

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

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.	)	

**APPEAL ORDER SETTING PROCEDURAL SCHEDULE**

1. Comes now Donna Hawley of 2602 Brook Dr., Rolla, Mo to respond to Rolla Municipal Utilities (RMU) to appeal the expedited schedule ordered in Case EO-2010-0263.

2. The Expedited Procedural Schedule for this case is an unrealistic timeframe for me to request and receive discovery from Rolla, and then to develop substantial exhibits and interrogatories based on that discovery. 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. The current Procedural Schedule guarantees that I will not be able to fully develop my position against the sale of the AmerenUE's assets to Rolla.

3. Rolla would like the MoPSC to believe that allowing me a few extra months to prepare will harm the Rolla public for various reasons. One was that that delaying the transmission line construction would deprive Rolla and St. James of the "significant economic impact in the Rolla and St. James area due to the presence of work crews"

(Response to Hawley's Procedural Schedule, p 12). However, neither Rolla nor St. James has shown just how many workers will be involved or whether those workers will simply be displaced Rolla area construction workers. For a "significant impact" to the Phelps County economy to occur, it would take several tens of millions in construction payroll dollars and this simply is not possible in the timeframe that Rolla has set for construction to occur.

4. Rolla also contends in the Response to Hawley's Procedural Schedule (Response) that there exists the potential for "three additional rounds of data requests" (Response, p 10). However, that estimation was based on the ideal situation where Rolla would produce documents within the shortened ten-day window set by the Commission. Since then many of my data requests have been objected to and delayed – some of them until August 20<sup>th</sup>. With the list of Issues and Witnesses having a deadline of August 25, I do not see how I can realistically, nor fully, develop either the List of Issues or the List of Witnesses until I have received the information I requested on July 27.

5. Rolla admits in their Motion for Expedited Treatment (Motion) in paragraph 4 that the AmerenUE assets "that are the basis ... are just a part of a much larger project that is ongoing" and in Response, para 9, Rolla admits that the RW Beck "Alternative Plan 3B was eliminated from consideration in favor of Alternative Plan 3D." It follows that the core document supporting their desire to purchase both the two older Phelps transformers and associated 34 kV circuits (and the corresponding construction of two

tapping lines with substations) is the RW Beck engineering study (the Study). Rolla continues to maintain that portions of the Study are to be withheld from public view due to subsection (19) of MoRev Stat 610.21 which deals exclusively with plans that are designed as security systems for infrastructure. At no point has RW Beck indicated that their analysis was directed toward developing security systems, and for that matter, Rolla has never maintained that there was a system vulnerability assessment performed with an associated security policy. I believe that the RMU Board has weakened their position that the Study is a closed record due to the sudden release of much of the Study (but not all). Apparently setting open record status suited their goal (of gaining MoPSC approval in this Case). Until I have all of the Study, including the Exhibit 4 which deals with the current system analysis, I cannot even begin to develop exhibits and identify all issues or witnesses as required under the Expedited Schedule.

6. Rolla contends in their Motion, para 2, that any delay will present “real-world impacts” but fails to mention that they did not correctly account for “real-world” administrative approval delays. Petitioning for all government approval is universally accepted as occurring in the beginning of a utility project. This project was financed in mid-2009 (without fully explaining to Rolla City Council the results in the Study), so it would have been prudent for AmerenUE to make their application for sale at that time in cooperation with Rolla. It is unfortunate that Rolla did not urge AmerenUE to apply

for MoPSC approval after financing was approved instead of waiting until Commission approval is project critical. Rolla's miss-management of this project should not interfere with my ability to fully develop my position. The Commission should not condone this type of utility project miss-management by ordering an Expedited Procedural Schedule that infringes on my right to a complete and fair hearing.

7.

8. I am asking that the Commission review the current Expedited treatment in this case and weigh the advantages to conducting a fair hearing over the unproven claims of Rolla. I ask that the Commission repeal the previous Order setting the Expedited Procedural Scheule and instead to order the Procedural Schedule that I have previously submitted.

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 11, 2010, to the following:

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Respectfully submitted,

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