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

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| **In the matter of Union Electric,** | ) | |
| **d/b/a AmerenUE's Tariffs to** | ) | **Case No. ER-2010-0036** |
| **Increase Its Annual Revenues for** | ) | Tariff Nos. YE-2010-0054 |
| **Electric Service** | ) | |

**MISSOURI INDUSTRIAL ENERGY CONSUMERS' SUGGESTIONS IN OPPOSITION**
**TO AMERENUE'S MOTION FOR LEAVE TO FILE SUPPLEMENTAL TESTIMONY**

COMES NOW Intervenor Missouri Industrial Energy Consumers ("MIEC"), by and through counsel, and respectfully requests that the Court deny Union Electric Company's ("AmerenUE") Motion for Leave to File Supplemental Testimony filed on March 12, 2010.

1.      On July 24, 2009, Ameren UE filed its direct testimony asserting its case-in-chief.  AmerenUE's testimony included no evidence or information relating to its request for a dramatic increase of over $20 million in steam production maintenance levels.

2.      On December 18, 2010, the Staff and MIEC filed direct testimony recommending a normalized level of plant maintenance based on historical maintenance costs incurred by AmerenUE.

3.      On February 11, 2010, AmerenUE filed rebuttal testimony that included new information describing its use of longer intervals between planned outages and a graph that offered AmerenUE's budgeted maintenance expenses through 2012.

4.      On March 5, 2010, MIEC filed its surrebuttal testimony addressing AmerenUE's new data.  Contrary to AmerenUE's assertion, MIEC's surrebuttal testimony was limited to material which was responsive to the matters raised in AmerenUE's rebuttal testimony.

5.	On March 12, one business day before the date of this proceeding, AmerenUE sought leave to file supplemental testimony offering extensive information that could have and should have been raised in its case-in-chief.  Specifically, it seeks to file new data regarding 1) how it derived inflation rates, 2) its use of SNL financial information, 3) its use of statistics from the United States Bureau of Labor Statistics Employment Cost Index for Utilities, and 4) AmerenUE's contractual wage increases.  None of this information was included in AmerenUE's direct or supplemental testimony.

5.	Commission Rule Rule 4 CSR 240-2.130(7)(A) states that "[d]irect testimony shall include all testimony and exhibits asserting and explaining that party's entire case-in-chief."  Commission Rule 4 CSR 240-2.015 indicates that Commission Rules may be waived only for "good cause."

6.	There is no good cause to allow AmerenUE to file supplemental testimony on the eve of this procedure that introduces for the first time extensive information that it could have and should have filed in its direct and / or its rebuttal testimony.  MIEC's changed position in its surrebuttal testimony resulted in a recommendation that benefits AmerenUE by several million dollars.  Moreover, MIEC's surrebuttal testimony was based solely on information provided by AmerenUE in its rebuttal testimony.  It is a violation of this Commission's rules and would be manifestly unfair to allow AmerenUE to introduce new information and new testimony on the eve of this procedure, in light of the fact that it has had two opportunities to introduce all of the information it now seeks leave to file.

WHEREFORE, MIEC respectfully requests that the Commission deny AmerenUE's Motion for Leave to File Supplemental Testimony filed March 15, 2010.  In

the alternative, MIEC seeks leave to file testimony responding to the new information proffered in AmerenUE's proposed supplemental testimony.

Respectfully submitted,

BRYAN CAVE LLP

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ATTORNEYS FOR INTERVENOR MIEC

## CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was sent by electronic mail this 15th day of March, 2010, to each person on the Commission's official service list in this case.

/s/ Diana Vuylsteke