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August 31, 2006

Ms. Colleen Dale
Secretary and Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

FILED⁴

AUG 31 2006

Missouri Public
Service Commission

Re: Union Electric Company d/b/a AmerenUE
Case Nos: ER-2007-0002

Dear Ms. Dale:

Accompanying this letter for filing in the above referenced matters are the original and eight (8) copies of the State of Missouri's Response in Opposition to Union Electric's Motion to Adopt Procedures For Implementing UE's Requested Fuel Adjustment Clause and the State's Motion to Strike Portions of the Direct Testimony of Union Electric witness Warner Baxter.

Thank you for your assistance with this filing. If you have any questions please do not hesitate to contact me.

Sincerely,

JEREMIAH W. (JAY) NIXON
Attorney General

A handwritten signature in cursive script, appearing to read "D. Micheel".

Douglas E. Micheel
Assistant Attorney General

cc: Parties of Record

FILED⁴

AUG 31 2006

**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.)

Missouri Public
Service Commission

Case No. ER-2007-0002

**State of Missouri's Motion to Strike Portions of the Direct Testimony of Union
Electric Witness Warner Baxter**

Comes now the State of Missouri by and through Attorney General Jeremiah W. ("Jay") Nixon and files its Motion to Strike the following portions of the Direct Testimony of Warner Baxter page 21 lines 21 through line 23 ending with the word "mechanism" and page 22 beginning on line 2 with the word "if" and continuing through line 8. In support of its request the State of Missouri would show the Commission as follows:

1. On July 7, 2006 Union Electric ("UE") filed its tariff sheets consisting of electric rate schedules which are designed to increase UE's gross annual electric revenues by approximately \$360,709,000, exclusive of applicable gross receipts, sales, franchise or occupational fees or taxes.

2. Since UE's July 7, 2006 filing was a general rate increase request, pursuant to 4 CSR 240-2.065(1) UE was required to "simultaneously submit its direct testimony with the tariff." In compliance with 4 CSR 240-2.065, UE filed its direct testimony. 4 CSR 240-2.130(7)(A) requires that direct testimony "shall include all testimony and exhibits asserting and explaining that party's entire case-in-case."

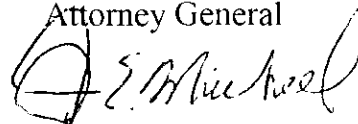
3. UE witness' Baxter's prepared direct testimony at pages 21 and 22 contains mention of a fuel adjustment clause ("FAC"). This testimony is well beyond the scope of the tariffs filed by UE that were suspended by this Commission on July 11, 2006. UE failed to file any tariffs or exhibits explaining the requested FAC.

4. Commission rules require UE to file testimony explaining its case-in-chief as contained in its proposed tariffs. In this matter, UE failed to propose **any** FAC tariffs and therefore, the testimony of UE witness Baxter should be struck. It simply is not relevant to any of the proposed tariffs filed by UE.

WHEREFORE, the State of Missouri requests that the Public Service Commission strike the following portions of the prefiled Direct Testimony of Warner Baxter, page 21 lines 21 through line 23 ending with the word "mechanism" and page 22 beginning on line 2 with the word "if" and continuing through line 8 and for any other relief the Commission deems appropriate.

Respectfully Submitted,

JEREMIAH W. (JAY) NIXON
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The undersigned hereby certifies that on the 21st day of August, 2006, a copy of the original of the foregoing was hand delivered or sent via 1st class, postage paid, U.S. Mail to:

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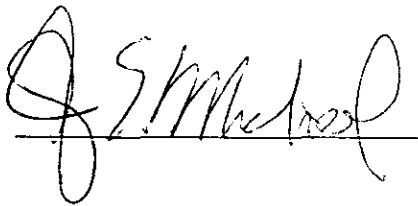
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A handwritten signature in dark ink, appearing to read "J. S. Michael", is written over a horizontal line.