Respectfully submitted,



Jeff Davis
Commissioner

Dated at Jefferson City, Missouri,
on this 28th day of February, 2006.