

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

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| In the Matter of the Application of |) | |
| Union Electric Company d/b/a AmerenUE |) | |
| for an Order Authorizing the Sale and |) | Case No. EO-2010-0263 |
| Transfer of Certain Assets of AmerenUE |) | |
| to St. James Municipal Utilities |) | |
| and Rolla Municipal Utilities. |) | |

**ROLLA’S RESPONSE TO
MS. HAWLEY’S “APPEAL ORDER SETTING PROCEDURAL SCHEDULE”**

Comes now the City of Rolla, Missouri (Rolla), by and through Rolla Municipal Utilities (RMU), and, in response to the “Appeal Order Setting Procedural Schedule” filed by Intervener Donna D. Hawley (Ms. Hawley), respectfully states as follows:

BACKGROUND

1. On July 30, 2010, the Commission issued its Order Setting Procedural Schedule, wherein, among other things, the Commission set this matter for hearing on September 8-9, 2010. On August 11, 2010, Ms. Hawley filed a document entitled “Appeal Order Setting Procedural Schedule,” wherein Ms. Hawley requests that the Commission modify the procedural schedule in this case to conform to the schedule proposed by Ms. Hawley.

2. Ms. Hawley primarily bases her “appeal” on allegations concerning the status of discovery she has served on Rolla. She alleges that “Rolla has a penchant for delaying production up to three weeks with some discovery not being available until August 20, 2010 – just five days before the Witness Lists are due.” Hawley Appeal, p. 1. Her allegations are not supported by facts and her “appeal” should be denied.

3. Ms. Hawley has served several data requests on Rolla:

a) On July 27, 2010, Ms. Hawley requested “copies of all data, document (sic) or communications that each of the parties has that pertains to this case” (1.1);

b) Also on July 27, 2010, Ms. Hawley requested a “complete and unredacted copy of the RW Beck engineering report prepared for RMU” (2.1). This request is the subject of a Motion for Protective Order pending before the Commission; and,

c) Further on July 27, 2010, Ms. Hawley sent Rolla forty-nine (49) additional data requests (3.1-3.49). See the attached **Appendix A**.

4. On August 2, 2010, Rolla provided Ms., Hawley with a letter that identified Rolla’s objections to eight (8) of Ms. Hawley’s data requests and indicated the possibility that Rolla would not be able to answer some of the fifty-two (52) data requests within ten days. This letter indicated that as to one (1) question, Rolla might not be able to answer until August 20, 2010.

5. The status of Rolla’s responses, as of today, is as follows:

a) Most discovery responses were provided on August 6, 2010;

b) DR 1.1 – Objected to the provision of privileged materials, but stated that Rolla would provide non-privileged communications by August 13, 2010. *The documents were provided on August 11, 2010;*

c) DR 2.1 -- Objected to providing the un-redacted RW Beck report. This issue is pending before the Commission;

d) DR 3.6 – Objected on the basis of relevance to responding to a request for a legal services contract;

e) DR 3.7 -- Objected on the basis of relevance to responding to a request for a resolution concerning the provision of legal services;

f) DR 3.20 – Objected that the question was vague and overbroad, but indicated that outage data would be provided by August 20, 2010. *The requested data was provided on August 11, 2010;*

- g) DR 3.23 – Objected that the question was vague and requested that Ms. Hawley clarify what she is asking. No clarification has been provided by Ms. Hawley as of this date;
- h) DR 3.27 – Rolla suggested that it would need an extension until August 13, 2010. *The response was provided on August 11, 2010;*
- i) DR 3.29 -- Objected that the question was vague and requested that Ms. Hawley clarify what she is asking. No clarification has been provided by Ms. Hawley as of this date;
- j) DR 3.30 -- Rolla suggested that it would need an extension until August 13, 2010. *The response was provided on August 11, 2010;* and,
- k) DR 3.31 -- Objected that this question was vague and overly broad, but indicated that lease-purchase documentation would be provided by August 13, 2010. *The requested data was provided on August 5 and 6, 2010.*

5. Rolla awaits Ms. Hawley's clarifications as to two data requests (3.23 and 3.29).

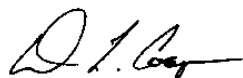
The only data request where Rolla suggested it might not be able to answer until August 20, 2010 (3.20), was responded to on August 11, 2010.

6. Ms. Hawley's statement that many of her "data requests have been objected to and delayed – some of them until August 20th," does not reflect the true status of discovery. Hawley Appeal, p. 2. The status of discovery in this case, with twenty-four (24) days remaining until the hearing date, provides no basis for reconsideration of the procedural schedule that has been set by the Commission.

WHEREFORE, Rolla prays that the Commission issue such order as it may find to be

reasonable and just in this circumstance.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail, on August 16th, 2010, to the following:

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