

July 5, 2002

**VIA FEDERAL EXPRESS**



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

Re: MPSC Case No. EC-2002-1

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 **Union Electric Company's Response To Public Counsel's Third Motion To Compel**.

Please 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,

A handwritten signature in black ink that reads "James J. Cook/vww". The signature is fluid and cursive, with the initials "vww" at the end.

James J. Cook  
Managing Associate General Counsel

JJC/vww

Enclosures

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

The Staff of the Missouri Public Service Commission	)	
	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. EC-2002-1
	)	
Union Electric Company, d/b/a AmerenUE,	)	
	)	
	)	
Respondent.	)	

**UNION ELECTRIC COMPANY’S RESPONSE TO  
PUBLIC COUNSEL’S THIRD MOTION TO COMPEL**

COMES NOW Union Electric Company d/b/a AmerenUE (“UE”) and in response to the Office of Public Counsel’s (“Public Counsel”) Third Motion to Compel, states as follows:

1. Public Counsel’s Data Requests Nos. 6016 and 829 ask the Company to re-run its production cost model with different inputs. These are not discovery requests. Rather, they are requests to perform analyses or studies, and as such are inappropriate as discovery.

2. DR. No. 6016 attaches natural gas price inputs that the Office of Public Council wants to have the Company use in another production cost model run, to see what the answer might be “using the company’s methodology” and the OPC’s inputs. OPC states that the information is “otherwise not available” which, although probably true, is not a known legal reason that would compel the Company to perform expert analysis at the request of another party.

3. With regard to Data Request No. 829 – OPC asked the Company to “provide the PROSYM model output for AEG and AmerenUE run on a stand along bases consistent with inputs utilized in the joint dispatch run used as a basis for criticizing and rebutting Staff’s RealTime run....” The Company had not made such a run and so reported to the OPC.

4. DRs 6016 and 829 both concern the assumption that the Company will conduct expert analysis for another party, merely at that party’s request, because the request is made in the form of a discovery request. In response to the request that specifically asked that the Company make such a analysis (DR 6016), the Company filed an objection. In response to the request that seemed to suggest that the analysis had been done (DR 829), the Company responded that “stand alone cases were not run for this case.”

5. As the OPC’s Motion to Compel makes clear, the OPC expects the Company to make those runs in response to both DRs. Neither DR asks for information that the Company has – but rather asks the Company to conduct a study, or run a computer model, with different assumptions, or inputs and see what the result might be. Perhaps if this were merely a brief exercise, requiring little, if any work or thought or judgment, it would be a minor matter – although still not a proper discovery request. In fact, however, the directions requested in 829 include a considerable number of modifications and adjustments to the Company’s model runs, and a considerable amount of verifying to assure that “each [is] calibrated identically to the joint dispatch run which Mr. Finnell cites...”

6. Whether the requests involve a considerable amount of effort or not, they are not discovery requests. Therefore, if they have not been done by the Company, the Company should not be directed to do the OPC's work for it.

7. With regard to Data Request No. 5096, AEG, AE and AEM have been asked directly for responsive documents and they have none.

8. With regard to Data Request No. 5024, the last of the information was retrieved and sent to the OPC on July 2, 2002.

9. With regard to Data Request No. 5027, the previous response referenced DR No. 549 for details on SO2 transactions July 2000 – June 2001. The reference should have been to OPC Data Request No. 545 in Case No. EM-96-149. This clarification was e-mailed to OPC on July 1, 2002.

WHEREFORE, for the aforementioned reasons, UE respectfully requests that the Public Counsel's Third Motion to Compel be denied.

Respectfully submitted,

UNION ELECTRIC COMPANY  
d/b/a AmerenUE

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DATED: July 5, 2002

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via Federal Express or U.S. Mail on this 5th day of July, 2002, on the following parties of record:

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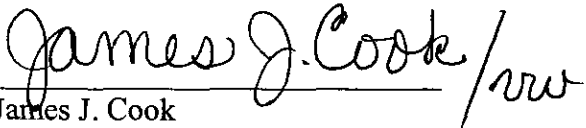
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