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October 4, 2006

Ms. Colleen Dale  
Secretary and Chief Regulatory Law Judge  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, Missouri 65102

FILED<sup>3</sup>

OCT 10 2006

Missouri Public  
Service Commission

Re: Union Electric Company d/b/a AmerenUE  
Case No: ER-2007-0002

Dear Ms. Dale:

Accompanying this letter for filing in the above referenced matters are the original and eight (8) copies of the State of Missouri's Response in Opposition to Union Electric's Motion for any leave necessary to file additional testimony, for any necessary waivers, and to deny pending motions.

Please return a file stamped copy in the enclosed envelope.

Thank you for your assistance with this filing. If you have any questions please do not hesitate to contact me.

Sincerely,

JEREMIAH W. (JAY) NIXON

Attorney General

A handwritten signature in black ink, appearing to read "Douglas E. Micheel".

Douglas E. Micheel

Assistant Attorney General

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

FILED<sup>3</sup>

OCT 10 2006

Missouri Public  
Service Commission

In the Matter of Union Electric Company )  
d/b/a AmerenUE for authority to File )  
Tariffs Increasing Rates for Electric )  
Service Provided to Customers in the )  
Company's Missouri Service Area. )

Case No. ER-2007-0002

**STATE OF MISSOURI'S RESPONSE IN OPPOSITION TO UNION  
ELECTRIC'S MOTION FOR ANY NECESSARY LEAVE TO FILE  
ADDITIONAL TESTIMONY, FOR ANY NECESSARY WAIVERS, AND TO  
DENY PENDING MOTIONS**

COMES NOW the State of Missouri and for its Response in Opposition to Union Electric's Motion for any necessary leave to file additional testimony, for any necessary waivers, and to deny pending motions states as follows:

**The Commission denied UE's request to file fuel adjustment clause tariffs.**

1. On July 7, 2006 UE filed its motion asking the Commission to issue an order establishing transitional procedures for the handling of its request for a fuel adjustment clause.

2. On July 31, 2006, the Staff of the Commission filed its Response to UE's Motion noting in part that it was opposed to UE's Motion.

3. On August 8, 2006 UE filed its Reply to Staff amending its prayer in its initial Motion. UE requested that its motion be considered amended and that its prayer in its initial motion read in pertinent part as follows: **"...that Company prays that the Commission's order set a deadline of September 30, 2006 by which the Company shall file FAC tariff sheets, supporting direct testimony, and the other 19 items of**

**information contemplated by proposed rule 4 CSR 240-3.161(2)..."** (Emphasis added)

4. The State of Missouri and other parties filed responses opposing UE's request to use the transitional procedures and its request to file new FAC tariff sheets and supporting direct testimony.

5. On September 28, 2006 this Commission issued its Order Denying Motion To Establish Transitional Procedures. Paragraph 1 states: Union Electric Company, d/b/a AmerenUE's Motion to Adopt Procedures for Implementing AmerenUE's Requested Fuel Adjustment Clause is denied. Part of UE's request in its Motion was for an order from this Commission authorizing UE to file FAC tariffs and supporting testimony. The Commission has denied UE's request.

6. Certainly if the Commission had meant to allow UE to file proposed FAC tariffs it would have denied UE's motion as it related to requested compliance with the proposed transitional rules and granted its request to file FAC tariffs and supporting direct testimony. The Commission took no such action. The Commission denied UE's amended request in total.

7. Certainly by denying UE's request to file FAC tariffs and supporting testimony by September 30, 2006, the Commission was not leaving the door open to allow UE to file new tariffs and testimony as UE has done in this case. There is absolutely no mention in the Commission's order that UE can seek to file new tariffs as it has done in this matter.

8. Rather than seek rehearing of the Commission order denying its request, UE seeks another bite at the apple by filing this new motion. By filing this new Motion UE simply ignores the fact that the Commission denied its request to file new FAC tariffs and supporting testimony when it denied its initial amended motion.

#### **Union Electric's Motion Offers No New Arguments**

9. Paragraph's three through thirteen of UE's new motion discuss UE's justification for filing this new FAC tariff and testimony. UE has made all of these arguments in its Motion to Adopt Procedures for Implementing UE's Requested Fuel Adjustment Clause. The State has responded to these arguments and the Commission has denied UE's motion.

10. Should the Commission give UE yet another bite at the apple, in the interests of economy the State would direct the Commission to its filings made objecting to UE's Motion to Adopt Procedures for Implementing UE's Requested Fuel Adjustment Clause.

#### **Request to Reject Tariff and Testimony**

11. Consistent with the Commission's September 28, 2006 order, the State of Missouri requests that the Commission reject the tariff denominated as Rider A-Fuel and Purchased Power Adjustment Clause submitted by UE on September 29, 2006 and the new testimony of Martin J. Lyons, Jr.

WHEREFORE, the State of Missouri requests that the Commission deny Union Electric's Motion as it relates to a proposed tariff denominated as Rider A-Fuel and Purchased Power Adjustment Clause and the direct testimony of Martin J. Lyons, Jr. and for any other relief that the Commission deems appropriate.

Respectfully Submitted,

JEREMIAH W. (JAY) NIXON  
Attorney General

Douglas E. Micheel  
Assistant Attorney General

The undersigned hereby certifies that on the 14<sup>th</sup> day of October, 2006, a copy of the original of the foregoing was hand delivered or sent via 1<sup>st</sup> class, postage paid, U.S. Mail to:

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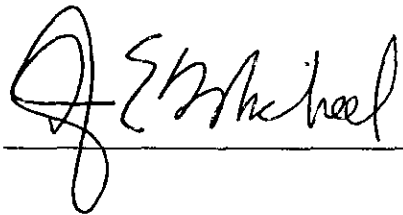
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A handwritten signature in black ink, appearing to read "J. E. Michael", is written over a horizontal line.