



Missouri Public Service Commission

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November 26, 1996

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Director, Policy & Planning

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Director, Utility Services

DONNA M. PRENGER
Director, Administration

DALE HARDY ROBERTS
Chief Administrative Law Judge

STEVEN DOTTHEIM
Acting General Counsel

FILED

NOV 26 1996

**MISSOURI
PUBLIC SERVICE COMMISSION**

Mr. Cecil I. Wright
Executive Secretary
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

RE: Case No. EM-96-149 - 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 Agreements to Central Illinois Public Service Company; and (3) in connection therewith, certain other related transactions

Dear Mr. Wright:

Enclosed for filing in the above-captioned case are an original and fourteen (14) conformed copies of the **Market Power Testimony of Dr. John W. Wilson on Behalf of the Staff of the Missouri Public Service Commission and Staff Motion for Leave to Late File Market Power Testimony.**

This filing has been mailed, hand-delivered or sent by overnight courier service this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

Steven Dottheim
Acting General Counsel
573-751-7489

FILED

NOV 26 1996

**MISSOURI
PUBLIC SERVICE COMMISSION**

SD:ceb

Enclosure

cc: Counsel of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

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 Agreements)
to Central Illinois Public Service)
Company; and (3) in connection)
therewith, certain other related)
transactions.)

Case No. EM-96-149

FILED

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STAFF MOTION FOR LEAVE TO LATE FILE MARKET POWER TESTIMONY
MISSOURI PUBLIC SERVICE COMMISSION

Comes now the Staff of the Missouri Public Service Commission (Staff) in response to the Missouri Public Service Commission's (Commission) Order Requesting Additional Information issued on September 25, 1996 and Order Granting Motion For Extension Of Time issued on October 29, 1996, and requests leave to late file the market power testimony of Dr. John W. Wilson on behalf of the Staff. In support thereof, the Staff states:

1. Due to logistical problems, the Staff was unable to file the market power testimony of Dr. John W. Wilson by the November 26, 1996, 3:00 p.m. deadline previously set by the Commission. Said testimony is being (has been) filed by 5:00 p.m. November 26, 1996.

2. The Staff does not believe that this delay will harm any of the parties to the proceeding, nor unduly inconvenience the Commission. Nonetheless, the Staff apologizes for any inconvenience its late filing of this testimony may have caused.

3. In seeking to comply fully with the Commission's Order of September 25, 1996, the Staff determined it would be appropriate to obtain the services of a consultant experienced in market power analysis. After obtaining proposals from consultants, which several weeks earlier had been chosen by the Staff to form a pool of consultants to provide expert witness services on an as needed, if needed basis in the competitive market assessment subject area, the Staff selected Dr. John W. Wilson of J.W. Wilson & Associates, Inc. as eminently qualified to provide the information requested by the Commission. Dr. Wilson was so charged by the Staff.

The Staff did not attempt to find and hire a consultant on the basis of a search for an expert witness who would limit his/her analysis in recognition of the Stipulation And Agreement which the Staff and others had negotiated with Union Electric Company and filed on July 12, 1996. The goal of the Staff has been and continues to be to present a good faith, comprehensive response to the Commission's Order of September 25, 1996. At the same time, the intent of the Staff has been and continues to be to stand by the Stipulation And Agreement that the Staff negotiated with Union Electric Company and various other parties to this docket.

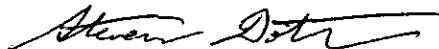
Dr. Wilson was advised by the Staff at the start of his engagement on this project that the Staff planned to continue to support the Stipulation And Agreement, but this was not to impair the independent analysis to be performed by him, conclusions to be reached by him, or the recommendations ultimately to be made by him to the Commission. The Staff believes that Dr. Wilson's

independent analysis and testimony are responsive to the Commission's Order of September 25, 1996. His testimony is presented by the Staff as the fulfillment of a good faith effort to comprehensively respond to the Commission's Order Requesting Additional Information.

At the same time, the Staff believes that it is appropriate to state its continued support of the Stipulation And Agreement which was filed with the Commission on July 12, 1996 and presented to the Commission on September 5, 1996. The Staff desires that there be no confusion regarding its position in support of the Stipulation And Agreement that is pending before the Commission.

WHEREFORE, the Staff respectfully requests that the Commission grant the Staff leave to file the market power testimony of Dr. John W. Wilson on the prescribed filing date, but after the 3:00 p.m. deadline previously set by the Commission.

Respectfully submitted,



Steven Dottheim
Acting General Counsel
Missouri Bar No. 29149

Attorney for the Staff of the
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered or sent by overnight courier service to all counsel of record as shown on the attached service list this 26th day of November, 1996.



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Case No. EM-96-149

Updated: November 26, 1996

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