

**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.	)	

**RESPONSE TO ROLLA MOTION FOR PROTECTIVE ORDER  
AND REQUEST FOR EXPEDITED TREATMENT**

1. Comes now Donna Hawley of 2602 Brook Dr., Rolla, Mo to address the issues of Protective Order and Expedited Treatment due to Rolla Municipal Utility's (RMU) continued insistence that the entire R.W. Beck engineering study (the Study) should be withheld from my review due to its exempt status under Mo Revised Statutes, Chapter 610.21(19).

2. I object the RMU position that the Study is not relevant to the current case EO-2010-0263 (the Case). The reality is that the only reason AmerenUE wants MoPSC permission to sell RMU the Phelps substation transformers and 34.k kV transmission lines is that RMU made a decision to initiate purchase negotiations with AmerenUE based solely on the conclusions drawn in the Study. It has been my position from the onset of this Case that the data and conclusions are not currently valid. In fact, in 2008 RMU had all the system data and performance trends such as dramatically lower Summer Peak Demand available in-house. Those trends should have warned them that the preferred option in the Study was no longer economically in the best interests of the Rolla public because it would not only lead to the single most expensive project

financing that the City of Rolla and RMU have ever undertaken but also because it would lead to unnecessary overbuild of the RMU distribution and transmission systems that will not meaningfully provide increased reliability to the majority of RMU customers.

3. In order for me to develop my position state in paragraph 2 above, and produce exhibits for the Case hearing, I absolutely need the analysis and data of the 2006 RMU system. RMU has openly published in the Study maps of the Rolla area showing the location and names of the various transmission lines, the thirteen distribution substations (also called Delivery Points in Table 2-3) and also the current and potential bulk substations. It would seem to me that a far greater risk to infrasture security would be to provide maps leading directly their locations. For RMU to arbitrarily withhold the row and column headings in the Study's Exhibits that would allow me to evaluate whether the load forecasts are correct for any specific Rolla neighborhood (Exhibit 1) serves only to deny me the right to develop my case.

4. It also seems obvious that RMU may have given me a copy of the Study with missing pages since page numbers within the Exhibits 1 through 3 and 5 are suspiciously not shown in the redacted copy of the Study that I was provided. Table 2.2 headings span the years 2008 to two columns of 2026 while the table in Exhibit 1 page 3 show the years as 2007 through 2026 with only one row for 2026. It is also hard not to notice that the RW Beck logo and format are suddenly missing from the Exhibit footers. These irregularities cause me to question whether I am receiving a true copy of the original Study with all pages.

5. RMU has a history of changing the exempt status of the R.W. Beck according to whatever result they wish to achieve. Initially (2008), RMU withheld the majority of the

Study – both open and closed sections – claiming that disclosure would somehow effect system security which at one time included potential terrorist activities. RMU Management at that time, self-servingly stated that I would need a Homeland Security Clearance to review any closed sections. This closure continued even while I was serving on the Rolla City Council and handling many issues that were confidential in nature. RMU's refusal to allow me to review the Study while on Council denied me the opportunity to successfully challenge the need for the most expensive upgrades that RMU chose and therefore prevented me from representing the best interests of citizens in my ward and also throughout Rolla. To prove my position that RMU's closure appears self-serving is that all of a sudden last month, and no doubt due to RMU's desire to expedite the MoPSC hearing schedule, the RMU Board arbitrarily declares that most of the document was in fact, no longer closed due to "passage of time." Except for those sections and exhibits that indicate how reliable the current system is functioning or how reliable the load forecasts are.

6. As far as those statements made by RMU in their current motion which discredit me before the MoPSC, they are obviously self-serving. Whether RMU likes it or not, I do have the right under both the U.S. Constitution or under the Missouri Constitution to openly criticize actions of the City of Rolla and its utility department, RMU. As to the RMU4YOU website, it was developed in conjunction with the grassroots citizen group and contains not one document that would be closed under the Missouri Sunshine Laws. During my tenure on Council I did not ever divulge closed information or actions held in executive session to the public with one exception. That was when the Mayor Pro Temp began calling the members and leaders of the citizens group, "cockroaches hiding in the walls." In reality, RMU's fear regarding whether or not I would publish Highly Confidential information is nothing more than paranoia and not grounded in reality.

7. As far as the RMU position that the Commission can only rule in this Case on whether the sale will not be detrimental to the public, I object to that lower standard. I believe the public's interest would be best served by the Commission ruling on whether or not the sale is consistent with Good Utility Practices and is executed within the restraints and conditions of the Missouri statutes and constitution and rules of the Commission which would include rules of evidence contained in 386.510. Withholding the complete Study denies me the opportunity to submit exhibits in evidence that I may need in further actions before the MoPSC and in Civil Court on appeal.

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 3, 2010, to the following:

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Respectfully submitted,

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