

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY**

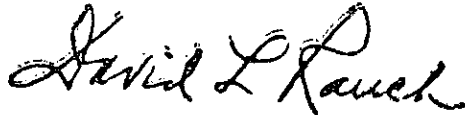
**APRIL 19, 1996**

**CASE NO: EM-96-149**

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

Sincerely,



**David L. Rauch  
Executive Secretary**

**Uncertified Copy:**

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STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a Session of the Public Service  
Commission held at its office  
in Jefferson City on the 19th  
day of April, 1996.

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 )  
Property, Easements And Contractual Agree- )  
ments To Central Illinois Public Service )  
Company; And (3) In Connection Therewith, )  
Certain Other Related Transactions. )

CASE NO. EM-96-149

ORDER REGARDING MOTIONS TO COMPEL

On November 7, 1995, Union Electric Company (UE) filed an application with the Missouri Public Service Commission (Commission) requesting an order from the Commission authorizing certain merger transactions involving UE. On November 15, 1995, the Commission issued an Order And Notice providing notice of this proposal to the public and providing for the intervention of proper parties.

After granting intervention to various parties, a prehearing conference was held, resulting in the filing of a joint motion to approve a proposed procedural schedule. The Commission adopted the proposed procedural schedule on January 22, 1996.

On April 4, 1996, the Office of the Public Counsel (OPC) filed a Motion To Compel answers to data requests, submitted by the OPC to UE. In its motion the OPC alleges that since early December, 1995, UE has failed to respond in a timely fashion to approximately 80 percent of the OPC data requests submitted to it. The OPC further alleges that it

submitted, approximately ten days prior to the filing of this motion, nearly 100 data requests to UE for response. The OPC maintains that it will be unable to timely file its rebuttal testimony, due April 30, 1996, should UE again be tardy in responding to this latest set of data requests. On April 16, 1996, OPC filed a Second Motion To Compel, essentially relating the same matter.

OPC specifically requests the Commission to order UE to furnish responses immediately for all past due requests and to respond to all outstanding requests within twenty days of submission.

UE filed its responses to the OPC motions on April 12, 1996 and April 18, 1996. In that response UE maintains that it has attempted to respond to all data requests in good faith. UE asserts that the OPC filed 75 detailed data requests at one time, late in March 1996, making a timely response difficult and burdensome.

UE states that it will make every effort to comply with the OPC data requests in a timely fashion. UE asks that the Commission hold the OPC request moot and unnecessary for reason that UE has, or will in a timely fashion, comply with the remainder of the outstanding data requests.

The Staff of the Missouri Public Service Commission (Staff) also filed a response to the OPC motion. Staff stated that it is currently engaged in an effort to resolve the matter of outstanding Staff data requests without the need to file a motion to compel. The Staff states that it is concerned that "whatever the Commission might direct of UE" would result in some detriment to UE's current efforts to respond to the Staff data requests. The Staff seeks no relief from the Commission.

The Commission has considered the motions of OPC and the response of UE. Particularly in light of the history of this case, the Commission, in rendering its decision, has seriously considered the advice

offered by the Staff. The Commission clearly recalls the urgency with which the suggested, and subsequently adopted, procedural schedule was pressed on the Commission.

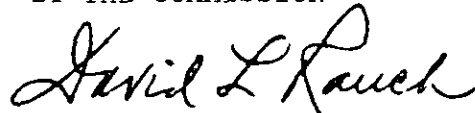
The Commission is now faced with disparate positions in regard to the completion of this procedural schedule, which was consensual between all parties. It is apparent to the Commission that none of the principal parties have found the agreed-upon schedule to be in any way agreeable.

The Commission will order that UE comply, in full, with all outstanding data requests no later than April 26, 1996, in order to allow the remainder of the parties at least a marginal amount of time to properly prepare rebuttal testimony. Should any party subsequently find the current schedule unacceptable, the Commission will expect the party to move to amend the procedural schedule.

**IT IS THEREFORE ORDERED:**

1. That the Motion To Compel filed by the Office of the Public Counsel on April 4, 1996, and the Second Motion To Compel filed by the Office of the Public Counsel on April 16, 1996, are sustained to the extent that Union Electric Company is ordered to fully comply with all data requests, submitted in a timely manner and in accordance with the Commission's rules, no later than the close of business on April 26, 1996.
2. That this Order shall become effective on the date hereof.

BY THE COMMISSION



David L. Rauch  
Executive Secretary

(S E A L)

Zobrist, Chm., McClure, Kincheloe,  
Crumpton, and Drainer, CC., Concur.

*Reque - Ducta*

CASE NO. EM-96-149

*K. Z. F.*  
Chairman  
*W. B. S. / 3*  
Commissioner  
*[Signature]*  
Commissioner  
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Commissioner  
*[Signature]*  
Commissioner

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*5-01  
AD  
amended  
Agenda 4/19*

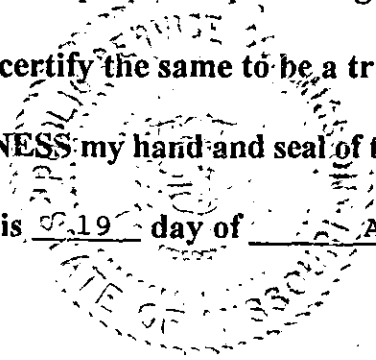
**STATE OF MISSOURI**

**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 19 day of APRIL, 1996.



*David L Rauch*

**David L. Rauch**  
Executive Secretary