

ANDERECK, EVANS, MILNE, PEACE & JOHNSON, L.L.C.

ATTORNEYS AT LAW

700 EAST CAPITOL AVENUE

COL. DARWIN MARMADUKE HOUSE

P.O. BOX 1438

JEFFERSON CITY, MISSOURI 65102-1438

TELEPHONE 573-634-3422

FAX 573-634-7822

TERRY M. EVANS

ERWIN L. MILNE

JACK PEACE

CRAIG S. JOHNSON

RODRIC A. WIDGER

GEORGE M. JOHNSON

BEVERLY J. FIGG

WILLIAM S. LEWIS

VICTOR S. SCOTT

COREY K. HERRON

MATTHEW M. KROHN

LANETTE R. GOOCH

SHAWN BATTAGLER

JOSEPH M. PAGE

LISA C. CHASE

JUDITH E. KOEHLER

ANDREW J. SPORLEDER

JASON A. PAULSMEYER

BRYAN D. LADE

CONNIE J. BURROWS

R. AARON MARTINEZ

MARVIN L. SHARP, Of Counsel

September 17, 2004

FILED

SEP 17 2004

EUGENE E. ANDERECK (1923-2004)

GREGORY C. STOCKARD (1904-1993)

PHIL HAUCK (1924-1991)

Missouri Public
Service Commission

Secretary

Public Service Commission

P.O. Box 360

Jefferson City, Missouri 65102

Re: Application to Intervene in the Union Electric Company d/b/a Ameren UE
Proposed Tariff Filed Under Tariff NO. JG-2005-0145

Dear Secretary:

Enclosed for filing please find an original and eight copies of the ProLiance Energy, L.L.C., Motion to Suspend in the above referenced case.

If you have any questions, please contact me at the number listed above.

Sincerely,


Lisa Cole Chase

LCC:lw

Encl.

CC: General Counsel, OPC
General Counsel, PSC
Steve Sullivan, Ameren UE
Briane House, ProLiance

FILED

SEP 17 2004

Missouri Public
Service Commission

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

Application to Intervene in the)
Union Electric Company d/b/a)
AmerenUE proposed tariff filed)
under Tariff No. JG-2005-0145)

Case No. _____

MOTION TO SUSPEND

COMES NOW ProLiance Energy, LLC, by and through its counsel of record, Andereck, Evans, Milne, Peace & Johnson, L.L.C., and pursuant to 4 CSR 240-2.065 and 4 CSR 240-2.080 presents this Motion to Suspend, and in support thereof states as follows:

1. On August 31, 2004, Union Electric Company d/b/a AmerenUE filed proposed revisions to the Company's Schedule No. 2, Schedule of Rates for Gas Service, as reflected in the tariff sheets it filed: 1st Revised Sheet No. 13.1, 5th Revised Sheet No. 14, 4th Revised Sheet No. 15, 4th Revised Sheet No. 16, and 1st Revised Sheet No. 16.1 attached hereto as Attachment No. 1.
2. ProLiance Energy LLC has filed its Application to Intervene pursuant to 4 CSR 240-2.075 simultaneously with this Motion for Suspension.
3. As a part of AmerenUE's proposed revisions, in response to changes being adopted by Panhandle Eastern Pipe Line Company ("PEPL"), AmerenUE is proposing a new "Group Balance" to take the place of the "Burner Tip Balancing" provided by PEPL and requiring its Missouri transportation customers who do not receive "Burner Tip Balancing" from their interstate pipeline company under conditions acceptable to AmerenUE to comply with AmerenUE's methods set forth in their revised tariffs attached hereto as Attachment No. 1.

4. ProLiance jointly administers four gas supply portfolios for Indiana Gas Company and Citizens Gas and Coke Utility. ProLiance does not use or control any state regulated distribution assets in the State of Missouri. ProLiance is a transportation customer of AmerenUE. ProLiance delivers gas via interstate pipelines on behalf of its Missouri customers. ProLiance customers, in conformance with their contractual relationship with the applicable local distribution companies, assume title to the gas on the customer's side of the city gate meter and the gas is delivered to the customer's facility via the LDC distribution system.

5. AmerenUE states that PEPL currently balances the Company's transportation customers on a "Group Balance" basis, and that its tariff filing is an effort to continue this practice and that "no changes to existing rates or miscellaneous charges will occur with the proposed changes." However, AmerenUE proposes in tariff Sheet No. 15, Third Revised to conduct balancing based on daily imbalances of five percent (5%) with daily negative imbalances of 5% or more subject to the applicable service area's firm sales service PGA factor plus 10%, and daily positive imbalances of 5% or more purchased at 90% of the indexed commodity price. This 5% daily imbalance factor, together with the 10% penalty charges for negative and positive imbalances, is different from that imposed by PEPL, and does effectively change the rates and charges to be imposed.

6. At this time, ProLiance is not opposed to the concept of "Group Balancing", but ProLiance does oppose the 5% daily imbalance factor, as well as the buy-back rate on daily positive imbalances of 5% or more at 90% of the indexed commodity price which is not just and reasonable. Such a factor is too narrow and the

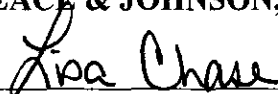
90% purchase price is unreasonable. This tariff is not in the public interest given that it will effectively change the charges currently assessed and burden the Missouri customers of ProLiance, who do not have metering facilities sufficient to monitor gas level consumption on a real-time basis, and will have to make costly investments to acquire such facilities or risk incurring the increased charges resulting from the proposed narrow daily imbalance rate and charges.

WHEREFORE, on the basis of the foregoing, ProLiance Energy, LLC respectfully requests that the Commission suspend the proposed tariff sheets filed by AmerenUE and establish a hearing at which evidence may be presented pertaining to whether or not AmerenUE's proposed tariffs are just and reasonable.

Respectfully Submitted,

**ANDERECK, EVANS, MILNE,
PEACE & JOHNSON, L.L.C.**

By:



Victor S. Scott Mo. Bar #42963
Lisa Cole Chase Mo. Bar #51503
The Colonel Darwin Marmaduke House
700 East Capitol
P.O. Box 1438
Jefferson City, MO 65102
Telephone: 573-634-3422
Facsimile: 573-634-7822
Email: VScott@aempb.com
Email: lisachase@aempb.com

**ATTORNEYS FOR
PROLIANCE ENERGY, LLC**

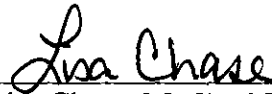
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was mailed, U.S. Mail, postage pre-paid, this 17 day of September, 2004 to:

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

General Counsel
Office of the Public Counsel
P.O. Box 2230
Jefferson City, Missouri 65102

Steven Sullivan
Union Electric Company, d/b/a AmerenUE
One Ameren Plaza
1901 Chouteau Ave., P.O. Box 66149
St. Louis, MO 63166-6149



Lisa Chase, Mo Bar No. 51502