

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

Application of Union Electric Company	)	
for a Certificate of Public Convenience and	)	
Necessity authorizing it to construct, install,	)	Case No. EA-2005-0180
own, operate, control, manage and maintain	)	
electric plant, as defined in § 386.020(14), RSMo.	)	
to provide electric service in a portion of	)	
New Madrid, County, Missouri, as an	)	
extension of its existing certificated area	)	

**MOTION TO FILE CORRECTED PRE-FILED TESTIMONY**

COMES NOW Union Electric Company d/b/a AmerenUE (“Company” or “AmerenUE”), and submits this Motion to File Corrected Pre-Filed Testimony. In Support thereof, AmerenUE states as follows:

1. On December 20, 2004, AmerenUE filed its verified Application and Motion for Expedited Treatment (the “Application”) in the above-captioned case, and also filed pre-filed direct testimonies from four witnesses, one of whom was Craig D. Nelson.<sup>1</sup>

2. As a result of the undersigned’s inadvertent failure to make a correction given the undersigned by Mr. Nelson to the draft of Mr. Nelson’s testimony from which Mr. Nelson was working, page three of the testimony contains a mistake that must be corrected to make the testimony accurate. Specifically, the sentence beginning "Mr. Voytas's ..." and ending with "horizon", appearing at page 3, lines 3 thru 6, should be stricken in its entirety and should be replaced with the following sentence:

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<sup>1</sup> Both a Highly Confidential and Non-Proprietary Version of Mr. Nelson’s testimony were filed.

"As Mr. Voytas's testimony indicates, analysis shows that from the perspective of native load customers, AmerenUE's production costs per megawatt hour ("MWh") are on average less with Noranda than without Noranda by between \$2 and \$3 per MWh over a 20-year planning horizon."

3. The incorrect version of Mr. Nelson's testimony of course would not have been offered into evidence until hearings are held in this case. That version is therefore not yet a part of the record of this proceeding. The undersigned therefore believes that a motion to file a corrected version of Mr. Nelson's testimony is not necessarily required. Regardless, the undersigned would point out that if the Commission believes such a motion is required, the provisions of 4 CSR 240-2.080(20) would, by analogy, authorize such a filing without leave of the Commission if the testimony were a pleading. If the testimony were a pleading, an amended pleading would be authorized without leave of the Commission because it would be filed within ten (10) days of filing the original pleading and because no responsive pleading has been filed.

4. Filed concurrently herewith are corrected versions of Mr. Nelson's pre-filed, direct testimony reflecting the new sentence set forth above. As with the other filings made by the Company on December 20, 2004, in addition to those parties listed on the Certificate of Service below, a copy of this Motion and Mr. Nelson's corrected testimony is being provided to the Missouri Energy Group, the Missouri Industrial Energy Consumers, and the Missouri Department of Natural Resources via e-mail concurrently with this filing.

WHEREFORE, if the Commission believes it necessary, the Company hereby requests leave to file corrected versions of the pre-filed direct testimony of Craig D. Nelson, copies of which are being filed concurrently herewith.

Dated: December 21, 2004

Respectfully submitted,

Joseph H. Raybuck, # 31241  
Managing Assoc. General Counsel  
Edward Fitzhenry  
Associate General Counsel  
Ameren Services Company  
P.O. Box 66149  
St. Louis, MO 63166-6149  
(314) 554-2976 (phone)  
(314) 554-4014 (fax)  
[jraybuck@ameren.com](mailto:jraybuck@ameren.com)

**SMITH LEWIS, LLP**

/s/James B. Lowery  
James B. Lowery, #40503  
Suite 200, City Centre Building  
111 South Ninth Street  
P.O. Box 918  
Columbia, MO 65205-0918  
Phone (573) 443-3141  
Facsimile (573) 442-6686  
[lowery@smithlewis.com](mailto:lowery@smithlewis.com)

**Attorneys for Union Electric Company  
d/b/a AmerenUE**

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served via e-mail, to the following parties on the 21st day of December, 2004.

Office of the General Counsel  
Missouri Public Service Commission  
Governor Office Building  
200 Madison Street, Suite 100  
Jefferson City, MO 65101  
[gencounsel@psc.state.mo.us](mailto:gencounsel@psc.state.mo.us)

Office of the Public Counsel  
Governor Office Building  
200 Madison Street, Suite 650  
Jefferson City, MO 65101  
[opcservice@ded.state.mo.us](mailto:opcservice@ded.state.mo.us)

Stuart W. Conrad, Esq.  
Attorney for Noranda Aluminum, Inc.  
Finnegan, Conrad & Peterson, L.C.  
1209 Penntower Office Center  
3100 Broadway  
Kansas City, Missouri 64111  
[stucon@fcplaw.com](mailto:stucon@fcplaw.com)

**/s/James B. Lowery**  
James B. Lowery