

October 13, 2000

**VIA FEDERAL EXPRESS**



Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

**FILED<sup>2</sup>**  
OCT 16 2000  
Missouri Public  
Service Commission

Re: MPSC Case No. EO-2000-580

Dear Mr. Roberts:

Enclosed for filing on behalf of Union Electric Company, d/b/a AmerenUE, in the above matter, please find an original and eight (8) copies of its **Motion to Strike Position Statements of the MEG Interruptibles**.

Kindly acknowledge receipt of this filing by stamping a copy of the enclosed letter and returning it to me in the enclosed self-addressed envelope.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. Cook", written over the typed name and title.

James J. Cook  
Managing Associate General Counsel

JJC/dhb  
Enclosures

cc: Mr. Lewis Mills  
Parties on Attached Service List

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the Matter of an Investigation )  
Into an Alternative Rate Option for )  
Interruptible Customers of Union )  
Electric Company d/b/a AmerenUE )

Case No. EO-2000-580

**FILED**<sup>2</sup>  
OCT 16 2000  
Missouri Public  
Service Commission

**MOTION TO STRIKE**  
**POSITION STATEMENTS OF THE MEG INTERRUPTIBLES**

COMES NOW Union Electric Company d/b/a AmerenUE ("AmerenUE" or "the Company") and requests that the Position Statements of the MEG Interruptibles be stricken as not being in compliance with the Commission's "Order Denying Motion for Oral Argument and Establishing Procedural Schedule," ("Order") issued on July 27, 2000. In support of its Motion, the Company states as follows:

1. In its Order, the Commission stated the following:

(C) The parties shall agree upon and the Staff shall file a list of the issues to be heard .... Any issue not contained in this list of issues will be viewed as uncontested and not requiring resolution by the Commission.

(D) Each party shall file a statement of its position on each disputed issue. Such statement shall be simple and concise, and shall not contain argument about why the party believes its position to be the correct one.

2. The List of Issues submitted pursuant to that Order contained only four issues:

A. Should the Commission order Union Electric Company to file tariff sheets to implement the interruptible rate concepts proposed by the MEG Interruptibles?

- B. Should such interruptible rate provide for an average discount of \$5.00 per kilowatt per month?
  - C. Should such interruptible rate explicitly provide for the number and cumulative hours of interruptions allowable?
  - D. Should such interruptible rate explicitly state the conditions under which interruptions may occur, and, if so, should those conditions be such that they are capable of being objectively verified?
3. These issues are quite clear and concise. The main question is whether the MEG proposal should be adopted. The other three issues merely ask sub-questions of that main issue: Basically, the other three issues assume an affirmative answer to the first question and then ask about details of such a new rate. Should there be an average discount of \$5.00 per kilowatt per month; should the rate, if approved, provide for the number and cumulative hours of interruptions; and should the rate state the conditions under which interruptions may occur, and should those conditions be verifiable?
4. The MEG Interruptibles submitted their Position Statements on October 10, 2000. Only the first of six position statements is related to any of the disputed issues listed on the Issues List submitted by the parties. Thereafter, the statements are mere arguments about what MEG Interruptibles have filed in their testimony and prior pleadings; the statements do not respond to the Disputed Issues on the submitted list. Therefore, they should be stricken.
5. Statement No. 2 says: "Reliability considerations are an important factor in designing an Interruptible Tariff." None of the issues listed ask about, or refer to "reliability." Reliability may be part of MEG Interruptibles' testimony, and may be relevant to

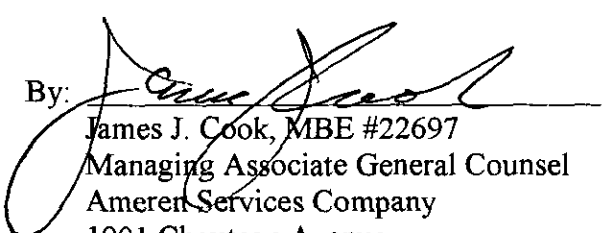
MEG Interruptibles' arguments in support of its proposed tariff (or it may not be), but it is nowhere to be found in the list of issues. Reliability has nothing to do with the amount of "an average discount"; it has nothing to do with the "number of cumulative hours of interruptions allowable;" and nothing to do with whether the rate should "explicitly state the conditions under which interruptions may occur." As such, it should be stricken.

6. Statement No. 3 states that the Company's "Rate" (sic) M and Rider L "may be useable by some customers, but are not an adequate substitute for Rate 10M insofar as the cement companies are concerned." None of the issues listed refer to the Company's current voluntary curtailment options. Whether those options are adequate, desirable, workable, or "an adequate substitute" for a prior Company tariff, is nowhere to be found in the list of issues. Therefore, this statement should be stricken.
7. Statement No. 4 claims that the Company is short of capacity and states that the prior Company tariff, with MEG Interruptibles' proposed modification "can help UE meet its reliability requirements." The Company's capacity situation is not one of the issues listed. Whether the MEG proposal would "help" or not is irrelevant to any of the issues listed and therefore this statement should be stricken.
8. Statement No. 5 claims that MEG Interruptibles have experienced "an increase ... of approximately 2.4 million dollars." Then the claim is made that such an increase "is discriminatory, and is neither just nor reasonable." The justness or reasonableness of the Company's current rates are not at issue in this case. Therefore, this Statement should be stricken.

9. Statement No. 6 states that the "present Interruptible Rate Schedule M permits curtailments for economic reasons contrary to Missouri regulatory policy." There is no Rate Schedule M. It is assumed that MEG is referring to Rider M. Assuming MEG means to refer to Rider M, there is nothing in the List of Issues that references "Missouri regulatory policy" on "economic curtailments." There is no issue in the List of Issues to which this Statement No. 6 remotely applies. MEG, of course fails to mention that the curtailments allowed under Rider M can only occur if the customer has voluntarily agreed in advance. MEG's statement clearly tries to leave a different impression. MEG Interruptibles have improperly used this filing as an attempt to raise new issues that were not on the agreed to list, and then attempted to argue their position on these "new" issues.

WHEREFORE, because MEG Interruptibles' filing is not in compliance with the Commission's order concerning the Statement of Positions to be filed by the parties, the Company respectfully requests that Statements 2 through 6 of MEG Interruptibles Statements of Position be stricken, and only Statement No. 1 be allowed into the record in this case.

Respectfully submitted,  
UNION ELECTRIC COMPANY  
d/b/a AmerenUE

By: 

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Dated: October 13, 2000

**CERTIFICATE OF SERVICE**

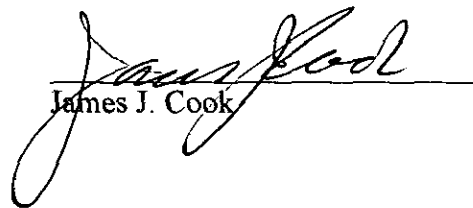
I hereby certify that a copy of the foregoing was served via U. S. first-class mail on this 13<sup>th</sup> day of October, 2000, on the following parties of record:

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