

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service
Commission held at its office in
Jefferson City on the 3rd day of
January, 2002.

Staff of the Missouri Public Service
Commission,

Complainant,

v.

Union Electric Company,
d/b/a AmerenUE,

Respondent.

Case No. EC-2002-1

**ORDER APPROVING JOINTLY FILED
REVISED PROCEDURAL SCHEDULE**

This order will revise the procedural schedule in accordance with a joint proposal filed by the Complainant and the Respondent. That proposal allows additional time for the parties to work with a more current test year and provides a guaranteed mechanism by which Union Electric will retroactively apply any rate reduction which occurs at the completion of this case.

On December 26, 2001, AmerenUE and Staff of the Public Service Commission jointly filed a proposed procedural schedule which would allow additional time for all parties to conduct discovery and file testimony based upon the more current test year as ordered by the Commission on December 6, 2001. Office of the Public Counsel, a party to this case pursuant to Section 386.710(2), supports the proposed procedural schedule. The interveners were ordered on December 28, 2001, to file a response to the proposal and every intervener which complied with that order supports the proposed procedural

schedule. However, the Missouri Industrial Energy Customers, as represented by Diana Vuylsteke, did not comply with the order.

Under any other circumstance, the Commission would not consider any proposal which would delay the resolution of this case. However, the Commission's first interest must be a full and fair hearing which will reveal all admissible evidence. The virtue of this proposed schedule is the component whereby AmerenUE will file a tariff which legally binds it to implement any rate reduction from this case retroactively to April 1, 2002. This protection for Missouri ratepayers combined with the enhanced opportunity for discovery of all pertinent facts creates "win-win" proposal. Therefore, the Commission is compelled to grant the additional time requested by the parties. Although this additional time will somewhat delay the Commission's schedule, the benefit which this delay provides for the ratepayers outweighs any other consideration.

IT IS THEREFORE ORDERED:

1. That the Commission accepts the procedural schedule proposed jointly by the Staff of the Public Service Commission and AmerenUE on December 26, 2001.
2. That the procedural schedule for this case is now as follows:

<u>Event</u>	<u>Jointly Proposed Date</u>	<u>Days Between Successive Events</u>
Order Setting Forth Procedural Schedule & Test Year/Update Period	December 6, 2001	85 days
Staff Files Direct Testimony	March 1, 2002	70 days
UE and OPC File Rebuttal Testimony	May 10, 2002	7 days

All Interveners File Rebuttal Testimony	May 17, 2002	11 days
Prehearing Conference	May 28-31, 2002	27 days
Staff Files Surrebuttal Testimony and UE, OPC, And All Interveners File Cross-Surrebuttal	June 24, 2002	2 days
Joint Filing of List of Issues, Order of Issues And Order of Cross- Examination	June 26, 2002	5 days
Parties File Statements Of Position	July 1, 2002	10 days
Hearings	July 11-12, 15-19, 22-26, Aug. 1-2, 2002	

3. That the parties shall be bound by the following conditions:

- (a) the test year in this proceeding will be the twelve months ended June 30, 2001 (the "Test Year");
- (b) the Test Year may be updated through September 30, 2001;
- (c) the Company will be allowed to file an alternative rate regulation plan as part of its filing of Rebuttal Testimony on May 10, 2002;
- (d) the Company agrees that any reduction in rates ordered by this Commission will be retroactive to April 1, 2002;
- (e) within 20 days of Commission approval of this Stipulation, the Company will file tariff sheet(s) making rates charged on and after April 1, 2002, interim, subject to refund based upon a final non-appealable order of the Commission setting rates in this

proceeding. Based upon further discussion, the Company will maintain appropriate records respecting customers on and after April 1, 2002 to facilitate any refund.

- (f) the Company agrees to file its revised depreciation study no later than January 31, 2002 and at that time provide all workpapers to the Staff;
- (g) and the Company agrees, without waiving its right to object to any specific data request, to use its best efforts to respond to Staff's data requests as quickly as possible.

- 4. That this order shall be effective on January 3, 2002.

(S E A L)

BY THE COMMISSION



**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

Simmons, Ch., Murray, Lumpe, Forbis,
CC., concur.
Gaw, C., dissents.

Roberts, Chief Regulatory Law Judge