

April 30, 2001

**VIA HAND DELIVERY**



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

**FILED<sup>3</sup>**

APR 30 2001

Missouri Public  
Service Commission

Re: MPSC Case No. EM-2001-233

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 **Response to Public Counsel's Motion in Support of Staff's Response to AmerenUE's Request For Leave to Withdraw Application For Transfer of Assets and Public Counsel's Further Request for an Order Establishing a Competitive Bidding Process.**

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/sh*

James J. Cook  
Managing Associate General Counsel

JJC/mlh  
Enclosures

cc: Ms. Nancy Dippell  
Parties on Attached Service List

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

**FILED<sup>3</sup>**  
APR 30 2001

Missouri Public  
Service Commission

In the Matter of the Application of Union )  
Electric Company, d/b/a AmerenUE for an Order )  
Authorizing the Sale, Transfer and Assignment )  
of Certain Assets, Real Estate Leased Property, )  
Easements and Contractual Agreements to )  
Central Illinois Public Service Company d/b/a )  
AmerenCIPS, and, in Connection Therewith, )  
Certain Other Related Transactions. )

Case No. EM-2001-233

**RESPONSE OF UNION ELECTRIC COMPANY TO  
PUBLIC COUNSEL'S MOTION IN SUPPORT OF  
STAFF'S RESPONSE TO COMPANY REQUEST FOR  
LEAVE TO WITHDRAW APPLICATION AND  
PUBLIC COUNSEL'S FURTHER REQUEST FOR  
AN ORDER ESTABLISHING A COMPETITIVE BIDDING PROCESS**

COMES NOW Union Electric Company d/b/a AmerenUE ("the Company" or "UE") and submits this Response to Public Counsel's ("OPC") Motion in Support of Staff's Response to the Company's March 29, 2001 filing ("Application") requesting leave to dismiss the instant proceeding and OPC's Further Request for an Order Establishing a Competitive Bidding Process ("Motion").

The Company strongly opposes the requests made by OPC in its filing.

Just as in Staff's filing, OPC does not provide any guidance to the Commission concerning whether the Commission should dismiss the instant case. Rather, just as Staff did in its filing, OPC expresses its unfocused concern about the status of the energy market in Missouri, and makes broad unhelpful requests to the Commission.

First, OPC indicates its support of the Staff's "requested relief" in the Staff's April 9, 2001 filing. Of course, neither Staff nor OPC even suggest that the "requested relief" has anything to do with the Company's request to dismiss the case.

Nor does OPC provide any real guidance as to how the “requested relief” is supposed to help AmerenUE’s customers “have access to affordable and competitively priced electric supplies.” Rather, like Staff, OPC seems more interested in punishing the Company for the transmission constraints that exist currently. In fact, OPC asks that AmerenEnergy Marketing Company’s market based rate authority be revoked, while the Staff asked that AmerenUE’s authority be revoked! Clearly, Staff’s and OPC’s unfocused effort to punish has outpaced their ability to adequately explain why such punishment should be imposed and what it has to do with the Company’s request to dismiss this case.

OPC’s other request appears to be for the Commission to open yet another docket, or undefined “process to obtain competitively priced power to serve its needs for the next ten years.” OPC then provides a few thoughts on what that process should be like. Those suggestions, frankly are “Monday morning quarterbacking” ideas that may now seem appropriate because of the experience obtained in the recent RFP process. Frankly, the Company can, and will modify its RFP process, as appropriate, based on updated information obtained from the last RFP and a variety of other sources, all without the benefit of another Commission docket.

In addition, as indicated in OPC’s filing, the process included in the Stipulation in EA-2000-37 already includes active participation by Staff and OPC in the RFP process. In fact, both actively participated in the RFP process just recently completed. Obviously, Staff and OPC will be invited to participate in future efforts, as well. The Company certainly intends to abide by its prior Stipulations and Agreements.

There are several Orders and Stipulations and Agreements already in place that provide the Staff and OPC with opportunities to participate at a level that all parties found appropriate.

The Company intends to continue to abide by those Commission directives, and sees no reason to reopen all of them, which would be the effect of OPC's request.

The Company maintains that the existing laws, rules, regulations, orders, stipulations and agreements, as well as the informal meetings and submissions that are a part of those more formal processes, are adequately providing the guidance and direction that the Company needs to meet, and exceed its obligations. The punitive suggestions of the Office of Public Counsel should be rejected by the Commission.

This case should be dismissed, forthwith.

Dated April 30, 2001

Respectfully submitted,  
Union Electric Company  
d/b/a AmerenUE

By: James J. Cook / sh

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was served on the following parties of record via U.S. First-Class Mail on this 30<sup>th</sup> day of April, 2001:

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