

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
October 31, 2000

CASE NO: EM-96-149

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Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 31st
day of October, 2000.

In the Matter of the Application of Union)
Electric Company for an Order Authorizing:)
(1) Certain Merger Transactions Involving)
Union Electric Company; (2) The Transfer)
of Certain Assets, Real Estate, Leased) Case No. EM-96-149
Property, Easements and Contractual)
Agreements to Central Illinois Public)
Service Company; and (3) In Connection)
Therewith, Certain Other Related)
Transactions)

**ORDER DENYING MOTION TO EXPEDITE
AND ORDER GRANTING IN PART THE MOTION TO COMPEL**

On October 25, 2000, the Staff of the Missouri Public Service Commission (Staff) filed a motion to compel discovery and a motion for expedited treatment of its motion to compel. In its request for expedited treatment, Staff requested that the Commission shorten the response time for replies to Staff's motion to compel, requiring filing by Tuesday, October 31, 2000, and shorten the time for Staff's response to those responsive filings, requiring filing by Friday November 3, 2000. Staff requested that the time for responsive pleadings be shortened to avoid delay in Staff's audit of UE for the report that is due under the second Experimental Alternative Regulation Plan (Second EARP) on February 1, 2001. The Commission finds good cause in Staff's need to have sufficient time for Staff to provide comprehensive information upon which the Commission will rely

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in evaluating the effectiveness of the Second EARP and to determine whether the recommendations to be filed by Staff, Union Electric Company d/b/a AmerenUE and the Office of the Public Counsel (Public Counsel) are supported by sufficient evidence. Staff's motion for expedited treatment of Staff's motion to compel will be denied because some of the dates requested by Staff are past and therefore, the Commission cannot grant the specific request made by Staff. However, the Commission will expeditiously address Staff's motion to compel. The Commission finds that it is able to rule immediately in part on Staff's motion to compel.

Commission Rule 4 CSR 240-2.090(2) states

Parties may use data requests as a means for discovery. The party to whom data requests are presented shall answer the requests within twenty (20) days after receipt unless otherwise agreed by the parties to the data requests. If the recipient objects to data requests or is unable to answer within twenty (20) days, the recipient shall serve all of the objections or reasons for its inability to answer in writing upon the requesting party within ten (10) days after receipt of the data requests, unless otherwise ordered by the commission.

In its motion to compel, Staff stated that it submitted Data Requests (DRs) numbered 13, 16-21, 23, 25, 26, 29, 35 and 40 to AmerenUE on August 17, 2000. Staff also stated that it submitted DRs number 50 and 55 to AmerenUE on September 12, 2000. Staff's DR 4114, included in Attachment A, was issued on August 28, 2000. Staff stated that on October 4, 2000, it received objections to these DRs in a letter from AmerenUE dated October 3, 2000.

AmerenUE failed to serve its objections in writing upon the requesting party within ten days after receipt of the data requests for DRs 13, 16-21, 23, 25, 26, 29, 35, 40, 50, 55, and 4114. AmerenUE, by its failure to timely respond, has waived its objection as to those DRs. Therefore, the Commission shall order AmerenUE to answer DRs 13, 16-21, 23, 25, 26, 29, 35, 40, 50, 55, and 4114 without further delay.

Staff stated that it had received objections to some 41 DRs by October 25, 2000, when it filed its motion to compel. In that motion, Staff also identified DRs 59, 61-72, 74-78, 80, and 82-87, to which AmerenUE filed timely objections. Staff's motion stated that Staff received a second letter from AmerenUE respecting the indicated data requests, but Staff did not provide the Commission with a copy of AmerenUE's letter containing the written objections. On October 27, 2000, the Commission issued an order directing Staff to provide the Commission with a copy of the letters containing AmerenUE's written objections by 12 p.m. on October 30, 2000.

Staff filed its response on October 30, 2000, complying with the Commission's request and adding DRs 88R-107R to its motion to compel. Staff stated that it received AmerenUE's objection to DRs 88R-107R on October 27, 2000, in a letter dated October 26, 2000. Because AmerenUE's objection pertaining to DRs 88R-107R is the same objection as the previously timely filed objection, the Commission will consider DRs 88R-107R as part of Staff's motion to compel. The Commission will also shorten the time for response to the remaining portion of Staff's motion to compel.

IT IS THEREFORE ORDERED:

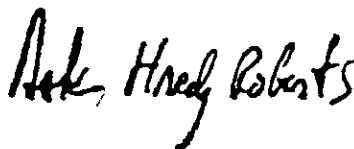
1. That the Motion for Expedited Treatment of Staff's Motion to Compel filed by the Staff of the Missouri Public Service Commission on October 25, 2000, is denied.

2. That the motion to compel filed by the Staff of the Missouri Public Service Commission on October 25, 2000, is granted in part in that the Commission directs Union Electric Company d/b/a AmerenUE to answer Data Request numbers 13, 16-21, 23, 25, 26, 29, 35, 40, 50, 55, and 4114 as soon as possible, but in no event later than November 10, 2000.

3. That Union Electric Company d/b/a AmerenUE may file, no later than November 3, 2000, a response to the remaining portion of Staff's motion to compel filed October 25, 2000, and amended October 30, 2000.

4. That this order shall become effective on November 3, 2000.

BY THE COMMISSION



**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

(S E A L)

Lumpe, Ch., Drainer, Murray, and Schemenauer, CC., concur
Simmons, C., absent

Register, Regulatory Law Judge

FY: To Be Issued By Delegation

ALJ/Sec'y: Register/Boyc

10-27
Date Circulated

10-1
Return by 3 p.m.
10 a.m.

EM-96-149
CASE NO.

S.L. 2,3,5
Lumpe, Chair

add 4,6,7,8
Draimer, Vice Chair

cm ?
Murray, Commissioner

JL 2,5
Schemenauer, Commissioner

absent
Simmons, Commissioner

10-31 Date of Agenda

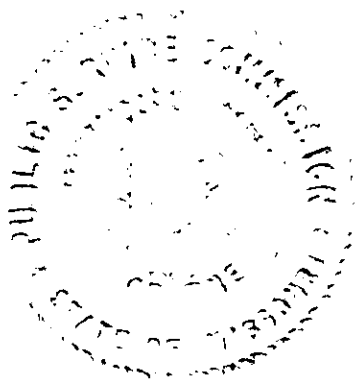
4-0 AA Action Taken

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 31st day of Oct. 2000.



Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge