

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 20<sup>th</sup> day of August, 2014.

In the Matter of Union Electric Company, d/b/a	)	<b><u>File No. ER-2014-0258</u></b>
Ameren Missouri's Tariff to Increase Its	)	Tariff No. YE-2015-0003
Revenues for Electric Service	)	

**ORDER ADOPTING PROCEDURAL SCHEDULE, ESTABLISHING TEST YEAR, AND DELEGATING AUTHORITY**

Issue Date: August 20, 2014

Effective Date: August 20, 2014

On August 15, 2014, the Commission's Staff, acting on behalf of all the parties, filed a proposed procedural schedule that has been agreed upon by all parties. The parties have also agreed upon certain procedural provisions that the Commission will incorporate into this order. The Commission will generally adopt the procedural schedule proposed by the proponents.

The proposed discovery schedule includes deadlines for the service of discovery requests and for the filing of motions to compel discovery. The Commission will also schedule periodic discovery conferences at which the parties may obtain prompt resolution of any discovery disputes. The proposed schedule does not include such discovery conferences, but the Commission has found a more structured discovery process to be helpful. The Commission will establish such a process in this case.

To ensure that such discovery disputes can be promptly resolved, the Commission will exercise its authority under Section 386.240, RSMo 2000, by delegating its authority to the presiding regulatory law judge to rule on discovery disputes raised at the discovery conference and to rule on all motions to compel discovery.

The parties have agreed upon a test year of the twelve calendar months ended March 31, 2014, with a true-up cut-off date of December 31, 2014, except for certain items where a true-up cut-off date of January 1, 2015 is appropriate. The Commission will adopt the agreed-upon test year and true-up period.

The Commission will address the scheduling of local public hearings in a subsequent order.

**THE COMMISSION ORDERS THAT:**

1. The test year for this case is the twelve months ended March 31, 2014, with a true-up cut-off date of December 31, 2014, except for certain items where a true-up cut-off date of January 1, 2015 is appropriate.

2. The following procedural schedule is established:

- Discovery Conference - October 15, 2014**
- Non-Ameren Missouri parties to file Direct Testimony on revenue requirement. Response Times for DRs changes to 15 calendar days - December 5, 2014**
- Non-Ameren Missouri parties to file Direct Testimony on class cost of service and rate design - December 19, 2014**
- Discovery Conference - January 7, 2015**
- Local Public Hearings (locations and dates to be established by subsequent order) - January 2015**
- Technical/Settlement Conference (This is an informal conference among the parties and will not be on the record) - January 12-14, 2015**
- All parties to file Rebuttal Testimony, Response times for DRs changes to 5 business days - January 16, 2015**
- Preliminary Issues List to be provided**

- To all parties (Not Filed)** - **January 20, 2015**
- True-Up Information to be provided to All Parties by Ameren Missouri (Not Filed)\*** - **February 6, 2015**
- All parties to file Surrebuttal Testimony** - **February 6, 2015**
- Last day to request discovery and Date after which 4 CSR 240-2.090(8)(B) Conference is not required** - **February 13, 2015**
- List of Issues, Order of Witnesses, Order of Cross-Examination, Order of Opening** - **February 18, 2015**
- Statements of Position** - **February 19, 2015**
- Last Day to File Motion to Compel Discovery** - **February 20, 2015, at 1:00 p.m.**
- Final Reconciliation to be filed** - **February 20, 2015**
- Hearing** - **February 23 through February 27, March 2 through March 6, and March 9 through March 13, 2015, beginning each day at 8:30 a.m.**
- All parties to file True-Up Direct Testimony\*\*** - **March 17, 2015**
- All parties to file True-Up Rebuttal Testimony\*\*** - **March 23, 2015**
- True-Up Hearing** - **March 25 and 26, 2015, beginning at 8:30 a.m.**
- All parties file Initial Post-Hearing Briefs** - **March 31, 2015**
- All parties file Reply/True-Up Briefs** - **April 10, 2015**
- Operation of Law Date** - **May 30, 2015**

**\* The True-Up information to be filed is described in a footnote to the parties' Jointly Proposed Procedural Schedule and is adopted in this order.**

**\*\* No party shall revise or change that party's methods or methodologies in true-up testimony.**

3. The Commission establishes the following provisions to guide discovery:
  - (A). Discovery Conferences will be held in Room 305 at the Commission's office at the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Each Discovery Conference will begin at 2:00 p.m.
  - (B). Not less than two business days before each discovery conference, any party that has a discovery disagreement or concern involving another party shall file a brief statement describing that disagreement or concern and identifying any other parties involved. Such statement does not need to be a formal motion to compel. Any party may attend a discovery conference, but only those parties involved in an identified discovery disagreement or concern must attend. If the parties do not identify any discovery disagreements or concerns before the scheduled conference, the presiding officer may cancel the conference.
  - (C). Discovery conferences shall be on the record and shall be transcribed by a court reporter.
  - (D). Any pending written discovery motion may be taken up at a Discovery Conference and may be ruled upon by the presiding regulatory law judge either on the record, or in a written order.
  - (E). Compliance with Commission Rule 4 CSR 240-2.090's requirement that a party must seek a telephone conference with the presiding officer before filing a discovery motion is waived for discovery disputes that are raised at a discovery conference.
  - (F). All data requests, subpoenas duces tecum, or other discovery requests, such as requests for admission, shall be issued no later than February 13, 2015. With respect to deposing a witness, so long as a notice of deposition is issued by February 13,

2015, the deposition may occur, notwithstanding that the deposition will take place after February 13, or that there could be other conditions that must be satisfied prior to the deposition. Data requests, subpoenas duces tecum, or other discovery requests, such as requests for admission, that are directed toward the true-up phase of this case are not limited by this deadline.

(G). All motions to compel a response to any discovery request shall be filed no later than February 20, 2015, except such motion related to discovery requests directed to the true-up phase of this case.

4. 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) Although not all parties may agree upon how each issue should be described, or on whether a listed issue is in fact a proper issue in this case, 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 the exhibit has been prefiled, the party need only provide a copy of the document to the court reporter to be marked as an exhibit. If an exhibit has not been prefiled, the party offering it must bring, in addition to the copy for the court reporter, a copy for each Commissioner, the Presiding Judge, and all counsel.
- (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 (.PDF, .DOC, .WPD, or .XLS etc.). Parties are not required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.
- (G) Documents filed in EFIS shall be considered properly served by serving them on counsel of record for all other parties by e-mail.
- (H) Each party serving a data request on another party shall provide an electronic copy of the text of the “description” of that data request to counsel for all other parties contemporaneously with service of the data request. Regarding Staff-issued data requests, if the description contains highly confidential or proprietary information, or is voluminous, a hyperlink to the EFIS record of that data request shall be considered a sufficient copy. If a party desires the response to a data request that has been served on another party, the party desiring a copy of the response shall request a copy of the response from the party answering the data request. Data requests, objections to data requests, and notifications

respecting the need for additional time to respond to data requests shall be sent by e-mail to counsel for the other parties. Counsel may designate other personnel to be added to the service list for data requests, but shall assume responsibility for compliance with any restrictions on confidentiality. Data request responses shall be served on counsel for the requesting party, unless waived by counsel, and on the requesting party's employee or representative who submitted the data request, and shall be served electronically, if feasible and not voluminous as by defined by Commission rule. In the case of Ameren Missouri data request responses, Ameren Missouri shall post its data request responses on its Case Works Extranet site. However, in the case of responses to data requests Staff issues to it, Ameren Missouri shall also submit the response to Staff data requests in EFIS, if feasible, or if submission of responses to Staff data request in EFIS is infeasible, then Ameren Missouri shall submit to Staff its response in electronic format or compact disc or by other means agreed to by Staff counsel.

- (I) 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.
- (J) Until direct testimony is filed on December 5, 2014, 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 December 5, 2014, until rebuttal testimony is filed on January 16, 2015, the response time for data requests shall

be fifteen calendar days to provide the requested information and eight calendar days to object or notify the requesting party that more than fifteen calendar days will be needed to provide the requested information. After rebuttal testimony is filed on January 16, 2015, 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. If a data request has been responded to, a party's request for a copy of the response shall be timely responded to, considering that the underlying data request has already been responded to (except that responses shall not be needed for data request responses posted on Ameren Missouri's Caseworks Extranet site).

- (K) Workpapers that were prepared in the course of developing a witness' direct or rebuttal testimony shall not be filed with the Commission, but, without request, 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. If there are no workpapers associated with testimony, the party's attorney shall so notify the other parties within the time allowed for providing those workpapers.
- (L) 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. Except for workpapers provided to Staff, Ameren Missouri may provide workpapers by



posting them on its Caseworks Extranet site, with e-mail notification to counsel for the parties to be provided essentially concurrently with the posting of workpapers on the Caseworks Extranet site. Ameren Missouri shall provide its work papers to Staff in electronic format by e-mailing or by delivery of a compact disk or other electronic storage media.

(M) Data requests and responses thereto made by any party in the following cases shall be treated as having been made in this case, subject to objections as to admissibility in evidence in this case: EO-2014-0070; ET-2014-0085; EA-2014-0136; EC-2014-0223; EC-2014-0224; EU-2012-0027; ET-2014-0076; EF-2014-0227; EF-2014-0094; EO-2013-0503; and EA-2012-0281.

4. The transcripts of the evidentiary hearing shall be expedited.

5. The hearing shall 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.

6. This order shall become effective upon issuance.

**BY THE COMMISSION**



A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

R. Kenney, Chm., Stoll, W. Kenney, Hall  
and Rupp, CC., concur.

Woodruff, Chief Regulatory  
Law Judge