



Missouri Public Service Commission

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February 6, 1997

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

RE: Case No. EM-96-149

Dear Mr. Wright:

Enclosed for filing in the above-captioned case are an original and fourteen (14) conformed copies of a STAFF MOTION TO CANCEL OR RESCHEDULE THE FEBRUARY 11, 1997 MARKET POWER HEARING.

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

[Handwritten signature of Steven Dottheim]

Steven Dottheim
Acting General Counsel
(573) 751-7489
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SD/bsl
Enclosures
cc: Counsel of Record

FILED
FEB 6 - 1997
MISSOURI PUBLIC SERVICE COMMISSION

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED

FEB 6 - 1997

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

STAFF MOTION TO CANCEL OR RESCHEDULE
THE FEBRUARY 11, 1997 MARKET POWER HEARING

Comes now the Staff of the Missouri Public Service Commission (Staff) and in response to the Commission's January 31, 1997 Order Setting Hearing, requests that the Commission cancel or reschedule the market power hearing that is presently scheduled for Tuesday, February 11, 1997 by choosing one of the alternative courses set out below. In support of its request, the Staff states as follows:

1. Staff witness John W. Wilson will be out of the United States February 7 - 14, 1997 and therefore is unavailable to appear before the Commission on February 11, 1997. Presently, he would be available to appear before the Commission on any of the days from February 17 - 20, 1997. He is again out of the United States the week of February 24 and the weeks of March 3, March 10, March 17 and March 24. He is available to appear before the Commission commencing the very next week, March 31, 1997 and thereafter. Dr. Wilson's schedule was set in advance of the Commission's January

31, 1997 Order Setting Hearing. Both he and the Staff regret the inconvenience this may cause the Commission. The Staff has been advised by the two other parties that have submitted market power testimony, Union Electric Company (UE) and the Office of the Public Counsel (OPC), that they too have witness scheduling problems regarding the date of Tuesday, February 11, 1997 and respecting certain subsequent weeks.

2. The Staff, UE and OPC have conferred with each other on this scheduling problem and have determined that respecting the testimony filed November 1, 1996 by UE and on November 26, 1997 by the Staff and OPC, the three parties in separate pleadings will state to the Commission that they are willing to waive cross-examination of each other's market power witnesses and have no objection to the Commission receiving into evidence all of that testimony so long as there is no cross-examination of these witnesses by any party or the Commission, or objection to this market power testimony being received into evidence.

3. UE, the Staff and OPC have also indicated to each other that they will suggest to the Commission in separate pleadings that given the scheduling problems concerning the appearance of all market power witnesses on the same day(s) in the immediate or very near future, the Commission might want to consider submitting to

4. An effort has been made by UE and OPC to contact the other parties in this proceeding to see if they would waive cross-examination and indicate no objection to all the market power testimony being received into evidence and thereby possibly forego the necessity of a hearing. It is the Staff's understanding that UE and OPC have not reached or heard back from all other parties. Due to the necessity of getting this matter before the Commission because of the impending approach of Tuesday, February 11, the Staff would suggest that if the Commission is interested in proceeding in this manner, it should, at the time that it issues a notice canceling the February 11 hearing, give parties 10 days to file any objections to this suggested procedure for foregoing a market power hearing. The Staff would note that all intervenors in this proceeding are either signatories to the July 12, 1996 Stipulation And Agreement or on record as having indicated that they would neither support nor oppose the July 12, 1996 Stipulation And Agreement.

Wherefore, the Staff hereby requests that the Commission cancel or reschedule the hearing that it has set for Tuesday, February 11, 1997 by selecting one of the following alternative courses which are set out in more detail above: (1) reschedule the hearing to a time when the market power witnesses of Union Electric

Company, the Staff and the Office of Public Counsel are able to attend on the same day(s) (or schedule John W. Wilson for a day(s) during the February 17 - 20, 1997 period, or for a day(s) on or after March 31, 1997); (2) set a schedule and parameters for proceeding forward by written questions to the market power witnesses; or (3) receive into evidence the market power testimony of Union Electric Company, the Staff and the Office of Public Counsel without the necessity of convening a hearing, on the basis that there is no cross-examination for these witnesses and no objections to their testimony being received into evidence.

Respectfully submitted,



Steven Dottheim
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 6th day of February, 1997.



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