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BRYAN CAVE LLP
ONE METROPOLITAN SQUARE, SUITE 3600
ST. LOUIS, MISSOURI 63102-2750
(314) 259-2000
FACSIMILE: (314) 259-2020

LONDON, ENGLAND
RIYADH, SAUDI ARABIA
KUWAIT CITY, KUWAIT
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ASSOCIATED OFFICE IN
SHANGHAI, PEOPLE'S REPUBLIC OF CHINA

DIANA M. VUYLSTEKE
DIRECT DIAL NUMBER
(314) 259-2543

INTERNET ADDRESS
DMVUYLSTEKE@BRYANCAVE.COM

December 13, 2001

By Hand Delivery

The Honorable Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street, Suite 100
Jefferson City, MO 65101

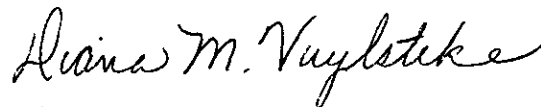
Re: Case No. EC-2002-1

Dear Judge Roberts:

Enclosed for filing in the above-referenced case are an original and eight (8) copies of the *Missouri Industrial Energy Consumers' Motion for Reconsideration or Clarification of Order Establishing Test Year and Procedural Schedule*.

Thank you for your assistance in bringing this filing to the attention of the Commission

Very truly yours,



Diana M. Vuylsteke

DMV:dv
Enclosures
cc: All parties

FILED²
DEC 13 2001
Missouri Public
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²
DEC 13 2001
Missouri Public
Service Commission

Staff of the Missouri Public Service Commission,

Complainant,

v.

Union Electric Company, d/b/a AmerenUE,

Respondent.

Case No. EC-2002-1

**MISSOURI INDUSTRIAL ENERGY CONSUMERS' MOTION FOR
RECONSIDERATION OR CLARIFICATION OF
ORDER ESTABLISHING TEST YEAR AND PROCEDURAL SCHEDULE**

Comes now Adam's Mark Hotel, Alcoa Foil Products, Anheuser-Busch Companies, Inc., The Boeing Company, Ford Motor Company, General Motors Corporation, Holnam, Hussmann Refrigeration, ISP Minerals, Mallinckrodt, Inc., MEMC Electronic Materials, Monsanto Company, Precoat Metals, Procter & Gamble Manufacturing, Ralston Purina and Solutia, hereafter referred to as the Missouri Industrial Energy Consumers ("MIEC"), and for its Motion for Reconsideration or Clarification states as follows:

1. On December 7, 2001, the Commission issued its Order Establishing Test Year and Procedural Schedule ("Order").
2. The MIEC seeks clarification of that portion of the Order stating that Union Electric Company "has affirmed, on the record at the pre-hearing and in writing" that rate changes resulting from this proceeding can be made retroactive to April 1, 2002. The MIEC agrees with the Office of Public Counsel that Union Electric Company has not provided the Commission or ratepayers with a binding commitment that rates will be made retroactive to April 1, 2002. *See Public Counsel's Motion for Reconsideration*

or Clarification of Order Establishing Test Year and Procedural Schedule (Public Counsel Motion), paragraph 5, page 4.

3. Although Union Electric Company has not agreed to make rate changes retroactive, such an agreement is necessary to avoid the severe irreparable harm to consumers that will result from further delay in this case. In order to protect consumers from further harm, MIEC urges the Commission not to extend the schedule in this case unless Union Electric Company enters into a binding agreement to make any rate changes resulting from this proceeding retroactive to April 1, 2002. In order to bind Union Electric Company to such an agreement, the MIEC supports the recommendation of the Office of Public Counsel that the Commission require Union Electric Company to file a tariff subjecting its current rate structure to refund. *See Public Counsel Motion* at page 4, paragraph 5.
4. The MIEC seeks reconsideration of the Order's requirement that the Office of Public Counsel and Intervenors file Rebuttal Testimony on December 20, 2001. The MIEC submits that this deadline is not reasonable, disregards the schedule proposed by the parties as a result of the November 8 prehearing conference in this case, and cannot be met. Because the Commission has rejected the test year proposed by the Staff, the parties cannot rebut the Staff's case as it presently stands. Moreover, intervenors could not reasonably be expected to prepare testimony in this case on less than two weeks' notice. The schedule ordered by the Commission is so different than the schedule proposed by the parties that intervenors could not have anticipated such a deadline. Furthermore, the Order unreasonably requires intervenors to file their Rebuttal Testimony prior to that of Union Electric Company. Intervenors cannot

effectively prepare evidence in this case without first having the opportunity to review Union Electric Company's Rebuttal Testimony.

WHEREFORE, the MIEC respectfully requests that the Commission (1) clarify its Order so that if this case is further delayed, Union Electric Company is require to file a tariff making any rate changes resulting from this case retroactive to April 1, 2001 and making its current rates subject refund; and (2) reconsider its Order requiring that the Office of Public Counsel and Intervenors file their Rebuttal Testimony on December 20, 2001, and instead set a deadline for Rebuttal Testimony which provides these parties with adequate opportunity to prepare testimony in light of the test year adopted by the Commission and with adequate opportunity to review Union Electric Company's testimony filed in response to the Staff's Complaint.

Respectfully submitted,

BRYAN CAVE, LLP

By: Diana M. Vuylsteke
Diana M. Vuylsteke, #42419
211 N. Broadway, Suite 3600
St. Louis, Missouri 63102
Telephone: (314) 259-2543
Facsimile: (314) 259-2020
E-mail: dmvuylsteke@bryancave.com

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed to all counsel of record as shown on the attached service list this 13th day of December, 2001.

Diana M. Vuylsteke