

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY**

May 3, 2001

CASE NO: EM-2001-233

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Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,



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

At a session of the Public Service Commission held at its office in Jefferson City on the 3rd day of May, 2001.

ORDER GRANTING LEAVE TO WITHDRAW APPLICATION

When application was filed, AmerenUE requested that the Commission grant it expedited treatment and issue a decision by February 15, 2001. AmerenUE stated that if no Commission decision were made by that date, it would proceed with issuing Requests For Proposals (RFPs) for the acquisition of capacity and energy for the summer of 2001.

AmerenUE also filed its direct testimony simultaneously with its application.

On October 30, 2000, Staff and the Office of the Public Counsel each filed a response to the motion for expedited treatment. Both Staff and Public Counsel stated that they needed more time to analyze the effects of the transfer. The Commission also granted three requests for intervention in the case.

A prehearing conference was held on December 20, 2000, at which time AmerenUE withdrew its request for expedited treatment. The parties all agreed to a procedural schedule, which was adopted by the Commission on January 16, 2001. On February 6, 2001, AmerenUE requested that the procedural schedule be held in abeyance pending further discussions among the parties that were believed to be leading to settlement of some of the issues. None of the parties objected to a stay of the procedural schedule and the motion was granted.

On March 29, 2001, after several status reports, AmerenUE filed a request for leave to withdraw its application. AmerenUE could not dismiss its application voluntarily, because of Commission rule 4 CSR 240-2.116(1) which requires leave of the Commission if the request is made after the filing of testimony. On April 9, 2001, Staff objected to AmerenUE's request to withdraw.

Staff requested that the Commission issue an order requiring AmerenUE to explain why the Commission should not file a complaint with the Federal Energy Regulatory Commission based on the information in AmerenUE's direct testimony and on filings made in Case No. EM-2000-580. Staff also requested that AmerenUE be required to provide additional

support for information it provided as part of its highly confidential material.

On April 19, 2001, Public Counsel filed a motion in support of Staff's request and additionally requested "that the Commission order AmerenUE to participate in a process to obtain competitively priced power to serve its needs for the next ten years." Public Counsel suggested this process include working with the Staff and Public Counsel to develop RFPs for power and that this process would be similar to the process that the Commission has already approved for AmerenUE in Case No. EA-2000-37.

AmerenUE responded to both Staff and Public Counsel on April 19, 2001, and April 30, 2001, respectively, stating that AmerenUE has developed a new business plan that does not include the transfer of assets as requested in its application. AmerenUE also stated that it had proceeded with RFPs for power supply. AmerenUE stated that it has not violated any of the agreements with Staff and Public Counsel, and does not intend to violate those agreements. AmerenUE stated that it intends to make all appropriate filings with applicable regulatory agencies and is committed to working with Staff and Public Counsel to resolve issues. AmerenUE stated that the process in the agreement and stipulation in Case No. EA-2000-37 includes active participation in the RFP process by Staff and Public Counsel, and therefore, a further order from the Commission would be redundant. AmerenUE also argues that none of the Staff's or Public Counsel's concerns are relevant to the question of whether AmerenUE should be granted leave to withdraw its application.

On April 30, 2001, after reviewing AmerenUE's response, Staff withdrew its concerns and recommended that AmerenUE be allowed to

withdraw its application. The Commission interprets this pleading as a withdrawal of Staff's objections to the AmerenUE's request for leave to withdraw. The Public Counsel's motion is still pending.

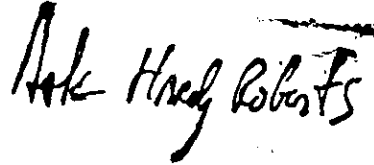
The Commission has reviewed the request for leave to withdraw and the motions, responses, and replies to that request. Commission rule 4 CSR 240-2.116(1) would have allowed AmerenUE to voluntarily dismiss its application without the need for Commission approval if AmerenUE had not, in the interest of requesting expedited treatment, simultaneously filed testimony with its application. The Commission finds that further relief regarding complaints before the Federal Energy Regulatory Commission, or the granting of a new process for review of RFPs, is not appropriately brought in a case requesting permission for the transfer of assets. The Commission is making no determination in this case as to the necessity for such relief, but only finds that the application for transfer of assets is no longer necessary and should be dismissed.

IT IS THEREFORE ORDERED:

1. That the Request for Leave to Withdraw Application for Transfer of Assets filed by Union Electric Company, d/b/a AmerenUE, on March 29, 2001, is granted.
2. That the motion for further relief of the Office of the Public Counsel is denied.
3. That this order shall become effective on May 13, 2001.

4. That this case shall be closed on May 14, 2001.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read "Dale Hardy Roberts". The signature is written in a cursive, somewhat stylized font.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Drainer, Murray,
Simmons, and Gaw, CC., concur.

Dippell, Regulatory Law Judge

ALJ/Secretary: Dippell / Pope
Date Circulated 5-2-01 EM-2001-233
CASE NO.
Lumpke, Chair 5-2-01
Draimer, Vice Chair KS
Murray, Commissioner KS
Simmons, Commissioner KS
Gaw, Commissioner KS
Agenda Date 5-3-01
Action taken: 5-0 AS
Must Vote Not Later Than _____

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 3rd day of May 2001.

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