

June 17, 2002

VIA HAND DELIVERY



Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street, Suite 100
Jefferson City, MO 65101

Re: MPSC Case No. EC-2002-1

Dear Mr. Roberts:

Enclosed for filing on behalf of Union Electric Company, d/b/a AmerenUE, in the above matter, please find an original and eight (8) copies of its **Response of UE to Public Counsel's Second Motion To Compel**.

Very truly yours,

A handwritten signature in cursive script that reads "James J. Cook/sh".

James J. Cook
Managing Associate General Counsel

JJC/vww

Enclosures

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

The Staff of the Missouri Public	)	
Service Commission	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. EC-2002-1
	)	
Union Electric Company, d/b/a	)	
AmerenUE,	)	
	)	
Respondent.	)	

**RESPONSE OF UE TO PUBLIC COUNSEL'S
SECOND MOTION TO COMPEL**

COMES NOW Union Electric Company d/b/a AmerenUE ("UE") and in response to the Office of Public Counsel's ("Public Counsel") Second Motion to Compel, states as follows:

1. Public Counsel's Data Request No. 515 is irrelevant to matters before this Commission in this Complaint Case. Mr. Mueller is the Chairman of the local Federal Reserve Board. In that role he gave a confidential presentation to the Board of Governors of the Federal Reserve Board in Washington, D.C. Although the presentation was confidential, the local news media reported on the fact that the presentation was made, and the general topic discussed. Simply because Mr. Mueller is also the Chairman of Ameren, his every utterance, even related to "energy issues" does not automatically become relevant to this case. The Company objected to this data request, and continues to so object. The data request asks for copies of "all materials and documents that Mr. Mueller provided to some or all participants in the two days of meetings..." Surely, the Board of Governors of the Federal Reserve Board of the United States of America is

allowed to received confidential presentations by the Chairmen of its Regional Banks without the intrusion of the Office of Public Counsel of Missouri, on the theory that somehow it might be of interest to their attempt to reduce the rates of UE.

2. With regard to Data Request No. 1026, the Company has provided some information and offered to make the remaining information, consisting of voluminous expense accounts, available for Public Counsel's inspection at the Company's offices. Consequently, the Company has fully responded to this data request.

3. In paragraph 4 of its Motion, Public Counsel states that it "believes that there are several other departments at the Company or its affiliates that are now or have been involved in Company's SO₂ allowance trading and SO₂ environmental compliance," that may have documents responsive to its data requests. On May 16, Public Counsel asked the Company to check again and a search has been taking place. To date, no additional responsive documents have been found; however, the Company continues to search.

4. While the Company continues to believe that the post-test year data sought by the Public Counsel concerning SO₂ allowance activity is irrelevant, and will so object if it is attempted to be introduced into evidence, the Company did not file an objection to this data request in time. The Public Counsel strategy of faxing many of its hundreds of data requests to the Company at 5:00 p.m. on Fridays has succeeded in allowing at least this one objectionable data request to get past the 10 day deadline. The Company appreciates the Commission's generally strict rule on this deadline and will therefore drop its objection to this data request and will provide the data as soon as possible.

5. Public Counsel alleges that its discovery rights are different and greater than the discovery rights of other parties before the Commission (Public Counsel's Motion, p. 4). Even if this allegation is true, Public Counsel's discovery rights in this proceeding are not unlimited. Public Counsel must seek information that is relevant and reasonably calculated to lead to the discovery of admissible evidence (Missouri Rule of Civil Procedure 56.01(b)). Based on this standard, Public Counsel's Second Motion to Compel must be denied.

WHEREFORE, for the aforementioned reasons, UE respectfully requests that the Public Counsel's Second Motion to Compel be denied as set forth herein.

Respectfully submitted,

UNION ELECTRIC COMPANY
d/b/a AmerenUE

By: James J. Cook / sh
James J. Cook, MBE #22697
Managing Associate General Counsel

Thomas M. Byrne, MBE #33340
Associate General Counsel

Steven R. Sullivan, MBE #33102
Vice President, General Counsel
& Secretary

One Ameren Plaza
1901 Chouteau Avenue
P.O. Box 66149 (MC 1310)
St. Louis, MO 63166-6149
jjcook@ameren.com
314-554-2237
tbyrne@ameren.com
314-554-2514
srsullivan@ameren.com
314-554-2098
314-554-4014(fax)

OF COUNSEL:

Robert J. Cynkar
Victor J. Wolski
Gordon D. Todd
Cooper & Kirk, PLLC
1500 K Street, N.W.
Suite 200
Washington, D.C. 20005
202-220-9600
202-220-9601 (fax)

DATED: June 17, 2002

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via hand delivery, Federal Express or e-mail on this 17th day of June, 2002, on the following parties of record:

General Counsel
Missouri Public Service Commission
200 Madison Street, Suite 100
Governor Office Building
Jefferson City, MO 65101

John B. Coffman
Deputy Public Counsel
Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

Steve Dottheim
Chief Deputy General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Robert C. Johnson, Esq.
Lisa C. Langeneckert, Esq.
Law Office of Robert C. Johnson
720 Olive Street, Suite 2400
St. Louis, MO 63101

Dennis Frey
Assistant General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Diana M. Vuylsteke
Bryan Cave LLP
One Metropolitan Square
211 North Broadway, Ste. 3600
St. Louis, MO 63102-2750

Office of the Public Counsel
Governor Office Building
200 Madison Street, Suite 650
Jefferson City, MO 65101

Robin E. Fulton
Schnapp, Fulton, Fall, Silver &
Reid, L.L.C.
135 East Main Street
P.O. Box 151
Fredericktown, MO 63645

R. Larry Sherwin
Assistant Vice President
Regulatory Administration
Laclede Gas Company
720 Olive Street, Room 1415
St. Louis, MO 63101

Michael C. Pendergast
Assistant Vice President &
Associate General Counsel
Laclede Gas Company
720 Olive Street, Room 1520
St. Louis, MO 63101

Ronald Molteni
Assistant Attorney General
Supreme Court Building
221 West High Street
P.O. Box 899
Jefferson City, MO 65102

Tim Rush
Kansas City Power & Light Company
1201 Walnut
Kansas City, MO 64141

James M. Fischer
Fischer & Dority, P.C.
101 Madison, Suite 400
Jefferson City, MO 65101

Samuel E. Overfelt, Esq.
Law Office of Samuel E. Overfelt
618 East Capitol Avenue
P.O. Box 1336
Jefferson City, MO 65102

Thomas M. Byrne / sh
Thomas M. Byrne