

**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)
Rates for Electric Service Provided to Customers)
In the Company's Missouri Service Area.)

Case No. ER-2010-0036

**AMERENUE'S SUBMITTAL IN RESPONSE TO REQUEST FROM
THE REGULATORY LAW JUDGE**

COMES NOW Union Electric Company d/b/a AmerenUE, and in response to a request from the Regulatory Law Judge, states as follows:

1. During cross-examination of AmerenUE witness, Mr. Birk indicated the confidential nature of certain information he intended to include in answers to questions posed to him. Consequently, that portion of Mr. Birk's cross-examination occurred *in camera*. This filing is in response to the request that the Company provide justification regarding whether the subject information was highly confidential or proprietary and do so by April 8, 2010.¹ Because of the sensitive nature of the information at issue, most of the remainder of this Response is being filed as both proprietary and highly confidential. This is because the very fact that this information arose in the rate case in connection with the topic at issue when Mr. Birk testified could prejudice the Company and ultimately its ratepayers, as we discuss below.

2. ** _____²

¹ We would note that under 4 CSR 240-2.135(21), a party is entitled to claim that information is proprietary or highly confidential, which is then a representation that the claiming party has a reasonable and good faith belief in its claim of confidentiality.

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3. _____.

4. _____.

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6. _____

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7. WHEREFORE, for the foregoing reasons, the *in camera* transcript relating to these issues (page 2703, line 1 to page 2704, line 9; page 2727, line 1 to page 2764, line 12) should remain *in camera*.

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NP

Steven R. Sullivan, #33102

Sr. Vice President, General
Counsel and Secretary

Thomas M. Byrne, # 33340

Managing Assoc. General Counsel
Ameren Services Company

P.O. Box 66149

St. Louis, MO 63166-6149

(314) 554-2098

(314) 554-2514 (phone)

(314) 554-4014 (fax)

ssullivan@ameren.com

tbyrne@ameren.com

SMITH LEWIS, LLP

/s/James B. Lowery

James B. Lowery, #40503

Suite 200, City Centre Building

111 South Ninth Street

P.O. Box 918

Columbia, MO 65205-0918

Phone (573) 443-3141

Facsimile (573) 442-6686

lowery@smithlewis.com

Attorneys for Union Electric Company

d/b/a AmerenUE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via e-mail, on the following parties on the 8th day of April, 2010:

Nathan Williams
Missouri Public Service Commission
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102-0360
Nathan.Williams@psc.mo.gov
GenCounsel@psc.mo.gov

Lewis R. Mills
Missouri Office of Public Counsel
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102-2230
Lewis.mills@ded.mo.gov
opcservice@ded.mo.gov

Michael C. Pendergast
Rick E. Zucker
Laclede Gas Co.
720 Olive Street, Ste. 1520
St. Louis, MO 63101
mpendergast@laclede.com
rzucker@laclede.com

Diana M. Vuylsteke
Bryan Cave, LLP
211 N. Broadway, Ste. 3600
St. Louis, MO 63102
dmvuylsteke@bryancave.com

Thomas G. Glick
7701 Forsyth Blvd., Ste. 800
St. Louis, MO 63105
tglick@dmfirm.com

Sherrie A. Schroder
Michael A. Evans
7730 Carondelet, Suite 200
St. Louis, MO 63105
saschroder@hstly.com
mevans@hstly.com

Lisa C. Langeneckert
Sandberg Phoenix & Von Gontard, P.C.
One City Centre, 15th Floor
515 North Sixth Street
St. Louis, MO 63101-1880
llangeneckert@sandbergphoenix.com

John C. Dodge
Davis, Wright and Tremaine, LLP
1919 Pennsylvania Ave. NW, Ste 200
Washington, DC 20006
johndodge@dwtd.com

Mark W. Comley
Newman, Comley and Ruth
PO Box 537
601 Monroe St., Ste. 301
Jefferson City, MO 65102
comleym@ncrpc.com

John B. Coffman
871 Tuxedo Blvd.
St. Louis, MO 63119-2044
john@johncoffman.net

Shelley A. Woods
Sarah B. Mangelsdorf
P.O. Box 899
Jefferson City, MO 65102-0899
shelley.woods@ago.mo.gov
sarah.mangelsdorf@ago.mo.gov

Douglas Healy
939 Boonville, Suite A
Springfield, MO 65802
dhealy@mpua.org

David Woodsmall
428 E. Capitol Ave., Suite 300
Jefferson City, MO 65101
dwoodsmall@fcplaw.com

James B. Deutsch
Thomas R. Schwarz
308 E. High St., Suite 301
Jefferson City, MO 65101
jdeutsch@blitzbardgett.com
tschwarz@blitzbardgett.com

Karl Zobrist
Roger W. Steiner
Sonnenschein Nath & Rosenthal LLP
4520 Main Street, Suite 1100
Kansas City, MO 64111
kzobrist@sonnenschein.com
rsteiner@sonnenschein.com

Sam Overfelt
Missouri Retailers Association
618 E. Capitol Avenue
P.O. Box 1336
Jefferson City, MO 65102
moretailers@aol.com

Henry B. Robertson
705 Olive Street, Suite 614
St. Louis, MO 63101
hrobertson@greatriverslaw.org

Leland Curtis
Carl Lumley
Kevin O'Keefe
Curtis, Heinz, Garrett & O'Keefe PC
130 S. Bemiston, Suite 200
St. Louis, MO 63105
314-725-8788
314-725-8789
lcurtis@lawfirmmail.com
clumley@lawfirmmail.com
kokeefe@lawfirmmail.com

/s/ James B. Lowery _____
James B. Lowery