

December 17, 2001

VIA HAND DELIVERY



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

FILED³

DEC 19 2001

Re: MPSC Case No. EC-2002-1

Missouri Public
Service Commission

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 Response To Commission Order Dated December 17, 2001 As To The Company's Position With Respect To Staff's Proposed Procedural Schedule.

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,

James J. Cook / sh

James J. Cook
Managing Associate General Counsel

JJC/mlh
Enclosures

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED³

DEC 19 2001

The Staff of the Missouri Public
Service Commission,)

Complainant,)

v.)

Union Electric Company, d/b/a
AmerenUE,)

Respondent.)

Missouri Public
Service Commission

Case No. EC-2002-1

**UNION ELECTRIC COMPANY'S RESPONSE TO
COMMISSION ORDER DATED DECEMBER 17, 2001
AS TO THE COMPANY'S POSITION WITH RESPECT
TO STAFF'S PROPOSED PROCEDURAL SCHEDULE**

COMES NOW Union Electric Company ("AmerenUE" or "Company") and for its
Response to Commission Order dated December 17, 2001, states as follows:

**I. The Company Reiterates Its Position That The Current Ordered Procedural
Schedule Should Remain In Place.**

For the reasons stated in its Reply to Staff's Motion for Reconsideration of Commission
Order Establishing Test Year and Procedural Schedule, AmerenUE strongly urges this
Commission to leave the recently ordered procedural schedule, as set forth in its December 6,
2001 Order, intact.

**II. If The Commission Should Decide To Adopt A New Procedural Schedule It Should
Adopt A New Procedural Schedule That Is Fair And Equitable To All.**

In its Motion, Staff suggests a revised procedural schedule and, although Staff recognizes
the intervening dates between successive events, it fails to recognize the amount of time Staff
will have to prepare and file its case-in-chief from the date of the Procedural Schedule set forth

in this Commission's December 6, 2001 Order.¹ Staff's proposal would allow it some eighty-four days prior to filing its Direct Testimony.

EVENT	STAFF'S PROPOSED DATE	DAYS BETWEEN SUCCESSIVE EVENTS	COMPANY'S PROPOSED DATE	DAYS BETWEEN SUCCESSIVE EVENTS
Order Setting Forth Procedural Schedule	December 6, 2001			
		84 days		74 days
Staff files Direct Testimony	March 1, 2002		February 20, 2002	
		45 days		70 days
UE and OPC file Rebuttal Testimony	April 16, 2002		May 1, 2002	
		7 days		7 days
MIEC, MEG, Doe Run, AG, MoRetailers & Laclede file Rebuttal Testimony	April 23, 2002		May 8, 2002	
		6 days		5 days
Prehearing Conference	April 29- May 3, 2002		May 13-17, 2002	
Staff files Surrebuttal Testimony and UE, OPC, MIEC, MEG, Doe Run, AG, MoRetailers & Laclede file Cross- Surrebuttal	May 28, 2002		May 28, 2002	
		2 days		2 days
Staff files List of Issues, Order of Issues and Order of Cross-Examination	May 30, 2002		May 30, 2002	
		5 days		5 days
Parties file Statements of Position	June 4, 2002		June 4, 2002	
		6 days		6 days
Hearings	June 10-14, 17-21, 27-28, July 1-3, 2002		June 10-14, 17-21, 27-28, July 1-3, 2002	

¹ As a matter of clarification, it is AmerenUE's understanding that no Company filing would be required on January 4, 2002 under Staff's proposed procedural schedule.

It is readily apparent that Staff will not merely adopt the Company's June 30, 2001 test year data in its Direct Testimony which, under this proposed schedule, would not be due until March 1, 2002. Consistent with past practice, the Staff will recommend numerous adjustments to the test year data based upon a wide variety of techniques and methods. As a result, prior to the filing of Rebuttal Testimony, it is imperative that the Company be permitted time to fully understand and analyze Staff's modifications to the test year data. This knowledge can only be ascertained through data requests followed by depositions of Staff's pertinent witnesses. The results of this discovery must then be included in the Company's Rebuttal Testimony. This simply cannot be accomplished within the forty-five (45) days set forth in Staff's newly proposed procedural schedule. **At a minimum, should a new procedural schedule be adopted by this Commission, AmerenUE would require a minimum of seventy (70) days to respond to Staff's newly proposed Direct Testimony.**² The Company's alternative proposed procedural schedule satisfies this objective.³

Again, it is the Company's position that the procedural schedule adopted in the Commission's Order of December 6, 2001 should remain intact. The Company strongly urges this Commission to maintain the current procedural schedule with hearings in March 2002.⁴

² This would be merely equitable in light of the fact that according to Staff's proposed alternative procedural schedule, Staff has allowed itself eighty-four (84) days from the Commission's Order of December 6, 2001 to file its Direct Testimony.

³ As a matter of clarification, if the Commission should decide to accept the Company's alternative procedural schedule, the Company would honor its previously made offer of rates retroactive to April 1, 2002. In a recent pleading (See, AmerenUE's Reply Brief dated December 17, 2001, at pg. 4, footnote 6.), the Company inadvertently suggested that retroactive rate treatment would be granted to April 1, 2001. Clearly, the Company's proposal has always been for retroactive rate treatment to April 1, 2002.

⁴ As another point of clarification, if the Commission should adopt either of these alternative procedural schedules, the Company respectfully requests that the Order also provide that Staff's Direct Testimony, filed on July 2, 2001, is now moot and will not become part of the record in this proceeding. Since the Staff will be allowed to file new Direct Testimony pursuant to the new proposed procedural schedule and in light of the fact that Staff's prior Direct Testimony pertains to what is now an irrelevant test year, this would seem to be the proper result.

Respectfully submitted,

UNION ELECTRIC COMPANY
d/b/a AmerenUE

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DATED: December 19, 2001

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via first class U.S. mail, postage prepaid, on this 19th day of December, 2001, on the following parties of record:

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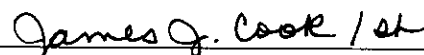
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