BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of Union Electric Company d/b/a AmerenUE for Authority to File Tariffs Increasing Rates for Electric Service Provided to Customers in the Company's Missouri Service Area.	)))))	Case No. ER-2007-0002

AMERENUE'S REPLY TO STATE OF MISSOURI'S RESPONSE IN OPPOSITION TO UNION ELECTRIC COMPANY'S MOTION FOR ANY NECESSARY LEAVE TO FILE ADDITIONAL TESTIMONY, FOR ANY NECESSARY WAIVERS, AND TO DENY PENDING MOTIONS

COMES NOW Union Electric Company d/b/a AmerenUE (AmerenUE or Company) and, pursuant to 4 CSR 240-2.080(15)[1], hereby replies to the above-captioned Response of the State of Missouri. In this regard, AmerenUE states as follows:

1. The entire premise of the State's Response is false. It is obvious that the Commission determined in the Senate Bill 179 (SB 179) rulemaking docket (EX-2006-0472) to exclude transition rules from any final SB 179 rules. It is also obvious that as a result of that decision, the Commission made the further decision not to adopt any orders in the pending Aquila and AmerenUE rate cases that would have applied the same set of transition processes to the Aquila or AmerenUE rate cases. *See, e.g.*, Order Denying Motion to Establish Transitional Procedures, Case No. ER-2007-0002 (Issued September 28, 2006), wherein the Commission states "As a result, [of excluding transition provisions in the final SB 179 rules], the Commission will not adopt those transitional procedures for this case." Finally, it is equally obvious that the Commission made no determination relating to what, when, or how the FAC-related filings the Company has made in this case could or should have been made.

2. Indeed, when this rate case was filed, there were no deadlines by which various FAC related filings had to be made, and as discussed in previous pleadings, the only information

[1] And, as discussed in footnote 3 below, under 4 CSR 250-2.160(2), if reconsideration were required.

related to that issue was contained in the proposed transition procedures reflected in the Commission's proposed SB 179 rules. If those procedures had been applied the filings made by AmerenUE would not have been required until October 6, 2006.[2]

3. AmerenUE does not believe "reconsideration" of the Commission's order in which it declined to adopt the transitional procedures is necessary.[3] That issue is now moot as the SB 179 rules contain no such procedures and there is and never was an absolute need to adopt such procedures in any rate case. The Company has already explained in detail the propriety of the timing and scope of its FAC-related filings, and stands by those arguments.[4] In fact, the state's position is a paradox. On the one hand, the State has argued that the language in bold in paragraph 3 of the State's above-captioned response was an improper, late amendment of AmerenUE's original motion for which, the State says, leave was required and never granted.[5] On the other hand, the State now argues that AmerenUE's original motion apparently was amended and that somehow the Commission's September 28 order constitutes a ruling on whether AmerenUE's FAC request in this case will be determined by the Commission *on the merits.*

4. AmerenUE is not seeking another bite at any apple. AmerenUE has done what it said it would do in its July 7 testimony, in its July 7 motion, in its July 7 filing letter, and in its August 8 Reply: it has timely filed every single item and piece of information required by the

[2] Fifteen days after the Commission promulgated its final orders of rulemaking (September 21, 2007). *See* proposed rule that would have been codified at 4 CSR 240-20.090(16). The Company made these filings earlier, on September 29, 2006.
[3] In any event, this Reply is filed within 10 days after the Commission's September 28 Order was issued (the 10th day having fell on a Sunday making any motion due on the next business day, which is Tuesday, October 12 due to Columbus Day on October 11 (4 CSR 240-2.050(1)), and if and to the extent "reconsideration" were deemed required, the Company hereby requests reconsideration (under 4 CSR 240-2.160(2)) if and to the extent that the Commission's September 28 Order could be read to in any way preclude consideration of the Company's FAC request and FAC-related filings made in this case.
[4] *See* Company pleadings filed on September 11 and September 29, 2006.
[5] *See* the State's pleading filed on August 31.

now final SB 179 rules, 10 weeks before any direct testimony from any other party is due, and five and a half months before hearings are to commence. Some parties have commenced discovery on these issues, as they are entitled and were expected to do. The State continues to attempt to prevent the Commission from considering the merits of the issue with incorrect and misplaced procedural arguments. The Commission has the power to consider the Company's FAC request on the merits, it has rules in place promulgated after a tremendous amount of work on the part of many, many parties, that will allow it to do so, and no one has credibly alleged any prejudice resulting from an on-the-merits consideration of AmerenUE's FAC.

4. Consequently, AmerenUE renews its prayer reflected in its September 29 Motion.

Respectfully submitted,

Dated: October 9, 2006

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via e-mail, to the following parties on the 9th day of October, 2006.

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