

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 9th day of  
November, 2006.

In Re: Union Electric Company's 2005  
Utility Resource Filing Pursuant to  
4 CSR 240 - Chapter 22

)  
) **Case No. EO-2006-0240**  
)

**ORDER ADOPTING PROCEDURAL SCHEDULE**

Issue Date: November 9, 2006

Effective Date: November 9, 2006

Union Electric Company, d/b/a AmerenUE, filed its integrated resource plan (IRP), as required by 4 CSR 240 – Chapter 22, on December 5, 2005. After several rounds of back and forth pleadings and negotiations, the parties have been unable to resolve their disagreements about whether AmerenUE's IRP complies with the Commission's regulation. AmerenUE and Staff have filed a nonunanimous stipulation and agreement that resolves Staff's concerns about the IRP. However, the Office of the Public Counsel, the Missouri Department of Natural Resources, and the group of parties including the Sierra Club,<sup>1</sup> contend that the IRP does not comply with the controlling regulation.

AmerenUE suggests that the Commission simply approve the stipulation and agreement and accept the IRP as corrected by the stipulation and agreement. The parties contending that the IRP is deficient argue that the Commission must conduct an evidentiary hearing to consider the alleged deficiencies in the IRP.

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<sup>1</sup> Sierra Club, Missouri Coalition for the Environment, Mid-Missouri Peaceworks, and ACORN.

Commission Rule 4 CSR 240-22.080(9) provides that if the parties are not able to reach a full agreement on remedying deficiencies in the IRP, the Commission “will issue an order which indicates on what items, if any, a hearing will be held and which establishes a procedural schedule.” The Commission will schedule a hearing to consider the deficiencies alleged by the parties.

At the direction of the Commission, the parties filed suggestions regarding a procedural schedule to consider the alleged deficiencies. A group of parties, including the Commission’s Staff, Public Counsel, the Department of Natural Resources, the Sierra Club group, Missouri Energy Group, Missouri Industrial Energy Consumers, and Noranda Aluminum, recommended that the Commission establish a procedural schedule leading to an evidentiary hearing on February 20-22, 2007. AmerenUE contends that no hearing is necessary, but points out that a February 2007 hearing would occur just a few weeks before the hearing in AmerenUE’s pending rate case. It argues that if a hearing is held, it should wait until after completion of the rate case, meaning that the hearing would be delayed until the summer of 2007.

The Commission believes that this case needs to proceed expeditiously. A delay until the summer of 2007 is not warranted by the circumstances. The Commission will adopt a procedural schedule leading to a hearing in February 2007.

The Commission finds that the following conditions should be applied:

(A) The Commission will require that testimony be prefiled as defined in Commission Rule 4 CSR 240-2.130. All parties must comply with this rule, including the requirement that testimony be filed on line-numbered pages.

(B) The parties shall agree upon and Staff shall file a list of the issues to be heard, the witnesses to appear on each day of the hearing, the order in which they will be called,

and the order of cross-examination for each witness. Any issue not contained in this list of issues will be viewed as uncontested and not requiring resolution by the Commission.

(C) Each party shall file a brief statement indicating its position on each contested issue.

(D) All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 4 CSR 240-2.080. Briefs shall follow the same list of issues as filed in the case and must set forth and cite the proper portions of the record concerning the issues that are to be decided by the Commission.

(E) All parties are required to bring an adequate number of copies of exhibits that they intend to offer into evidence at the hearing. If an exhibit has not been prefiled, the party offering it should bring, in addition to the copy for the court reporter, copies for the five Commissioners, the Presiding Judge, and all counsel.

**IT IS ORDERED THAT:**

1. The following procedural schedule is established:

<b>Direct Testimony Filed by AmerenUE</b>	<b>-</b>	<b>December 4, 2006</b>
<b>Rebuttal Testimony Filed by all other Parties</b>	<b>-</b>	<b>January 8, 2007</b>
<b>Surrebuttal and Cross-Surrebuttal Filed by all other Parties</b>	<b>-</b>	<b>February 6, 2007</b>
<b>Issues List and Order of Issues, Witnesses and Cross Filed by Staff</b>	<b>-</b>	<b>February 9, 2007</b>
<b>Statements of Position Filed by all Parties</b>	<b>-</b>	<b>February 14, 2007</b>
<b>Hearing</b>	<b>-</b>	<b>February 20, 21 &amp; 22, 2007, beginning at 8:30 a.m.</b>

2. The hearing will be held at the Commission's office at the Governor Office Building, Room 310, 200 Madison Street, Jefferson City, Missouri. This building meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations to participate in this hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

3. This order shall become effective on November 9, 2006.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

( S E A L )

Gaw, Clayton, and Appling, CC., concur.  
Davis, Chm., dissents.  
Murray, C., dissents, with separate dissenting  
opinion attached.

Woodruff, Deputy Chief Regulatory Law Judge