

March 26, 2002

VIA FEDERAL EXPRESS

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street, Suite 100
Jefferson City, MO 65101

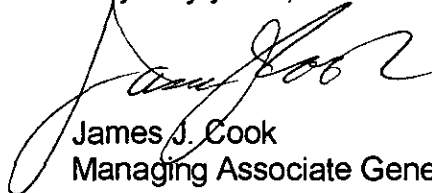
Re: MPSC Case No. EC-2002-1

Dear Mr. Roberts:

Enclosed for filing on behalf of Union Electric Company, d/b/a AmerenUE, in the above matter, please find an original and eight (8) copies of its Motion To Strike Portions Of The Direct Testimony of Staff Witness Paul R. Harrison Or, In The Alternative, Request For Clarification of Commission Order.

Kindly acknowledge receipt of this filing by stamping a copy of the enclosed letter and returning it to me in the enclosed self-addressed envelope.

Very truly yours,



James J. Cook
Managing Associate General Counsel

JJC/vww

Enclosures

15718

FILED²

MAR 27 2002

**Missouri Public
Service Commission**



BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²
MAR 27 2002
Missouri Public
Service Commission

The Staff of the Missouri Public
Service Commission,

Complainant,

v.

Union Electric Company, d/b/a
AmerenUE,

Respondent.

Case No. EC-2002-1

MOTION TO STRIKE PORTIONS OF THE DIRECT TESTIMONY
OF STAFF WITNESS PAUL R. HARRISON
OR, IN THE ALTERNATIVE,
REQUEST FOR CLARIFICATION OF COMMISSION ORDER

COMES NOW Union Electric Company ("AmerenUE" or "Company"), pursuant to 4 CSR 240-2.080, and requests that portions of the Direct Testimony of Staff Witness Paul R. Harrison be stricken, as being in violation of the Commission's Order Approving Jointly Filed Revised Procedural Schedule issued January 3, 2002. In the alternative, the Company requests that the Commission clarify its order and provide that post-September 30, 2001 data may be used as a basis for adjusting test year data. In support of these requests, the Company states as follows:

1. On January 3, 2002, the Commission issued its Order Approving Jointly Filed Revised Procedural Schedule (the "Order"). The Order established the twelve months ended June 30, 2001 as the test year in this proceeding and further provided that said test year "may be updated through September 30, 2001." (Order, at ¶ 3(b)).

2. On March 1, 2002, the Commission Staff filed its Direct Testimony pursuant to the schedule established in the January 3rd Order. One of the witnesses for the Staff, Paul R.

Harrison, submitted testimony on an issue described as the "Venice Power Plant Fire Expenditures and Settlements." (Direct Testimony of Paul R. Harrison, at p. 8, line 13 through p. 10, line 17 and accompanying proposed accounting adjustments S-6.4 and S-11.4). In this portion of his testimony, Mr. Harrison specifically seeks to adjust test year data as a result of an insurance settlement reached and paid after September 30, 2001. Since this violates this Commission's Order, the only appropriate remedy is to strike this portion of Mr. Harrison's testimony, as well as his proposed accounting adjustments.¹

3. Alternatively, the Commission should clarify the Order and provide that post-September 30, 2001 data is admissible for the purpose of adjusting test year data (as updated through September 30, 2001), or, in order that the Company may similarly update costs, revenues and related data.

WHEREFORE, for the foregoing reasons, the Company respectfully requests that the Commission strike that portion of Staff witness Paul R. Harrison's Direct Testimony as discussed herein or, alternatively, clarify its Order and provide that post-September 30, 2001 data may be used as a basis for adjusting test year data.

¹ As a matter of clarification, the Company does not object to presentation of post September 30, 2001 data to substantiate trends in a limited number of cost of service items if such evidence is offered merely to support or explain test year data. It is clearly violative of this Commission's Order, however, to use post-September 30, 2001 data as a basis for adjusting test year data.

Respectfully submitted,

UNION ELECTRIC COMPANY
d/b/a AmerenUE

By:


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DATED: March 26, 2002

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via first class U.S. mail, postage prepaid, on this 26th day of March, 2002, on the following parties of record:

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