

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Union)
Electric Company, d/b/a AmerenUE,)
for a Metering Variance to Serve Crestview)
Senior Living)

Case No. EE-2006-0524

ORDER GRANTING LEAVE TO AMEND AND DIRECTING FILING

Issue Date: July 28, 2006

Effective Date: July 28, 2006

On June 27, 2006, Union Electric Company, d/b/a/ AmerenUE, (“AmerenUE”) filed an application requesting that the Commission grant it a variance from 4 CSR 240-20.050 and Section II.K Non-Standard Service of the Company’s Schedule 5 – Schedule of Rate for Electrical Service. On June 28, 2006, the Commission directed AmerenUE to file a supplemental pleading curing deficiencies in its application no later than July 18, 2006. AmerenUE failed to meet this deadline, and on July 19, 2006, the Commission ordered that no further action was to be taken in this matter until AmerenUE’s application was brought into full compliance with all Commission rules.

On July 28, 2006, AmerenUE sought leave to amend its application to bring it into compliance with all Commission rules and to reflect additional information relevant to the relief sought in its application for a variance. AmerenUE states that nothing in its amended application changes the substance of its original request and that no party will be prejudiced or surprised in any way by the filing of its First Amended Application for Variance.

Commission Rule 4 CSR 240-2.080(20) provides that: “Any pleading may be amended within ten (10) days of filing, unless a responsive pleading has already been filed, or at any time by leave of the Commission.” Additionally, Supreme Court Rule 55.33(a) provides that leave to amend “shall be freely given when justice so requires.” No party has filed a responsive pleading in this matter, and the deficiencies corrected by AmerenUE were those directed by the Commission. No party will experience surprise or prejudice with AmerenUE’s filing of its First Amended Application for Variance, and the motion for leave to amend will be sustained.

Commission Rule 4 CSR 240-20.050(5)(C)(1) requires the Commission’s Variance Committee to consider all variance applications from this rule and make a written recommendation of its findings to the Commission. In the Commission’s June 28, 2006 order, the Variance Committee was directed to file its recommendation in this matter no later than July 28, 2006. Because this thirty (30) day interval was interrupted by the Commission’s order halting action in this matter, the Commission will extend the deadline for the Variance Committee’s recommendation until August 28, 2006.

IT IS ORDERED THAT:

1. Union Electric Company, d/b/a AmerenUE’s Motion for Leave to Amend Application is sustained.
2. Union Electric Company, d/b/a AmerenUE’s First Amended Application for Variance is deemed filed in this case.
3. No later than August 28, 2006, the Variance Committee of the Missouri Public Service Commission shall file its recommendation.

4. This order shall become effective on July 28, 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)

Harold Stearley, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 28th day of July, 2006.