

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²

NOV 13 2001

Missouri Public
Service Commission

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

Case No. EC-2002-1

THE DOE RUN COMPANY'S
MOTION FOR LEAVE TO FILE
RESPONSIVE PLEADINGS OUT OF TIME

Comes now The Doe Run Company, (hereinafter "Doe Run"), by counsel, and hereby moves the Commission for leave to file its Response to Staff's Excess Earnings Complaint Against Union Electric Company and Response to Answer of Union Electric Company (original and eight copies of which are attached hereto) out of time, and in support thereof states to the Commission as follows:

1. That Doe Run filed a Motion to Intervene herein on or about July 18, 2001.

2. That Doe Run was granted intervention by Order of this Commission dated October 1, 2001.

3. That the Commission's Order of October 1, 2001, also directed Doe Run (and others) to file a responsive pleading to the

Staff's Complaint within thirty (30) days of the said Order.

4. That upon receipt of said Order, Doe Run's counsel once again reviewed the Staff's Complaint and determined that Doe Run agreed with all allegations contained therein, and therefore, determined in accordance with the Missouri Rules of Civil Procedure that no answer or response was necessary inasmuch as by not filing a response to the Complaint, all of the allegations were deemed to be admitted by Doe Run.

5. That at the same time, a review of Union Electric Company's "Answer" dated August 10, 2001, revealed that all of the defenses were directed to the Commission Staff and not to any intervenors, and therefore, no response by Doe Run was needed or necessary.

6. That said decision not to file a response is in accordance with Court rules of judicial economy.

7. That at the pre-hearing conference held herein on November 8, 2001, the Regulatory Law Judge indicated that a responsive pleading was, in fact, necessary and must be filed together with a Motion for Leave to File the same out of time.

8. That as set forth above, the failure to file a formal response by Doe Run was not due to a lack of diligence, but rather was made in the interest of judicial economy and so as to not

unduly fill the Commission's files with unnecessary filings.

9. That the allowance of Doe Run's filing of its Response out of time will not adversely affect any party to this matter inasmuch as the Response is only ten (10) days late (by the time this pleading reaches the Commission), and in any event, no procedural schedule has been adopted by the Commission and the case has not yet been set for hearing, and apparently the hearing will not be until March, 2002.

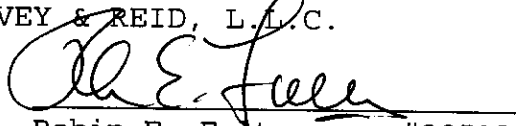
10. That Doe Run has fully and completely participated in all proceedings in which it has intervened in the past and will do so in this matter.

11. That the instant matter is of utmost importance to Doe Run, which is among the top ten (10) consumers of Union Electric Company based upon volume, and the Commission's decision herein will have a significant impact upon Doe Run's electric expenses.

WHEREFORE, Doe Run moves the Commission for leave to file its Response to Staff's Excess Earnings Complaint Against Union Electric Company and Response to Answer of Union Electric Company out of time; and for such other and further relief as to the Commission may seem just and proper.

SCHNAPP, FULTON, FALL,
SILVEY & REID, L.L.C.

By:



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Attorney for The Doe Run Company

CERTIFICATE OF SERVICE

The undersigned certifies a copy of the foregoing was mailed, with first class postage affixed thereon, to all parties of record on this 9th day of November, 2001.


ROBIN E. FULTON