

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²

FEB 07 2001

Missouri Public
Service Commission

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

**COMMENTS OF THE MISSOURI INDUSTRIAL ENERGY CONSUMERS
REGARDING CONTINUATION
OF EXPERIMENTAL ALTERNATIVE REGULATION PLAN**

Comes now Adam's Mark Hotels, Alcoa Foil Products, Anheuser-Busch, The Boeing Company, Ford Motor Company, General Motors Corporation, Holnam, Inc., Hussmann Refrigeration, ISP Minerals, Inc., Mallinckrodt Inc., MEMC Electronic Materials, Monsanto Company, Precoat Metals, Procter & Gamble Manufacturing and Ralston Purina (the "Missouri Industrial Energy Consumers") or ("MIEC") and files the following comments regarding whether Union Electric Company's Experimental Alternative Regulation Plan ("EARP") should be continued, continued with modifications, or discontinued. The MIEC supports the position of the Commission Staff and the Office of the Public Counsel that the EARP should not be continued. However, if the Commission continues the EARP, the MIEC respectfully suggests that it adopt the following modifications:

1. The Commission should substantially reduce the return on equity provided Union Electric Company under the EARP to reflect current capital market conditions.

1.262

2. The Commission should require that the uncontested amount of the earnings sharing under the EARP be refunded within sixty (60) days of the date that Union Electric Company files its Final Earnings Sharing Report;
3. The Commission should require Union Electric Company to provide interest to customers for all refunds, disputed or undisputed, from the expiration of the 60 day deadline for providing refunds, until such time as additional refunds are made.

Respectfully submitted,

BRYAN CAVE, LLP

By: *Diana M. Vuylsteker*
Diana M. Vuylsteker, #42419
211 N. Broadway, Suite 3600
St. Louis, Missouri 63102
Telephone: (314) 259-2543
Facsimile: (314) 259-2020

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed to all counsel of record on the Commission's service list this 6th day of February, 2001.

Diana M. Vuylsteker