

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

**MOTION FOR LEAVE TO LATE FILE STAFF'S  
RESPONSE TO PUBLIC COUNSEL'S PETITION TO OPEN CASE**

**Comes now** the Staff of the Missouri Public Service Commission (Staff), through the General Counsel's Office, and hereby requests leave to late-file Staff's Response To Public Counsel's Petition To Open Case to investigate AmerenUE's plan to construct and finance a second unit at the Callaway Nuclear Plant site. In support of this request, the Staff states as follows:

1. Public Counsel's Petition was filed on October 6, 2008. The Commission's rule 4 CSR 240-2.080(15) provides for ten days' response time, unless otherwise ordered by the Commission. Thus, this response was due Thursday, October 16, 2008.

2. Undersigned counsel has endeavored to stay current with several cases pending before the Commission requiring large time commitments last week, principally early prehearing conferences in Case Nos. ER-2009-0089, ER-2009-0090, and HR-2009-0092, and the filing of rebuttal testimony and a scheduled prehearing conference in Case No. ER-2008-0318. As a consequence, undersigned counsel did not meet Thursday's filing deadline in the instant case.

3. Staff does not request this leave to late-file its response to unduly delay these proceedings or inconvenience the Commissioners, Regulatory Law Judges, AmerenUE, or the other parties. Undersigned counsel apologizes for any inconvenience that this late filing has caused or may cause.

**Wherefore,** the Staff hereby requests leave to late-file Staff's Response To Public Counsel's Petition To Open Case to investigate AmerenUE's plan to construct and finance a second unit at the Callaway Nuclear Plant site.

Respectfully submitted,

**/s/ Steven Dottheim**

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#### **CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 20th day of October, 2008.

**/s/ Steven Dottheim**

Steven Dottheim