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April 117002

Via Federal Express

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

Re: MPSC Case No. EC-2002-112

Dear Judge Roberts:

Enclosed you will find an original and nine copies of the Respondent's Motion for Revised Procedural Schedule.

Please file the original and eight copies of this pleading with the Commission and return the extra copy file-stamped to me in the enclosed self-addressed stamped envelope.

If anything further is needed to file this pleading, please let me know.

Yours very truly,

HERZOG, CREBS & MCGHEE, LLP



Michael A. Vitale

MAV/mh

cc: Freeman Bosley, Jr. (w/enc)
Steve Dottheim (w/enc)
John Coffman (w/enc)

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

STERLING MOODY, STERLING'S MARKET
PLACE AND STERLING'S PLACE, I,

Complainants,

v.

AMERENUE, UNION ELECTRIC CO. d/b/a
AMERENUE, and MIKE FOY, LEROY ETTLING,
and SHERRY MOSCHNER, as employees of
AmerenUE,

Respondents.

Case No. EC-2002-112

**RESPONDENTS' MOTION FOR
REVISED PROCEDURAL SCHEDULE**

Come now respondents, AmerenUE, Union Electric Co. d/b/a AmerenUE, and Mike Foy, Leroy Ettling and Sherry Moschner, pursuant to 4 CSR 240-2.110, and for their Motion for Revised Procedural Schedule state as follows:

1. On March 25, 2002, the parties submitted their Proposed Procedural Schedule in this matter.
2. Before an Order was entered adopting the parties' Proposed Procedural Schedule, complainants have filed a Motion for Revised Procedural Schedule, along with a proposed Revised Procedural Schedule.
3. Respondents do not oppose complainants' Motion for Revised Procedural Schedule.
4. However, counsel for respondents learned only late last week that respondent Leroy Ettling will not be available to appear at the hearing proposed for July 8, 9 and 10, 2002.

5. Mr. Ettling recently retired from respondent Union Electric Company, in part to care for his wife who has been ill. Mr. Ettling informed counsel last week that he will be traveling with his wife out of town and thus will be unavailable for the period from June 16 through July 20, 2002.

6. Mr. Ettling's participation in this action, both as a named party and as a witness, is necessary for a just and fair determination of the issues raised by complainants in their Complaint. However, rather than request that the hearing be postponed from the July 8, 9 and 10 dates to which the parties had previously agreed, respondents propose that the Commission schedule a day, at its convenience and at the convenience of the parties, at the end of July or early August 2002 to receive Mr. Ettling's testimony and to hear any other testimony from any other witnesses who may not be reached on July 8, 9 and 10.

7. Respondents' request is made for good cause and is not filed for purposes of delay. Counsel for complainants, the Commission Staff and the Office of Public Counsel have consented to respondents' request.

WHEREFORE, for good cause shown, respondents respectfully request that the Commission adopt the Revised Procedural Schedule attached to complainants' Motion for Revised Procedural Schedule and that the Commission schedule the conclusion of the hearing at a date in late July or early August at its convenience and the convenience of the parties.

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By:



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Attorneys for Respondents AmerenUE,
Union Electric Co d/b/a AmerenUE,
Mike Foy, Leroy Ettling and Sherry
Moschner

Certificate of Service

The undersigned hereby certifies that a copy of Respondent's Motion for Revised Procedural Schedule was mailed first class, postage prepaid this 17th day of April 2002 to Office of Public Counsel, P.O. Box 7800, Jefferson City, Missouri 65102, Office of General Counsel, Missouri Public Service Commission, P.O. Box 360, Jefferson City, Missouri 65102 and Freeman Bosley, Jr., 1601 Olive Street, First Floor, St. Louis, Missouri 63103-2344, attorney for complainants.

