

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of Union Electric Company, d/b/a ) **File No. ER-2010-0036**  
AmerenUE's Tariffs to Increase Its Annual ) Tariff Nos. YE-2010-0054  
Revenues for Electric Service ) and YE-2010-0055

## NOTICE REGARDING CONDUCT DURING PROCEEDINGS

Issue Date: September 2, 2009

In the interest of civility and so that all issues regarding Union Electric Company, d/b/a AmerenUE's request for a rate increase may be heard in a full and fair manner, the Commission reminds the parties the Commission has rules governing the conduct of parties and their attorneys during proceedings before the Commission. Specifically, the Commission refers the parties to 4 CSR 240-4.020, which in relevant part states as follows:

(1) Any attorney who participates in any proceeding before the commission shall comply with the rules of the commission and shall adhere to the standards of ethical conduct required of attorneys before the courts of Missouri by the provisions of Civil Rule 4, Code of Professional Responsibility, particularly in the following respects:

(A) During the pendency of an administrative proceeding before the commission, an attorney or law firm associated with the attorney shall not make or participate in making a statement, other than a quotation from or reference to public records, that a reasonable person would expect to be disseminated by means of public communication if it is made outside the official course of the proceeding and relates to any of the following:

1. Evidence regarding the occurrence of transaction involved;
2. The character, credibility or criminal record of a party, witness or prospective witness;
3. Physical evidence, the performance or results of any examination or tests or the refusal or failure of a party to submit to examinations or tests;
4. His/her opinion as to the merits of the claims, defenses or positions of any interested person: and

5. Any other matter which is reasonably likely to interfere with a fair hearing.

(B) An attorney shall exercise reasonable care to prevent employees and associates from making an extra-record statement as s/he is prohibited from making: and

(C) These restrictions do not preclude an attorney from replying to charges of misconduct publicly made against him/her, or from participating in the proceedings of legislative, administrative or other investigative bodies.

(4) It is improper for any person interested in a case before the commission to attempt to sway the judgment of the commission by undertaking, directly or indirectly, outside the hearing process to bring pressure or influence to bear upon the commission, its staff or the presiding officer assigned to the proceeding.

The parties must also be aware of Civil Rule 4-3.5, which states “A lawyer shall not ... (d) engage in conduct intended to disrupt a tribunal.” Furthermore, Civil Rule 4-3.6 states:

(a) A lawyer who is participating or has participated in the investigation or litigation of a matter shall not make an extrajudicial statement that the lawyer knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter.

(c) Notwithstanding Rule 4-3.6(a), a lawyer may make a statement that a reasonable lawyer would believe is required to protect a client from the substantial undue prejudicial effect of recent publicity not initiated by the lawyer or the lawyer’s client. A statement made pursuant to this Rule 4-3.6(c) shall be limited to such information as is necessary to mitigate the recent adverse publicity.

In addition, Civil Rule 4-5.3 requires lawyers to ensure that nonlawyers employed by or associated with the lawyer conduct themselves in a manner compatible with the professional obligations of the lawyer.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'S. Reed', is positioned above the printed name and title.

Steven C. Reed  
Secretary

( S E A L )

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

Dated at Jefferson City, Missouri,  
on this 2nd day of September, 2009.