

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the matter of Union Electric Company d/b/a)
AmerenUE for Authority to File Tariffs Increasing)
Rates for Electric Service Provided to Customers) Case No. ER-2010-0036
In the Company's Missouri Service Area)

NOTICE

Comes now, Terry M. Jarrett, Commissioner for the Missouri Public Service Commission, and for this Notice in the above captioned matter states the following;

(1) On July 24, 2009, AmerenUE filed with this Commission a Rate Increase Request, Revised Tariff Sheets as well as an Interim Rate Tariff.

(2) On August 4, 2009, I received an unsolicited electronic mail message ("e-mail") from Mr. Joe Don Burton of Cape Girardeau, Missouri.

(3) To the extent this communication involves the subject of a pending filing or case, Missouri law provides under Section 386.210.3(3)(a) that "*the person or party making the communication* shall no later than the next business day following the communication file a copy of the written communication in the official case file of the pending filing or case and serve it upon all parties of record." (Emphasis added). This Commissioner is under **no statutory obligation to take any action with regard to this e-mail communication**; rather, the General Assembly has placed that burden upon the "person or party" that makes the communication, not the Commission, nor this Commissioner.

(4) Commission rules, however, impose upon Commissioners a very specific obligation regarding *ex parte communications* which "apply from the time an on-the-record proceeding is set for hearing by the commission until the proceeding is terminated by final order of the commission." 4 CSR 240-4(7). Because the deadline for intervention in this matter has

not yet passed I am unable to ascertain whether Mr. Burton is a “party” to this matter, that his e-mail would thus constitute *ex parte communication*, and that reporting requirements apply.

(5) 4 CSR 240-4(6), provides that any “member of the commission ... who receives [a] communication shall immediately prepare a written report concerning the communication and submit it to the chairman and each member of the commission.” In the interest of transparency, I have prepared a report in accordance with the specifications set forth in 4 CSR 240-4(6) and have distributed the report in compliance with the Commission rule contemporaneously with this filing. The rule’s requirements do not require filing in any particular docket, case or file.

(6) No Missouri law or Commission rule requires this Commissioner to publicly distribute a copy of the e-mail, and it is questionable whether the prohibitions set out in Section 386.480 RSMo 2000 would permit such disclosure of the e-mail. Because of the limits set out in Section 386.480 RSMo 2000, I am filing this notice only in the EFIS system for this matter and not the e-mail communication or report.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Terry M. Jarrett". The signature is written in black ink and is positioned above the printed name of the Commissioner.

Terry M. Jarrett, Commissioner

Dated in Jefferson City, Missouri,
on this 5th day of August, 2009.