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December 10, 2001

FILED<sup>2</sup>  
DEC 10 2001  
Missouri Public  
Service Commission

Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Public Service Commission  
Governor's Office Building  
Madison & E. Capitol  
Jefferson City, MO 65101

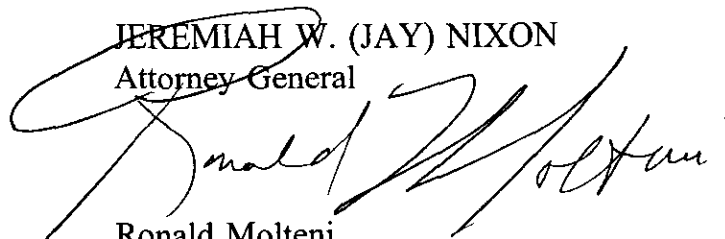
RE: Staff of the Public Service Commission v. Union Electric Company, d/b/a  
AmerenUE, Case No. EC-2002-1

Dear Judge Roberts:

Enclosed for filing in the above-referenced case are the original and 8 copies of the State of Missouri's Response to the Complaint and to AmerenUE's Answer. Thank you for your attention to this matter.

Sincerely,

JEREMIAH W. (JAY) NIXON  
Attorney General

  
Ronald Molteni  
Assistant Attorney General

mlw

Enclosures

cc: All Parties on the Service List

BEFORE THE PUBLIC SERVICE COMMISSION  
STATE OF MISSOURI

FILED<sup>2</sup>

DEC 10 2001

Missouri Public  
Service Commission

Staff of the Missouri Public Service Commission,

Complainant,

v.

Union Electric Company,  
d/b/a AmerenUE,

Respondent.

Case No. EC-2002-1

THE STATE OF MISSOURI'S  
RESPONSE TO THE COMPLAINT AND  
TO AMERENUE'S ANSWER

The State of Missouri (the State), through the Attorney General, pursuant to the Commission's Order effective November 19, 2001, asserts the following as its response to the Staff complaint and to AmerenUE's answers:

1. The State does not contest any of the assertions made by the PSC Staff in paragraphs 1-19 and 21 of its complaint, filed July 2, 2001. The State does not contest paragraph 20 of the complaint other than to note that it sets forth a proposed schedule that has been rendered moot by the Commission's Order Establishing Test Year and Procedural Schedule, effective December 16, 2001.

2. The State denies the defenses asserted by AmerenUE in its first through twenty-seventh defenses. Moreover, AmerenUE's ninth through twenty-seventh defenses assert constitutional issues. The separation of powers doctrine restricts this Commission's ability to adjudicate constitutional issues. See *State Tax Commission of Missouri v. Administrative Hearing Commission*, 641 S.W.2d 69 (Mo. banc 1982).

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