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January 7, 2002

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

RE: Union Electric
Case No. EO-2001-684

FILED³

JAN 07 2002

**Missouri Public
Service Commission**

Dear Mr. Roberts:

Enclosed for filing in the above-referenced case please find the original and eight copies of **Public Counsel's Response in Opposition to Company's Motion to Suspend**. 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

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

FILED³

JAN 07 2002

Missouri Public
Service Commission

Case No. EO-2001-684

In the Matter of the Application of Union)
Electric Company d/b/a AmerenUE for an)
Order Authorizing It to Withdraw from)
the Midwest ISO to Participate in the)
Alliance RTO)
)

**PUBLIC COUNSEL'S RESPONSE IN OPPOSITION TO
COMPANY'S MOTION TO SUSPEND**

COMES NOW the Office of the Public Counsel ("Public Counsel") and for its Response in Opposition to Union Electric Company d/b/a AmerenUE's (Company's) Motion to Suspend states as follows:

1. On December 27, 2001, Company filed a Motion to Suspend, asking that the Commission take no further action in this case until March 1, 2002 because it believes that recent actions taken by the Federal Energy Regulatory Commission (FERC) may render the relief requested of the Missouri Public Service Commission moot. Public Counsel opposes the Motion to Suspend and believes that there is no good reason for the Commission to delay issuing its decision soon.

2. As Public Counsel and other parties have noted, a resolution of the issues in this case have already been unnecessarily delayed by the belated filing of Company's Application.

Until now, Company itself has been requesting a speedy resolution of the issues this case has raised.

The record in this case is now complete and has been fully briefed for two months. There simply is no reason for the Commission to delay this matter any further.

3. It is ironic that Company has insisted throughout this case that the Missouri Commission should simply trust the FERC to do the right thing and defer to its judgment on ISO/RTO matters. Now that the FERC has denied the Alliance RTO's request to become a stand-alone RTO, Company now wants the Commission to refrain from issuing a decision in this case. The Commission has an adequate record to issue a decision in the instant case and does not need to await any further FERC action.

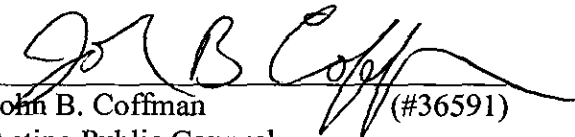
The Indiana Utility Regulatory Commission (IURC) did not wait for "guidance" from FERC before it denied the petition of several Indiana electric utilities to transfer functional control of their transmission facilities to the Alliance RTO. See Attachments D and E of Staff's Third Update Regarding FERC Activity, filed in this case on December 21, 2001. Neither should the Missouri Commission.

4. If this case is suspended, Company would be allowed to further maintain a status that is non-compliant with past Commission orders. Such a delay is unwarranted and should not be allowed to excuse Company from complying with this Commission's past orders regarding its participation in the Midwest ISO.

WHEREFORE, Public Counsel respectfully requests that the Commission deny
Company's Application.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

By:  (#36591)
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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 7th day of January 2002:

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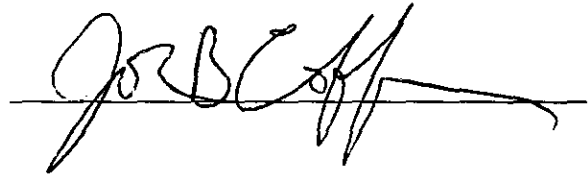
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A handwritten signature in black ink, appearing to read "R C Johnson", is written over a horizontal line.