

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

In the Matter of Union Electric Company,)	
d/b/a AmerenUE's Tariffs to Increase Its)	Case No. ER-2010-0036
Annual Revenues for Electric Service)	

**MISSOURI INDUSTRIAL ENERGY CONSUMERS'
RECOMMENDATION CONCERNING TRUE-UP
AND RESPONSE IN OPPOSITION TO
AMERENUE'S PROPOSED TRUE-UP**

Comes now the Missouri Industrial Energy Consumers ("MIEC") and, pursuant to the Commission's July 27, 2009 *Order Directing Notice, Suspending Tariff, Setting Hearings and Directing Filing*, ("Order") in this case, files its recommendation concerning true-up and response in opposition to AmerenUE's proposed true-up.

1. AmerenUE's rate increase filing requests that the Commission establish the test year as the twelve months ending March 31, 2009. AmerenUE's filing also requests an adjustment for known and measurable changes to be trued-up through February 28, 2010.

2. The MIEC does not oppose AmerenUE's request for a test year of the twelve months ending March 31, 2009. However, the MIEC opposes AmerenUE's request to extend the true-up period for known and measurable changes through February 28, 2010. AmerenUE's proposal will not allow sufficient time for the parties to prepare and present true-up evidence to the Commission, and will not allow adequate time for Commission deliberation and a thirty-day tariff review period.

3. The schedule below, using the true-up timetables employed in Case No. ER-2008-0318, shows that AmerenUE's proposal does not allow sufficient time between the true-up period of February 28, 2010 and the operation of law date of June 21, 2010:

AMERENUE'S TRUE-UP SCHEDULE GIVEN FEBRUARY 28, 2010 CUTOFF		
Date	Interval	Event
February 28, 2010		True-up Period cutoff
April 7, 2010	38 Days	True-up Information Provided
May 24, 2010	47 Days	True-Up Direct Filed
June 1, 2010	8 Days	True-up Rebuttal Filed
June 8 & 9, 2010	7 Days	True-up Hearings
June 16, 2009	7 Days	True-up Briefs Filed
June 21, 2010	5 Days	Operation of Law Date

AmerenUE's true-up proposal requires the Commission to decide AmerenUE's true-up case within five days before the operation of law date, and is not achievable.

4. As an alternative to AmerenUE's proposal, the MIEC recommends a true-up cutoff of January 1, 2010. The MIEC recognizes that AmerenUE will experience increases in its fuel expense contracts effective on January 1, 2010. However, AmerenUE has made no showing of any significant event beyond January 1, 2010 which would necessitate extending the true-up period beyond this date. Furthermore, the true-up schedule must be consistent with the Commission's Order scheduling true-up hearing dates of April 12 and April 13. Accordingly the MIEC proposes the following schedule with intervals based on the true-up timetable of Case No. ER-2008-0318:

MIEC PROPOSED TRUE-UP SCHEDULE		
Date	Interval	Event
January 1, 2010		True-up Period cutoff
February 12, 2010	43 Days	True-up Information Provided
March 30, 2010	46 Days	True-Up Direct Filed
April 6, 2010	7 Days	True-up Rebuttal Filed
April 12-13, 2010	6 Days	True-up Hearings
April 20, 2010	7 Days	True-up Briefs Filed
June 21, 2010	62 Days	Operation of Law Date

The MIEC's recommended true-up schedule includes a longer period for providing information to the parties in consideration of AmerenUE's year-end accounting activity. A similar sixty day period was used in AmerenUE's 2007 rate case where a January 1 cutoff period was adopted to allow sufficient time for AmerenUE to compile and submit true-up information.

5. Attached to this pleading is the Commission's *Order Establishing Procedural Schedule* in Case No. ER-2008-0318.

WHEREFORE, the MIEC requests that the Commission reject AmerenUE's proposal for a true-up cutoff of February 28, 2010. The MIEC further requests that the Commission adopt the MIEC's recommended alternative schedule with a true-up cutoff of January 1, 2010.

Respectfully submitted,

BRYAN CAVE, LLP

By: /s/ Diana Vuylsteke

Diana M. Vuylsteke, # 42419

211 N. Broadway, Suite 3600

St. Louis, Missouri 63102

Telephone: (314) 259-2543

Facsimile: (314) 259-2020

E-mail: dmvuylsteke@bryancave.com

Attorney for The Missouri Industrial
Energy Consumers

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered, transmitted by e-mail or mailed, First Class, postage prepaid, this 27th day of August, 2009, to all parties on the Commission's service list in this case.

/s/ Diana Vuylsteke

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

In the Matter of Union Electric Company,)	
d/b/a AmerenUE's Tariffs to Increase Its)	Case No. ER-2010-0036
Annual Revenues for Electric Service)	Tariff Nos. YE-2008-0605

ORDER ADOPTING PROCEDURAL SCHEDULE AND ESTABLISHING TEST YEAR

Issue Date: May 29, 2008

Effective Date: May 29, 2008

On May 21, 2008, all parties in Union Electric Company, d/b/a AmerenUE's general rate increase case jointly proposed a procedural schedule. The proposed procedural schedule modifies the hearing dates previously reserved by the Commission, moving the start of the hearing from November 5 to November 17, and extending the hearing into the first week of December. The parties also propose the Commission schedule a true-up hearing for January 6 and 7, 2009, if necessary.

Since all parties accept the proposed schedule, the Commission will adopt it, with one modification. The parties propose to file post-hearing briefs on Friday, January 9, 2009. The Commission will move that filing date up one day to Thursday, January 8. That modification will allow the Commission to review the briefs and begin its consideration of the issues at its Tuesday, January 13 agenda meeting.

AmerenUE's direct testimony utilized a test year ending March 31, 2008, with nine months actual data and three months forecasted data as well as pro forma adjustments to include certain items through June 30, 2008. The parties now agree that AmerenUE will update its forecasted data with actual data through March 31, with certain pro forma adjustments through September 30, 2008. They also agree the test year will be trued-up as of September 30, 2008.

The parties shall comply with the following procedural requirements:

(A) Testimony shall be prefiled as defined in Commission Rule 4 CSR 240-2.130. All parties must comply with this rule, including the requirement that testimony be filed on line-numbered pages.

(B) The parties shall agree upon and Staff shall file a list of the issues to be heard, the witnesses to appear on each day of the hearing, the order in which they will be called, and the order of cross-examination for each witness. The list of issues should be detailed enough to inform the Commission of each issue that must be resolved. The Commission will view any issue not contained in this list of issues as uncontested and not requiring resolution by the Commission.

(C) Each party shall file a simple and concise statement summarizing its position on each disputed issue.

(D) All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 4 CSR 240-2.080. Briefs shall follow the same list of issues as filed in the case and must set forth and cite the proper portions of the record concerning the remaining unresolved issues that are to be decided by the Commission.

(E) All parties shall bring an adequate number of copies of exhibits that they intend to offer into evidence at the hearing. If an exhibit has not been prefiled, the party offering it must bring, in addition to the copy for the court reporter, copies for the five Commissioners, the Presiding Judge, and all counsel.

The parties have agreed to the following additional procedures and ask the Commission to order the parties to comply with them. The parties shall comply with the following procedures:

(F) All parties shall provide copies of testimony (including schedules), exhibits, and pleadings to other counsel by electronic means and in electronic form, essentially concurrently with the filing of such testimony, exhibits, or pleadings where the information is available in electronic

format. Parties are not required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.

(G) The parties shall make an effort to not include highly confidential or proprietary information in data request questions. If highly confidential or proprietary information must be included in data request questions, the highly confidential or proprietary information shall be appropriately designated as such pursuant to Commission Rule 4 CSR 240-2.135.

(H) Each party serving a data request on another party shall provide an electronic copy of that data request to counsel for all other parties. If a party wants the response to a data request that has been served on another party, it must request a copy of the response from the party answering the data request. In this way, the party providing a response to a data request has an opportunity to object to providing the response to another party and is responsible for copying the highly confidential or proprietary information. Data requests, objections, or notifications regarding the need for additional time to respond, shall be sent via e-mail to the persons designated in writing by the parties and to counsel for the other parties. Data request responses shall be served on counsel for the requesting party and on the requesting party's employee or representative who submitted the data request. Data request responses shall be served electronically, if feasible and not voluminous.

(I) Until direct testimony on class cost of service and rate design issues is filed on September 11, 2008, the response time for all data requests shall be twenty calendar days, with ten calendar days to object or notify the requesting party that more than twenty calendar days will be needed to provide the requested information. After September 11, 2008, until rebuttal testimony is filed on October 14, the response time for data requests shall be ten business days to provide the requested information and five business days to object or notify the requesting party that more than ten business days will be needed to provide the requested information. After rebuttal testimony is

filed on October 14, 2008, the response time for data requests shall be five business days to provide the requested information and three business days to object or notify the requesting party that more than five business days will be needed to provide the requested information. A party from whom a copy of a previous data request response is requested shall timely responded to that request, considering that it has already prepared its response to the underlying data request.

(J) Workpapers that were prepared in the course of developing a witness' testimony shall not be filed with the Commission, but shall be submitted to each party within two business days after the particular testimony is filed, unless a party has indicated that it does not want to receive some or all of the workpapers. Workpapers containing highly confidential or proprietary information shall be appropriately marked.

(K) Where workpapers or data request responses include models or spreadsheets or similar information originally in a commonly available format where inputs or parameters may be changed to observe changes in inputs, if available in that original format, the party providing the workpaper or response shall provide this type of information in that original format with formulas intact.

(L) For purposes of this case, the Commission waives Commission Rules 4 CSR 240-2.045(2) and 2.080(11) with respect to prefiled testimony, so that prefiled testimony filed in EFIS is timely if filed before midnight on the date the filing is due.

(M) For purposes of this case, documents filed in EFIS are properly served if provided to counsel of all other parties via e-mail

As requested by the parties, the Commission will expedite the transcripts of the evidentiary hearing.

IT IS ORDERED THAT:

1. The test year for this case is the twelve months ending March 31, 2008, with certain pro forma adjustments through September 30, 2008. The test year shall be trued-up as of September 30, 2008.

2. The following procedural schedule is established:

AmerenUE to provide the parties with actual data to replace its forecasted data for January to March 2008, and provide pro forma adjustments for certain items through September 30, 2008 - **June 4, 2008**

AmerenUE to file limited Supplemental Direct Testimony regarding the Updated Data - **June 16, 2008**

Non-AmerenUE parties to file Direct Testimony, excluding customer class cost of service and rate design - **August 28, 2008**

Non-AmerenUE parties to file Direct Testimony regarding class cost of service and rate design - **September 11, 2008**

Preliminary Reconciliation to be circulated to the parties but not filed - **September 11, 2008**

Local Public Hearings (locations and dates to be established by subsequent order) - **September 2008**

Technical/Settlement Conference (This is an informal conference among the parties and will not be “on-the-record”) - **September 15-17, 2008**

All parties to file Rebuttal Testimony - **October 14, 2008**

Settlement/Technical Conference (This is an informal conference among The parties and will not be “on-the-record”) - **October 16-17, 2008**

All parties to file Surrebuttal Testimony	-	November 5, 2008
AmerenUE to provide, but not file, True-Up Data	-	November 7, 2008
List of Issues, Order of Witnesses, Order of Cross-Examination, Order of Opening	-	November 10, 2008
Final Reconciliation	-	November 12, 2008
Statements of Position	-	November 12, 2008
Hearing 2008, beginning at 8:30 a.m. All parties to file True-Up Direct Testimony (if necessary)	-	November 17-21, 24-25, and December 1-5, December 23, 2008
All parties to file True-Up Rebuttal Testimony (if necessary)	-	December 30, 2008
True-Up Reconciliation (if necessary)	-	January 5, 2009
True-Up Hearing (if necessary)	-	January 6-7, 2009, beginning at 8:30 a.m.
All parties file Post-Hearing Briefs	-	January 8, 2009
All parties file True-Up Briefs (if necessary)	-	January 14, 2009

3. The parties shall comply with the procedural requirements set forth in the body of this order.

4. The hearing will be held at the Commission's office at the Governor Office Building, Room 310, 200 Madison Street, Jefferson City, Missouri. This building meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations to participate in this hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

5. This order shall become effective on May 29, 2008.

BY THE COMMISSION

Colleen M. Dale

Secretary

(S E A L)

Morris L. Woodruff, Deputy Chief Regulatory
Law Judge, by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 29th day of May, 2008.