

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

In the Matter of Union Electric Company,)	
d/b/a AmerenUE's Tariffs to Increase Its)	Case No. ER-2011-0028
Annual Revenues for Electric Service)	

**MOTION FOR LEAVE TO FILE
SURREBUTTAL TESTIMONY OUT OF TIME
AND REQUEST FOR EXPEDITED TREATMENT**

COMES NOW the Missouri Industrial Energy Consumers ("MIEC") and requests leave to file the *Surrebuttal Testimony of James R. Dauphinais* Out of Time, and requests expedited treatment of this motion pursuant to 4 CSR 240-2.080(16). In support of its motion, the MIEC states:

1. On April 15, 2011, the MIEC filed surrebuttal testimony to the Commission's Electronic Filing and Information System ("EFIS") for four witnesses: Greg Meyer, Michael Brosch, Maurice Brubaker, and Michael Gorman. The MIEC had every intention of filing surrebuttal testimony for James R. Dauphinais on April 15, 2011 as well.
2. Inadvertently, Mr. Dauphinais' surrebuttal testimony was not filed on EFIS on April 15, 2011.
3. Mr. Dauphinais' surrebuttal testimony was prepared and completed well in advance of the 5:00 pm EFIS filing deadline on April 15, 2011.
4. The MIEC first realized that Mr. Dauphinais' surrebuttal testimony had not been filed on EFIS on Saturday morning, April 16, 2011. Upon discovery of this fact, the MIEC promptly filed the testimony on EFIS at that time.
5. The MIEC requests expedited treatment of this Motion pursuant to 4 CSR 240-2.080(16) and requests the Commission to take up this Motion at the commencement of the evidentiary hearings in the case on Thursday, April 21, 2011. Expedited treatment will benefit the

parties by allowing Mr. Dauphinais' surrebuttal testimony to be the subject of examination at the evidentiary hearings. Significantly, Mr. Dauphinais' surrebuttal testimony would have been filed on April 15, 2011 but for an unintentional EFIS filing omission. This Motion has been prepared and filed as soon as it could have been under the circumstances.

For the foregoing reasons, the MIEC respectfully requests the Commission accept for filing the *Surrebuttal Testimony of James R. Dauphinais*.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been emailed this 18th day of April, 2011, to all parties on the Commission's service list in this case.

/s/ Diana Vuylsteke