

fees rather than require the party to disclose sensitive information related to legal costs. *Id.* (noting that even if an award of attorney's fees is required, the court may determine reasonable rates by use of "lodestar" rather than require a party to reveal its fee arrangement with counsel). Moreover, to the extent the information may disclose trial strategy or communications with counsel, the information is also privileged. *Id.*

In this case, the Signatories have not placed their attorney's fees at issue. They are not seeking recovery for attorney's fees and are not asking the Commission to make any rulings or findings based on the attorney's fees they have incurred in this case.¹ Indeed, the Signatories have already reached a stipulation and agreement with respect to class cost of service allocation that contemplates an overall rate increase that would be implemented on an equal percent, across-the-board basis. Moreover, disclosure of the Parties' legal costs may reveal privileged, confidential, and/or highly sensitive information about the Parties' respective fee arrangements with counsel, and/or trial strategy information. As such, disclosure of the Parties' legal costs is not a proper area of inquiry.

The Parties do not dispute that an inquiry into amounts paid to expert witnesses is a proper area of inquiry, as such information may reveal relevant information about bias. However, any inquiries of non-expert parties into fees incurred for retaining counsel is improper.

¹ It should be noted that unlike the Signatories to this pleading, the legal costs incurred by Ameren Missouri are relevant to the Commission's decision, because Ameren Missouri seeks to recover its legal costs in rates.

WHEREFORE, for the foregoing reasons, the undersigned Signatories respectfully request that the Commission clarify that it will not seek any information from the parties that may require the disclosure of attorney's fees incurred by the parties in preparation for litigation, as such information is not relevant, and may be confidential and/or privileged.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been emailed on this 19th day of May, 2011 to all parties on the Commission's service list in this case.

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