

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED

APR 15 2002

Missouri Public
Service Commission

In the Matter of the Application of Union Electric Company)
for an Order Authorizing: (1) Certain Merger Transactions)
Involving Union Electric Company; (2) The Transfer of)
Certain Assets, Real Estate, Leased Property, Easements)
and Contractual Agreements to Central Illinois Public)
Service Company; and (3) In Connection Therewith,)
Certain Other Related Transactions.)

Case No. EM-96-149

**STAFF'S MOTION TO CONSOLIDATE INSTANT PROCEEDING WITH STAFF
COMPLAINT CASE RESPECTING THE THIRD AND FINAL YEAR OF THE
SECOND UE EXPERIMENTAL ALTERNATIVE REGULATION PLAN**

Comes now the Staff of the Missouri Public Service Commission (Staff) concurrent with the filing of its direct testimony and schedules comprising areas of disagreement regarding the third year of the second Union Electric Company (UE) experimental alternative regulation plan (EARP) in Case No. EM-96-149 and Complaint Case No. EC-2002- , and requests consolidation of the two cases for hearing. In support thereof the Staff states that both filings involve related questions of law and fact and that 4 CSR 240-2.110(3) provides as follows:

When pending actions involve related questions of law or fact, the commission may order a joint hearing of any or all the matters at issue, and may make other orders concerning cases before it to avoid necessary costs or delay.

The Western District Court of Appeals held in *State ex rel. Churchill Truck Lines, Inc. v. Public Serv. Comm'n*, 734 S.W.2d 586, 595 (Mo.App. 1987) that the "PSC's discretionary order of consolidation is clothed with a presumption of validity, and appellant carries a heavy burden of overcoming that presumption by showing unfairness in the procedure used."

Wherefore the Staff requests that the Commission consolidate Case No. EM-96-149 and the Complaint case, Case No. EC-2000- , that the Staff is filing this date against Union Electric Company relating to the third and final year of the second UE EARP.

Respectfully submitted,

DANA K. JOYCE
General Counsel

/s/ Steven Dottheim



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Certificate of Service

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 15th day of April 2002.

/s/ Steven Dottheim

