

**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 Natural Gas Service Provided to)	<u>Case No. GR-2007-0003</u>
Customers in the Company's Missouri)	
Service Area)	

RESPONSE TO MOTION TO CONSOLIDATE

COMES NOW the Office of the Public Counsel and for its Response to Motion to Consolidate states:

1. On July 21, 2006, Union Electric Company d/b/a AmerenUE filed its motion requesting that the Commission consolidate Case Nos. ER-2007-0002 with GR-2007-0003. AmerenUE requests consolidation for two reasons: 1) related questions of law and fact, and 2) administrative convenience and case management efficiency.

2. Public Counsel is concerned that the full implications of consolidating these two cases have not been considered. Public Counsel raises the following concerns for consideration:

- Each case may involve issues related by law and fact, but each case may also involve separate issues that require separate treatment.
- Settlement of one case could be held back because of stalled settlement in the other case.
- It is not clear what the implications would be if a party wanted to appeal an issue in only one of the cases.
- AmerenUE has not explained why the parties could not receive the same convenience and efficiency if the cases remained separate.

- It may be premature to make a decision regarding the Motion to Consolidate until all requests for intervention have been approved or rejected. Parties that have requested intervention may also wish to comment on AmerenUE's request.
- The parties have not had discussions (and all parties are not yet known) as to how the case would proceed if consolidated.

3. Intervention is not always the preferred procedure even where there may be some related issues. In Case No. EM-2000-292 the Commission stated in its Order Denying Motion to Consolidate:

The Commission has considered the Motion to Consolidate as well as the suggestions put forth by the other parties in support of, and in opposition to, the Motion to Consolidate. While these cases do share many common issues of fact and law, they are not so identical as to require that they be consolidated into a single case. Maintaining the distinction between the cases will allow the Commission the flexibility to deal with the separate issues that will arise with regard to the separate merger transactions.

WHEREFORE, Public Counsel respectfully opposes consolidation.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

By: /s/ Marc D. Poston
Marc D. Poston (#45722)
Senior Public Counsel
P. O. Box 2230
Jefferson City MO 65102
(573) 751-5558
(573) 751-5562 FAX
marc.poston@ded.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 31st day of July 2006:

General Counsel
200 Madison Street, Suite 800
PO Box 360
Jefferson City, MO 65102
GenCounsel@psc.mo.gov

James B. Lowery
Ameren UE
111 S. Ninth Street, Suite 200
PO Box 918
Columbia, MO 65202
lowery@smithlewis.com

Steven R. Sullivan
Thomas M. Byrne
Ameren UE
1901 Choteau Avenue
P.O. Box 66149 (MC 1300)
St. Louis, MO 63166
srsullivan@ameren.com
tbyrne@ameren.com

/s/ Marc Poston
