



Missouri Public Utility Alliance

Missouri Association of Municipal Utilities
Municipal Gas Commission of Missouri
Missouri Joint Municipal Electric Utility Commission

2407 W. Ash
Columbia, MO 65203-0045

October 29, 2001

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street, Suite 100
P.O. Box 360
Jefferson City, Missouri 65102

FILED³

OCT 29 2001

**Missouri Public
Service Commission**

RE: In the matter of the Application of Union Electric Company
(d/b/a AmerenUE) for an Order Authorizing It to Withdraw
from the Midwest ISO to Participate in the Alliance RTO
Case No. EO-2001-684

Dear Mr. Roberts:

Enclosed for filing in the above-referenced matter are original and eight (8) copies of the Brief of the Missouri Joint Municipal Electric Utility Commission.

Please kindly acknowledge receipt of this filing by stamping as filed a copy of this letter and returning it to the undersigned in the enclosed, self-addressed, stamped envelope.

Sincerely,

Duncan E. Kincheloe
General Manager & CEO

Enclosures

xc: Parties of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED³

OCT 29 2001

In the matter of the Application of Union)
Electric Company (d/b/a AmerenUE) for an)
Order Authorizing it to Withdraw from the)
Midwest ISO to Participate in the Alliance)
RTO)

Missouri Public
Service Commission

Case No. EO-2001-684

BRIEF OF THE MISSOURI JOINT MUNICIPAL
ELECTRIC UTILITY COMMISSION

COMES NOW the Missouri Joint Municipal Electric Utility Commission (Joint Municipals) and submits its brief in Case No. EO-2001-684 *In the Matter of the Application of Union Electric Company (d/b/a AmerenUE) for an Order Authorizing it to Withdraw from the Midwest ISO to Participate in the Alliance RTO* ("Application").

As indicated in its opening statement at hearing, the Joint Municipals have reached agreement with Union Electric Company (AmerenUE) regarding certain transmission issues, such that they no longer oppose the Application (Transcript at p. 47, lines 6-25 and p. 48, lines 1-2). In recognition of that agreement, this brief will be very short.

The Joint Municipals do, however, want to briefly underscore their view that this proceeding is proper and essential, that the Commission's order is necessary in order for AmerenUE to effectively achieve its withdrawal from the Midwest ISO (MISO), and that estoppel does not apply so as to prevent the Commission from its exercise of responsibility to judge issues of public detriment in this case. Assent to contrary arguments could have serious implications for the Commission's exercise of jurisdiction

in future instances. It would also make it incumbent on the Commission to sharpen its positions and increase its advocacy activity in a wide variety of federal administrative proceedings.

In their initial statement of positions on issues in this case, the Commission Staff and other parties have cited the statutory provisions pertinent to the Commission's jurisdiction. More specific to this case is the Stipulation and Agreement signed by AmerenUE in Case No. EO-98-413. The company there agreed that:

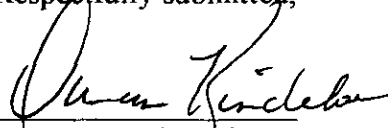
"11. In the event that AmerenUE seeks to withdraw from its participation in the Midwest ISO pursuant to Article Five or Article Seven of the Midwest ISO Agreement, the Company shall file a Notice of Withdrawal with the Commission, and with any other applicable regulatory agency, and such Withdrawal shall become effective when the Commission, and such other agencies, approve or accept such Notice or have otherwise allowed it to become effective." (Ex. 4, Schedule 3, p. 3-4).

Having admitted to the very conscious sequencing of its filings so as to seek the approval of this Commission only after having won federal approval (Transcript, p. 127), AmerenUE should not be heard to argue that this sequencing nullifies the commitment made to the Commission in the above provision of the Stipulation.

Additionally, and in conclusion, the Joint Municipals would note that their lack of opposition to the Application does not amount to an endorsement of the continuing or proposed existence of the Alliance RTO as a separate entity, distinct and disconnected from a more truly region-wide and independent transmission organization. However, it is the hope of the Joint Municipals that participation by AmerenUE in the Alliance RTO would have a positive overall effect on the future policies and direction of the Alliance, as compared to determinations more likely to be reached by that organization if it were to proceed without participation by AmerenUE.

Wherefore, the Joint Municipals have formally withdrawn their earlier opposition to the instant Application and here further state their lack of objection to a Commission order approving same.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Dunean Kincheloe", written over a horizontal line.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was delivered by first-class mail, or hand-delivery, to counsel for parties of record; the Office of the Public Counsel; and the General Counsel's Office of the Missouri Public Service Commission on this 29th day of October, 2001.

General Counsel
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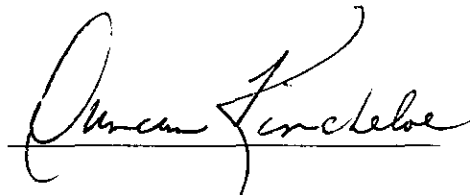
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A handwritten signature in cursive script, appearing to read "Karen Finckeloe", written over a horizontal line.