

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 10<sup>th</sup> day of  
March, 2010.

In the Matter of Union Electric Company, d/b/a	)	<b><u>File No. ER-2010-0036</u></b>
AmerenUE's Tariffs to Increase Its Annual	)	Tariff No. YE-2010-0054
Revenues for Electric Service	)	

**ORDER REGARDING PUBLIC COUNSEL'S MOTION TO COMPEL  
AMERENUE TO RESPOND TO DATA REQUESTS**

Issue Date: March 10, 2010

Effective Date: March 10, 2010

On March 4, 2010, the Office of the Public Counsel filed a motion to compel AmerenUE to fully respond to certain data requests. The Commission ordered AmerenUE to respond to Public Counsel's motion to compel by March 8.

Public Counsel's motion explains that it has submitted data requests to AmerenUE seeking billing records for the expert witnesses and attorneys who have participated in this case for AmerenUE. AmerenUE has turned over the requested billing records, but has redacted some information from those records, claiming that the information is protected from disclosure by the attorney-client privilege or as attorney work product. AmerenUE responded to the motion to compel on March 8, 2010.

The redacted records produced by AmerenUE reveal the identity of the person performing the work and the hours that they worked. The records also disclose the nature of much of the work performed, but the description of some specific areas of work performed by the attorneys or consultants are redacted, and thus not disclosed. So, for

example, one billing entry from AmerenUE's outside legal counsel states "limited research on \_\_\_\_\_". Another indicates, "continued work on \_\_\_\_\_". AmerenUE contends the information redacted from the billing statements would reveal aspects of the company's trial strategy and should be protected from disclosure.

Before determining whether the redacted information should be disclosed, the Commission will undertake an independent assessment of that information. To that end, the Commission will appoint Senior Regulatory Law Judge Harold Stearley as a special master to review the unredacted billing records and to prepare an appropriate order for the Commission's approval.

The hearing of AmerenUE's rate case begins on March 15, but the rate case expense issue for which Public Counsel seeks this information is not scheduled to be heard until March 23. So that the Commission can resolve this discovery dispute before the issue is to be heard, it will order AmerenUE to deliver the unredacted billing records to Judge Stearley, under seal, no later than March 12. Judge Stearley shall then review the records and prepare an appropriate order for the Commission's consideration at its March 17 agenda meeting.

**THE COMMISSION ORDERS THAT:**

1. Union Electric Company, d/b/a AmerenUE shall delivery a copy of the unredacted billing records to Judge Harold Stearley, under seal, no later than March 11, 2010 at 5:00 p.m.

2. This order shall become effective immediately upon issuance.

**BY THE COMMISSION**

( S E A L )

A handwritten signature in black ink, appearing to read 'S. C. Reed', written over a faint, illegible background.

Steven C. Reed  
Secretary

Davis, Jarrett, Gunn, and Kenney, CC., concur;  
Clayton, Chm., absent.

Woodruff, Chief Regulatory Law Judge