

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

In the Matter of)	
)	Docket No. 52-037-COL
UNION ELECTRIC COMPANY d/b/a AmerenUE)	
)	
(Callaway Power Plant, Unit 2))	ASLBP No. 09-884-07-COL-BD01
)	
(Combined License))	

**AmerenUE's Answer Opposing
Petition To Intervene And Request For Hearing
By Missourians Against Higher Utility Rates**

May 1, 2009

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**AmerenUE’s Answer Opposing
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I. Introduction

Union Electric Company d/b/a AmerenUE (“AmerenUE”) hereby submits its answer (“Answer”) in opposition to the Petition to Intervene and Request for Hearing by Missourians Against Higher Utility Rates (“Petition”) filed in this proceeding on April 6, 2009. In its Petition, Missourians Against Higher Utility Rates (“MAHUR”) seeks to intervene in this proceeding and requests that the Nuclear Regulatory Commission (“NRC” or “Commission”) conduct a hearing regarding AmerenUE’s Application for a combined construction permit and operating license (“COL” or “combined license”) for new Unit 2 at the Callaway Plant (“Callaway 2”) site. The Petition should be denied because MAHUR has not demonstrated that it has standing to intervene in this proceeding and has not proposed an admissible contention.

The Commission’s regulations and case law clearly set forth the requirements that a petitioner must satisfy in order to demonstrate standing and to propose an admissible contention. MAHUR’s Petition fails to meet these requirements. As explained fully below, MAHUR has not

demonstrated standing to intervene because the interests it seeks to protect are not germane to its organizational purpose and are outside the zone of interests protected by the applicable statutes. MAHUR's proposed Contention G/A/FI-1 also falls short of the applicable contention admissibility standards. Contention G/A/FI-1 raises an issue outside the scope of the proceeding and fails to raise a genuine dispute with the Application on a material issue of law or fact.

II. Current Status Of The Project

This section is in response to the April 27, 2009 Memorandum and Order (Initial Prehearing Order) issued by the Atomic Safety and Licensing Board (at 5). This proceeding involves an application, submitted by AmerenUE on July 24, 2008, for a combined license to construct and operate an AREVA U.S. Evolutionary Power Reactor ("U.S. EPR") pressurized water reactor at Callaway (the "Application" or "COLA").¹ Callaway is located in Callaway County, Missouri near Fulton, Missouri. Callaway is the site of the currently operating Callaway Power Plant.

In early 2009, legislation was proposed to revise existing Missouri law which prevents Missouri investor-owned utilities from recovering any plant development costs, including financing costs, until an energy plant is operating. This proposed legislation was entitled the "Missouri Clean and Renewable Energy Construction Act," and would have allowed regulators to authorize funding mechanisms for construction of clean energy plants in Missouri – including Callaway 2. On April 23, 2009, senior management of AmerenUE announced that they had asked the legislative sponsors to withdraw the bills from consideration by the Missouri General

¹ Callaway Plant Unit 2 Combined License Application (Rev. 0, July 24, 2008), transmittal letter available at ADAMS Accession No. ML082140630. On February 25, 2009, AmerenUE filed Rev. 1 to the Application. Callaway Plant Unit 2 Combined License Application (Rev. 1, February 25, 2009) transmittal letter available at ADAMS Accession No. ML090710444. The entire Application (Rev. 1 and Rev. 0) is available at <http://www.nrc.gov/reactors/new-reactors/col/callaway.html>.

Assembly. AmerenUE believed that pursuing the legislation being considered in the Missouri Senate in its current form would not give AmerenUE the financial certainty needed to complete the project. As a result, AmerenUE announced that it was suspending its efforts to build a new nuclear unit in Missouri. A copy of the press release is attached to this Answer as Attachment 1.

However, as set forth in a letter dated April 28, 2009 to the NRC Staff, AmerenUE requested that current activities associated with the NRC Staff's technical review of the Application be continued as currently scheduled while AmerenUE reviews its options associated with the Application. AmerenUE already has commenced that review, but believes that immediately placing the review of the Application on hold could negatively impact certain of AmerenUE's options under consideration. AmerenUE is sensitive to the fact that continuation of the review of the COLA impacts the NRC resources, and consequently will keep the Board, the Staff, the Commission, and any admitted intervenors informed of the status of AmerenUE's internal review. A copy of the letter is attached to this Answer as Attachment 2.

Notwithstanding AmerenUE's request that the current activities associated with the NRC Staff's review of the Application be continued as currently scheduled, AmerenUE recognizes that the financial qualifications of AmerenUE cannot currently be reviewed by the NRC Staff. With AmerenUE's request that the sponsors of the legislation withdraw the bills from consideration, the premise of the financial qualifications analysis in the Application is no longer correct. Therefore, it is AmerenUE's understanding that the NRC Staff's review of its financial qualifications will not (and cannot) continue at this time.

III. Background

The NRC Staff docketed the Application on December 12, 2008. 73 Fed. Reg. 77,078 (Dec. 18, 2008). On February 4, 2009, the NRC published a Notice of Hearing and Opportunity to Petition for Leave to Intervene and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information for Contention Preparation on a Combined License for Callaway 2. 74 Fed. Reg. 6,064 (Feb. 4, 2009). On April 6, 2009, MAHUR filed its Petition.

IV. Missourians Against Higher Utility Rates

MAHUR is a political action committee.² According to its Statement of Committee Organization (“Statement”) filed with the Missouri Ethics Commission,³ MAHUR was first registered on March 25, 2009, two weeks before filing its Petition. The Statement identifies MAHUR as a “continuing committee” under Missouri law.⁴ The Petition describes MAHUR as “a citizens group that was...established to provide an information and networking center for individuals concerned about nuclear energy and its costs, both in terms of its financial impact on ratepayers as well as its toll on human health and the environment.” Petition at 3. MAHUR, however, is actually a political action committee whose “purpose is to receive contributions or make expenditures to influence or attempt to influence the action of voters.” Mo. Ann. Stat. § 130.011 (West 2009) (defining continuing committee).

² See, e.g., “AmerenUE’s top customer opposes nuclear plant bill,” Tony Messenger, St. Louis Post Dispatch (April 4, 2009), attached as Attachment 3 (describing MAHUR as “a political action committee”). MAHUR is organized as a “continuing committee” under Missouri law. Under Missouri campaign finance law, political action committees are described as continuing committees. See “A Campaign Finance Guide for Political Action Committees and Continuing Committees” publication by the Missouri Ethics Commission, at 1 (available at http://www.mec.mo.gov/EthicsWeb/CampaignFinance/CF_Brochures.aspx, accessed 4/21/2009), attached as Attachment 4.

³ See Missouri Ethics Commission Statement of Committee Organization (March 24, 2009), attached as Attachment 5.

⁴ See Attachment 5 (identifying MAHUR as a continuing committee).

MAHUR has indicated that its specific purpose and special expertise is to “fight legislation desired by” AmerenUE, specifically the Missouri Clean and Renewable Energy Construction Act (the “CWIP⁵ legislation”), on behalf of Noranda Aluminum, Inc. (“Noranda”), AmerenUE’s largest industrial customer. See “Former Mo. speaker helps oppose nuclear plant bill,” Chris Blank, Associated Press (April 8, 2009), attached as Attachment 6. Some of the primary activities in which MAHUR engages in furtherance of its purpose are the use of direct mailing pieces and telephone calls to urge Missouri citizens to oppose the CWIP legislation. Id. Political consultant Rod Jetton, the person who formed MAHUR specifically “to help New Madrid-based Noranda Aluminum Inc. fight” the CWIP legislation, has said that the committee’s opposition to that legislation is “related not to the need for a second nuclear plant *but how consumers would be billed for it.*”⁶ Id. (emphasis added).

Although it purports in the Petition to express concern about “human health and the environment” and the “health and safety and economic interests” of its members, the circumstances of MAHUR’s formation and existence demonstrate that the interests it actually seeks to promote are entirely economic.⁷ See Petition at 3, 6-7. In fact, it is clear that MAHUR was established by Mr. Jetton for the purpose of assisting Noranda oppose the CWIP legislation.

⁵ CWIP refers to “construction work in progress.”

⁶ Notably, Mr. Jetton’s statements directly contradict the Petition’s claim that MAHUR was “formed to monitor and, as necessary, oppose the efforts of AmerenUE to license and construct the Callaway 2 nuclear power station.” Petition at 3.

⁷ The Petition’s references to public health and safety are very general; such bare references have been found insufficient to establish standing where the essence of a petitioner’s concern is economics, not safety. See Pacific Gas & Electric Co. (Diablo Canyon Nuclear Power Plant, Units 1 and 2), CLI-02-16, 55 N.R.C. 317, 337 (2002). The majority of the Petition’s discussion, in addition to the circumstances of MAHUR’s formation and purposes, demonstrates that the interests that MAHUR seeks to protect are economic in nature.

See, e.g., Attachment 6; Attachment 7 (“Jetton gets involved in effort to defeat Ameren proposal,” Tony Messenger, St. Louis Post-Dispatch (April 3, 2009)).⁸

The connections between Noranda and MAHUR are profound and numerous. On April 3, 2009, Noranda made a monetary contribution of \$78,570.00 to MAHUR.⁹ Eric Brooks, one of the two individuals who filed affidavits in this proceeding claiming to be “members” of MAHUR, is both Vice President of Rod Jetton & Associates, Mr. Jetton’s consulting firm, and the deputy treasurer of MAHUR.¹⁰ Nicole Brown, the other individual to file an affidavit in this proceeding as a “member” of MAHUR, is also an employee of Mr. Jetton’s consulting firm as well as treasurer of MAHUR.¹¹ There are no other members of MAHUR identified in the record of this proceeding or filings with the Missouri Ethics Commission.¹² The registered address of MAHUR is identical to that of Mr. Jetton’s consulting firm.¹³ Perhaps the most obvious evidence of the connection between MAHUR and Noranda is the NRC’s Electronic Information Exchange system distribution list for this proceeding, which lists Hubert A. Farbes, Jr., Esq. and John A. Helfrich, attorneys for MAHUR who submitted the Petition, as counsel for Noranda.¹⁴

⁸ For further discussion of Noranda and Mr. Jetton’s opposition to the CWIP legislation, see also “Noranda helps fund critics of AmerenUE-backed bill,” The Associated Press (April 3, 2009), attached as Attachment 8; “Our view: Bad bill brings out the worst in state senators,” St. Louis Post-Dispatch (April 9, 2009); attached as Attachment 9; “Senators butt heads on utility measure,” Terry Ganey, Columbia Daily Tribune (April 8, 2009); attached as Attachment 10.

⁹ See Missouri Ethics Commission filing (April 3, 2009), attached as Attachment 11.

¹⁰ See www.rodjetton.com/about.html (accessed 4/27/2009) and Missouri Ethics Commission Statement of Committee Organization, Amended (April 6, 2009), attached as Attachment 12.

¹¹ See Attachment 5 and www.rodjetton.com/about.html (accessed 4/27/2009).

¹² AmerenUE has searched for evidence of any other members or officers of MAHUR, but has found none disclosed in Ethics Commission filings or other publicly available documents. If there were officers of MAHUR other than Mr. Brooks and Ms. Brown, Missouri law requires that their names be disclosed in MAHUR’s Statement of Committee Organization. See Mo. Ann. Stat. § 130.021(5) (West 2009). Ms. Brown is, however, the only MAHUR member or officer identified in that document. See Attachment 5. AmerenUE assumes, therefore, that MAHUR has no officers other than Ms. Brown (and Mr. Brooks who is identified as MAHUR’s deputy treasurer in Attachment 12, a subsequent filing with the Missouri Ethics Commission).

¹³ Compare Attachment 5 and www.rodjetton.com/contact.html (accessed 4/27/2009).

¹⁴ See Certificate of Service (April 27, 2009), attached as Attachment 13.

As set forth above, MAHUR was established to oppose the CWIP legislation on behalf of Noranda. Noranda, AmerenUE's largest electricity customer, seeks to defeat the pending CWIP legislation for purely economic reasons. See, e.g., Attachment 6 (stating that Noranda's opposition is not related to the need for Callaway 2 but to the proposal to bill consumers for the costs of its construction); Attachment 7 ("Noranda and critics allege the bill's passage would lead to huge rate increases"); Attachment 3 (stating that Noranda and Mr. Jetton oppose the bill because it would raise consumers' rates). Therefore, the interests that MAHUR seeks to protect are economic. The Petition's vague and general references to "health and safety" do not disguise the true economic nature of MAHUR's interest.

V. The Petition Should Be Denied Because MAHUR Lacks Standing To Intervene

To be admitted as a party in this proceeding, MAHUR must demonstrate standing in addition to pleading at least one admissible contention. 10 C.F.R. § 2.309(a). MAHUR asserts standing to represent the interests of its members. Petition at 4. AmerenUE submits that MAHUR's Petition should be denied because the organization has not satisfied the Commission's requirements to demonstrate standing to intervene in this proceeding.

MAHUR observes that the Commission has presumed petitioners who reside within fifty miles of a proposed nuclear power plant have standing in a proceeding concerning such plant's licensing. See Petition at 5 (citations omitted). For a petitioner to have standing, however, its interest must also be "within the 'zone of interests' protected or regulated by the governing statute(s)." Quivira Mining Co. (Ambrosia Lake Facility, Grants, New Mexico), CLI-98-11, 48 N.R.C. 1, 6 (1998) (citations omitted); see also Yankee Atomic Electric Co. (Yankee Nuclear Power Station), CLI-94-3, 39 N.R.C. 95, 102 n.10 (1994) (citations omitted). In the case of an

NRC proceeding such as this, the governing statutes are the Atomic Energy Act (“AEA”) and the National Environmental Policy Act (“NEPA”). Id.

To establish standing to represent any of its members (“representational standing”), an organization must “make specific allegations establishing that at least one identified member had suffered or would suffer harm.” Summers v. Earth Island Inst., 555 U.S. ___, No. 07-463 (March 3, 2009), slip op. at 9 (citation omitted). It must further show that the identified member has authorized the organization to represent his or her interests. See Private Fuel Storage, LLC (Independent Spent Fuel Storage Installation), LBP-98-7, 47 N.R.C. 142, 168 (1998); see also Sequoyah Fuels Corp.(Gore, Oklahoma Site), CLI-94-12, 40 N.R.C. 64, 72 (1994). In addition, to establish representational standing, a “petitioning organization must demonstrate that the interests it seeks to protect are germane to its purposes.” Duke Cogema Stone & Webster (Savannah River Mixed Oxide Fuel Fabrication Facility), LBP-01-35, 54 N.R.C. 403, 413-14 (2001), rev’d on other grounds, CLI-02-24, 56 N.R.C. 335 (2002).¹⁵

MAHUR has made representations in its Petition and submitted two affidavits, from Mr. Brooks and Ms. Brown, purporting to demonstrate that they are “members” of MAHUR and that they live within fifty miles of Callaway 2 and have authorized MAHUR to represent their purported interests. The Petition and accompanying affidavits, however, are not sufficient to establish standing for MAHUR to intervene in this proceeding because the interests that MAHUR ostensibly seeks to protect are: (1) not germane to its purposes; and (2) not within the zone of interests of the AEA and NEPA.

¹⁵ See also, e.g., Consumers Energy Co. (Palisades Nuclear Power Plant), CLI-07-18, 65 N.R.C. 399, 409 (2007); Private Fuel Storage, L.L.C. (Independent Spent Fuel Storage Installation), CLI-99-10, 49 N.R.C. 318, 323 (1999); Hunt v. Washington State Apple Adver. Comm’n, 432 U.S. 333, 343-44 (1977).

A. MAHUR Lacks Standing Because The Interests It Purportedly Seeks To Protect Are Not Germane To Its Purpose

As stated above, MAHUR must demonstrate that the interests it seeks to protect are germane to its purposes in order to establish representational standing to intervene in this proceeding. See Savannah River Mixed Oxide Fuel Fabrication Facility, LBP-01-35, 54 N.R.C. at 413-14.¹⁶ MAHUR, however, has not fulfilled this requirement, because the interests it ostensibly seeks to protect are not “pertinent” to its organizational purposes or special expertise. See Humane Soc’y of the U.S. v. Hodel, 840 F.2d 45, 53-59 (D.C. Cir. 1988) (holding that challenge to hunting on wildlife refuges was germane to purposes of the Humane Society); see also Private Fuel Storage, L.L.C. (Independent Spent Fuel Storage Installation), CLI-98-13, 48 N.R.C. 26, 33 (1998) (holding that Confederated Tribes of the Goshute Reservation had standing to represent the health and safety concerns of its members because its mission was “to provide health, safety, social, educational and commercial services”).

As described in Section IV of this Answer, MAHUR is a political action committee, and under Missouri law a “continuing committee”. Under Missouri law, the purpose of continuing committees is to influence the action of voters, not to protect their health or safety. See Mo. Ann. Stat. § 130.011. Indeed, as also described in Section IV, MAHUR is a continuing committee formed for a very specific purpose: to protect Noranda’s economic interest by opposing the CWIP legislation.¹⁷ That purpose has absolutely nothing to do with the interest MAHUR claims to be protecting in this proceeding—the public’s health and safety. MAHUR's interests as an organization clearly are economic. The health and safety interests of its purported members, therefore, is not germane to MAHUR's purposes. See Minnesota Fed’n of Teachers v.

¹⁶ See also, e.g., Private Fuel Storage, CLI-99-10, 49 N.R.C. at 323; Hunt, 432 U.S. at 343-44.

¹⁷ See, e.g., Attachments 6 and 7.

Randall, 891 F.2d 1354, 1359-60 (8th Cir. 1989) (holding that tax money concerns were not germane to the purposes of a teachers' union).

Because MAHUR has not—and, indeed, cannot—demonstrate how protecting the public health and safety interests it purportedly seeks to protect are germane to opposing CWIP legislation, it has not established standing to participate in this proceeding. The Petition should, therefore, be dismissed.

Furthermore, despite the affidavits accompanying the Petition by Mr. Brooks and Ms. Brown asserting that each is a “member” of MAHUR, there is no evidence that MAHUR is a membership organization or has any members. Mr. Brooks and Ms. Brown are employees of the political consulting firm that organized MAHUR on behalf of Noranda, AmerenUE’s largest electricity customer, and are identified in filings to the Missouri Ethics Commission as treasurer and deputy treasurer of MAHUR. There is no indication in MAHUR’s filing to the Missouri Ethics Commission that they are “members” of MAHUR or that they are participating in MAHUR in any capacity other than as employees of the political consulting firm that organized MAHUR as part of its business operations.

B. MAHUR Lacks Standing Because The Interest It Seeks To Protect Is Not Within The Zone Of Interests Of The Governing Statutes

In addition to the requirement discussed in Section V.A. of this Answer, a petitioner only has standing if its interest is within the “zone of interests” protected by the governing statutes. See Ambrosia Lake Facility, CLI-98-11, 48 N.R.C. at 6. As noted above, the governing statutes in this type of NRC proceeding are the AEA and NEPA. See, e.g., Metropolitan Edison Co. (Three Mile Island Nuclear Station, Unit No. 1), CLI-83-25, 18 N.R.C. 327, 332 (1983). The

AEA's zone of interests is protection of the public health and safety, and NEPA's zone of interests is environmental matters.

Economic interests, such as the rates charged to utility customers, are outside the "zone of interests" protected by the AEA and NEPA. See Dep't of the Army (Aberdeen Proving Ground, Maryland), LBP-99-38, 50 N.R.C. 227, 230 (1999) (citing Ambrosia Lake Facility, CLI-98-11, 48 N.R.C. at 8-11); see also Three Mile Island, CLI-83-25, 18 N.R.C. at 332 n.4 ("Nor does economic interest as a ratepayer confer standing") (citations omitted). Such interests do not give rise to legitimate safety concerns and, therefore, cannot serve as a sufficient basis for standing to intervene in this proceeding. International Uranium (USA) Corp., CLI-98-23, 48 N.R.C. 259, 265 (1998), aff'd sub nom. Envirocare of Utah, Inc. v. NRC, 194 F.3d 72 (D.C. Cir. 1999); see also Ambrosia Lake Facility, CLI-98-11, 48 N.R.C. at 10-11.

As stated above, the circumstance of MAHUR's formation and existence demonstrate that it was formed to represent the ratepayer concerns of Noranda, AmerenUE's largest industrial customer. The Petition's vague references to public health and safety are insufficient to establish standing because the essence of MAHUR's interest is economic in nature, not related to safety or the environment. See Pacific Gas & Electric Co. (Diablo Canyon Nuclear Power Plant, Units 1 and 2), CLI-02-16, 55 N.R.C. 317, 337 (2002). Because that economic interest is not within the zone of interests of the AEA or NEPA, MAHUR does not have standing to intervene in this proceeding. The Petition, therefore, should be dismissed.

VI. The Petition Should Be Denied Because MAHUR Has No Admissible Contention

To be admitted as a party in this proceeding, MAHUR must demonstrate standing and plead at least one admissible contention. 10 C.F.R. § 2.309(a). Wholly apart from its inadequate

showing on standing, the Petition should be denied because Contention G/A/FI-1 proffered by MAHUR is inadmissible. The Contention is inadmissible because it does not raise an issue within the scope of the proceeding and fails to show a genuine dispute exists with the Application on a material issue, contrary to 10 C.F.R. § 2.309(f)(1)(iii) and (vi).

A. Standards For The Admissibility Of Contentions

1. Contentions Must Be Within The Scope Of The Proceeding

As a fundamental requirement, a petitioner must demonstrate that the issue raised in a contention addresses matters within the scope of the proceeding and is material to the findings the NRC must make. 10 C.F.R. §§ 2.309(f)(1)(iii) and (iv). Licensing boards “are delegates of the Commission” and, as such, they may “exercise only those powers which the Commission has given (them).” Public Service Co. of Indiana (Marble Hill Nuclear Generating Station, Units 1 and 2), ALAB-316, 3 N.R.C. 167, 170 (1976) (footnote omitted); accord Portland General Electric Co. (Trojan Nuclear Plant), ALAB-534, 9 N.R.C. 287, 289-90 & n.6 (1979).

Accordingly, it is well established that a contention is not cognizable unless it is material to a matter that falls within the scope of the proceeding for which the licensing board has been delegated jurisdiction as set forth in the Commission's Notice of Opportunity for Hearing. Marble Hill, ALAB-316, 3 N.R.C. at 170-71; see also Commonwealth Edison Co. (Zion Station, Units 1 and 2), ALAB-616, 12 N.R.C. 419, 426-27 (1980); Commonwealth Edison Co. (Carroll County Site), ALAB-601, 12 N.R.C. 18, 24 (1980).

2. Contentions Must Demonstrate A Genuine, Material Dispute

In addition to the requirements previously discussed, a contention is admissible only if it provides:

- a “specific statement of the issue of law or fact to be raised or controverted;”

- a “brief explanation of the basis for the contention;”
- a “concise statement of the alleged facts or expert opinions” supporting the contention together with references to “specific sources and documents on which the requestor/petitioner intends to rely to support its position on the issue;” and
- “sufficient information to show that a genuine dispute exists with the applicant/licensee on a material issue of law or fact,” which showing must include “references to specific portions of the application (including the applicant’s environmental report and safety report) that the petitioner disputes and the supporting reasons for each dispute, or, if the petitioner believes that the application fails to contain information on a relevant matter as required by law, the identification of each failure and the supporting reasons for the petitioner’s belief.”

10 C.F.R. §§ 2.309(f)(1)(i), (ii), (v) and (vi). The failure of a contention to comply with any one of these requirements requires dismissal of the contention. Arizona Public Service Co. (Palo Verde Nuclear Generating Station, Units 1, 2, and 3), CLI-91-12, 34 N.R.C. 149, 155-56 (1991).

These pleading standards governing the admissibility of contentions are the result of a 1989 amendment to 10 C.F.R. § 2.714, now § 2.309, which was intended to “raise the threshold for the admission of contentions.” Final Rule, Rules of Practice for Domestic Licensing Proceedings – Procedural Changes in the Hearing Process, 54 Fed. Reg. 33,168 (Aug. 11, 1989); see also Duke Energy Corp. (Oconee Nuclear Station, Units 1, 2, and 3), CLI-99-11, 49 N.R.C. 328, 334 (1999); Palo Verde, CLI-91-12, 34 N.R.C. at 155-56. The Commission has stated that the “contention rule is strict by design,” having been “toughened . . . in 1989 because in prior years ‘licensing boards had admitted and litigated numerous contentions that appeared to be based on little more than speculation.’” Dominion Nuclear Connecticut, Inc. (Millstone Nuclear Power Station, Units 2 and 3), CLI-01-24, 54 N.R.C. 349, 358 (2001) (citation omitted). The pleading standards are to be enforced rigorously. “If any one of these requirements [now in 10 C.F.R. § 2.309(f)(1)] is not met, a contention must be rejected.” Palo Verde, CLI-91-12, 34

N.R.C. at 155 (citation omitted). A licensing board is not to overlook a deficiency in a contention or assume the existence of missing information. Id.

The Commission has explained that this “strict contention rule” serves multiple purposes, which include putting other parties on notice of the specific grievances being raised and assuring that full adjudicatory hearings are triggered only by those able to proffer at least some minimal factual and legal foundation in support of their contentions. Oconee, CLI-99-11, 49 N.R.C. at 334. By raising the threshold for admission of contentions, the NRC intended to obviate lengthy hearing delays caused in the past by poorly defined or unsupported contentions. Id. As the Commission reiterated in incorporating these same standards into the new 10 C.F.R. Part 2 rules, “[t]he threshold standard is necessary to ensure that hearings cover only genuine and pertinent issues of concern and that the issues are framed and supported concisely enough at the outset to ensure that the proceedings are effective and focused on real, concrete issues.” 69 Fed. Reg. 2,182, 2,189-90 (Jan. 14, 2004). “‘Mere ‘notice pleading’ does not suffice.’” AmerGen Energy Co., L.L.C. (Oyster Creek Nuclear Generating Station), CLI-06-24, 64 N.R.C. 111, 119 (2006) (footnote omitted).

Under these standards, a petitioner is obligated to “explain, with specificity, particular safety or legal reasons requiring rejection of the contested [application].” Millstone, CLI-01-24, 54 N.R.C. at 359-60. In particular, this explanation must demonstrate that the contention is “material” to the NRC findings and that a genuine dispute about a material issue of law or fact exists. 10 C.F.R. §§ 2.309(f)(1)(iv) and (vi). The Commission has defined a “material” issue as meaning one where “resolution of the dispute *would make a difference in the outcome* of the licensing proceeding.” 54 Fed. Reg. at 33,172 (emphasis added).

As the Commission observed, this threshold requirement is consistent with judicial decisions, such as Connecticut Bankers Ass'n v. Bd. of Governors, 627 F.2d 245 (D.C. Cir. 1980), which held that:

[A] protestant does not become entitled to an evidentiary hearing merely on request, or on a bald or conclusory allegation that . . . a dispute exists. The protestant must make a minimal showing that material facts are in dispute, thereby demonstrating that an “inquiry in depth” is appropriate.

627 F.2d at 251 (footnote omitted); see also Baltimore Gas & Electric Co. (Calvert Cliffs Nuclear Power Plant, Units 1 and 2), CLI-98-14, 48 N.R.C. 39, 41 (1998) (“It is the responsibility of the Petitioner to provide the necessary information to satisfy the basis requirement for the admission of its contentions . . .”).

As set forth below, Contention G/A/FI-1 does not comply with the Commission’s pleading standards.

B. The Contention Is Inadmissible Because It Does Not Raise An Issue Within The Scope Of The Proceeding

The scope of the NRC’s jurisdiction is “to protect the public health and safety under the Atomic Energy Act and to consider and weigh environmental matters under the National Environmental Policy Act (NEPA).” Three Mile Island, CLI-83-25, 18 N.R.C. at 332. Indeed, the U.S. Supreme Court has made clear that, while the NRC has the authority to regulate the safety aspects of nuclear plant construction and operation, the States have responsibility over economic questions such as ratemaking. See Pac. Gas & Elec. Co. v. State Energy Res. Conservation & Dev. Comm’n, 461 U.S. 190, 205-11 (1983). According to the Supreme Court, the AEA removed “[a]ny doubt that ratemaking...questions were to remain in state hands.” Id. at 208.

The sole contention asserted by MAHUR is that “AmerenUE cannot make the required demonstration of reasonable assurance of obtaining funds necessary to cover its estimated construction costs and related fuel cycle costs.” Petition at 1-2. MAHUR alleges AmerenUE does not meet the financial qualification requirements of 10 C.F.R. § 50.33. Petition at 8. The Petition asserts that “AmerenUE’s proposed funding of construction costs and initial core fuel supply costs rests entirely on rate-based recovery for CWIP, which would allow AmerenUE to finance the project by raising consumer rates now and during project construction.” Id. The Petition further remarks that Missouri law currently prohibits CWIP recovery and claims that the law is unlikely to be changed. See Id. at 8-9, 10-11.

As set forth in Section IV above, MAHUR is a continuing committee formed by a political consultant for the purpose of representing the economic, ratepayer concerns of Noranda, AmerenUE’s largest industrial customer, by opposing the CWIP legislation. The economic interest MAHUR seeks to protect gives rise only to issues that are outside the scope of this NRC proceeding, contrary to 10 C.F.R. § 2.309(f)(iii). The Commission’s “requirements for standing and for admissible issues overlap,” particularly with respect to scope of proceeding issues. North Atlantic Energy Service Corp., CLI-99-6, 49 N.R.C. 201, 214 (1999). The underlying fact that MAHUR’s interests are clearly economic results not only in MAHUR failing to establish standing to intervene, but also in MAHUR failing to raise an issue within the scope of the proceeding.

Because MAHUR seeks to protect the economic concerns of ratepayers, which are matters for state regulation outside the scope of the NRC’s proceeding, it fails to meet the requirement of 10 C.F.R. § 2.309(f)(1)(iii).

C. The Contention Does Not Show A Genuine Dispute Exists With The Application On A Material Issue

Contention G/A/FI-1 is also inadmissible because it fails to “show that a genuine dispute exists with the” Application on a material issue of law or fact, contrary to 10 C.F.R. § 2.309(f)(1)(vi).

1. Because The CWIP Legislation Was Withdrawn, There Is No Material Dispute

Contention G/A/FI-1 alleges that “AmerenUE’s proposed funding of construction costs and initial core fuel supply costs rests entirely on rate-based recovery for CWIP.”¹⁸ Petition at 8. As noted in Section II of this Answer, since the Petition was filed, AmerenUE has requested that the CWIP legislation be withdrawn from consideration by the Missouri General Assembly. The Application’s demonstration of AmerenUE’s qualifications to construct Callaway 2 has, therefore, been superseded by this subsequent event. Should AmerenUE go forward with a plan to construct Callaway 2, it will need to identify an appropriate financing mechanism and amend the Application to describe that plan.

Contention G/A/FI-1 specifically disputes the portion of the Application’s financing plan which relied upon the CWIP legislation. Because AmerenUE no longer relies on the CWIP legislation and acknowledges that it will need to develop a financing mechanism which provides reasonable financial assurance before going forward with any plan to construct Callaway 2, there

¹⁸ To the extent that the Contention alleges that “without passage of a new law authorizing rate-based CWIP recovery, AmerenUE does not have the financial capability to responsibly...*operate* the Callaway Unit 2 nuclear power station,” it fails to raise a genuine dispute with the Application. Petition at 3 (emphasis added). Although its Petition refers to financial assurance for the operation of Callaway 2, MAHUR correctly acknowledges that “because AmerenUE conducts business as a regulated electric utility, it is exempt from an operational cost financial qualification review” under 10 C.F.R. 50.33(f). Petition at 8, n.5. Any references in the Petition to AmerenUE’s ability to finance the operation of Callaway 2 are therefore irrelevant. *See, e.g.*, Petition at 9 (“Without rate-based recovery of CWIP, AmerenUE...will be indisputably incapable of constructing or *operating* the project in accord with industry (and NRC) standards”) (emphasis added).

is no material, genuine dispute raised by MAHUR's Contention. In the event that AmerenUE pursues the construction of Callaway 2 and revises the Application's financial qualification showing, that will be the appropriate point in time for parties to raise a contention challenging whether AmerenUE has the financial ability to construct Callaway 2. Currently, there is no material dispute to be litigated because AmerenUE is no longer relying on the CWIP legislation.¹⁹

For the reasons stated above, Contention G/A/FI-1 does not raise a genuine, material dispute with the Application, contrary to 10 C.F.R. § 2.309(f)(1)(vi).

VII. Selection of Hearing Procedures

Commission rules require the Atomic Safety and Licensing Board designated to rule on the Petition to "determine and identify the specific hearing procedures to be used for the proceeding." 10 C.F.R. § 2.310. The regulations are explicit that "proceedings for the . . . grant . . . of licenses or permits subject to [10 C.F.R. Part 52] may be conducted under the procedures of subpart L." 10 C.F.R. § 2.310(a). The regulations permit the presiding officer to use the procedures in 10 C.F.R. Part 2, Subpart G ("Subpart G") in certain circumstances. 10 C.F.R. § 2.310(d). It is the proponent of the contentions, however, who has the burden of demonstrating "by reference to the contention and the bases provided and the specific procedures in subpart G of this part, that resolution of the contention necessitates resolution of material issues of fact which may be best determined through the use of the identified procedures." 10 C.F.R. §

¹⁹ AmerenUE would need to demonstrate reasonable financial assurance to receive a license to construct and operate Callaway 2. The NRC may condition the issuance of a license on any portion of a financing plan which it deems essential to the demonstration of financial assurance. See Diablo Canyon, CLI-02-16, 55 N.R.C. at 340; Private Fuel Storage, L.L.C. (Independent Spent Fuel Storage Installation), CLI-00-13, 52 N.R.C. 23, 31-32 (2000) (approving, in the context of the construction and operation of a spent fuel storage facility, the use of license conditions which "are such that the facility will not be built or operated if [the applicant] cannot raise sufficient funds" to demonstrate adequate financial assurance).

2.309(g). MAHUR did not address the selection of hearing procedures in its Petition, and therefore, did not satisfy its burden to demonstrate why Subpart G procedures should be used in this proceeding. Accordingly, any hearing arising from the Petition should be governed by the procedures of Subpart L.

VIII. Conclusion

For the foregoing reasons, the Petition should be denied.

Respectfully Submitted,

/Signed (electronically) by Michael G. Lepre/

Jay E. Silberg
Michael G. Lepre
Alison M. Crane
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2300 N Street, NW
Washington, DC 20037-1128
Tel. (202) 663-8000

Counsel for Union Electric Company d/b/a AmerenUE

May 1, 2009

ATTACHMENT 1



Ameren News Release

One Ameren Plaza
1901 Chouteau Avenue
St. Louis, MO 63103

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FOR IMMEDIATE RELEASE

AmerenUE Requests Sponsors to Withdraw Missouri Clean and Renewable Energy Construction Bills in General Assembly

Company Appreciates Strong Support Offered by Courageous Legislators, Applauds Vigorous Debate about Energy Issues

ST. LOUIS, MO, April 23, 2009—Senior management of AmerenUE, the Missouri operating subsidiary of Ameren Corporation (NYSE: AEE), today announced that they have asked the legislative sponsors of the Missouri Clean and Renewable Energy Construction Act (SB228/HB554) to withdraw the bills from consideration by the General Assembly.

“We want to thank the visionary leadership in both the Missouri House and Senate, where this legislation won strong initial support in committees in both bodies,” said AmerenUE President and Chief Executive Officer Thomas R. Voss. “Many representatives and senators understood the need for acting now to secure Missouri’s energy independence and security, agreeing with us that allowing these funding mechanisms is best for Missouri.

“As we were moving forward to preserve the option for nuclear energy for our state, we stressed that we needed financial and regulatory certainty before we could begin construction. However, the current version of the bill being debated in the Senate strips the legislation of the very provisions we needed most to move forward. As a result, AmerenUE is suspending its efforts to build a nuclear power plant in Missouri.”

The legislation, as originally proposed, would have allowed regulators to authorize funding mechanisms for construction of clean energy plants in Missouri—including a nuclear power plant, which UE officials believe offered the best solution for providing reliable, low-cost energy with a reduced carbon footprint. A key element of the legislation, known as CWIP, or construction work in progress, is a funding plan used across the United States to allow utilities to recover financing costs from customers, while building a new plant. Current Missouri law prevents Missouri investor-owned utilities from recovering any plant development costs until an energy plant is operating. This law makes financing a new plant in the current economic environment impossible.

-- more --

Add One

“We salute the strong leadership of the bill sponsors---Senators Delbert Scott and Frank Barnitz and Representatives Ed Emery and Gina Walsh; of individuals like Hugh McVey, of the AFL-CIO; of officials of cooperative and municipal utilities and associations; and of union, civic and environmental leaders who understood the benefits to customers of this legislation. They understood the importance of bringing 3,000 jobs and over \$6 billion in economic benefits, including significant tax revenues, to the state with this clean energy project. We also want to thank the hundreds of people who wrote letters supporting this legislation. These individuals are only some of the many who helped our elected officials understand that this legislation is an essential first step for development of clean energy sources in Missouri.”

However, Voss said at this point the legislation does not provide the assurances needed for UE to take on a multi-billion dollar project. “A large plant would be difficult to finance under the best of conditions, but in today’s credit constrained markets, without supportive state energy policies, we believe getting financial backing for these projects is impossible,” he said. “Pursuing the legislation in its current form will not give us the financial and regulatory certainty we need to complete this project.

“While we are disappointed with the outcome of this legislative initiative, the Missouri Clean and Renewable Energy Construction Act sparked a vigorous debate about energy issues and caused everyone involved to think more deeply about energy policy,” added Voss. “That debate has established a foundation for the constructive energy policy discussions we must continue to have with legislators, regulators, customers and other stakeholders to meet the energy needs of our children and grandchildren in decades to come.” Energy demand in Missouri has increased 50 percent since 1990 and is projected to grow significantly in the next 20 years.

Voss added that UE has been a vital part of Missouri for over 100 years. “We illuminated the 1904 Worlds Fair. We built Bagnell Dam at the Lake of the Ozarks during the Great Depression, and since 1984, our Callaway Nuclear Plant has provided safe, reliable, affordable clean energy. AmerenUE turned on the power yesterday and today and will always work to keep the power on,” he said. “Now, we will continue looking at options for providing the electricity Missourians will need in coming years.”

With residential electric retail rates that are approximately 38 percent below the national average, AmerenUE provides electricity and natural gas to 1.2 million customers in Missouri. With assets of approximately \$23 billion, Ameren Corporation (www.ameren.com) serves 2.4 million electric customers and one million natural gas customers in a 64,000-square-mile area of Missouri and Illinois.

#

Forward-looking Statements

Statements in this release not based on historical facts are considered “forward-looking” and, accordingly, involve risks and uncertainties that could cause actual results to differ materially from those discussed. Although such forward-looking statements have been made in good faith and are based on reasonable assumptions, there is no assurance that the expected results will be achieved. These statements include (without limitation) statements as to future expectations, beliefs, plans, strategies, objectives, events, conditions, and financial performance. In connection with the “safe harbor” provisions of the Private Securities Litigation Reform Act of 1995, we are providing this cautionary statement to identify important factors that could cause actual results to differ materially from those anticipated. The following factors, in addition to those discussed elsewhere in this release and in our filings with the Securities and Exchange Commission, could cause actual results to differ materially from management expectations suggested in such forward-looking statements:

- regulatory or legislative actions, including changes in regulatory policies and ratemaking determinations and future rate proceedings or future legislative actions that seek to limit or reverse rate increases;*
- changes in laws and other governmental actions, including monetary and fiscal policies;*
- changes in laws or regulations that adversely affect the ability of electric distribution companies and other purchasers of wholesale electricity to pay their suppliers, including AmerenUE and Ameren Energy Marketing Company;*
- increasing capital expenditure and operating expense requirements and our ability to recover these costs in a timely fashion in light of regulatory lag;*
- prices for power in the Midwest, including forward prices;*
- business and economic conditions, including their impact on interest rates, bad debt expense, and demand for our products;*
- disruptions of the capital markets or other events that make the Ameren companies' access to necessary capital, including short-term credit, impossible, more difficult or costly;*
- our assessment of our liquidity and the effect of regulatory lag on our available liquidity sources;*
- actions of credit rating agencies and the effects of such actions;*
- operation of AmerenUE's nuclear power facility, including planned and unplanned outages, and decommissioning costs;*
- the effects of strategic initiatives, including acquisitions and divestitures;*
- the impact of current environmental regulations on utilities and power generating companies and the expectation that more stringent requirements, including those related to greenhouse gases, will be introduced over time, which could have a negative financial effect; and*
- legal and administrative proceedings.*

Given these uncertainties, undue reliance should not be placed on these forward-looking statements. Except to the extent required by the federal securities laws, we undertake no obligation to update or revise publicly any forward-looking statements to reflect new information or future events.

#

ATTACHMENT 2

AmerenUE
Callaway Plant

Timothy E. Herrmann, P.E.
Vice President-Engineering

PO Box 620
Fulton, MO 65251
573.676.8241
573.676.4056 fax

April 28, 2009

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

ALNRC 00018



**AMERENUE – CALLAWAY PLANT UNIT 2,
NRC Docket No. 52-037
Suspension of Efforts to Build Proposed Nuclear Power Plant**

This letter provides information on developments regarding legislation proposed to revise Missouri law relative to rate recovery of financing costs during power plant construction.

In early 2009 legislation was proposed to revise Missouri law which prevents Missouri investor-owned utilities from recovering any plant development costs, including financing costs until an energy plant is operating. This proposed legislation was entitled the Missouri Clean and Renewable Energy Construction Act (SB228/HB554) and would have allowed regulators to authorize funding mechanisms for construction of clean energy plants in Missouri—including a Callaway Plant Unit 2, which UE officials believe offered the best solution for providing reliable, low-cost energy with a reduced carbon footprint.

On April 23, 2009 AmerenUE announced that they have asked the legislative sponsors to withdraw the bills from consideration by the Missouri General Assembly, citing “the current version of the bill being debated in the Senate strips the legislation of the very provisions we needed most to move forward.” A copy of the press release is attached.

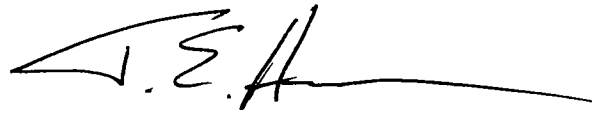
AmerenUE also announced on April 23, 2009 that it was suspending its efforts to build a nuclear power plant in Missouri. AmerenUE requests that the current activities associated with the review of our application under Docket 52-037 be continued while we review our options associated with the license application for a new nuclear unit at Callaway. This review has already commenced. Precipitous steps to place the review of the current application on hold could impact certain of our options which are under consideration. We are sensitive to the fact

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April 28, 2009
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that continuation of the review of our application impacts your resources. We pledge to keep you informed of the status of our internal review in order for us to collectively work best together and assist you in arranging your resources in the review of our and other company's license applications.

We look forward to additional discussions related to this request. I can be reached at 573-676-8241 or THerrmann@ameren.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. E. Herrmann', with a long horizontal flourish extending to the right.

T. E. Herrmann
Vice President, Engineering

TEH/DS/lrd

Attachment: Ameren News Release, April 23, 2009

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April 28, 2009
Page 3

cc:

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ATTACHMENT 3

ST. LOUIS POST-DISPATCH

News

AmerenUE's top customer opposes nuclear plant bill Noranda Aluminum has given \$78,570 to Missourians Against Higher Utility Rates.

By Tony Messenger • tmessenger@post-dispatch.com > 573-635-6178

307 words

4 April 2009

St. Louis Post-Dispatch

Third Edition

A8

English

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JEFFERSON CITY - AmerenUE's top Missouri business customer is funding a campaign aimed at defeating a legislative proposal that would pave the way for a new nuclear plant for the investor-owned utility.

Noranda Aluminum, a smelter company in New Madrid, made a political contribution of \$78,570 on Friday to a political action committee called **Missourians Against Higher Utility Rates**. That committee is responsible for robo-calls and door-to-door mailers that went out to voters in key Missouri senators' districts this week before a committee vote on the bill.

Missourians Against Higher Utility Rates is run by former House Speaker Rod Jetton, who said he is helping Noranda because the bill as proposed strips consumer protections and would raise consumers' rates.

The bill being pushed by the utility, which would allow it to charge consumers for some costs of a nuclear plant while it's under construction, is being sponsored by Sen. Kurt Schaefer, R-Columbia. The bill

passed a Senate committee this week 6-4, with Democrats and Republicans on both sides of the vote.

Ameren, in a memo to its employees sent the day of the vote, argues that the industrial groups, such as Noranda, who are opposing it, are simply trying to get lower rates.

This week, Ameren began running television ads in some Missouri markets promoting its proposal. The ads feature former St. Louis television personality Karen Foss, who now works for the utility company.

Last week, Ameren failed in its attempt to get a federal judge to stop television ads paid for by the Fair Electricity Rate Action Fund.

The bill awaits action by the Senate.

Document SLMO000020090404e544000cl

ATTACHMENT 4

A Campaign Finance Guide for Political Action Committees and Continuing Committees

This guide is intended only as a summary to aid understanding of the Campaign Finance Disclosure Law. For the Law's complete requirements, consult the Law itself, codified at Chapter 130 of the Revised Statutes of Missouri.

A Political Action Committee is defined in the Missouri campaign finance law as a "continuing committee."

Definition

A continuing committee is a committee of continuing existence which is not formed, controlled or directed by a candidate, and is a committee whose primary or incidental purpose is to receive contributions or make expenditures to influence or attempt to influence the action of voters whether or not a particular candidate or candidates or a particular ballot measure to be supported or opposed has been determined at the time the committee is required to file any statement or report. Such committee shall be formed no later than 60 days prior to the election for which it receives contributions or makes expenditures.

A continuing committee includes, but is not limited to, any committee organized or sponsored by a business entity, a labor organization, a professional association, a trade or business association, a club or other organization and whose primary purpose is to solicit, accept and use contributions from the members, employees or stockholders of such entity and any individual or group of individuals who accept and use contributions to influence or attempt to influence the action of voters.

Connected Organization

Any organization such as a corporation, a labor organization, a membership association which expends funds or provides services or facilities to establish, administer or maintain a committee or to solicit contributions to a committee from its members, officers, directors, employees or security holders. An organization SHALL BE DEEMED TO BE A CONNECTED ORGANIZATION if more than 50% of the persons making contributions to the committee during the current calendar year are members, officers, directors, employees or security holders of such organization or their spouses.

Statement of Organization

A treasurer of a committee shall file a statement of organization with the appropriate officer within twenty days after the person or organization becomes a committee but no later than the date for filing the first report required pursuant to the provisions of section 130.046 RSMo.

Treasurer's Responsibilities

The treasurer is the key to campaign finance record keeping and the reporting of campaign finance information. The duties of the treasurer are numerous and helpful information may be obtained from reviewing "[A Treasurer's Guide for Campaign Finance Reporting](#)", published by the Missouri Ethics Commission.

Time for Filing Activity Reports

A continuing committee reports on a quarterly basis by the 15th day of the month following the end of the quarter.

	<u>Report Due</u>
January-February-March	April 15th
April-May-June	July 15th
July-August-September	October 15th
October-November-December	January 15th

A continuing committee shall submit additional reports at the following times and for the following periods:

1. Not later than the 40th day before an election, for the period closing on the 45th day prior to the election, if the committee accepts contributions or makes expenditures in support of or opposition to any candidate or ballot measure at the election and the quarterly disclosure report filed for the period immediately prior to the election was filed more than 40 days before the election;
2. Not later than the 8th day before an election for the period closing on the twelfth day before the election if the committee has made any contribution or expenditure either in support or opposition to any candidate or ballot measure at the election;
3. Not later than 24 hours after aggregate expenditures, other than a contribution to a committee, of \$250 or more are made after the 12th day before the election; and,
4. Not later than the 30th day after an election for the period closing on the twenty-fifth day after the election, if the committee has made any contribution or expenditure either in support or opposition to any candidate or ballot measure at the election.

Multiple Filing Requirement

A continuing committee shall file any required campaign finance reports with the Missouri Ethics Commission and the election authority for the county in which the committee is domiciled. The term "domiciled" means the address of the committee listed on the Statement of Committee Organization.

If a continuing committee makes an expenditure, other than a direct contribution, which aggregates more than \$500 to support or oppose a candidate or ballot measure in the jurisdiction of an election authority, other than the one in which the committee is domiciled, the continuing committee shall file a copy of the report disclosing the expenditure with the election authority for that jurisdiction.

Expenditure

An independent expenditure made by a continuing committee or a political party committee in support of a specific candidate is not a contribution to that candidate, if made without the direction, control, influence, cooperation or consent of the candidate. There is a reporting requirement but no limit on the amount of an independent expenditure.

Independent Expenditure Report

In addition to other reports, a continuing committee and/or a political party committee shall report the amount of independent expenditures for or against a candidate or ballot measure during the period covered and the cumulative amount of expenditures for or against candidates or ballot measures, with each candidate being listed by name, mailing address and office sought.

Expenditures made in support of a candidate or ballot measure shall be reported on Missouri Ethics Commission Form POCD 4 (Direct Expenditure Report).

Independent Contractor Expenditure Report

If, in describing an expenditure, the committee uses the words "consulting or consulting services, fees or expenses" or similar words, to disclose an expenditure to an independent contractor, the committee shall also complete a Missouri Ethics Commission Form CD 8 (Independent Contractor Expenditure) in which the committee shall identify the specific service provided including, but not limited to, public opinion polling, research on issues, print or broadcast media production and/or purchase, computer programming, direct mail production, phone solicitation, fund raising, and the dollar amount prorated for each service.

ATTACHMENT 5



MISSOURI ETHICS COMMISSION
STATEMENT OF COMMITTEE ORGANIZATION

MEC ID # CO91081

OFFICE USE ONLY
Jan 5

STATEMENT DATE 3-24-09		TYPE OF STATEMENT (CHECK ONE) <input checked="" type="checkbox"/> NEW <input type="checkbox"/> AMENDED		IF AMENDED, LIST ITEMS CHANGED (LINE NUMBERS)	
3. FULL NAME OF COMMITTEE Missourians Against Higher Utility Rates					
4. COMMITTEE MAILING ADDRESS ADDRESS: 308 E. High St Ste 206 CITY / STATE / ZIP : Jefferson City, MO 85101				5. TELEPHONE NUMBER 314-954-6222	
6. TREASURER'S NAME Nicole Brown					
7. TREASURER'S MAILING ADDRESS ADDRESS: 308 E. High St Ste 206 CITY / STATE / ZIP : Jefferson City, MO 85101				8. TELEPHONE NUMBER HOME: WORK: 314-954-6222	
9. DEPUTY TREASURER'S NAME <input checked="" type="checkbox"/> CHECK IF NO DEPUTY TREASURER					
10. DEPUTY TREASURER'S ADDRESS ADDRESS: CITY / STATE / ZIP :				11. TELEPHONE NUMBER HOME: WORK:	
12. OTHER COMMITTEE OFFICERS (IF ANY) A. NAME B. ADDRESS C. TITLE				13. IF CANDIDATE HAS OTHER COMMITTEES, IS THIS COMMITTEE DESIGNATED AS THE AGGREGATING COMMITTEE? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	
14. OFFICIAL FUND DEPOSITORY: CHECKING ACCOUNT FIRST, THEN ANY SAVINGS ACCOUNT(S)					
A. NAME & ADDRESS OF BANK, SAVING & LOAN, OR CREDIT UNION US Bank 101 W McCarty St Jefferson City, MO 65101		B. ACCOUNT NAME <i>me Against Higher Utility Rates</i>		C. ACCOUNT NO. 1523 0926 6439	
15. TYPE OF COMMITTEE <input type="checkbox"/> CANDIDATE <input type="checkbox"/> POLITICAL PARTY <input checked="" type="checkbox"/> CONTINUING <input type="checkbox"/> CAMPAIGN <input type="checkbox"/> EXPLORATORY <input type="checkbox"/> DEBT SERVICE					
16. CANDIDATE SUPPORTED (CANDIDATE COMMITTEES ONLY)					
A. NAME		B. ADDRESS		C. TELEPHONE NO. D. POLITICAL PARTY	
17. CONNECTED ORGANIZATION (IF ANY) (CONTINUING COMMITTEES ONLY)					
A. NAME		B. ADDRESS			
18. CANDIDATES SUPPORTED OR OPPOSED					
A. NAME(S) OF CANDIDATE(S)		B. ELECTION DATE		C. OFFICE SOUGHT	
D. POLITICAL SUBDIVISION				CHECK ONE E. SUPPORT <input type="checkbox"/> F. OPPOSE <input type="checkbox"/>	
19. BALLOT MEASURE(S) SUPPORTED OR OPPOSED					
A. NAME(S) OF MEASURE(S)		B. ELECTION DATE		C. SUBJECT AND POLITICAL SUBDIVISION	
				CHECK ONE E. SUPPORT <input type="checkbox"/> F. OPPOSE <input type="checkbox"/>	
20. COMMITTEE TREASURER'S SIGNATURE I CERTIFY THAT THIS STATEMENT IS COMPLETE, TRUE AND ACCURATE. <i>Nicole Brown</i> TREASURER'S SIGNATURE				21. CANDIDATE'S SIGNATURE (CANDIDATE COMMITTEES ONLY) I CERTIFY THAT THIS STATEMENT IS COMPLETE, TRUE AND ACCURATE. MISSOURI ETHICS COMMISSION MAR 25 2009 <u>HAND DELIVERED</u> CANDIDATE'S SIGNATURE	

ATTACHMENT 6



Former Mo. speaker helps oppose nuclear plant bill

By CHRIS BLANK

Associated Press Writer

649 words

8 April 2009

17:12

Associated Press Newswires

English

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JEFFERSON CITY, Mo. (AP) - Electric consumers across Missouri are receiving phone calls and fliers suggesting they should be wary of legislation designed to help AmerenUE build a second nuclear power plant.

They're coming from former Republican House Speaker Rod Jetton, who left office just three months ago but now is a political consultant helping coordinate the opposition to one of biggest legislative issues of the year.

Jetton's firm has formed **Missourians Against Higher Utility Rates** to help New Madrid-based Noranda Aluminum Inc. fight legislation desired by St. Louis-based AmerenUE.

A bill pending in the Senate would let utilities charge customers for the financing costs of new renewable-energy and reduced-emission power plants while the facilities are under construction. A 1976 voter-approved law currently requires utilities to wait until the plants start producing electricity before billing customers.

Jetton's involvement was the impetus for two senators to accuse each other of acting in line with political consultants during a more than 10-hour debate that ended early Wednesday morning without a vote.

Freshman Sen. Kurt Schaefer wrote many of the provisions in bill. He said one of the measure's most vocal critics, Sen. Jason Crowell, objected to the legislation on orders from Jetton, who is also a political consultant for Crowell.

Schaefer, in a heated exchange with Crowell, said that "robo-calls" in his district about the bill were coming from Crowell's campaign office. Schaefer, R-Columbia, later insinuated that Crowell was being insincere in his assertions that the bill would cause consumer electric rates to climb.

"Don't act like this is affecting your rates and that's why you're concerned," Schaefer said.

Crowell, R-Cape Girardeau, denied any knowledge of robo-calls. Crowell then accused Schaefer of doing the bidding of political consultants Jeff Roe and David Barklage, who Crowell said "hate Rod Jetton."

Barklage, who also is listed as a lobbyist for AmerenUE, did not immediately return a call left at his Cape Girardeau-based company.

Roe, a Republican political consultant who worked for U.S. Rep. Sam Graves before starting Axiom Strategies, declined to state whether any of his clients are involved in the utility legislation. Roe said Wednesday that senators would be better served to focus on the details of the bill.

"I don't think any political consultants have anything to do with the very serious legislation before the Senate," Roe said.

Jetton denied pulling strings to get Crowell to oppose the bill. Jetton said the opposition is related not to the need for a second nuclear plant but how consumers would be billed for it. He said the opposition is organized like a political campaign, trying to increase public awareness.

"We think it's bad; we think it should be changed," Jetton said. "In no way am I trying to cause any elected official trouble or put anyone in a bad light."

Missourians Against Higher Utility Rates has mailed items and set up "tele-town halls" in which people are called and asked to remain on the line for an expert on the bill's provisions. After the presentation, participants can dial-in to ask questions.

"We're not trying to deceive anyone, we're trying to be upfront and honest about it," Jetton said.

Jetton said the new committee's name is included in any phone calls, along with a telephone number

registered to the political consulting firm.

A direct mailing piece slotted for a residence in Schaefer's senatorial district features various quotes from media accounts, the names of groups opposing the utility legislation, the phone number for Schaefer's Capitol office and a disclosure that **Missourians Against Higher Utility Rates** paid for piece.

Utility bill is SB228

On the Net:

Legislature: <http://www.moga.mo.gov>

7

Document APRS000020090408e54800205

ATTACHMENT 7

[Print] [Close]

04.03.2009 2:38 pm

Jetton gets involved in effort to defeat Ameren proposal

By: Tony Messenger

St. Louis Post-Dispatch

JEFFERSON CITY — Wonder why some Republicans are a little hot under the collar over the full-court press put on by opponents of the Ameren/CWIP bill in the Missouri Legislature?

It might be because one of their former leaders, ex-House Speaker Rod Jetton, is helping to lead the charge. Jetton, now a political consultant, is involved in a new anti-Ameren-bill group called Missourians Against Higher Utility Rates.

According to Missouri Ethics Commission filings, the group shares an address with Jetton's consulting office. It is funded, at least in part, by a \$78,000-plus donation made by Noranda Aluminum.

Noranda is AmerenUE's biggest customer and it is helping lead the charge against the bill that would pave the way for a new nuclear plant. Noranda and critics allege the bill's passage would lead to huge rate increases.

Missourians Against Higher Utility Rates paid for robo-calls that have a voice that sounds an awful lot like Jetton. (I haven't been able to reach Jetton to confirm it's him). And the group also paid for fliers that have been distributed encouraging voters to call various senators and urge them to vote against the bill. The one obtained by the Political Fix suggested that voters call Sen. Kurt Schaefer, the Columbia Republican who is the sponsor of the version of the bill that passed out of a Senate committee this week.

Jetton's group is the first of the various opposition and proponent groups to file with the Ethics Commission showing where their donations have come from. All the groups have to file by April 15. Because Noranda donated more than \$5,000 in a chunk, the filing had to be made within 48 hours.

Ameren, in a memo to its employees, argues that the industrial groups, such as Noranda, who are opposing it, are simply trying to get lower rates.

Jetton's involvement is interesting because of the bipartisan nature of this issue. There are both Democrats and Republicans on both sides of the CWIP bill, and it puts Jetton, who to date only has had Republican clients, in a position of working against some Republicans.

Another key politico who is quietly involved in the process is Ken Morley, who ran Gov. Jay Nixon's campaign.

Politics makes for strange bedfellows, indeed.

Article printed from Political Fix: <http://www.stltoday.com/blogzone/political-fix>

URL to article: <http://www.stltoday.com/blogzone/political-fix/political-fix/2009/04/jetton-gets-involved-in-effort-to-defeat-amerens-proposal/>

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ATTACHMENT 8



Noranda helps fund critics of AmerenUE-backed bill

142 words

3 April 2009

17:18

Associated Press Newswires

English

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JEFFERSON CITY, Mo. (AP) - A southeast Missouri aluminum smelter has donated nearly \$80,000 to fight efforts by AmerenUE to change how customers are billed for construction of electric power plants.

State campaign finance records show Noranda Aluminum Inc. on Friday donated \$78,570 to Missourians Against Higher Utility Rates. That committee is sponsoring ads critical of AmerenUE.

The St. Louis-based utility wants lawmakers to allow customers to be charged for the capital costs while building new power plants, instead of after completion. AmerenUE contends the change is needed for a potential second Missouri nuclear plant.

Noranda told senators in February that its New Madrid plant could pay \$200 million more for electricity if rates are allowed to increase while a nuclear plant is built. Noranda is Ameren's largest retail customer.

7

Document APRS000020090403e543002I8

ATTACHMENT 9

ST. LOUIS POST-DISPATCH

Editorial

Quips and CWIP Our view • Bad bill brings out the worst in state senators.

635 words

9 April 2009

St. Louis Post-Dispatch

Third Edition

A16

English

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The walls are made of marble, topped by 16 Ionic columns. The ceiling soars 50 feet above the floor. Everything about the Missouri Senate chamber reeks of dignity and statesmanship - everything except the people who sit in it.

The lack of decorum was on painful display Tuesday night and early Wednesday morning as lawmakers debated a deeply flawed utility bill that would benefit investor-owned electric companies at the expense of consumers.

For more than 10 hours, they postured, pouted and personally attacked one another. In the end, the so-called CWIP bill was removed, unfortunately only temporarily, from consideration.

Senate President Pro Tem Charlie Shields, R-St. Joseph, urged key players to meet privately to resolve their differences.

He also apologized for not acting sooner to stem the decidedly un-senatorial tone of debate. But where's the fun in that?

Senate Bill 228, the topic of debate, is designed to help AmerenUE build a second nuclear generating

plant in Callaway County. It would do so by letting the utility pass on "construction work in progress" (CWIP) costs to customers before the plant is finished.

Perhaps that nuclear nexus explains why Sen. Kurt Schaefer, R-Columbia, one of the bill's strongest supporters, suffered a "China Syndrome" meltdown during the debate.

At one point, Mr. Schaefer said Sen. Joan Bray, D-University City, should not "sanctimoniously lie" about provisions in the bill that permit automatic utility rate increases.

Ms. Bray, no shrinking violet, fired right back. "I will long resent you standing there and calling me a liar when I'm reading from your bill," our colleague Tony Messenger quoted her as saying.

Earlier, Mr. Schaefer had exchanged not-so-friendly fire with a fellow Republican, Sen. Jason Crowell of Cape Girardeau.

Mr. Schaefer was complaining about "robo-calls" urging his constituents to oppose SB 228. The calls were paid for by Noranda Aluminum, a smelter that is among AmerenUE's largest customers. But Mr. Schaefer blamed them on former House Speaker Rod Jetton, now a political consultant with close ties Mr. Crowell.

Mr. Schaefer said the calls originated from a telephone connected to Mr. Crowell's campaign. "Is Noranda paying you?" Mr. Schaefer asked.

"What's Ameren paying you?" Mr. Crowell replied.

Mr. Crowell denied having anything to do with the calls or the telephone line that they came from. And he said Mr. Schaefer was working at the behest of two Republican political consultants, Jeff Roe and David Barklage. Both have done work for his campaign and, Mr. Crowell said, been hired by AmerenUE to support the bill.

It's not surprising that lawmakers would prefer name-calling and personal attacks to discussing the merits of SB 228 - The bill has no merits to discuss.

It would repeal a 33-year-old consumer protection law that prevents utilities from charging ratepayers for costs of building new power plants until those facilities start producing electricity.

But SB 228 goes well beyond repealing CWIP. It also would weaken oversight by the Public Service

Commission by imposing artificially short timeframes for decision making.

It would prohibit regulators from challenging unreasonable construction costs if new information comes to light before the plant goes on line.

And it would stick ratepayers with the bill if a utility abandons plans to build a new power plant.

The senators tried to improve it during their marathon session on Tuesday. One amendment would have forbidden rate hikes for customers 65 years old making less than \$70,000 a year. Another dropped that income threshold to \$40,000 and added the disabled. Still another would have exempted Noranda Aluminum and residential customers.

Here's the best idea of all: Exempt everyone. Let the bill die.

Document SLMO000020090409e5490000p

ATTACHMENT 10

Senators butt heads on utility measure

By Terry Ganey, Columbia Daily Tribune, Mo.

McClatchy-Tribune Regional News

645 words

8 April 2009

Columbia Daily Tribune (MCT)

English

Distributed by McClatchy-Tribune Information Services

Apr. 8--JEFFERSON CITY -- Although the Senate's debate over utility regulation should have been a matter of dollars and cents, it sometimes sank to the level of personalities, name-calling and even a test of strength between political consultants.

Sen. Kurt Schaefer, R-Columbia and author of the bill, blew up more than once.

At one point during more than 10 hours of debate, Schaefer, a freshman, called another senator a liar and, after he was called on it, apologized.

That came after Schaefer and Sen. Jason Crowell exchanged charges over whether each was on the payroll of the opposing side on the issue. The tension surrounded what has become the most controversial bill of this session, AmerenUE's plan to charge customers for the construction of a new nuclear power plant.

After Sen. Joan Bray, D-University City, said Schaefer's bill took away the Public Service Commission's discretion to regulate utilities, Schaefer said he would not listen to a "sanctimonious lie about what this bill says without reading it."

"I will long resent that you called me a liar when I was reading the language of your bill," Bray said to Schaefer.

That prompted Sen. Gary Nodler, R-Joplin, to say that passions "have gotten out of hand."

"I don't support any senator calling another senator a liar," Nodler added.

Schaefer later apologized to Bray. "I should have used the word

'mischaracterization,' " Schaefer said.

Crowell said he opposed the bill because it would increase what he pays for electricity. Crowell, a Republican, lives in Cape Girardeau, an AmerenUE service area.

Schaefer suggested Crowell was representing Noranda Aluminum, a smelter in southeast Missouri that is AmerenUE's largest electric customer. Noranda opposes the bill that allows Ameren to collect rates on its plant before it is producing electricity.

"Is Noranda paying you?" Schaefer asked Crowell at one point.

"What's Ameren paying you?" Crowell replied.

"I have not taken a dime from Ameren, and I never will," Schaefer responded.

"Somebody sent a mass mailer in my district and a flier with false information about what this is all about," Schaefer added.

Schaefer said Noranda had paid former House Speaker Rod Jetton, now a political consultant, \$90,000 to generate opposition to AmerenUE's bill. Schaefer said he had heard from constituents who had received "robo-calls" against his bill that caller ID indicated had come from a telephone connected to Crowell's campaign.

Jetton had been Crowell's political consultant last year when Crowell ran for re-election. The Crowell for Senate campaign paid more than \$60,000 in 2008 to Common Sense Conservative Consulting, Jetton's political consulting firm, according to Ethics Commission records.

"I didn't pay for those calls or that phone line," Crowell said. "I don't know what you are talking about."

Then, Crowell said two other Republican political consultants were the sources of Schaefer's information. "Ameren got David Barklage and Jeff Roe hired on this," Crowell said, referring to the consultants by name.

Crowell pointed out that Schaefer and Sen. Delbert Scott, R-Lowry City and sponsor of the bill, are not

AmerenUE customers.

"Everyone pushing this bill doesn't have to live with the consequences of its passage," Crowell said.

"They're spending my money, and I'm pissed."

Senate President Pro Tem Charles Shields, R-St. Joseph, said he should have intervened to stop the acrimonious exchanges between Schaefer and Crowell and Schaefer and Bray.

"We should debate issues but not motives," Shields said.

Reach Terry Ganey at 573-815-1708 or e-mail tganey@columbiatribune.com.

To see more of the Columbia Daily Tribune, or to subscribe to the newspaper, go to

<http://www.columbiatribune.com/>.

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Document KRTCD00020090408e54800034

ATTACHMENT 11



MISSOURI ETHICS COMMISSION

CONTRIBUTION OF MORE THAN \$5,000.00 RECEIVED BY ANY COMMITTEE FROM ANY SINGLE DONOR - TO BE FILED WITHIN 48 HOURS OF RECEIVING THE CONTRIBUTION

MEC ID: C091081

NAME OF COMMITTEE MISSOURIANS AGAINST HIGHER UTILITY RATES	DATE 4/3/2009
---	------------------

INSTRUCTIONS

PURPOSE: The purpose of this form is to report within 48 hours the receipt of a single contribution of more than \$5,000.00 received from any single contributor. This information should also be included in the next full disclosure report filed by your committee. Required Pursuant To Section 130.044 RSMo.

1. NAME, ADDRESS AND OCCUPATION (LIST COMMITTEES FIRST)	2. DATE RECEIVED	3. AMOUNT RECEIVED (CHECK IF MONETARY OR IN-KIND)
NAME: Noranda Aluminum, Inc ADDRESS: PO Box 70 CITY / STATE: New Madrid, MO 63869 EMPLOYER: <input type="checkbox"/> COMMITTEE:	4/3/2009	\$ 78,570.00 <input checked="" type="checkbox"/> MONETARY <input type="checkbox"/> IN-KIND
NAME: ADDRESS: CITY / STATE: EMPLOYER: <input type="checkbox"/> COMMITTEE:		\$ <input type="checkbox"/> MONETARY <input type="checkbox"/> IN-KIND
NAME: ADDRESS: CITY / STATE: EMPLOYER: <input type="checkbox"/> COMMITTEE:		\$ <input type="checkbox"/> MONETARY <input type="checkbox"/> IN-KIND
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NAME: ADDRESS: CITY / STATE: EMPLOYER: <input type="checkbox"/> COMMITTEE:		\$ <input type="checkbox"/> MONETARY <input type="checkbox"/> IN-KIND

ATTACHMENT 12



**MISSOURI ETHICS COMMISSION
STATEMENT OF COMMITTEE ORGANIZATION**

MEC ID # C091081

OFFICE USE ONLY
[Signature]

STATEMENT DATE <u>4-6-09</u>	TYPE OF STATEMENT (CHECK ONE) <input type="checkbox"/> NEW <input checked="" type="checkbox"/> AMENDED	IF AMENDED, LIST ITEMS CHANGED (LINE NUMBERS) <u>9, 10, 11</u>
---------------------------------	---	---

3. FULL NAME OF COMMITTEE Missourians Against High Utility Rates

4. COMMITTEE MAILING ADDRESS ADDRESS: CITY / STATE / ZIP :	5. TELEPHONE NUMBER
--	---------------------

6. TREASURER'S NAME

7. TREASURER'S MAILING ADDRESS ADDRESS: CITY / STATE / ZIP :	8. TELEPHONE NUMBER HOME: WORK:
--	---------------------------------------

AMENDMENT

9. DEPUTY TREASURER'S NAME CHECK IF NO DEPUTY TREASURER
Eric Brooks

10. DEPUTY TREASURER'S ADDRESS ADDRESS: <u>308 E. High St Ste 206</u> CITY/STATE/ZIP: <u>Jefferson City, mo 65109</u>	11. TELEPHONE NUMBER HOME: WORK: <u>314-954-6222</u>
---	--

12. OTHER COMMITTEE OFFICERS (IF ANY) A. NAME B. ADDRESS C. TITLE <u>MISSOURI ETHICS COMMISSION</u>	13. IF CANDIDATE HAS OTHER COMMITTEES, IS THIS COMMITTEE DESIGNATED AS THE AGGREGATING COMMITTEE? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
---	--

14. OFFICIAL FUND DEPOSITORY: CHECKING ACCOUNT FIRST, THEN ANY SAVINGS ACCOUNT(S)		
A. NAME & ADDRESS OF BANK, SAVING & LOAN, OR CREDIT UNION	B. ACCOUNT NAME <u>APR 06 2009</u> HAND DELIVERED	C. ACCOUNT NO.

15. TYPE OF COMMITTEE
 CANDIDATE POLITICAL PARTY CONTINUING CAMPAIGN EXPLORATORY DEBT SERVICE

16. CANDIDATE SUPPORTED (CANDIDATE COMMITTEES ONLY)			
A. NAME	B. ADDRESS	C. TELEPHONE NO.	D. POLITICAL PARTY

17. CONNECTED ORGANIZATION (IF ANY) (CONTINUING COMMITTEES ONLY)	
A. NAME	B. ADDRESS

18. CANDIDATES SUPPORTED OR OPPOSED				CHECK ONE	
A. NAME(S) OF CANDIDATE(S)	B. ELECTION DATE	C. OFFICE SOUGHT	D. POLITICAL SUBDIVISION	E. SUPPORT	F. OPPOSE
				<input type="checkbox"/>	<input type="checkbox"/>

19. BALLOT MEASURE(S) SUPPORTED OR OPPOSED			CHECK ONE	
A. NAME(S) OF MEASURE(S)	B. ELECTION DATE	C. SUBJECT AND POLITICAL SUBDIVISION	E. SUPPORT	F. OPPOSE
			<input type="checkbox"/>	<input type="checkbox"/>

20. COMMITTEE TREASURER'S SIGNATURE
I CERTIFY THAT THIS STATEMENT IS COMPLETE, TRUE AND ACCURATE.
[Signature]
TREASURER'S SIGNATURE

21. CANDIDATE'S SIGNATURE (CANDIDATE COMMITTEES ONLY)
I CERTIFY THAT THIS STATEMENT IS COMPLETE, TRUE AND ACCURATE.

CANDIDATE'S SIGNATURE

ATTACHMENT 13

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
UNION ELECTRIC COMPANY D/B/A AmerenUE)
)
(Callaway Power Plant, Unit 2)) Docket No. 52-037-COL
)
(Combined License))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (INITIAL PREHEARING ORDER) have been served upon the following persons by Electronic Information Exchange.

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Docket No. 52-037-COL
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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
 this 27th day of April 2009

May 1, 2009

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

In the Matter of)
) Docket No. 52-037-COL
UNION ELECTRIC COMPANY d/b/a AmerenUE)
)
(Callaway Power Plant, Unit 2)) ASLBP No. 09-884-07-COL-BD01
)
(Combined License))

CERTIFICATE OF SERVICE

I hereby certify that, on this 1st day of May 2009, a copy of the foregoing “AmerenUE’s Answer Opposing Petition To Intervene And Request For Hearing By Missourians Against Higher Utility Rates,” dated May 1, 2009, was provided to the Electronic Information Exchange for service upon the following persons.

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May 1, 2009

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