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September 19, 2002

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

FILED⁴

SEP 19 2002

**RE: Union Electric Company,
Case No. EC-2002-1059**

Missouri Public
Service Commission

Dear Mr. Roberts:

Enclosed for filing in the above-referenced case please find the original and eight copies **MOTION TO DISMISS PUBLIC COUNSEL COMPLAINT**. I have on this date mailed, faxed, and/or hand-delivered the appropriate number of copies to all counsel of record. Please "file" stamp the extra enclosed copy and return it to this office.

Thank you for your attention to this matter.

Sincerely,


John B. Coffman
Acting Public Counsel

JBC:jb

cc: Counsel of Record

FILED⁴

SEP 19 2002

Missouri Public
Service Commission

Case No. EC-2002-1059


MOTION TO DISMISS PUBLIC COUNSEL COMPLAINT

COMES NOW the Office of the Public Counsel (Public Counsel) and pursuant to Commission Rule 4 CSR 240-2.116(1) and respectfully requests that the Missouri Public Service Commission (Commission) dismiss the above-styled Complaint filed on May 7, 2002 respecting the Third Year of the Second Experimental Alternative Regulation Plan (EARP II) for Union Electric Company d/b/a AmerenUE (Company). The issues raised by Public Counsel regarding allegations that Company had manipulated its Earnings Report in order to reduce the amount of sharing credits for customers with regard to the Second Year of the EARP II have been resolved as a result of the Stipulation and Agreement approved by the Commission in its Report and Order issued on July 25, 2002 in Case No. EC-2002-1. It is Public Counsel's expectation based upon that Stipulation and Agreement and subsequent Company assurances that \$40 million in credits relating to the Third Sharing Period for EARP II

will be received by customers on utility bills issued this month. Therefore, the above-styled Complaint case may now be dismissed and the case closed.

Respectfully submitted,

OFFICE OF THE Public Counsel

By: 
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered to the following this 19th day of September 2002:

STEVEN DOTTHEIM

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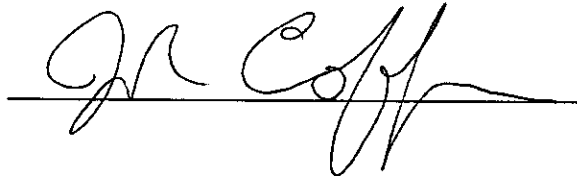
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A handwritten signature, likely "J. R. Cook", is written over a horizontal line.