

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

In the Matter of Union Electric Company	)	
d/b/a AmerenUE for Authority to File	)	
Tariffs for Increasing Rates for Electric	)	<b><u>Case No. ER-2007-0002</u></b>
Service Provided to Customers in the	)	
Company's Missouri Service Area	)	

**PUBLIC COUNSEL'S AMENDMENT TO MOTION TO COMPEL  
DISCOVERY AND REQUEST FOR EXPEDITED TREATMENT**

COMES NOW the Office of the Public Counsel and for its Amendment to Motion to Compel Discovery and Request for Expedited Treatment states as follows:

1. Section (2) of Public Counsel's Motion included Data Request (DR) Numbers 2248 and 2249. Responses to these DRs were provided by Union Electric (UE) in a redacted format with pages missing. These documents are currently under review by Judge Voss along with the documents in response to DR Number 2220. Pending the outcome of Judge Voss' review, Public Counsel respectfully requests that the Commission hold in abeyance its Motion to Compel Discovery for DR Numbers 2248 and 2249.

2. Public Counsel did not include in Section (2) of its Motion DR Numbers 2126 and 2127 in the overall listing of DRs that it requested an Order to Compel Discovery even though they were discussed in Section (2). Therefore, Public Counsel amends its Motion to include DRs 2126 and 2127 and requests that the Commission issue an appropriate order to compel UE to fully and completely respond to DR Numbers 2126 and 2127.

3. Section (2) of Public Counsel's Motion also included DR Numbers 2257 and 2258. As a point of clarification, UE provided purported "responses" to Public Counsel DR Numbers 2257 and 2258 on March 5, but these "responses" did not fully respond to the requests for information in these two DRs. Therefore, because that response was incomplete and not fully answered, Public Counsel renews its request that the Commission issue an appropriate order to compel UE to fully and completely respond to DR Numbers 2257 and 2258.

4. UE's response to DR Number 2257 (See Attachment A) contained nothing more than the assertion that the question posed in this DR had incorrectly characterized the Company's response to DR Number 2196. UE's purported "response" states:

This question does not correctly recite what was provided in response to OPC Data Request No. 2196. The answer itself refers to more than one document.

While UE is correct that its answer referred to "more than one document" there was only one document included with UE's response. However, contrary to UE's assertions, DR 2257 correctly refers to "the single document dated 11/12/03 that was included in the Company's response" so UE's assertion that the "question does not correctly recite what was provided in response to OPC Data Request No. 2196" is clearly incorrect. UE appears to have created the inaccurate claim that DR Number 2257 mischaracterized the Company's response to DR No. 2257 in order to avoid providing the documents requested in this DR or stating that no responsive documents exist.

5. UE's response to DR Number 2258 (See Attachment B) referenced its response to DR Number 2196 which specifically identified only one activity that UE or its affiliates have engaged in since January 1, 2003 in order to "train and advise its

personnel as to the requirements and provisions of [the Missouri affiliate transactions] rule as appropriate to ensure compliance.” This one specific activity was the distribution of a document dated November 13, 2003 to “Ameren management” in June of 2003. DR Number 2258 referenced UE response to DR Number 2196 and requested UE to:

Please confirm that UE is unable to specifically identify any other activities (e.g. training sessions for specific departments that took place on specific dates, information materials that were distributed to specific departments on specific dates, etc.) that UE or its affiliates have engaged in since January 1, 2003 in order to “train and advise its personnel as to the requirements and provisions of [the Missouri Affiliate Transactions Rule - 4 CSR-20.015] as appropriate to ensure compliance.”

In addition to referring to its prior response to DR No. 2196, UE’s purported “response” to DR No. 2258 states:

AmerenUE routinely provides training on the topic as requested by departments or groups within Ameren. AmerenUE frequently receives questions from our customer contact employees pertaining to affiliate rules and promptly answers them when received. AmerenUE does not keep a permanent record of the training provided or questions that are answered.

Like its response to DR No. 2257, UE’s purported “response” to DR No. 2258 completely fails to respond to the question in the DR.

**WHEREFORE**, the Office of the Public Counsel respectfully requests that the Commission hold its Motion to Compel Discovery for DR Numbers 2248 and 2249 in abeyance subject to the RLJ Voss’s ruling and asks the Commission to issue an Order to Compel Responses to Public Counsel’s DRs 2127 and 2128 and 2257 and 2258 as amended in this Motion, in full and completely, by 5:00 pm on Friday, March 16, 2007, and for such other and additional relief that is necessary and proper.

Respectfully submitted,

OFFICE OF THE Public Counsel

**/s/ Christina L. Baker**

By:\_\_\_\_\_

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### **CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 12<sup>th</sup> day of March 2007:

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**/s/ Christina L. Baker**

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Ameren's Response to  
OPC Data Request  
MPSC Case No. ER-2007-0002  
AmerenUE's Tariff Filing to Increase Rates for Electric Service  
Provided to Customers in the Company's Missouri Service Area

Requested From: Ryan Kind

Data Request No. OPC 2257

OPC DR No. 2196 requested UE to "please provide a copy of all documents created by or for UE or its affiliates as part of UE's efforts to "train and advise its personnel as to the requirements and provisions of [the Missouri Affiliate Transactions Rule - 4 CSR-20.015] as appropriate to ensure compliance." UE's response to this DR included a single document dated 11/12/03. Please confirm that UE and its affiliates do not possess any other documents within the scope of documents requested in OPC DR No. 2196 other than the single document dated 11/12/03 that was included in the Company's response.

Response:

This question does not correctly recite what was provided in response to OPC Data Request No. 2196. The answer itself refers to more than one document.

Prepared By: Wendy Tatro  
Title: Associate General Counsel  
Date: March 5, 2007

Attachment A



Ameren's Response to  
OPC Data Request  
MPSC Case No. ER-2007-0002  
AmerenUE's Tariff Filing to Increase Rates for Electric Service  
Provided to Customers in the Company's Missouri Service Area

Requested From: Ryan Kind

Data Request No. OPC 2258

OPC DR No. 2197 requested UE to "please specify all activities (e.g. training meetings, distribution of informational materials via newsletters, email, the Ameren intranet, etc.) that UE or its affiliates have engaged in since January 1, 2003 in order to "train and advise its personnel as to the requirements and provisions of this rule as appropriate to ensure compliance." UE's response to this DR referenced its response to OPC DR No. 2196 which specifically identified only one activity which was the distribution of a document dated November 13, 2003 to "Ameren management" in June of 2003. Please confirm that UE is unable to specifically identify any other activities (e.g. training sessions for specific departments that took place on specific dates, information materials that were distributed to specific departments on specific dates, etc.) that UE or its affiliates have engaged in since January 1, 2003 in order to "train and advise its personnel as to the requirements and provisions of [the Missouri Affiliate Transactions Rule - 4 CSR-20.015] as appropriate to ensure compliance."

Response:

See the response to OPC Data Request No. 2196. AmerenUE routinely provides training on the topic as requested by departments or groups within Ameren. AmerenUE frequently receives questions from our customer contact employees pertaining to affiliate rules and promptly answers them when received. AmerenUE does not keep a permanent record of the training provided or questions that are answered.

Prepared By: Dan Laurent  
Title: Manager Regulatory Compliance  
Date: March 5, 2007