

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
December 11, 2000**

CASE NO: EM-96-149

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

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

Gary W. Duffy/James Swearngen
Brydon, Swearngen & England PC
312 E. Capitol Ave., P.O. Box 456
Jefferson City, MO 65102

James M. Fischer
James M. Fischer PC
101 Madison Street, Suite 400
Jefferson City, MO 65101

James J. Cook/Williams J. Neihoff
Ameren Services
P.O. Box 66149 (MC 1310)
St. Louis, MO 63166

Charles Brent Stewart
Stewart & Keevil L.L.C.
1001 Cherry Street, Suite 302
Columbia, MO 65201

Michael C. Pendergast
Laclede Gas Co.
720 Olive St., Room 1520
St. Louis, MO 63101

William A. Spencer
216 E. Capitol Ave.
P.O. Box 717
Jefferson City, MO 65102

Robert C. Johnson
Peper, Martin, Jensen, Maichel and Hetlage
720 Olive St., 24th Floor
St. Louis, MO 63101

William G. Riggins
Kansas City Power & Light Company
1201 Walnut St., PO Box 418679
Kansas City, MO 64141

Paul S. DeFord
Lathrop & Gage
2345 Grand Blvd., Suite 2500
Kansas City, MO 64108

Ronald Molteni
P.O. Box 899
Jefferson City, MO 65101

Marilyn S. Teitelbaum
Schuchat, Cook & Werner
1221 Locust St., 2nd Floor
St. Louis, MO 63103

Robin E. Fulton
Schnapp, Fulton, Fall, McNamara & Silvey
135 E. Main St., PO Box 151
Fredericktown, MO 63645

Paul H. Gardner
Goller, Gardner & Feather
131 East High Street
Jefferson City, MO 65101

Diana M. Vulysteke
Bryan Cave LLP
One Metropolitan Square
211 North Broadway, Suite 3600
St. Louis, MO 63102

Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

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) Case No. EM-96-149
Property, Easements and Contractual)
Agreements to Central Illinois Public)
Service Company; and (3) in Connection)
Therewith, Certain Other Related)
Transactions)

**ORDER GRANTING JOINT MOTION FOR EXTENSION OF DEADLINE, SETTING
PREHEARING CONFERENCE AND DIRECTING PROCEDURAL SCHEDULE**

On October 12, 2000, Union Electric Company d/b/a AmerenUE (AmerenUE) filed its final earnings report for the second sharing period of the Second Experimental Alternative Regulation Plan (Second EARP). Pursuant to the Stipulation and Agreement approved by the Commission on February 21, 1997, which authorized the Second EARP, signatory parties were required to file notice of any areas of disagreement not previously brought to the attention of the Commission 30 days after AmerenUE had filed its final earnings report. The 30th day following the filing of AmerenUE's recently filed final earnings report is November 11, 2000. However, pursuant to Commission rule 4 CSR 240-2.050.1, because the 30th day is a Sunday, the period for filing runs until the end of the next day which is not a Saturday, Sunday or legal holiday. Therefore, the date for filing responsive

245

pleadings to AmerenUE's final earnings report was Monday, November 13, 2000.

On November 9, 2000, Staff of the Missouri Public Service Commission (Staff) and the Office of the Public Counsel (Public Counsel) filed a Joint Motion for Extension of Deadline to File Notice of Areas of Disagreement. Staff and Public Counsel indicated that they met with the company on November 9, 2000, to discuss areas of disagreement with its final earnings report. Staff and Public Counsel indicated that they had not completed their reviews of the second sharing period and that the company had not had a full 20 days to respond to certain data requests submitted by Staff and Public Counsel. Staff and Public Counsel stated that they have not yet identified all of the areas of possible disagreement. Staff and Public Counsel also stated that they expect that certain areas of disagreement may be eliminated, or narrowed, and clarified after further discussion with the company. Therefore, Staff and Public Counsel requested that the deadline for filing the notice of areas of disagreement as set forth in paragraph 7.f.x. of the Stipulation and Agreement be extended until December 1, 2000. Staff and Public Counsel noted that the company had no objections to the extension of this deadline. AmerenUE did not join in this motion as a signatory party.

Commission Rule 4 CSR 240-2.080(16) permits a party no more than 10 days from the date of filing to respond to pleadings filed. No responses to the motion were received.

On December 1, 2000, Staff filed its report regarding the second sharing period of the Second EARP and Public Counsel filed its notice of areas of disagreement. In its filing, Staff requested that the Commission schedule an early prehearing conference for December 20, 2000, for the purpose of having the parties submit a procedural schedule and to allow the parties the opportunity to continue discussions and the exchange of the information.

After reviewing the pleadings filed, the Commission finds that the request for extension does not unduly delay the proceedings in this matter, and therefore, the extension of time to file is reasonable. The Commission will grant Staff and Public Counsel's Joint Motion for Extension of Deadline to File Notice of Areas of Disagreement. Staff and Public Counsel's pleadings filed December 1, 2000, shall be deemed timely filed.

The Commission will schedule an early prehearing conference for December 20, 2000. The parties shall jointly file a proposed procedural schedule thereafter. The proposed procedural schedule shall establish dates for the close of discovery and the filing of a statement of issues and statements of position. The statement of issues shall succinctly set out the issues that the Commission must determine, the witnesses to be called on each day of hearing and the order thereof, and proposed page limitations of the post-hearing briefs. The proposed procedural schedule shall also establish dates for the hearing of this matter.

IT IS THEREFORE ORDERED:

1. That the Joint Motion for Extension of Deadline to File Notice of Areas of Disagreement filed by the Staff of the Missouri Public Service Commission and the Office of the Public Counsel on November 9, 2000, is granted.

2. That the deadline for filing notice of areas of disagreement pursuant to the Second Experimental Alternative Regulation Plan's Stipulation and Agreement is extended to December 1, 2000.

3. That a prehearing conference shall be held on December 20, 2000, beginning at 10:00 a.m. The prehearing conference shall be held in Suite 310, located in the office of the Missouri Public Service Commission in Jefferson City, Missouri, on the main floor of the Governor Office Building, 200 Madison Street. The Governor Office Building meets the accessibility standards required by the Americans with Disabilities Act. If any person needs additional accommodations to participate in the prehearing conference, please call the Missouri Public Service Commission's Hotline at 1-800-392-4211 (voice) or 1-800-829-7541 (TDD) prior to the hearing.

4. That the parties shall file a proposed procedural schedule no later than January 15, 2001. The procedural schedule shall include dates for the filing of testimony and for a hearing.

5. That this order shall become effective on December 21, 2000.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Shelly A. Register, Regulatory Law
Judge, by delegation of authority
pursuant to Section 386.240, RSMo, 1994.

Dated at Jefferson City, Missouri,
on this 11th day of December, 2000.

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

**I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 11th day of December 2000.**

Dale Hardy Roberts

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

