



Commissioners

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June 27, 1996

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Director, Policy & Planning

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Director, Utility Services

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General Counsel

Mr. David L. Rauch
Executive Secretary
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

RE: Case No. EM-96-149

Dear Mr. Rauch:

Enclosed for filing in the above captioned case is an original and fourteen (14) conformed copies of this letter and the enclosed attached evidentiary procedural schedule.

A Hearing Memorandum was filed with the Commission on Friday, June 21, 1996 as ordered by the Commission, but as indicated in the cover letter by the undersigned counsel for the Staff, the schedule of issues needed to be addressed further by the parties. There is a list of issues and a date and a time, "July 1, a.m." at the beginning of the list of issues on page 35 of the Hearing Memorandum filed on June 21, but nothing further in the manner of dates and times. This part of the Hearing Memorandum was not complete.

In part, this section of the Hearing Memorandum was not complete because the Staff and the Office of the Public Counsel have been engaged in detailed negotiations with Union Electric Company (UE) in an good faith effort to reach a mutually acceptable resolution of the outstanding matters among them in Case No. EM-96-149. Not all discussions among these and other parties are literally at an end, but resolution of the outstanding matters has not been reached, so discussions have basically concluded.

Due to the considerable effort expended by certain of the Staff and Public Counsel witnesses and attorneys in this effort to reach a resolution of the various issues in this proceeding, the Staff and Public Counsel inquired of UE whether it would agree to

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the order of issues that follows in Attachment 1. The Staff and Public Counsel appreciate UE's willingness to accommodate the Staff and Public Counsel. The Staff is submitting by facsimile transmission this order of issues to the other parties in this case for their review. The Staff and Public Counsel believe that this schedule will accommodate a conclusion of the evidentiary proceedings by the last scheduled day of hearings, July 12, 1996.

The Staff would note that among the issues shown for the first day of hearings, July 1, 1996, are the jurisdictional issues. Counsel for UE, Public Counsel and the Staff will appear and seek to answer any questions that the Commissioners might choose to ask counsel on these matters, if any.

The Staff apologizes for any inconvenience this situation has caused or may cause.

Very truly yours,



Steven Dottheim
Deputy General Counsel
(573) 751-7489

SD:ceb

Commission (EC-96-164). Even if the Commission were to find this issue to be relevant, UE's rates for standby service are just and reasonable, and this Commission and others in Illinois and Iowa have so found on several occasions since the early 1980's.

Trigen's Position

The Commission should deny approval of the proposed merger unless the Company demonstrates that the merged companies will not operate to suppress competition by continuing to deny adequate transmission access and charge appropriate rates for standby service as required under Federal and State regulations, statutes and law.

Witnesses:

Trigen: Spiewak Reb., all pages

Company: Kovach, all pages

Borkowski, pp. 16-18, 21-22

III. ORDER OF ISSUES/WITNESSES

<u>Date</u>	<u>Time</u>	<u>Issue</u>	<u>Witnesses</u>
July 1	a.m.	Approval of and Rationale for Merger: Policy	UE: Mueller Brandt

July 1

Commission Jurisdiction
(Including Access To Books
and Records; Access To
Officers and Employees; Joint
Dispatch Agreement and
System Support Agreement and
Changes Thereto; General
Services Agreement and
Changes Thereto;
Orders/Decisions on Affiliated
Transactions; Orders/Decisions
Regarding Gas Supply, Storage
and/or Transportation Service;
Orders/Decisions Regarding
Electric Production; Pre-
Approval)

UE: Legal Memorandum
(Brandt - Schedule 1
Rainwater
Borkowski
Baxter)

Staff: Legal Memorandum
(Moore - Sched. 19
Schwieterman
Wallis
Lin
Beck
Oligschlaeger)

Public Counsel: Legal Memorandum
(Kind)

Gas Supply, Storage and/or
Transportation Service

UE: Brandt
Borkowski

Staff: Wallis

July 2

UE Management

UE: Brandt

Staff: Oligschlaeger

Separate Payroll Records

UE: Brandt
Baxter

Staff: Imhoff

General Services Agreement

UE: Brandt
Baxter
Rainwater

Staff: Schwieterman

July 2		Amortization of Costs	UE:	Brandt Baxter Rainwater Birdsong
			Staff:	Imhoff
			Public Counsel:	Trippensee
July 3	a.m.	Recovery of Merger Premium	UE:	Kimmelman*

*Due to scheduling conflicts, Mr. Kimmelman is scheduled for the morning of July 3 rather than for July 8 or later.

		Joint Dispatch Agreement; System Support Agreement	UE:	Brandt Rainwater Borkowski
			Staff:	Lin Elliott Beck
			Public Counsel:	Kind
July 8		Quantification of Savings	UE:	Flaherty Rainwater Nelson Reid
			Staff:	Lin Elliott Wallis Oligschlaeger
			MIEC:	Brubaker

July 8-12	Approval of and Rational for Merger: Policy; Ratemaking Proposal; Recovery of Merger Premium	UE:	Brandt Birdsong Rainwater Baxter Kimmelman*
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*Due to scheduling conflicts, Mr. Kimmelman is scheduled for the morning of July 3.

Staff:	Moore Hyneman Featherstone Oligschlaeger
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Public Counsel:	Trippensee Kind Burdette
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MIEC:	Brubaker
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July 10	Trigen's Transmission* Access and Standby Rates Proposal	Trigen:	Spiewak
		UE:	Kovach Borkowski

*Due to scheduling conflicts on July 11 and 12, Trigen's issue is scheduled so as to be completed by Wednesday afternoon, July 10.

MIEC's Retail Wheeling Proposal	No testimony filed
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IV. ORDER OF CROSS EXAMINATION

<u>Cross of UE Witnesses</u>	<u>Cross of Staff Witnesses</u>	<u>Cross of Public Counsel Witnesses</u>	<u>Cross of Trigen Witness</u>	<u>Cross of MIEC Witness</u>
Others	Others	Others	Others	Others
Trigen	Trigen	Trigen	MIEC	Trigen
MIEC	Public Counsel	Staff	Staff	Staff
Staff	MIEC	MIEC	Public Counsel	Public Counsel
Public Counsel	UE	UE	UE	UE

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Case No. EM-96-149
Updated: 6-25-96

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