

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

Office of the Public Counsel

Complainant,

v.

**Case No. EC-2002-1059**

Union Electric Company,  
d/b/a AmerenUE,

Respondent.

**NOTICE OF COMPLAINT**

Legal Department  
AmerenUE  
1901 Chouteau Avenue  
P.O. Box 66149, MC 07  
St. Louis, Missouri 63166-6149  
**CERTIFIED MAIL**

On May 7, 2002, the Office of the Public Counsel filed a complaint with the Missouri Public Service Commission against Union Electric Company d/b/a AmerenUE, a copy of which is enclosed. Pursuant to 4 CSR 240-2.070, Respondent AmerenUE shall have 21 days from the date of this notice to file an answer or to file notice that the complaint has been satisfied.

All pleadings (the answer or the notice of satisfaction of complaint) shall be mailed to:

Secretary of the Public Service Commission  
P.O. Box 360  
Jefferson City, Missouri 65102-0360

A copy shall be served upon the Complainant at the Complainant's address as listed within the enclosed complaint. A copy of this notice has been delivered to the Complainant.

MISSOURI TO STATE BKT 20

BY THE COMMISSION

*Dale Hardy Roberts*

DALE HARDY ROBERTS

Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

(SEAL)

Dated at Jefferson City, Missouri,  
on this 17th day of May, 2002.

Copy to: John B. Coffman  
Acting Public Counsel  
Post Office Box 7800  
Jefferson City, Missouri 65102

Ruth, Senior Regulatory Law Judge

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>3</sup>

MAY 07 2002

OFFICE OF THE PUBLIC COUNSEL,  
Complainant,

Missouri Public  
Service Commission

vs.

Case No. EC-2002-1059

UNION ELECTRIC COMPANY,  
d/b/a AmerenUE,  
Respondent.

**COMPLAINT REGARDING THE THIRD YEAR OF THE  
SECOND EXPERIMENTAL ALTERNATIVE REGULATION PLAN**

COMES NOW the Office of the Public Counsel (Public Counsel), pursuant to Section 386.390 RSMo. 2000, Commission Rule 4 CSR 240-2.070(5), and the Stipulation and Agreement filed on July 12, 1996 in Case No. EM-96-149, and approved by the Missouri Public Service Commission (Commission) in its Report and Order issued on February 21, 1997, and files this Complaint against Union Electric Company, d/b/a AmerenUE (Company). In support hereof, Public Counsel states as follows:

1. Company is an "electric corporation" and a "public utility" as those terms are defined in Section 386.020 RSMo. 2000. Company is subject to the jurisdiction and regulation of the Commission pursuant to Chapters 386 and 393 RSMo. 2000. Company's principle office and place of business is located at:

Union Electric Company  
One Ameren Plaza  
1901 Chouteau Avenue  
St Louis MO 63103

2. Public Counsel is a state agency statutorily authorized to represent the public in cases before the Commission. Section 386.700, et al. RSMo. 2000. Public Counsel is authorized to file formal complaints with the Commission pursuant to Section 386.390.1 RSMo. 2000 and Commission Rule 4 CSR 240-2.070(1). Public Counsel's address is:

Office of the Public Counsel  
200 Madison Street, Suite 650  
Governor's Office Building  
PO Box 7800  
Jefferson City MO 65102

3. The Stipulation and Agreement approved by the Commission on February 21, 1997 in Case No. EM-96-149 established a "Second Experimental Alternative Regulation Plan" ("EARP II"). This Stipulation and Agreement outlines the procedure whereby an earnings calculation is performed each twelve months over three years to determine if Company's consumers should receive "sharing credits."

4. On October 17, 2001, Company filed a Final Earnings Report for the Third Sharing Period (covering the twelve months from July 1, 2000 through June 30, 2001) of the EARP II, pursuant to the procedures of the Stipulation and Agreement.

Both the Staff of the Commission (Staff) and Public Counsel have been independently reviewing and investigating the books and records of the Company to determine if its earnings calculations are justified, reasonable, and whether these calculations were the result of earnings manipulation. Public Counsel has discussed various areas of disagreement with Company's Earnings Report in several meetings, including teleconferences on February 27, 2002 and May 2, 2002. Despite these discussions with Company, areas of disagreement remain. On this date, Public Counsel is filing prepared direct testimony and schedules on the following disputed issues:

Environmental Expenses

Injuries and Damages Expense

Legal Expense

Midwest Independent System Operator Cancellation Fee

Venice Power Plant Fire Costs

Lobbying Costs

Coal Inventory

SO2 Allowance Transactions

Capital Structure

These issues involve disagreements regarding the mechanics of calculating the Final Earnings Report and manipulation of earnings results, as detailed in Public Counsel's prepared direct testimony. These disputed issues are brought to the Commission's attention for resolution pursuant to Sections 7.f.vi, 7.f.vii, 7.f.viii, of the February 21, 1997 Stipulation and Agreement and pursuant to Section 2.g. of the Reconciliation Procedure attached to it.

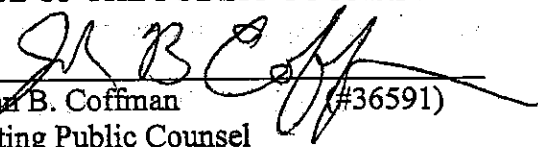
5. Public Counsel has reviewed Staff's revised procedural schedule recommendation in this case, filed on May 6, 2002, and concurs that it is a reasonable and adequate recommendation for proceeding in this matter. Public Counsel urges the Commission not to delay the schedule further than is recommended by Staff.

WHEREFORE, Public Counsel respectfully requests that the Commission adopt the adjustments detailed in its prepared direct testimony regarding the EARP II Third Year Sharing Credits that are due to Company's electric consumers pursuant to the Stipulation and Agreement approved by the Commission on February 21, 1997 in Case No. EM-96-149.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

By:

  
John B. Coffman

(#36591)

Acting Public Counsel

P. O. Box 7800

Jefferson City, MO 65102

(573) 751-5565

(573) 751-5562 FAX

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed or hand-delivered to the following this 9<sup>th</sup> day of January 2002:

**GENERAL COUNSEL**

Missouri Public Service Commission  
P O Box 360  
Jefferson City MO 65102

**JAMES COOK**

Ameren Services Company  
1901 Chouteau Avenue  
P O Box 66149 (M/C 1310)  
St. Louis MO 63166-6149

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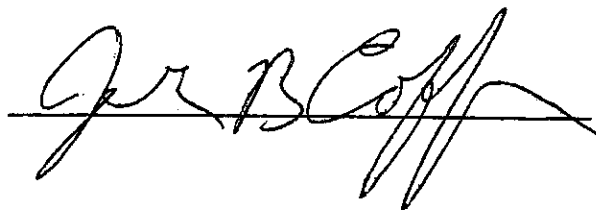
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Goller Gardner & Feather  
131 East High Street  
Jefferson City MO 65101

A handwritten signature in black ink, appearing to read "J. R. B. Coffey", is written over a horizontal line.