

**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) **File No. EO-2009-0126**
Plan to Construct and Finance a Second Unit)
At the Callaway Nuclear Plant Site)

ORDER GIVING PUBLIC COUNSEL AN OPPORTUNITY TO RESPOND

Issue Date: September 25, 2009

Effective Date: September 25, 2009

On October 6, 2008, the Office of the Public Counsel filed a petition asking the Commission to open a case to investigate AmerenUE's plans to build a second nuclear generating unit at its Callaway site. The Commission never took any action to open an investigative case, although on March 15, 2009, it ordered AmerenUE to comply with Public Counsel's data requests. Since then, AmerenUE has withdrawn from its efforts to obtain approval to build Callaway 2.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. However, before dismissing that petition and closing this file, the Commission will offer Public Counsel an opportunity to explain why its petition should not be dismissed as moot.

THE COMMISSION ORDERS THAT:

1. If Public Counsel wishes to submit a pleading explaining why its petition to open a case to investigate AmerenUE's plans to build a second nuclear generating unit at its Callaway site should not be dismissed as moot, it shall do so no later than October 9, 2009.

2. This order shall become effective immediately upon issuance.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Morris L. Woodruff, Chief Regulatory
Law Judge, by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 25th day of September, 2009.