

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of Union Electric	)	
Company d/b/a AmerenUE's	)	Case No. ER-2008-0318
Tariffs to Increase Its Annual	)	
Revenues for Electric Service.	)	

In the Matter of an Investigation into Whether	)	
Ratepayers are being Held Harmless	)	Case No. ER-2008-0015
From the Taum Sauk Disaster	)	

**UNION ELECTRIC COMPANY d/b/a AMERENUE'S  
RESPONSE TO STAFF'S MOTION TO CONSOLIDATE CASES**

COMES NOW Union Electric Company d/b/a AmerenUE (the Company or AmerenUE), pursuant to 4 CSR 240-2.180, and in response to Staff's Motion to Consolidate, states as follows:

1. On July 12, 2007, the Office of the Public Counsel (OPC) filed its Motion to Open New Case, which was docketed in the EFIS system as Case No. ER-2008-0015.<sup>1</sup> Despite being docketed in the EFIS system, the Commission has never granted OPC's Motion.

2. On December 26, 2007, the Commission issued an Order indicating that it was not then prepared to make a decision respecting whether to grant or deny OPC's Motion, and directed the Staff to file status reports (including on April 16, 2008) regarding the Staff investigation. Notably, Staff's investigation had already been contemplated by the Report and Order in Case No. ER-2007-0002, independent of the separate proceeding OPC sought to establish by the filing of its July 12, 2007 Motion.

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<sup>1</sup> Like the Staff in its August 31, 2007 Response to Commission Order, the Company too questions whether Case No. ER-2008-0015 in fact is properly denominated as an "ER" case (a designation reserved for a general rate case) versus an "EO" case.

The Commission's December 26, 2007 Order also directed OPC to file a position statement by April 23, 2008, in which OPC was to indicate whether Staff's investigation had addressed the concerns OPC had expressed in filing its original Motion to Open New Case.

3. On April 23, 2008, Staff filed its Status Report, together with a request to late file the same, and also moved to consolidate Case No. ER-2008-0015 with AmerenUE's recently filed rate case, Case No. ER-2008-0318. On April 25, 2008, the Commission granted Staff leave to late file its Status Report, and also extended the deadline for OPC's filing of its position statement to May 5, 2008.

4. OPC's July 12, 2007 Motion has still not been granted, and it appears that the Commission will not make a decision respecting whether to grant or deny OPC's Motion until after OPC files its position statement, which presumably will occur on or before May 5, 2008. If OPC's Motion is denied, then Staff's Motion to Consolidate would become moot and should in that event then be denied as moot.

5. If OPC's Motion is granted, which the Company submits is unnecessary given the Company's pending rate proceeding (Case No. ER-2008-0318, filed April 4, 2008), then the Company would not object to the consolidation. The Company's lack of objection to the consolidation should not, however, be construed as a waiver of any defense or right the Company might or could have with respect to any ratemaking treatment OPC or any other party might assert is appropriate if OPC or any such party alleges that ratepayers have not been held harmless to their satisfaction.

WHEREFORE, the Company hereby responds to Staff's Motion to Consolidate.

Respectfully Submitted:

SMITH LEWIS, LLP

By: /s/ James B. Lowery  
**James B. Lowery**, #40503  
Suite 200, City Centre Building  
111 South Ninth Street  
P.O. Box 918  
Columbia, MO 65205-0918  
Phone (573) 443-3141  
Facsimile (573) 442-6686  
[lowery@smithlewis.com](mailto:lowery@smithlewis.com)

**ATTORNEYS FOR UNION ELECTRIC  
COMPANY d/b/a AMERENUE**

UNION ELECTRIC COMPANY,  
d/b/a AmerenUE

**Steven R. Sullivan**, #33102  
Sr. Vice President, General Counsel &  
Secretary  
**Thomas M. Byrne**, #33340  
Managing Associate General Counsel  
1901 Chouteau Avenue, MC-1310  
P.O. Box 66149, MC-131  
St. Louis, Missouri 63101-6149  
(314) 554-2514 (Telephone)  
(314) 554-4014 (Facsimile)  
[tbyrne@ameren.com](mailto:tbyrne@ameren.com)

Dated: May 2, 2008.

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via e-mail, to the following parties on the 2nd day of May, 2008.

Office of the General Counsel  
Missouri Public Service Commission  
Governor Office Building  
200 Madison Street, Suite 100  
Jefferson City, MO 65101  
[gencounsel@psc.mo.gov](mailto:gencounsel@psc.mo.gov)

Diana M. Vuylsteke  
Bryan Cave, LLP  
211 N. Broadway, Ste. 3600  
St. Louis, MO 63102  
[dmvuylsteke@bryancave.com](mailto:dmvuylsteke@bryancave.com)

Office of the Public Counsel  
Governor Office Building  
200 Madison Street, Suite 650  
Jefferson City, MO 65101  
[opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov)

Rick D. Chamberlain  
The Commercial Group  
6 NE 63<sup>rd</sup> Street. Ste. 400  
Oklahoma City, OK 73105  
[rdc\\_law@swbell.net](mailto:rdc_law@swbell.net)

Stuart Conrad  
Finnegan, Conrad and Peterson  
3100 Broadway, Suite 1209  
Kansas City, MO 64111  
[stucon@fcplaw.com](mailto:stucon@fcplaw.com)

Todd H. Iveson  
P.O. Box 899, 8<sup>th</sup> Floor  
Broadway Building  
Jefferson City, MO 65102  
[todd.iveson@ago.mo.gov](mailto:todd.iveson@ago.mo.gov)

Sherrie A. Schroder  
Michael A Evans  
IBEW Local Union 1439  
7730 Carondelet Ave., Ste 200  
St. Louis, MO 63105  
[saschroder@hstly.com](mailto:saschroder@hstly.com)  
[MWilhelm@hstly.com](mailto:MWilhelm@hstly.com)

**/s/ James B. Lowery**  
James B. Lowery