

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its Office in Jefferson City, Missouri on the 9<sup>th</sup> day of June, 2021.

|   |   |                                     |
|---|---|-------------------------------------|
| In the Matter of Union Electric Company   | ) |                                     |
| d/b/a Ameren Missouri's Tariffs to Adjust | ) | <b><u>File No. ER-2021-0240</u></b> |
| its Revenues for Electric Service         | ) | Tracking No. YE-2021-0175           |

**ORDER SETTING PROCEDURAL SCHEDULE  
AND ADOPTING TEST YEAR**

Issue Date: June 9, 2021

Effective Date: June 9, 2021

On March 31, 2021, Union Electric Company d/b/a Ameren Missouri Inc. submitted a tariff revision intended to increase its revenues for electric service. The Commission has suspended that tariff revision until February 28, 2022. In its order suspending the tariff, the Commission invited the parties to submit a proposed procedural schedule.

On May 13, 2021, the parties submitted a proposed procedural schedule. In an order issued on May 26, 2021, the Commission rejected the proposed schedule because it would not allow enough time for Commission deliberation and order drafting. In place of the rejected schedule, the Commission scheduled an evidentiary hearing to begin on November 17 and end on December 10, 2021, and ordered that reply/true-up briefs must be filed no later than January 7, 2022. The parties were directed to file a revised procedural schedule by June 2, 2021, to incorporate the revised hearing dates and briefing schedule. The Commission also indicated that if the parties wished to propose alternative hearing dates that would still allow for the submission of reply/true-up briefs by January 7, 2022 they could do so.

On June 2, 2021, the parties jointly proposed a revised procedural schedule that is generally acceptable to the Commission. That procedural schedule will delay the start of the hearing until November 29, 2021, but provides for the submission of reply/true-up briefs by January 7, 2022, as directed. The Commission will adopt the parties' proposed procedural schedule.

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

**THE COMMISSION ORDERS THAT:**

1. The following procedural schedule is established:

- |   |   |                           |
|---|---|---------------------------|
| <b>Discovery Conference</b>   | - | <b>June 22, 2021</b>      |
| <b>Discovery Conference</b>   | - | <b>July 20, 2021</b>      |
| <b>Discovery Conference</b>   | - | <b>August 24, 2021</b>    |
| <b>Direct</b> (Revenue Requirement)<br>(All parties except Ameren Missouri)<br>(Response time for data requests changes to 15 calendar days and 8 calendar days to object or notify of the need for additional time to respond) | - | <b>September 3, 2021</b>  |
| <b>Direct</b> (Class Cost of Service)<br>(All parties except Ameren Missouri) <sup>1</sup>  | - | <b>September 17, 2021</b> |
| <b>Local Public Hearings</b>  | - | <b>October, 2021</b>      |
| <b>Rebuttal Testimony</b><br>(Response time to data requests changes to 5 business days and 3 business days to object or notify of the need for additional time to respond)   | - | <b>October 15, 2021</b>   |
| <b>Discovery Conference</b>   | - | <b>October 19, 2021</b>   |

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<sup>1</sup> This includes testimony proposing substantive changes to the costs or revenues to be included in the FAC, substantive changes in its operation (e.g. sharing percentage, number of adjustments), and testimony opposing its continuation.

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| <b>Ameren Missouri Provides True-up Information to all parties<sup>2</sup></b>   | - | <b>October 20 through 24 2021</b> |
| <b>Ameren Missouri Provides Preliminary True-up Revenue Requirement to all Parties (not filed)<sup>3</sup></b>   | - | <b>November 5, 2021</b>           |
| <b>Surrebuttal and True-up Testimony</b><br>(Including final true-up accounting schedules that support a specific true-up revenue requirement.) <sup>4</sup> | - | <b>November 5, 2021</b>           |
| <b>Preliminary Reconciliation provided To all parties by Staff (not filed)</b>   | - | <b>November 12, 2021</b>          |
| <b>Informal Settlement Conference (not on the record)</b>  | - | <b>November 10 and 12, 2021</b>   |
| <b>Last Day to Request Discovery</b>   | - | <b>November 12, 2021</b>          |
| <b>Discovery Conference</b>  | - | <b>November 16, 2021</b>          |

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<sup>2</sup> This is the last date by which Ameren Missouri must provide Staff and all other parties auditable accounting information related to all items to be true-up. The parties do not anticipate the need for additional true-up testimony or a true-up hearing. The parties will take account of Ameren Missouri's true-up data when filing surrebuttal testimony. Anticipated true-up items include changes to plant-in-service, depreciation reserve, all other rate base items, revenues (all categories), customer growth, net base energy costs (per FAC tariff), Midcontinent Independent System Operator ("MISO") transmission revenues and expenses, pensions and other post-retirement employee benefit costs, payroll (including changes in pay rates, number of employees), other employee benefits, payroll taxes, storm costs, vegetation management infrastructure inspection expenditures, renewable energy standard costs, insurance expense, depreciation expense, company owned life insurance investment gains and losses, Callaway re-fueling expenses, Callaway unplanned outage expenses, various amortizations, income taxes, property taxes, capital structure, capital costs, equity issuance costs, and other significant items that must be considered in order to maintain a proper relationship of revenues, expenses and rate base. (Significant in this context will be measured by the smallest adjustment made during the true-up audit from the list of items indicated in this paragraph that further explains the true-up and true-up information to be provided to the parties.) No party is precluded from proposing an additional item for true-up that causes a significant increase or decrease in Ameren Missouri's cost of service, i.e., in its revenues, expenses or investment, or proposing that any item(s) listed above not be true-up. Each true-up item must be known and measurable, recorded in Ameren Missouri's accounting system, and supported by documentation (including, but limited to, invoices, inspections, general ledgers, operating reports, etc.) that demonstrate it has occurred; and, if the true-up item is rate based capital investment, that the investment is fully operational and used for service.

<sup>3</sup> To include true-up accounting schedules with supporting workpapers.

<sup>4</sup> No party shall revise or change that party's method or methodologies for true-up issues.

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| <b>List of Issues, Order of Witnesses,<br/>Order of Cross Examination</b>                         | - | <b>November 17, 2021</b>   |
| <b>Parties provide valuation of their<br/>Positions to Staff for the Final<br/>Reconciliation</b> | - | <b>November 17, 2021</b>   |
| <b>Last day to take a deposition or file<br/>a motion to compel</b>                               | - | <b>November 22, 2021</b>   |
| <b>Statements of Position</b>   | - | <b>November 23, 2021</b>   |
| <b>Final Reconciliation (to be filed)</b>   | - | <b>November 24, 2021</b>   |
| <b>Evidentiary Hearing</b>  | - | <b>November 29-30,<br/>December 1-3, and 6-10,<br/>2021, beginning each<br/>day at 8:30 a.m.<sup>5</sup></b> |
| <b>Initial Post-Hearing Briefs</b>  | - | <b>December 28, 2021</b>   |
| <b>Reply/True-up Briefs</b>   | - | <b>January 7, 2022</b>   |

2. The parties shall comply with the following procedures:
  - (a) All parties must comply with the requirements of Commission Rule 20 CSR 4240-2.130 for prepared testimony, 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 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

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<sup>5</sup> Hearing transcripts will be expedited.

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, including citations to pre-filed testimony supporting its position.
- (d) All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 20 CSR 4240-2.080. 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) If testimony or documents are prefiled and served upon the parties before a hearing, a party need only provide a copy of the testimony or document to the court reporter for marking as an exhibit. If not prefiled and served upon the parties, then a party who has a document marked for use at the hearing shall have sufficient copies of the document to provide a copy not only to the court reporter, but also to each of the Commissioners, the presiding officer, and counsel for each other party.
- (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, .XLS, etc.). Parties are not required to put information that

does not exist in electronic format into electronic format for purposes of exchanging.

- (g) Public documents filed in EFIS shall be considered properly served by serving the same on counsel of record for all other parties via e-mail. The parties agree confidential documents may be obtained from EFIS and so agree not to serve those documents via email.
- (h) Any data requests issued to or by Staff shall be submitted and responded to in the Commission's Electronic Filing and Information System (EFIS) pursuant to 20 CSR 4240-2.090(2)(H). All data requests other than those issued to or by Staff, as well as all objections to data requests, or notifications of the need for additional time to respond, shall be sent by e-mail to counsel for the other parties. Counsel for each party shall receive electronically, via either EFIS notification or e-mail from the party serving a data request, an electronic copy of the text of the "description" of that data request contemporaneously with service of the data request. Regarding data requests issued via EFIS, if the description contains confidential 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 must request a copy of the response from the party answering the data request, thereby providing the responding party the opportunity to object. 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. If any party responds to a data request in EFIS, the response is available in EFIS to all counsel on the certified service list. Data request responses, other than responses to data requests in EFIS, 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 defined by Commission rule. In the case of Ameren Missouri data request responses, Ameren Missouri shall post its data request responses on its Caseworks Extranet site; however, in the case of responses to data requests Staff issues, Ameren Missouri shall also submit the responses to Staff data requests in EFIS, if feasible, or in electronic format on compact disc or by other means agreed to by Staff counsel, if infeasible.

- (i) The parties shall make an effort to not include confidential information in data requests. If confidential information must be included in a data request, the confidential information shall be appropriately designated as such pursuant to Commission Rule 20 CSR 4240-2.135.
- (j) Until revenue requirement direct testimony is filed on September 3, 2021, the response time for all data requests shall be twenty (20) calendar days, with ten (10) calendar days to object or notify the requesting party that more than twenty (20) calendar days will be needed to provide the requested information. After September 3, 2021, until rebuttal testimony is filed on October 15, 2021, the response time for data requests shall be fifteen (15)

calendar days to provide the requested information and eight (8) calendar days to object or notify the requesting party that more than fifteen (15) calendar days will be needed to provide the requested information. After rebuttal testimony is filed on October 15, 2021, the response time for data requests shall be five (5) business days to provide the requested information and three (3) business days to object or notify the requesting party that more than five (5) 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, with the exception of responses to Staff, responses will not be needed for Ameren Missouri's data request responses posted on Ameren Missouri's Caseworks Extranet site).

- (k) For all data requests submitted to Ameren Missouri seeking information on a monthly or periodic (e.g., quarterly) basis ("Periodic DRs"), Ameren Missouri agrees that an agreed-upon subset of the Periodic DRs will be updated at two points in the case, as follows: (1) Prior to the filing of revenue requirement direct testimony (the "First Update"), and (2) Prior to filing of surrebuttal/true-up testimony (the "Second Update"). Ameren Missouri will provide responses to the agreed upon list for the First Update with data through June 30, 2021, on or before August 15, 2021, and responses to the agreed upon list for the Second Update with data through September 30, 2021 by October 24, 2021 (in addition to the true-up data).



Staff and each party that has submitted Periodic DRs to Ameren Missouri will work with Ameren Missouri to develop a list for each of the First and Second Updates insofar as not all such data requests will need to be updated. Should a party desiring to receive updates of Periodic DRS be unable to reach agreement with Ameren Missouri on the list for the First Update by July 1, 2021, the question of whether Periodic DRs upon which agreement could not be reached must be updated shall be brought to the Presiding Officer's attention as a discovery dispute for resolution at the July 20, 2021 Discovery Conference. Should a party desiring to receive updates of Periodic DRS be unable to reach agreement with Ameren Missouri on the list for the Second Update by October 15, 2021, the question of whether Periodic DRs upon which agreement could not be reached must be updated shall be brought to the Presiding Officer's attention as a discovery dispute for resolution at the October 19, 2021 Discovery Conference.

- (l) Workpapers prepared in the course of developing a witness' testimony<sup>6</sup> (including schedules) and exhibits shall not be filed with the Commission, but shall be submitted to each party within two (2) business days following the filing of the particular testimony, unless a party has indicated that it does not want to receive some or all of the workpapers. Workpapers containing confidential information shall be appropriately marked. If there are no

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<sup>6</sup> The term "testimony" shall include a report filed by a party's witnesses in lieu of prepared testimony being filed separately for each witness, as provided in 20 CSR 4240-2.130.

workpapers associated with testimony, the party's attorney shall so notify the other parties within the time allowed for providing those workpapers.

- (m) 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. With the exception of workpapers provided to Staff, Ameren Missouri may provide workpapers by posting the same 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 Extranet site. Ameren Missouri shall provide its workpapers to Staff in electronic format by e-mailing or by delivery of a compact disc or other electronic storage.
- (n) Discovery conferences will be held either virtually via phone and/or computer or at the Commission's office at the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, in a room to be designated by the Commission. Each discovery conference will begin at 10:00 a.m.
- (o) 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 must

attend. If the parties do not identify any discovery disagreements or concerns as described herein, the presiding officer may cancel the conference.

- (p) Discovery conferences shall be on the record and shall be transcribed by a court reporter.
- (q) 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.
- (r) Commission Rule 20 CSR 4240-2.090's requirement that a party must seek a telephone conference with the presiding officer before filing a discovery motion is waived.
- (s) Rate case expense associated with Case Nos. ER-2021-0240 and GR-2021-0241 may be examined through the scheduled date for filing of reply briefs and adjustments may be proposed accordingly.

3. The agreed upon test year ending December 31, 2020, with a true-up cut-off date of September 30, 2021, is adopted.

4. 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.

5. This order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive style with a large, prominent "M" and "W".

Morris L. Woodruff  
Secretary

Silvey, Chm., Rupp, Coleman, Holsman, and  
Kolkmeier CC., concur.

Woodruff, Chief Regulatory Law Judge