

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²

NOV 13 2001

Missouri Public
Service Commission

STAFF OF THE MISSOURI)
PUBLIC SERVICE COMMISSION,)
)
Complainant,)
)
vs.)
)
UNION ELECTRIC COMPANY,)
d/b/a AMEREN UE,)
)
Respondent.)

Case No. EC-2002-1

THE DOE RUN COMPANY'S RESPONSE TO
STAFF'S EXCESS EARNINGS COMPLAINT
AGAINST UNION ELECTRIC COMPANY AND
RESPONSE TO ANSWER OF UNION ELECTRIC COMPANY

Comes now The Doe Run Company, by counsel, and for its
Response to Staff's Excess Earnings Complaint Against Union
Electric Company and Response to Answer of Union Electric Company
states to the Commission as follows:

I. THE DOE RUN COMPANY'S RESPONSE TO STAFF'S EXCESS EARNINGS
COMPLAINT AGAINST UNION ELECTRIC COMPANY.

A. The Doe Run Company admits the allegations and assertions
of law set forth in paragraphs 1 through 19, inclusive.

B. The Doe Run Company in answer to the allegations
contained in paragraph 20 admits that the cited Commission rules do
provide for the procedure as alleged by the Staff, and The Doe Run
Company agrees that the procedure schedule is appropriate.

C. The Doe Run Company admits the allegations contained in paragraph 21.

D. For further answer, The Doe Run Company affirmatively states that it reserves the right to take positions on all of the issues presented by the Complaint as well as any other issues presented in this case. The Doe Run Company may assert its positions by way of argument before the Commission, cross-examination, pleadings, briefs, testimony and other evidence presented in this case.

E. For further answer, The Doe Run Company further states that it is one of the top ten largest consumers from Union Electric Company, and that the alleged excessive earnings of Union Electric Company has an adverse effect on The Doe Run Company's ability to earn profits in its operation.

F. That at the hearing of the Complaint filed by the Staff and in its ultimate decision, the Commission must balance the interests of the utility, to-wit: Union Electric Company, with those of the consumer, to-wit: The Doe Run Company, so as to insure that Union Electric Company is not earning excessive earnings.

II. THE DOE RUN COMPANY'S RESPONSE TO ANSWER OF UNION ELECTRIC COMPANY.

A. The Doe Run Company denies each and every allegation contained in Union Electric Company's first (1st) defense through twenty-seventh (27th) defense, inclusive.

B. The Doe Run Company denies Union Electric Company's twenty-eighth (28th) defense to the extent that Union Electric Company's answers to the Complaint are inconsistent with The Doe Run Company's answers to said Complaint as set forth above.

C. For further answer, The Doe Run Company affirmatively states that it reserves the right to take positions on all of the issues presented by the Complaint as well as any other issues presented in this case. The Doe Run Company may assert its positions by way of argument before the Commission, cross-examination, pleadings, briefs, testimony and other evidence presented in this case.

D. For further answer, The Doe Run Company further states that it is one of the top ten largest consumers from Union Electric Company, and that the alleged excessive earnings of Union Electric Company has an adverse effect on The Doe Run Company's ability to earn profits in its operation.

E. That at the hearing of the Complaint filed by the Staff and in its ultimate decision, the Commission must balance the interests of the utility, to-wit: Union Electric Company, with

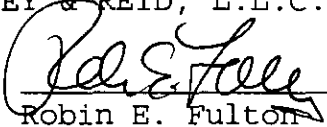
those of the consumer, to-wit: The Doe Run Company, so as to insure that Union Electric Company is not earning excessive earnings.

WHEREFORE, The Doe Run Company prays the Commission make and enter its Order sustaining the Complaint of the Staff and thereby decreasing the rates to be collected by the Union Electric Company; to deny and overrule the defenses asserted by Union Electric Company; and for such other and further relief as to the Commission may deem just and proper.

Respectfully submitted,

SCHNAPP, FULTON, FALL,
SILVEY & REID, L.L.C.

By:


Robin E. Fulton #29513
135 East Main Street
P.O. Box 151
Fredericktown, MO 63645
573-783-7212

Attorney for The Doe Run Company

CERTIFICATE OF SERVICE

The undersigned certifies a copy of the foregoing was mailed, with first class postage affixed thereon, to all parties of record on this 9th day of November, 2001.


ROBIN E. FULTON