



Martha S. Hogerty
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State of Missouri

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November 30, 2001

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

FILED²
NOV 30 2001
Missouri Public
Service Commission

**RE: Union Electric Company,
Case No. EC-2002-1**

Dear Mr. Roberts:

Enclosed for filing in the above-referenced case please find the original and eight copies of **Motion to Compel**. 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
Deputy Public Counsel

JBC:jb

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

STAFF OF THE MISSOURI)
PUBLIC SERVICE COMMISSION,)
Complainant,)
)
vs.)
)
UNION ELECTRIC COMPANY,)
d/b/a AmerenUE,)
Respondent.)

Case No. EC-2002-1

FILED²
NOV 30 2001
Missouri Public
Service Commission

MOTION TO COMPEL

COMES NOW the Office of the Public Counsel (Public Counsel), pursuant to Commission Rule 4 CSR 240-2.090 and Rule of Civil Procedure 56.01, and for its Motion to Compel states as follows:

1. On September 28, 2001, Public Counsel propounded Data Requests Nos. 554 and 555 to Union Electric Company d/b/a AmerenUE (Company) relating to the Joint Dispatch Agreement (JDA) which allocates off-system sales revenues to Company ratepayers. These data requests are the subject of an ongoing discovery dispute and are attached to this motion as Attachment A.

2. Company made no timely objection to Requests Nos. 554 and 555, and in fact provided its responses 32 later, in violation of 4 CSR 240-2.090. Company's response, submitted on October 30, 2001, was accompanied with some limited responsive information but the response claimed that certain responsive documents are not being produced because the Company believes that attorney client privilege applies to those documents. Attached as Attachment B. Company also did not produce any portion of such documents in redacted format, as is customary, or produce a privilege log at that time.

3. Public Counsel and Company have attempted to resolve this dispute through telephone calls, correspondence, and a November 8, 2001 meeting with the Regulatory Law Judge in compliance with 4 CSR 240-2.090(8)(B), but to no avail. After the meeting, Company produced a privilege log, but has not yet produced any redacted documents, which would reveal what is not covered by the alleged privilege. This log is attached as Attachment C to this Motion.

4. It is particularly difficult to understand why a regulated utility with ample legal resources would not be able to ascertain within ten (10) days of receipt whether it believed that a privilege applied to requested documents. It is even more difficult to understand why Company's legal department believes that it is unable to make timely objections when the objections involve legal matters (i.e. "attorney/client privilege").

5. The attorney client privilege can be waived under common law and are deemed to be waived frequently in litigated matters. See Gipson v. Target Stores, Inc., 630 S.W2d 107 (Mo. App. 1981), which states:

The proper time for objection is when the question calling for disclosure of privileged matters is asked and before it is answered. *Rock v. Keller*, 312 Mo. 458, 278 S.W. 759, 766[4] (1926).

Ibid. at 109.

See also the Commission's "Order Denying Motion To Expedite And Order Granting In Part The Motion To Compel" in Case No. EM-96-149, issued on October 31, 2000, p. 3.

6. On October 29, 2001, Public Counsel propounded Data Requests 726 through 741 to Company regarding Optional Time-of-Day rates. Attached as Attachment D. On November 7, 2001, Company filed a timely objection, stating that the subject of these data requests is not

relevant to issues in this case and not likely to lead to relevant issues in this case. Attached as Attachment E.

7. Public Counsel believes that the information requested in its Data Request Nos. 726 through 741 are necessary in order for it to present testimony on relevant issues in this case. This information regarding Optional Time-of-Day rates is important to a) the proper allocation of meter reading expenses in the cost of service study it hopes to offer, and b) could be helpful in recommending Optional Time-of-Day rates as part of Public Counsel's proposed rate design in this earnings complaint case. Cost of service studies and rate design are certainly relevant to proper ratemaking. Public Counsel has no other means to obtain the requested information and these data requests are reasonably calculated to lead to the discovery of evidence relevant to the issues of proper allocations and rate design in this case.

8. Public Counsel and Company have also attempted to resolve this dispute through telephone calls, correspondence, and a November 8, 2001 meeting with the Regulatory Law Judge in compliance with 4 CSR 240-2.090(8)(B), but to no avail.

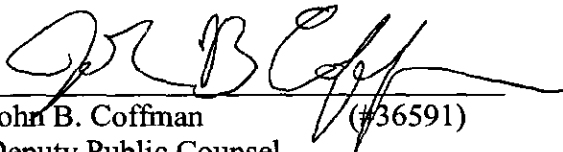
9. Public Counsel and the Commission's Staff have an ongoing statutory right to conduct discovery of regulated utilities (even outside the context of any contested case). Section 386.450 RSMo. 2000. Furthermore, pursuant to Section 386.710 RSMo, Public Counsel has the duty to represent and protect the interests of the public, and has been granted "all powers necessary to carry out" those duties. Section 396.710(4). The Commission has repeatedly recognized that the discovery powers of Public Counsel and Staff are different and greater than the discovery rights of other parties before the Commission. For example, see Order Granting Public Counsel's Motion to Compel, p. 3, issued on August 3, 1999 in Case No. GX-99-445.

WHEREFORE, Public Counsel respectfully requests that the Commission compel Company to produce all documents within the scope of Data Request Nos. 554 and 555 because no timely written objections have been made to these data requests. In the alternative, the Commission should order Company to provide to Public Counsel redacted copies of any responsive document for which it claims a privilege, and then further appoint a Special Master to review the entire documents listed in Attachment C in order to make an independent ruling on the extent to which the alleged privilege actually relates to each document.

Furthermore, Public Counsel respectfully requests that the Commission compel Company to produce all documents within the scope of Data Request Nos. 726 through 741 because they are reasonably calculated to lead to the discovery of relevant evidence.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

By: 
John B. Coffman (#36591)
Deputy Public Counsel
P. O. Box 7800
Jefferson City, MO 65102
(573) 751-5565
(573) 751-5562 FAX

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered to the following this 30th day of November 2001:

GENERAL COUNSEL

Missouri Public Service Commission
P O Box 360
Jefferson City MO 65102

JAMES B COOK

Ameren Services Company
1901 Chouteau Avenue
P O Box 66149 (M/C 1310)
St. Louis MO 63166-6149

DIANA M VUYLSTEKE ESQ

Bryan Cave, LLP

211 North Broadway Suite 3600
St Louis MO 63102-2750

ROBIN E FULTON

Schnapp Fulton Fall Silvey & Reid LLC

135 East Main Street
P O Box 151
Fredericktown MO 63645

LISA C LANGENECKERT/

ROBERT C JOHNSON

Blackwell Sanders Peper & Martin
720 Olive Street Suite 2400
St Louis MO 63101

MICHAEL C PENDERGAST

Asst Vice Pres & Associate General Counsel
Laclede Gas Company
720 Olive Street Room 1520
St Louis MO 63101

JAMES M FISCHER

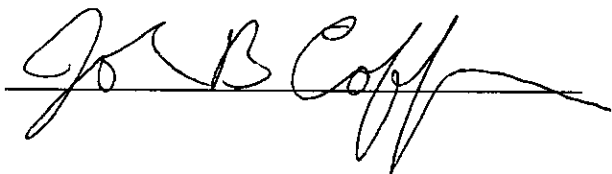
Fischer & Dority PC

101 Madison
Suite 400
Jefferson City MO 65101

JEREMIAH W NIXON

Attorney General
221 West High Street
PO Box 899
Jefferson City MO 65102

Kansas City Power & Light
1201 Walnut
Kansas City MO 64141-9679

A handwritten signature in black ink, appearing to read "J B Cook", written over a horizontal line.

UNION ELECTRIC D/B/A AMERENUE
CASE NO. EC-2002-1

REQUESTED BY: RYAN KIND
REQUESTED FROM: DAPHNE BRADLEY
DATE OF REQUEST: SEPTEMBER 28, 2001

INFORMATION REQUESTED: Please provide a copy of all documents that have been created by or for Ameren or its affiliates within the last three years that contain descriptions or analysis of, or references to, possible plans for taking actions that would decrease the JDA (joint dispatch agreement) allocation of opportunity or off-system sales revenues to UE ratepayers (i.e. credited to UE's cost of service.) Such actions could include, but would not be limited to: 1) replacing uncommitted generation construction plans with tolling or other supplies, 2) shifting load from UE to CIPS or AER or other Ameren affiliates, 3) revising risk policies to increase the quantity of capacity that can be sold in long term contracts, and 4) retaining margins from short term sales from incremental capacity not required by CIPS and UE. If no documents exist within the scope of those requested in this data request, please provide a statement to that effect. If AmerenUE's response to this DR does not include all documents within the scope of those requested due to AmerenUE's belief that the excluded documents are covered by attorney client privilege or the attorney work product doctrine or some other objection, please provide the following information regarding each excluded document: the document's date, title, author, recipients, a general description of its contents, and a specific citation of the particular privilege cited.

THIS RESPONSE INCLUDES:

☐ Printed Materials _____ Total Pages ☐ Magnetic Media _____ Number of disks or tapes
Please number each section of multiple pages as: File formats for data: _____
of Total

The information provided to the Office of the Public Counsel in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present known facts to the undersigned. The undersigned agrees to immediately inform the Office of the Public Counsel if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

DATE RECEIVED: _____

SIGNED BY: _____

TITLE: _____ Attachment A

UNION ELECTRIC D/B/A AMERENUE
CASE NO. EC-2002-1

REQUESTED BY: RYAN KIND
REQUESTED FROM: DAPHNE BRADLEY
DATE OF REQUEST: SEPTEMBER 28, 2001

INFORMATION REQUESTED: Please provide a copy of all documents that have been created by or for Ameren or its affiliates within the last three years that contain descriptions or analysis of, or references to, possible plans for modifying or eliminating the JDA (joint dispatch agreement) ratepayer payment terms (e.g. the terms under which a portion of Ameren Energy trading margins are credited to UE's cost of service.) If AmerenUE's response to this DR does not include all documents within the scope of those requested due to AmerenUE's belief that the excluded documents are covered by attorney client privilege or the attorney work product doctrine or some other objection, please provide the following information regarding each excluded document: the document's date, title, author, recipients, a general description of its contents, and a specific citation of the particular privilege cited.

THIS RESPONSE INCLUDES:

☐ Printed Materials _____ Total Pages ☐ Magnetic Media _____ Number of disks or tapes
Please number each section of multiple pages as: File formats for data: _____
of Total

LIST PRINTED MATERIALS AND/OR FILES INCLUDED:

The information provided to the Office of the Public Counsel in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present known facts to the undersigned. The undersigned agrees to immediately inform the Office of the Public Counsel if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

DATE RECEIVED: _____ SIGNED BY: _____
TITLE: _____

AmerenUE's Response to
Office of the Public Counsel Data Request
Case No. EC-2002-1
Excess Earnings Complaint
Staff of the MPSC v. Union Electric Company d/b/a AmerenUE

No. 554:

Please provide a copy of all documents that have been created by or for Ameren or its affiliates within the last three years that contain description or analysis of, or references to, possible plans for taking actions that would decrease the JDA (joint dispatch agreement) allocation of opportunity or off-system sales revenues to UE ratepayers (i.e. credited to UE's cost of service.) Such actions could include, but would not be limited to: 1) replacing uncommitted generation construction plans with tolling or other supplies, 2) shifting load from UE to CIPS or AER or other Ameren affiliates, 3) revising risk policies to increase the quantity of capacity that can be sold in long term contracts, and 4) retaining margins from short term sales from incremental capacity not required by CIPS and UE. If no documents exist within the scope of those requested in this data request, please provide a statement to that effect. If AmerenUE's response to this DR does not include all documents within the scope of those requested due to AmerenUE's belief that the excluded documents are covered by attorney client privilege or the attorney work product doctrine or some other objection, please provide the following information regarding each excluded document: the document's date, title author, recipients, a general description of its contents, and a specific citation of the particular privilege cited.

Response:

The JDA includes a formula which distributes the margin of off-system sales based on each Generating Party's Net Output divided by the sum of the Parties' Net Output. (Service Schedule B) Net Output is defined in terms of the Load Requirements of each Generating Party. (Section 1.13) Therefore, any changes in one party's Load Requirements relative to changes in the Load Requirements of another will affect the formula, which determines how much of the sales margin is allocated to AmerenUE's ratepayers.

As a result, it would be difficult, if not impossible, to provide documentation for all of the "possible plans" of Ameren and its affiliates that would decrease the allocation of off-system revenues to AmerenUE's ratepayers. As referenced above, the results of the formula are dynamic and change constantly depending on the demands and usage of the existing customers of AmerenUE and Ameren Energy Marketing. It also depends on the relative load growths for their existing and their new customers. However, the following are some examples to illustrate actions which either have reduced, or would have reduced, the amount of the AmerenUE portion of the off-system sales margin as a result of it reducing its Load Requirements, or proposing to reduce them:

1. Transfer of wholesale customers from AmerenUE to AEM (referenced in Case No. EA-2000-37); and

Attachment B

OCT 3 0 2001

2. AmerenUE's request to transfer its Illinois service territory to CIPS (Case No. EM-2001-233).

Conversely, the AEM Resource Plan provides an example of actions which either have decreased, or would decrease, AmerenUE's portion as a result of AEM increasing its Load Requirements, or proposing to increase them. AEM's Resource Plan contemplates sales of capacity and energy resulting in an 18% reserve margin for AEM. Obviously, sales of capacity and energy increase AEM's Load Requirements. As referenced below, AEM's Resource Plan was provided in response to another OPC data request number.

In addition, attached are documents responsive to the request.

For other available documentation, see AmerenUE's response to DR nos. 508 and 509 consisting of resource planning documentation.

Finally, certain documents have been prepared by and for counsel for Ameren Corporation and its affiliates at the request of management seeking legal advice on particular topics which relate to this data request. As those documents fall within the attorney client privilege, AmerenUE is not providing them with this response, nor is the Company providing the information requested about such documents as this would compromise the privilege.

Signed By:


Joseph H. Raybuck

Title: Associate General Counsel

COPY

AmerenUE's Response to
Office of the Public Counsel Data Request
Case No. EC-2002-1
Excess Earnings Complaint
Staff of the MPSC v. Union Electric Company d/b/a AmerenUE

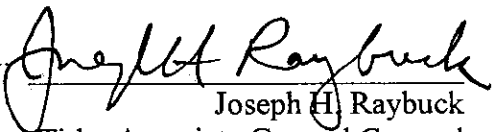
No. 555:

Please provide a copy of all documents that have been created by or for Ameren or its affiliates within the last three years that contain descriptions or analysis of, or references to, possible plans for modifying or eliminating the JDA (joint dispatch agreement) ratepayer terms (e.g. the terms under which a portion of Ameren Energy trading margins are credited to UE's cost of service.) If AmerenUE's response to this DR does not include all documents within the scope of those requested due to AmerenUE's belief that the excluded documents are covered by attorney client privilege or the attorney work product doctrine or some other objection, please provide the following information regarding each excluded document: the document's date, title, author, recipients, a general description of its contents and a specific citation of the particular privilege cited.

Response:

There are no such documents, other than those covered by the attorney client privilege. As set forth in the Company's response to Number 554, certain documents have been prepared by and for counsel for Ameren Corporation and its affiliates at the request of management seeking legal advice on particular topics which relate to this data request. As those documents fall within the attorney client privilege, AmerenUE is not providing them with this response, nor is the Company providing the information requested about these documents as this would compromise the privilege.

Signed By


Joseph H. Raybuck
Title: Associate General Counsel

(314) 554-2976
(314) 554-4014 (fax)
jraybuck@ameren.com

One Ameren Plaza
1901 Chouteau Avenue
PO Box 66149
St. Louis, MO 63166-6149
314.621.3222

FILE COPY

November 9, 2001

VIA FACSIMILE AND U.S. MAIL
(573) 751-5562

Mr. John Coffman
Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

RE: MPSC Case No. EC-2002-1
Privilege Log for OPC Data Requests 554 and 555

Dear Mr. Coffman:

Per your request, the attached Privilege Log sets forth information concerning the documents which you requested pursuant to the above referenced Data Requests that we have not provided to you on the grounds that they fall within an appropriate privilege recognized under the law.

Please call me if you have any questions about this.

Yours very truly,



Joseph H. Raybuck
Associate General Counsel

JHR/mlh
Attachment

cc: James J. Cook

Attachment C

NOV 15 2001



**AMERENUE PRIVILEGE LOG IN CASE NO. EC-2002-1
OPC DATA REQUEST NOS. 554 AND 555**

Number	Date	Author	Recipient(s)	Description	Privilege
1	1-31-00	M. Seidler (Ameren Energy, In-house Counsel)	J. Whitesides (Ameren Energy, President)	Legal Memorandum regarding Expansion of Ameren Energy's Business and Assets	Attorney-Client Privilege
2	6-7-00	M. Seidler	A. Serri (Ameren Energy Marketing, Vice President)	E-mail regarding the Joint Dispatch Agreement and Accounting issues	Attorney-Client Privilege
3	6-20-00	K. Wabel (Ameren Energy Resources)	J. Whitesides, A. Serri, M. Seidler, and R. Porter (Ameren Energy Resources)	E-mail regarding the JDA and development projects for Ameren Energy Resources	Attorney-Client Privilege
4	8-8-00	B. Rettenmaier (Ameren Energy, Comptroller)	M. Seidler	E-mail regarding the JDA and Joppa plant	Attorney-Client Privilege
5	8-10-00	M. Seidler	J. Hopf (Ameren Energy, Senior Vice President)	E-mail regarding the JDA and new generation assets	Attorney-Client Privilege
6	8-28-00	M. Seidler	J. Whitesides, J. Hopf, A. Serri and S. Sullivan (Ameren Corporation, Vice President and General Counsel)	E-mail regarding the JDA and potential transactions for Ameren Energy and Ameren Energy Marketing	Attorney-Client Privilege
7	9-5-00	M. Seidler	J. Whitesides, J. Hopf, and B. Rettenmaier	Legal Memorandum concerning the JDA and proposed Ameren Energy Marketing capacity sale	Attorney-Client Privilege
8	9-8-00	M. Seidler	C. Nelson (Ameren Services, Vice President) and U. Heinze (Ameren Energy Resources, Manager)	Legal Memorandum concerning the JDA and proposed Ameren Energy Marketing capacity sale	Attorney-Client Privilege
9	10-20-00	M. Seidler	A. Serri, J. Hopf, J. Johnson (Ameren Energy, Vice President), B. Rettenmaier and D. Pisani (Ameren Energy, Director)	Legal Memorandum regarding the JDA and proposed Ameren Energy Marketing transaction	Attorney-Client Privilege
10	3-5-01	A. Serri	M. Seidler	E-mail regarding the JDA and proposed Ameren Energy Marketing transaction	Attorney-Client Privilege
11	3-6-01	J. Raybuck (Ameren Services, In-house Attorney)	S. Sullivan and J. Cook (Ameren Services, Managing Associate General Counsel)	E-mail regarding the JDA and proposed Ameren Energy Marketing transaction	Attorney-Client Privilege
12	3-7-01	M. Seidler	J. Whitesides	E-mail regarding the JDA and proposed Ameren Energy Marketing transaction	Attorney-Client Privilege

**AMERENUE PRIVILEGE LOG IN CASE NO. EC-2002-1
OPC DATA REQUEST NOS. 554 AND 555**

Number	Date	Author	Recipient(s)	Description	Privilege
13	3-20-01	A. Statman (Wright & Talisman, Outside Attorney)	S. Sullivan	Legal Memorandum regarding the JDA and FERC issues for proposed Ameren Energy Marketing transaction	Attorney-Client Privilege
14	7-13-01	A. MacDonald (Thelen Reid, Outside Attorney)	J. Raybuck and W. Baker (Thelen Reid, Outside Attorney)	E-mail regarding the JDA and SEC issues	Attorney-Client Privilege
15	7-13-01	J. Raybuck	S. Sullivan and J. Cook	E-mail regarding the JDA and various regulatory issues	Attorney-Client Privilege
16	7-27-01	M. Seidler	S. Sullivan, J. Cook, R. Evans (Ameren Services, Managing Associate General Counsel), J. Raybuck and D. Hennen (Ameren Services, Associate General Counsel)	E-mail forwarding Legal Memorandum of January 31, 2000	Attorney-Client Privilege
17	8-10-01	M. Seidler	J. Hopf	E-mail forwarding Legal Memorandum of January 31, 2000	Attorney-Client Privilege
18	9-26-01	M. Seidler	J. Whitesides	Legal Memorandum regarding the JDA and Cross Commodity Trading	Attorney-Client Privilege

**UNION ELECTRIC D/B/A AMERENUE
CASE No. EC-2002-1**

PUBLIC COUNSEL DATA REQUEST

REQUESTED FROM: Daphyne Bradley

DATE OF REQUEST: OCTOBER 29, 2001

INFORMATION REQUESTED: Please explain how the Residential Optional Time-of-Day (TOD) Rates in Union Electric Missouri service area were originally determined. Please provide any workpapers that support the determination of the rates. Please provide an electronic copy of the workpaper if possible.

REQUESTED BY: HONG HU, Public Utility Economist

The information provided to the Office of the Public Counsel in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present known facts to the undersigned. The undersigned agrees to immediately inform the Office of the Public Counsel if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

DATE RECEIVED: _____

SIGNED BY: _____

TITLE: _____

Attachment D

**UNION ELECTRIC D/B/A AMERENUE
CASE No. EC-2002-1**

PUBLIC COUNSEL DATA REQUEST

REQUESTED FROM: Daphyne Bradley

DATE OF REQUEST: OCTOBER 29, 2001

INFORMATION REQUESTED: Are all residential customers qualified for the Optional TOD rates? If not, please explain if there are any requirements for a residential customer to be eligible for the Optional Time-of-Day rates.

REQUESTED BY: HONG HU, Public Utility Economist

The information provided to the Office of the Public Counsel in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present known facts to the undersigned. The undersigned agrees to immediately inform the Office of the Public Counsel if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

DATE RECEIVED: _____

SIGNED BY: _____

TITLE: _____

**UNION ELECTRIC D/B/A AMERENUE
CASE No. EC-2002-1**

PUBLIC COUNSEL DATA REQUEST

REQUESTED FROM: Daphyne Bradley

DATE OF REQUEST: OCTOBER 29, 2001

INFORMATION REQUESTED: Please provide the number of customers that are currently choosing the Optional TOD rates in Missouri.

REQUESTED BY: HONG HU, Public Utility Economist

The information provided to the Office of the Public Counsel in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present known facts to the undersigned. The undersigned agrees to immediately inform the Office of the Public Counsel if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

DATE RECEIVED: _____

SIGNED BY: _____

TITLE: _____

**UNION ELECTRIC D/B/A AMERENUE
CASE No. EC-2002-1**

PUBLIC COUNSEL DATA REQUEST

REQUESTED FROM: Daphyne Bradley

DATE OF REQUEST: OCTOBER 29, 2001

INFORMATION REQUESTED: Please provide a copy of all informational or promotional materials that Union Electric sent to its Missouri residential customers about the Optional TOD rates.

REQUESTED BY: HONG HU, Public Utility Economist

The information provided to the Office of the Public Counsel in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present known facts to the undersigned. The undersigned agrees to immediately inform the Office of the Public Counsel if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

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SIGNED BY: _____

TITLE: _____

**UNION ELECTRIC D/B/A AMERENUE
CASE No. EC-2002-1**

PUBLIC COUNSEL DATA REQUEST

REQUESTED FROM: Daphyne Bradley

DATE OF REQUEST: OCTOBER 29, 2001

INFORMATION REQUESTED: Please provide a copy of all informational or promotional materials that Union Electric sent to its Illinois residential customers about the Optional TOD rates.

REQUESTED BY: HONG HU, Public Utility Economist

The information provided to the Office of the Public Counsel in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present known facts to the undersigned. The undersigned agrees to immediately inform the Office of the Public Counsel if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

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SIGNED BY: _____

TITLE: _____

**UNION ELECTRIC D/B/A AMERENUE
CASE No. EC-2002-1**

PUBLIC COUNSEL DATA REQUEST

REQUESTED FROM: Daphyne Bradley

DATE OF REQUEST: OCTOBER 29, 2001

INFORMATION REQUESTED: Please explain whether any facility upgrades are needed before a Missouri AmerenUE residential customer can qualify to the Optional TOD rates. For example, does the customer's meter or other parts of the CellNet AMR network need to be upgraded for interval demand reading? If any upgrades are needed, please specify the cost of upgrading and whether the customer or the company is responsible for covering the cost. If the company is responsible for the cost, please specify in which account the cost is recorded. If the customer is responsible for the cost, please explain how customers are charged for the cost. For example, does a customer need to pay for a one-time installation charge for a TOD meter or is the cost included in the customer charge?

REQUESTED BY: HONG HU, Public Utility Economist

The information provided to the Office of the Public Counsel in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present known facts to the undersigned. The undersigned agrees to immediately inform the Office of the Public Counsel if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

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SIGNED BY: _____

TITLE: _____

**UNION ELECTRIC D/B/A AMERENUE
CASE No. EC-2002-1**

PUBLIC COUNSEL DATA REQUEST

REQUESTED FROM: Daphyne Bradley

DATE OF REQUEST: OCTOBER 29, 2001

INFORMATION REQUESTED: Please explain whether any facility upgrades are needed before an Illinois AmerenUE residential customer can qualify to the Optional TOD rates. For example, does the customer's meter or other parts of the CellNet AMR network need to be upgraded for interval demand reading? If any upgrades are needed, please specify the cost of upgrading and whether the customer or the company is responsible for covering the cost. If the company is responsible for the cost, please specify in which account the cost is recorded. If the customer is responsible for the cost, please explain how customers are charged for the cost. For example, does a customer need to pay for a one-time installation charge for a TOD meter or is the cost included in the customer charge?

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**UNION ELECTRIC D/B/A AMERENUE
CASE No. EC-2002-1**

PUBLIC COUNSEL DATA REQUEST

REQUESTED FROM: Daphyne Bradley

DATE OF REQUEST: OCTOBER 29, 2001

INFORMATION REQUESTED: Please explain whether any facility upgrades are needed before an Illinois AmerenCIPS residential customer can qualify to the Optional TOD rates. For example, does the customer's meter or other parts of the CellNet AMR network need to be upgraded for interval demand reading? If any upgrades are needed, please specify the cost of upgrading and whether the customer or the company is responsible for covering the cost. If the company is responsible for the cost, please specify in which account the cost is recorded. If the customer is responsible for the cost, please explain how customers are charged for the cost. For example, does a customer need to pay for a one-time installation charge for a TOD meter or is the cost included in the customer charge?

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**UNION ELECTRIC D/B/A AMERENUE
CASE No. EC-2002-1**

PUBLIC COUNSEL DATA REQUEST

REQUESTED FROM: Daphyne Bradley

DATE OF REQUEST: OCTOBER 29, 2001

INFORMATION REQUESTED: Please provide the filing guidelines for the residential real time pricing (RTP) tariff filings pursuant to Sec. 16-107 of Illinois Public Utilities Act that AmerenUE received from the Illinois Commerce Commission Staff in year 2000.

REQUESTED BY: HONG HU, Public Utility Economist

The information provided to the Office of the Public Counsel in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present known facts to the undersigned. The undersigned agrees to immediately inform the Office of the Public Counsel if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

DATE RECEIVED: _____

SIGNED BY: _____

TITLE: _____

**UNION ELECTRIC D/B/A AMERENUE
CASE No. EC-2002-1**

PUBLIC COUNSEL DATA REQUEST

REQUESTED FROM: Daphyne Bradley

DATE OF REQUEST: OCTOBER 29, 2001

INFORMATION REQUESTED: Please provide all documents and materials that AmerenUE filed with the Illinois Commerce Commission pursuant to the filing guidelines for RTP tariff filings. Please provide an electronic copy of the workpapers if possible.

REQUESTED BY: HONG HU, Public Utility Economist

The information provided to the Office of the Public Counsel in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present known facts to the undersigned. The undersigned agrees to immediately inform the Office of the Public Counsel if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

DATE RECEIVED: _____

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**UNION ELECTRIC D/B/A AMERENUE
CASE NO. EC-2002-1**

PUBLIC COUNSEL DATA REQUEST

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DATE RECEIVED: _____

SIGNED BY: _____

TITLE: _____

**UNION ELECTRIC D/B/A AMERENUE
CASE No. EC-2002-1**

PUBLIC COUNSEL DATA REQUEST

REQUESTED FROM: Daphyne Bradley

DATE OF REQUEST: OCTOBER 29, 2001

INFORMATION REQUESTED: Please specify the number of Illinois residential customers who are currently taking the Optional Time-of-Use (TOU) services that Ameren offers through AmerenUE.

REQUESTED BY: HONG HU, Public Utility Economist

The information provided to the Office of the Public Counsel in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present known facts to the undersigned. The undersigned agrees to immediately inform the Office of the Public Counsel if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

DATE RECEIVED: _____

SIGNED BY: _____

TITLE: _____

FILE COPY

One Ameren Plaza
1901 Chouteau Avenue
PO Box 66149
St. Louis, MO 63166-6149
314.621.3222
314.554.2237
314.554.4014 (fax)
JJCook@ameren.com

November 7, 2001

VIA FEDERAL EXPRESS MAIL



Mr. John B. Coffman
Office of the Public Counsel
200 Madison Street, Suite 650
Governor Office Building
Jefferson City, MO 65101

Re: Case No. EC-2002-1
Staff's Excess Earnings Complaint Against Union Electric Company

Dear Mr. Coffman:

AmerenUE hereby objects to Data Request Nos. 726 through 741 in the above matter on the grounds that the information requested on the subject of Optional Time-of-Day rates is irrelevant to any matter in this case and not likely to lead to relevant matters in the case.

If you have any questions, please contact me or Daphyne Bradley to discuss our objection to these data requests.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. Cook", is written over the typed name.

James J. Cook
Managing Associate General Counsel

NOV 08 2001

Attachment E