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Missouri Public Service Commission

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January 16, 2002

ROBERT J. QUINN, JR.
Executive Director
WESS A. HENDERSON
Director, Utility Operations
ROBERT SCHALLENGER
Director, Utility Services
DONNA M. PRENGER
Director, Administration
DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge
DANA K. JOYCE
General Counsel

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

FILED³

JAN 16 2002

RE: Case No. EM-2001-695

Missouri Public
Service Commission

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and eight (8) conformed copies of a **STATEMENT OF THE PARTIES REGARDING THE NONUNANIMOUS STIPULATION AND AGREEMENT**.

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

Robert V. Franson
Associate General Counsel
(573) 751-6651
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rfranson@mail.state.mo.us

RVF:ccl
Enclosure
cc: Counsel of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED³

JAN 16 2002

Missouri Public
Service Commission

In the Matter of the Joint Application of)
Union Electric Company and Lewis)
County Rural Electric Cooperative for an)
Order Approving the Change in Electric)
Supplier for Reasons in the Public Interest)
and Authorizing the Sale, Transfer and)
Assignment of Certain Electric)
Distribution Facilities, easements and)
other Rights Generally from Union)
Electric Company to Lewis County Rural)
Electric Cooperative)

Case No. EM-2001-695

**STATEMENT OF THE PARTIES REGARDING THE NONUNANIMOUS
STIPULATION AND AGREEMENT**

COME NOW the Staff ("Staff") of the Missouri Public Service Commission ("Commission"), the Office of Public Counsel ("Public Counsel"), Union Electric Company d/b/a AmerenUE ("Company"), and the Lewis County Rural Electric Cooperative ("Cooperative") and for their Statement Regarding the Nonunanimous Stipulation and Agreement respectfully state as follows:

1. On June 15, 2001, Company and Cooperative filed a joint application (the "Joint Application"), requesting that the Missouri Public Service Commission ("Commission") issue an order pursuant to Sections 393.106 and 393.190 RSMo. 2000: (1) authorizing Company to sell, transfer, and assign to Cooperative certain 34.5kV and 12kV distribution facilities, related secondary and service facilities, and easements ("the Assets"), as more particularly described in the Exchange Agreement for Purchase and Sales of Distribution Facilities and Customer Exchange, (hereinafter "Exchange Agreement"); (2) approving a change in electric supplier for

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approximately 550 structures in and around the Cities of Durham, Maywood, Novelty, Monticello, Medill, Arbela, and Granger from Company to Cooperative; (3) authorizing Company to perform in accordance with the terms of the Exchange Agreement, and to enter into and execute all other documents reasonably necessary and incidental to the performance of the transactions which are the subject of Contract and this Joint Application; and (4) granting such other relief as deemed necessary to accomplish the purposes of this Joint Application and to consummate the sale, transfer, and assignment of the Assets and related transactions.

2. A Nonunanimous Stipulation and Agreement, recommending that the Commission grant the Joint Applicants the relief requested, was filed on January 7, 2002 and it was signed by Staff, Company and Cooperative.

3. On January 9, 2002, the Parties filed their Joint Motion to Stay Procedural Schedule. The purpose of the Joint Motion to Stay Procedural Schedule, among other things, was to permit the Parties to discuss further the issues contained in the Nonunanimous Stipulation and Agreement

4. After further discussions, Public Counsel takes no position on the issues contained in Joint Application and Nonunanimous Stipulation and Agreement, but will not oppose approval of the Nonunanimous Stipulation and Agreement. Also, Public Counsel does not request a hearing pursuant to 4 CSR 240-2.115(1).

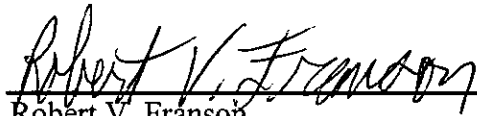
5. The Parties further agree that Public Counsel may file a Statement and information for review by the Commission pertaining to this case within seven (7) days of the date of the filing of this Statement of the Parties regarding the Nonunanimous Stipulation and Agreement.

6. The Parties renew their request for an Order Staying the Procedural Schedule in light of the filing of this Statement of the Parties regarding the Nonunanimous Stipulation and Agreement.

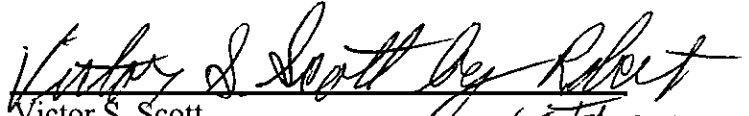
WHEREFORE, for the reasons set forth in this Statement of the Parties, the Parties respectfully request that the Commission issue an Order: 1) approving the Nonunanimous Stipulation and Agreement in this case with a notation that Public Counsel takes no position on the issues contained in the Nonunanimous Stipulation and Agreement but will not oppose approval of the Nonunanimous Stipulation and Agreement and that Public Counsel does not request a hearing on the Nonunanimous Stipulation and Agreement; 2) allowing Public Counsel to file a Statement and information for review by the Commission pertaining to this case within seven (7) days of the date of the filing of this Statement of the Parties regarding the Nonunanimous Stipulation and Agreement; (3) granting the Joint Applicants the relief requested in the Nonunanimous Stipulation and Agreement; and 4) staying the Procedural Schedule in light of the filing of the Statement of the Parties regarding the Nonunanimous Stipulation and Agreement.

Respectfully submitted,

DANA K. JOYCE
General Counsel



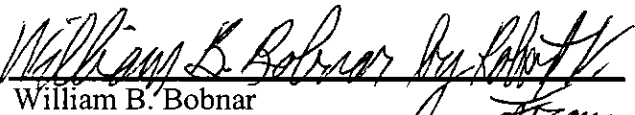
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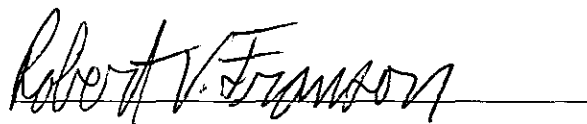
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**ATTORNEY FOR UNION ELECTRIC
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**ATTORNEY FOR THE OFFICE OF THE
PUBLIC COUNSEL**

Certificate of Service

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 16th day of January, 2002.

A handwritten signature in cursive script, reading "Robert V. Franson", is written over a horizontal line.

Service List for

Case No. EM-2001-695

Verified: January 16, 2002 (ccl)

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