

**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 Increasing) Case No. ER-2010-0036
Rates for Electric Service Provided to Customers in)
The Company's Missouri Service Area.)

**MOTION FOR LEAVE TO FILE SUPPLEMENTAL TESTIMONY AND
REQUEST FOR EXPEDITED TREATMENT**

COMES NOW Union Electric Company d/b/a AmerenUE (AmerenUE) and, pursuant to 4 CSR 240-2.130(8), hereby requests leave to file the Supplemental Testimony of Mr. Gary S. Weiss, which is attached hereto as Exhibit A, and requests expedited treatment of this motion pursuant to 4 CSR 240-2.080(16) and, as reasons therefore, states as follows:

1. Staff witness Lena Mantle submitted a new proposal to address the Company's long-term bilateral contracts in her surrebuttal testimony filed on March 5, 2010 beginning at p. 17.
2. Mr. Weiss' supplemental testimony addresses Ms. Mantle's new proposal. AmerenUE has had no other opportunity to address this new proposal since it appeared for the first time in Ms. Mantle's surrebuttal testimony.
3. Commission rule 4 CSR 240-2.130(8) contemplates that the presiding officer or the Commission may allow the supplementation of prefiled testimony. The Commission's rule on supplementation does not contain an explicit standard for deciding when supplementation is proper, although Commission rule 4 CSR 240-2.015 authorizes the Commission to waive any of its rules for "good cause." Good cause has been defined as referring to "a remedial purpose and is to be applied with discretion to prevent a manifest injustice or to avoid a threatened one." *In re Missouri Gas Energy*, 205 WL

1131060 (citing **Bennett v. Bennett**, 938 W.W.2d 952, 957 (Mo. App. S.D. 1997)). It has also been defined as a “[l]egally sufficient ground or reason” which “must be real and not imaginary, substantial and not trifling, and reasonable not whimsical.” *In Re: Aquila Network*, 2007 WL 1425480 (citing *Black’s Law Dictionary* and *Belle State Bank v. Indus. Comm’n*, 547 S.W.2d 841, 846 (Mo. App. S.D. 1977); *Barclay White Co. v. Unemployment Compensation Bd.*, 50 A.2d 336, 339 (Pa. 1947)).

4. Good cause exists to allow supplementation here because it is necessary to allow the Company to respond to Ms. Mantle’s new proposal.

5. The Company requests expedited treatment of this Motion pursuant to 4 CSR 240-2.080(16) and requests the Commission to take up this Motion at the commencement of the evidentiary hearings in the case on Monday, March 15. Expedited treatment will benefit the parties by allowing this supplemental testimony to be the subject of examination at the evidentiary hearings. This Motion has been prepared and filed as soon as it could have been under the circumstances.

WHEREFORE, AmerenUE respectfully requests leave to file the Supplemental Testimony of Mr. Gary S. Weiss, the form of which is attached hereto as Exhibit A, and

requests expedited treatment of this Motion.

Respectfully submitted,

UNION ELECTRIC COMPANY,
d/b/a AmerenUE

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Motion for Leave to File Supplemental Testimony and Request for Expedited Treatment was served on the following parties via electronic mail (e-mail) on this 12th day of March, 2010.

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