



Missouri Public Service Commission

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November 21, 2001

FILED

NOV 21 2001

Missouri Public  
Service Commission

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

**RE: Case No. EM-96-149 – 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.**

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and eight (8) conformed copies of a **STAFF MOTION FOR EXTENSION OF DEADLINE TO FILE NOTICE OF AREAS OF DISAGREEMENT AND FOR LEAVE TO LATE-FILE INSTANT MOTION.**

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,

Steven Dottheim  
Chief Deputy General Counsel  
(573) 751-7489  
(573) 751-9285 (Fax)

Enclosure  
cc: Counsel of Record

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>2</sup>

NOV 21 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

**STAFF MOTION FOR EXTENSION OF DEADLINE TO FILE NOTICE OF  
AREAS OF DISAGREEMENT AND FOR LEAVE TO LATE-FILE INSTANT MOTION**

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its Motion For Extension Of Deadline To File Notice Of Areas Of Disagreement And For Leave To Late-File Instant Motion states as follows:

1. On October 17, 2001, Union Electric Company, d/b/a AmerenUE (Company) filed its "Final" Earnings Report Filing Third Sharing Period – Second EARP. Pursuant to the Stipulation And Agreement approved in the above-styled case on February 21, 1997, UE has 105 days after each sharing period ending June 30 to file a final earnings report and a proposed sharing report, and the signatories "have thirty (30) days after the final report is filed to provide notice that there may be areas of disagreement not previously brought to the attention of the Commission that need to be resolved." (July 12, 1996 Stipulation And Agreement, Paragraph 7.f.x., pp. 15-16, Case No. EM-96-149.)

2. The Staff commenced its monitoring of the third year of the second EARP during its earnings/revenues audit of UE. Due to the presently pending Laclede Gas Company rate increase case, GR-2001-629 (which has involved and continues to involve many of the same

Staff accountants that are involved in the instant case and Case No. EC-2002-1, which is the Staff's excess earnings/revenues complaint case against UE), the rate increase case filing of Citizens Electric Corporation, ER-2002-217 (which also involves some of these same Staff accountants), depositions of the Staff in Case No. EC-2002-1 and other Commission business, the Staff has not completed its review of the third and final sharing period of the second EARP. Due to the required events on both the Staff's and UE's proposed procedural schedules pending before the Commission for Case No. EC-2002-1, remaining possible future events in the Laclede Gas Company rate increase case and required future events in the Citizens Electric Corporation rate increase case, the Staff believes that it cannot complete its review of the third and final sharing period of the second EARP and identify areas of disagreement with UE prior to February 19, 2002, when the Staff, under the schedule proposed by the Staff in Case No. EC-2002-1, would file its surrebuttal testimony and schedules.

In the procedural schedules proposed by both the Staff and UE in Case No. EC-2002-1, UE would file its rebuttal testimony and schedules on December 20, 2001. Although the Staff has not proceeded in a manner to consciously delay the completion of its review of the third and final year of the second EARP, UE's December 20, 2001 filing will provide information that will allow the Staff to better identify areas of disagreement on a going forward basis from the end of the second EARP. The Staff's review of UE's rebuttal filing should begin in Case No. EC-2002-1 on December 20, 2001.

3. As a consequence of the matters related above, the Staff respectfully requests that the deadline set in Paragraph 7.f.x. of the July 12, 1996 Stipulation And Agreement in the instant case be extended until February 19, 2002.

4. The Staff does not make this request to unduly delay the proceedings in Case No. EM-96-149.

WHEREFORE, the Staff respectfully requests that the Commission extend the deadline for the Staff to provide notice of areas of disagreement regarding UE's "Final" Earnings Report Filing Third Sharing Period -- Second EARP until February 19, 2002.

Respectfully submitted,

DANA K. JOYCE  
General Counsel



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Missouri Bar No. 29149

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document has been faxed, mailed, or hand-delivered to the following parties of record on this 21st day of November, 2001.



**SERVICE LIST FOR  
CASE NO. EM-96-149**

**Verified: November 21, 2001 (rr)**

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