

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 3rd day of June, 2009.

In Re: Union Electric Company's)
2008 Utility Resource Filing Pursuant to)
4 CSR 240- Chapter 22)

Case No. EO-2007-0409

**ORDER CHANGING FILING DATE FOR AMERENUE'S NEXT
INTEGRATED RESOURCE PLAN**

Issue Date: June 3, 2009

Effective Date: June 13, 2009

In its March 18, 2009 Order Modifying Final Order Regarding AmerenUE's 2008 Integrated Resource Plan, the Commission concluded that AmerenUE was moving toward a decision to build a second nuclear unit at its Callaway plant without leaving sufficient time to properly evaluate that decision through the Integrated Resource Plan (IRP) process. As a result, the Commission ordered AmerenUE to file its next IRP on June 1, 2010, several months before that IRP filing would otherwise be due. On May 11, 2009, AmerenUE filed a motion asking the Commission to change the filing date for its next IRP back to February 5, 2011, which is three years after AmerenUE filed its last IRP, and is the date the filing would be due under the Commission's IRP rule, 4 CSR 240-22.080(1).

AmerenUE's motion explains that since the Commission issued its order requiring the company to file its next IRP on June 1, 2010, the company has suspended its efforts toward building a second nuclear power plant. Accelerating the filing date for the next IRP would prevent AmerenUE from incorporating the results of its demand-side management

potential study into its IRP filing. AmerenUE indicates that study is designed to provide the company with Missouri specific information on load reduction and associated costs of implementing demand-side management programs over the twenty-year IRP planning horizon. Unfortunately, that study is expensive and time consuming. As a result, AmerenUE will not be able to complete that study in time to incorporate its findings in a June 2010 IRP filing. Furthermore, moving the next IRP filing back to its original filing date would allow AmerenUE to incorporate actual data from the company's initial business and residential efficiency programs in its evaluation of its demand-side management programs. For those reasons, AmerenUE asks the Commission to allow the company until February 5, 2011 to file its next IRP.

AmerenUE asks the Commission to promptly rule on its motion to move the IRP filing date, explaining that if the filing date is not changed, the company will need to complete the demand-side management portion of its IRP filing, without Missouri-specific data, no later than August 2009. To do that, it would need to hire a consultant by the end of May 2009.

AmerenUE's motion indicates the company has consulted with Staff, Public Counsel, the Missouri Industrial Energy Consumers (MIEC), the Missouri Energy Group, the Missouri Department of Natural Resources, and the Missouri Joint Electric Utility Commission, and represents that none of those stakeholders object to the proposal to move the next IRP filing date back to February 5, 2011. To allow other interested stakeholders an opportunity to respond, the Commission ordered that any party wishing to respond to AmerenUE's motion to change the IRP filing date do so no later than May 15.

Public Counsel and MIEC filed timely responses confirming that they do not oppose AmerenUE's proposal to move the filing date for the next IRP. No other stakeholder filed a response. Public Counsel, however, asked the Commission to explicitly require AmerenUE to comply with the commitment it made in its motion to not make a decision sooner than July 4, 2012, to start construction of a new generating plant unless it receives prior approval from the Commission. Subsequently, on June 2, Public Counsel filed a pleading seeking to amend its previous response to request an additional condition on AmerenUE's requested filing extension.

Public Counsel's new pleading complains that AmerenUE may be contemplating the purchase of additional supply-side generation resources, which Public Counsel contends would not be consistent with AmerenUE's current IRP. For that reason, Public Counsel asks the Commission to include the following additional condition in this order: "Unless AmerenUE receives prior approval from the Commission, it shall not make a decision sooner than July 4, 2012 to start construction of a new generating plant or to acquire a combined cycle or coal-fired generating plant."

AmerenUE responded to Public Counsel's new pleading later on June 2. AmerenUE explained that it is continuing to examine all options for meeting its resource needs, in particular after it suspended its pursuit of a second nuclear unit. AmerenUE indicates if it decides to change its preferred resource plan it will notify the Commission, as it is required to do under the IRP rule. However, it opposes the additional restrictions requested by Public Counsel.

The Commission ordered AmerenUE to make its next IRP filing early so that the Commission and other interested stakeholders would have sufficient time to review the

company's decision to build a second nuclear unit, or other baseload generating plant. At the time the Commission issued that order, AmerenUE proposed to make that decision by October 1, 2011. With AmerenUE now indicating it will delay that decision until at least July 4, 2012, there is less reason to push the company to make an early IRP filing. In addition, requiring the company to expedite its next IRP filing would affect the quality of that filing. With the time pressure associated with the decision of whether to build a second Callaway unit having been relieved, there is no longer sufficient reason to require that trade-off of quality for time. Presumably, that is the reason none of the interested stakeholders opposes AmerenUE's request for more time to file its next IRP.

The Commission shall grant AmerenUE's request for an extension of time to file its next IRP. The Commission shall condition that extension by requiring AmerenUE to not make a decision sooner than July 4, 2012 to start construction of a new generating plant unless it receives prior approval from the Commission. That is the first condition requested by Public Counsel, and AmerenUE has not indicated any opposition to that condition. The first condition is reasonable because the Commission had originally required AmerenUE to file its next IRP earlier than required by the regulation so that the monumental decision to build Callaway 2 could reasonably be addressed in the next IRP. The expedited filing of the next IRP is no longer necessary because AmerenUE has agreed to delay making that decision until July 4, 2012.

The Commission also informs AmerenUE that it will be closely following the upcoming planning process. If necessary, the Commission may take further action to review AmerenUE's resource planning before the next scheduled IRP filing. Also, this Commission is currently reviewing its rules regarding the IRP process. If this Commission

adopts a new IRP process, the date for filing the IRP may be altered pursuant to that process. Other requirements may also be subject to change under a new IRP process.

THE COMMISSION ORDERS THAT:

1. Union Electric Company, d/b/a AmerenUE's Motion for Change in Integrated Resource Plan Filing Date is granted.

2. The Commission's Final Order Regarding AmerenUE's 2008 Integrated Resource Plan is modified to provide that Union Electric Company, d/b/a AmerenUE, shall file its next Integrated Resource Plan no later than February 5, 2011.

3. Union Electric Company, d/b/a AmerenUE, shall not make a decision sooner than July 4, 2012 to start construction of a new generating plant unless it receives prior approval from the Commission.

4. This order shall become effective on June 13, 2009.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Davis, Jarrett, and Gunn, CC., concur,
Clayton, Chm., dissents.

Woodruff, Deputy Chief Regulatory Law Judge