

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

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

ORDER ALLOWING WITNESS TO APPEAR BY VIDEO CONFERENCE

Issue Date: March 12, 2010

Effective Date: March 12, 2010

On March 10, 2010, the Office of the Public Counsel filed a motion asking the Commission to allow its rate of return expert witness, Daniel Lawton, to appear at the hearing and to face cross-examination by telephone. Public Counsel indicates it makes this request to save travel costs because of its pressing budget problems. Since Mr. Lawton is scheduled to testify on March 18 or 19, Public Counsel asked the Commission to rule on its motion by March 12.

The Commission established March 11 as the deadline for the filing of responses to Public Counsel's request. AmerenUE responded on March 11. No other party has filed a response.

AmerenUE acknowledged Public Counsel's budget problems, but indicated a strong preference to cross-examine Public Counsel's witness in person, even offering to pay Mr. Lawton's travel expenses. As an alternative, AmerenUE requested that Mr. Lawton be ordered to appear by video conference.

The Commission shares AmerenUE's concern that a telephone connection would make it difficult to effectively cross-examine an important witness concerning a multi-million dollar issue. In most circumstances, the Commission will require witnesses to appear at its

hearings in person and this order should not be taken as an indication that the Commission will abandon that requirement in the future. However, today's video conference technology should allow the parties to cross-examine the witness without requiring him to travel from Austin, Texas to appear for the hearing in person. Therefore, the Commission will allow Mr. Lawton to appear by video conference if a suitable video conference connection can be established by March 15. To facilitate the establishment of that connection, the Commission will direct Public Counsel, AmerenUE, and any other party who may be interested, to contact the Director of the Commission's Information Services Department, Debi Drewel, at (573) 522-2453.

THE COMMISSION ORDERS THAT:

1. Public Counsel's witness, Daniel Lawton, may appear and be cross-examined by video conference if a suitable video conference connection can be established by March 15, 2010. If such a connection cannot be established by that date, Daniel Lawton will be required to appear for the hearing in person.
2. This order shall become effective immediately upon issuance.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

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

Dated at Jefferson City, Missouri,
on this 12th day of March, 2010.