

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

In the Matter of Union Electric Company d/b/a)	
AmerenUE for Authority to File Tariffs Increasing)	Case No. ER-2010-0036
Rates for Electric Service Provided to Customers in)	
The Company's Missouri Service Area.)	

**AMERENUE'S RESPONSE TO PUBLIC COUNSEL'S MOTION TO ALLOW
WITNESS TO APPEAR BY TELEPHONE AND REQUEST FOR EXPEDITED
TREATMENT**

COMES NOW Union Electric Company d/b/a AmerenUE (AmerenUE) and for its *Response to Public Counsel's Motion to Allow Witness to Appear by Telephone and Request for Expedited Treatment* states as follows:

1. Earlier today, the Office of the Public Counsel (OPC) filed a motion requesting authority for its rate of return witness, Daniel Lawton, to be examined and take questions from the bench in this case via telephone. Public Counsel says that its request is driven by budget issues, and that having Mr. Lawton travel from Texas to be physically present at the hearing would entail a considerable expense which is not in OPC's budget.

2. AmerenUE is sympathetic to OPC's budget issues, but also would like the opportunity to cross-examine Mr. Lawton in person. It is challenging to conduct an effective cross-examination over the telephone, and to make a clean record for use by the Commission in deciding the case. For example, it is difficult to show a witness demonstrative exhibits and very difficult to ask a witness to authenticate exhibits that a party may desire to offer into the record over the telephone. It is also much more difficult for the Commission to observe the demeanor of the witness over the telephone. Given

that one of the Commission's roles, as the fact finder in this case, is to judge the witnesses' credibility, the process will benefit from the live testimony of all witnesses on the contested issues in this case.

3. Although the cost of Mr. Lawton traveling to Jefferson City may be difficult for OPC to bear given its budget problems, Mr. Lawton is testifying about an issue in AmerenUE's case (return on equity) that is worth tens of millions of dollars in revenue requirement. AmerenUE's opportunity to fully and effectively explore this issue ought not to be curtailed over the price of an airplane ticket and hotel room.

4. AmerenUE requests that Mr. Lawton be required to appear at the hearing for this case in person on the condition that AmerenUE pay the reasonable cost of his travel and related expenses to have the opportunity to cross-examine him in person.

5. If, for whatever reason, the Commission is unwilling to require Mr. Lawton to appear in person, as a much less desirable alternative, AmerenUE would request that Mr. Lawton be required to appear by video conference. Cross-examination by video conference, though less desirable than cross-examination in person, is still better than by telephone, and would allow the use of technology for the handling of documents.

WHEREFORE, AmerenUE respectfully requests that the Commission require Mr. Lawton to appear at the hearing in person and require AmerenUE to reimburse Mr. Lawton for his reasonable travel and other expenses associated with appearing. In the alternative, the Commission should require Mr. Lawton to appear by video conference.

Respectfully submitted,

UNION ELECTRIC COMPANY,
d/b/a AmerenUE

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served on the following parties via electronic mail (e-mail) on this 10th day of March, 2010.

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