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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

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TRANSCRIPT OF PROCEEDINGS

On the Record Presentation

April 14, 2023

Jefferson City, Missouri

Volume X

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In the Matter of Union            )  
Electric Company d/b/a            )  
Ameren Missouri's Tariffs        ) File No. ER-2022-0337  
to Adjust its Revenues            )  
for Electric Service                )

JOHN T. CLARK, Presiding  
SENIOR REGULATORY LAW JUDGE

SCOTT T. RUPP, CHAIRMAN  
JASON R. HOLSMAN,  
GLEN KOLKMEYER,  
COMMISSIONERS

REPORTED BY:  
Tracy Taylor, CCR No. 939

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1 JUDGE CLARK: Good afternoon. Today is  
2 April the 14th of 2023 and the current time is  
3 one o'clock p.m. This proceeding is being held in  
4 Room 310 of the Governor Office Building, as well as  
5 electronically via WebEx.

6 The Commission has set aside this time  
7 today for an On the Record Presentation concerning the  
8 stipulation and agreement in File Number ER-2022-0337,  
9 which is captioned as In the Matter of Union Electric  
10 Company, doing business as Ameren Missouri's, Tariffs  
11 to Adjust Its Revenues for Electric Service.

12 My name's John Clark. I'm the Regulatory  
13 Law Judge presiding over this proceeding today. Also  
14 present in person is the Chairman of the Commission,  
15 Scott Rupp. And on the phone I know at this point we  
16 have Commissioners Holsman and Kolkmeyer at this  
17 point.

18 At this time I'm going to ask counsel for  
19 the parties to enter their appearance for the record  
20 starting with Ameren Missouri.

21 MR. LOWERY: Thank you, Your Honor. Jim  
22 Lowery, JBL Law, LLC, 9020 South Berry Road, Columbia,  
23 Missouri 65201, appearing on behalf of Ameren  
24 Missouri.

25 JUDGE CLARK: Thank you very much.

1 On behalf of the Staff -- oh, I'm sorry.

2 Go ahead.

3 MS. TATRO: Wendy Tatro on behalf of  
4 Ameren Missouri.

5 JUDGE CLARK: On behalf of the Staff of  
6 the Commission.

7 MR. KEEVIL: Yes, Judge. Appearing on  
8 behalf of the Staff of the Public Service Commission,  
9 Jeff Keevil. I've given my information to the court  
10 report two days ago, I guess. And also we have  
11 several Staff witnesses here and available for  
12 questioning. Thank you.

13 JUDGE CLARK: Thank you very much.  
14 On behalf of the Office of the Public  
15 Counsel?

16 MR. WILLIAMS: Nathan Williams appearing  
17 on behalf of the Public Counsel and the public.

18 JUDGE CLARK: Consumers Council of  
19 Missouri requested to be excused, but indicated they  
20 did not oppose the -- the stipulation and agreement  
21 and are, in fact, a signatory to it.

22 MIEC, Missouri Industrial Energy  
23 Consumers.

24 MS. PLESCIA: Thank you. Diana Plescia  
25 of the law firm of Curtis, Heinz, Garrett and O'Keefe,

1 Your Honor.

2 JUDGE CLARK: Thank you.

3 MECG, the Midwest Energy Consumers Group.

4 MR. OPITZ: Tim Opitz for MECG.

5 JUDGE CLARK: Renew Missouri?

6 MR. LINHARES: Thank you. Andrew

7 Linhares for Renew Missouri here.

8 JUDGE CLARK: Thank you.

9 Counsel for the Sierra Club, the NAACP  
10 and the Metropolitan Congregations United requested to  
11 be excused from this presentation and that was  
12 granted.

13 Are there any preliminary matters that  
14 the Commission needs to take up at this time before we  
15 go into this stipulation and agreement?

16 MR. LOWERY: I don't know of any, Your  
17 Honor. I don't know if you want us to give a brief  
18 overview or you just want to go right to questions,  
19 which is perfectly fine with us as well. Whatever the  
20 Bench desires.

21 JUDGE CLARK: Okay. Thank you. Well,  
22 this is a stipulation and agreement that purports to  
23 solve the revenue requirement issues between the  
24 parties. The signatories to this are Ameren Missouri,  
25 the Staff of the Public Service Commission, the Office

1 of the Public Counsel, Missouri Industrial Energy  
2 Consumers, Midwest Energy Consumers Group, the  
3 Consumer Council of Missouri.

4 Counsel for the remaining parties, the  
5 Sierra Club, the Missouri NAACP, Metropolitan  
6 Congregations United, and Renew Missouri, in this  
7 stipulation authorize the signatories to state that  
8 they do not oppose the stipulation.

9 Because this is not like an evidentiary  
10 hearing, there's no set order of openings or anything  
11 like that. So I'm going to ask which one of the  
12 parties would like to start to give an overview, an  
13 explanation of the stipulation and agreement?

14 MR. LOWERY: I'm happy to if --  
15 Mr. Keevil, if that's okay with you?

16 MR. KEEVIL: That's -- you're the one who  
17 brought it up so you must want to much greater than I  
18 do.

19 MR. LOWERY: Might as well do it. I must  
20 do.

21 So this stipulation and agreement, it  
22 resolves all of the issues in the case except those  
23 that were heard this week, which were essentially as  
24 I -- as I recall, rate design, class cost of service,  
25 an issue involving the continuing property record, and

1 then the Sierra Club issues that they raised. It  
2 resolves all other issues.

3 And -- and most of those are issues that  
4 would affect the revenue requirement, but there were  
5 some other issues as well; low-income programs and  
6 some other programmatic kinds of things, customer  
7 service that it addresses.

8 It calls for a \$140 million rate increase  
9 on an annual basis. That's just over 5 percent  
10 overall. I would say the stipulation in many ways is  
11 quite similar to the stipulation that resolved the  
12 Company's last rate review. There are a couple of new  
13 things and I'll just mention them very briefly.

14 There is an Inflation Reduction Act  
15 tracker that has been agreed upon that's going to  
16 track the production tax credits or investment tax  
17 credits provided for by the IRA, as and when they're  
18 actually utilized by the Company to offset tax  
19 liability.

20 There's also a property tax tracker  
21 that's been adopted. And the amount to be amortized  
22 is based on the deferrals the Company began to make  
23 last September, so that's been added.

24 The Company's agreed to essentially from  
25 a -- from a Fuel Adjustment Clause perspective, it



1 will continue as it has with the same sharing, with  
2 the same reporting and data retention and access  
3 requirements that we've agreed to and had in place for  
4 some time.

5 We're also going to provide some  
6 additional locational marginal pricing data that -- I  
7 think Public Counsel is the one that sponsored the  
8 position -- in some of our monthly reports.

9 And we're going to clean up some FAC  
10 tariff sheets that probably shouldn't have still been  
11 on the books. But what we have to do with those is we  
12 have different accumulation periods and recovery  
13 periods and they sort of overlap. And so you have --  
14 you have some different sheets out there at different  
15 times to make sure that until those are all -- have  
16 run their course, they are still available for  
17 inspection by the public.

18 And we've got a couple of those we need  
19 to clean up so we've agreed with the parties that  
20 we're going to get those cleaned up.

21 We've agreed to have some meetings with  
22 the Staff and OPC on some topics that were brought up  
23 just to have some greater collaboration and  
24 information sharing on those.

25 From a low-income program perspective,

1 this is -- I think things are continuing generally on  
2 the status quo. There is a small increase in the  
3 overall Keeping Current and Keeping Cool budget from  
4 4.4 million dollars to 4.25 million dollars annually.

5 That increase is split between customers  
6 and the Company 50/50 just like the rest. And there  
7 are some programmatic tweaks I would call them that  
8 have been agreed upon that I don't think were  
9 controversial, have been agreed upon.

10 Beyond that, again, I mentioned just some  
11 customer service collaboration and reporting that  
12 we've agreed upon. Beyond that, I don't think there's  
13 anything remarkable about the stipulation. The  
14 Company also has a couple of folks here, in addition  
15 to Ms. Tatro and I, to answer questions if there are  
16 some. I think the two folks we have with us,  
17 Mr. Wills and Mr. Lansford, will be knowledgeable on  
18 any of those topics that -- that I can't answer or you  
19 need to go a deeper dive into.

20 So with that, I think we're probably all  
21 prepared to answer your questions.

22 CHAIRMAN RUPP: I have some questions.  
23 Are you going to go through them all or do you want us  
24 to ask some questions now?

25 JUDGE CLARK: Your preference. You're

1 the Chairman.

2 CHAIRMAN RUPP: I'll just go ahead and  
3 ask them now.

4 I'm going to go ahead and ask a couple  
5 questions now rather than let everybody go through  
6 because -- I'm just going to do it that way.

7 I guess, can you give me -- we've had a  
8 lot of rate cases and there's a lot of testimony  
9 flowing through my head. Can you just remind me the  
10 Rehousing Program, what it does?

11 MR. LOWERY: I probably can't, but I  
12 suspect Mr. Wills can perhaps.

13 MR. WILLS: Yeah. I can start in on it  
14 and probably Dr. Marke can -- can weigh in also,  
15 because I think that's something the OPC proposed in  
16 our last case and is continuing. But I'll -- I'll  
17 give it a high level and if that's not good enough --

18 CHAIRMAN RUPP: High level is great.

19 MR. WILLS: Yeah.

20 CHAIRMAN RUPP: Just refresh me here.

21 MR. WILLS: So -- so the Rehousing  
22 Program is about folks who are trying to establish  
23 service after some period of either homelessness or  
24 being in a shelter or something like that. And it  
25 will help them overcome like past utility bad debts

1 and things like that.

2 CHAIRMAN RUPP: Okay. That was -- that  
3 was it. And then the Critical Needs Program, how does  
4 that -- what in -- just run me through those again.

5 MR. WILLS: And again, I may look at  
6 Dr. Marke if I get -- if we get too far into it  
7 because, again, this is one that we worked with him on  
8 setting up.

9 But the Critical Needs is about, I think,  
10 connecting customers to different agencies and  
11 services to help with -- folks who have either, you  
12 know, medical issu- -- it -- it provide -- and I think  
13 we worked in collaboration with the United Way and  
14 other utilities to put together a means for customers  
15 to access multiple forms of assistance and services  
16 and information.

17 CHAIRMAN RUPP: And is this the one where  
18 you work with like the NECAC and those to get the  
19 low-income or -- or the -- the Energy Assistance  
20 Program information out? Is that the one that runs  
21 through here?

22 MR. KEEVIL: I think this is the one that  
23 has both Spire and -- is it Evergy? Who's the other  
24 one? There's --

25 MR. WILLS: Spire's inv- -- it's --

1 it's -- Dr. Marke is going to -- he's going to help us  
2 out. He's going to come save the day.

3 JUDGE CLARK: Mr. Keevil, can you speak  
4 into your microphone when you talk just so it picks  
5 up?

6 DR. MARKE: Critical Needs Program is a  
7 collaborative program that now incorporates all of our  
8 utilities, I think with the exception of Summit today  
9 because they haven't been in for a rate case. It went  
10 live earlier this month. It's been a one-year effort,  
11 so it's taken about a year to get to that point. It's  
12 a all-access on; no off-ramps is effectively how it's  
13 been characterized.

14 The United Way's running it. If a -- if  
15 a customer that's in medical needs is identified let's  
16 say at BJC for hospital, they're serviced with a  
17 social service worker. At that point of entry as  
18 their information gets collected and put in, it's also  
19 forwarded to a byproduct of the 211 program of the  
20 United Way.

21 At that point it's then filtered out to  
22 the utilities themselves. So if that customer is  
23 eligible for utility assistance, they're allotted  
24 that. It's a way to streamline the process and to  
25 bridge the gap over bureaucratic red tape is the long

1 and short of it.

2 We are planning on doing, sometime this  
3 summer, a presentation from the United Way in front of  
4 the Commission, so.

5 CHAIRMAN RUPP: Okay. All right. Great.  
6 And then the only other question I had on that section  
7 was, what is the Weatherization Program budget now?  
8 And I know it's going to 1.2 million. Is that the  
9 same? Is there --

10 MR. LOWERY: It's the same, yes. And the  
11 Critical Needs and Rehousing -- and Geoff will correct  
12 me if I'm wrong -- it arose in our last rate review, I  
13 believe.

14 DR. MARKE: That's right.

15 MR. LOWERY: So it's been in place --  
16 well, that was February of '22, so we're a little over  
17 a year into it.

18 CHAIRMAN RUPP: Okay. And the only other  
19 question I had was in -- it's not for you, Dr. Marke.

20 DR. MARKE: Okay.

21 CHAIRMAN RUPP: It was brought up today  
22 in the other hearing, that there was an agreement  
23 on -- on Rush Island inside here. Can you just give  
24 me a brief --

25 MS. TATRO: No. What I was intending to

1 say is the revenue requirement, the Rush Island issue,  
2 all the parties are -- we're not asking for any  
3 further ruling on the Rush Island issue in this case.

4 CHAIRMAN RUPP: Okay.

5 MS. TATRO: So the revenue requirement  
6 reflects whatever the parties think, right, as a black  
7 box.

8 CHAIRMAN RUPP: Okay. All right. Thank  
9 you.

10 That's all I had right now, Judge.  
11 Thanks.

12 JUDGE CLARK: Thank you, Chairman. Do  
13 any other Commissioners have questions regarding the  
14 stipulation and agreement?

15 COMMISSIONER HOLSMAN: Not at this time,  
16 Judge. Commissioner Holsman.

17 JUDGE CLARK: Thank you, Commissioner  
18 Holsman.

19 COMMISSIONER KOLKMEYER: Commissioner  
20 Kolkmeier, and I have no questions. Thank you.

21 JUDGE CLARK: Thank you, Commissioner  
22 Kolkmeier.

23 I'm going to ask what may be a stupid  
24 question, but I'm going to ask it anyway.

25 MR. LOWERY: No such thing, Judge.

1 JUDGE CLARK: Wait and see. In regard to  
2 Exhibit A, which is the billing determinants that was  
3 attached to that, there's nothing in there that would  
4 in -- if you remember from the hearing, class cost of  
5 service and allocation was -- was an issue that was --  
6 that is to be determined by the Commission.

7 Is there anything in those billing  
8 determinants that would in any way hamstring the  
9 Commission in terms of doing an allocation that they  
10 would like?

11 MR. LOWERY: I'm sure the answer's no,  
12 but I'm going to ask Mr. Wills to more specifically  
13 address your question.

14 MR. WILLS: Mr. Lowery's correct.  
15 There's nothing in there that would have any bear --  
16 this -- this just tells us what we're going to use to  
17 calculate rates, but you'll tell us how much revenue  
18 to put into each class to divide over these numbers to  
19 calculate the rates.

20 So we need -- you know, we need to have  
21 the revenue requirement that we've agreed to divided  
22 into class responsibilities. And when we have those  
23 revenue dollars by class, there will be -- you know,  
24 you'll divide dollars by kilowatt hours and -- and  
25 other metrics in here to come up with the rates. But



1 these tell us what the divisor of that calculation in  
2 the rate is.

3 JUDGE CLARK: Thank you very much. That  
4 was my assumption, but I just wanted to be sure  
5 because I'm -- I didn't want it to affect that issue.

6 I don't have any other questions other  
7 than I -- I -- as a curiosity, this is a black-box  
8 settlement. Is there anything you can tell us about  
9 the black-box settlement that's not already in the  
10 Stipulation and Agreement?

11 MR. KEEVIL: Well, I -- I wouldn't say  
12 that it's really telling you anything about the  
13 black-box settlement, but it -- as Mr. Lowery  
14 indicated, it does provide for a revenue requirement  
15 increase, approximately 140 million, I believe it is.

16 It's interesting -- or might be  
17 interesting to go back and look at what the parties  
18 filed positions were prior to the settlement. And I  
19 think the last Ameren position was about 220, 230  
20 million and Staff's was about 107 million. So the  
21 140 is -- is -- I guess you could say in some ways  
22 closer to Staff, but it's a nice in between sort of  
23 number that I think everyone supports.

24 MR. LOWERY: The company was about  
25 240. Our final-final was 240 is where we were.

1 CHAIRMAN RUPP: Is that your way of  
2 saying Staff won?

3 MR. KEEVIL: No, I wouldn't say -- I  
4 would not say Staff won because, like I said, there's  
5 lots of things in here and I think it's a  
6 well-balanced stipulation because, you know,  
7 there's -- there's give and take on lots of issues.  
8 And like I said, it's -- I think a fairly well-rounded  
9 stipulation, let me say.

10 MR. WILLIAMS: The only thing I'd add is  
11 if you do look at where the different parties were as  
12 time progressed through the case, if you look at the  
13 testimony, direct versus rebuttal, surrebuttal,  
14 true-up direct and true-up rebuttal, you'll see quite  
15 a bit of movement in each party's position in terms of  
16 what the revenue requirement would be.

17 CHAIRMAN RUPP: I did have a question on  
18 the LMP data that was requested by your Office. Can  
19 you speak to that and the importance of what you --  
20 what additionally you're going to be getting from the  
21 Company and what your plans are on using that for?

22 MR. WILLIAMS: I don't know if Lena  
23 Mantle is available or not, but I don't know exactly  
24 why we were requesting that data. I'm sure it has to  
25 do with -- well, I believe it has to do with prices

1 for doing analyses, but beyond that, I can't tell you  
2 specific --

3 MR. LOWERY: Mister --

4 MR. WILLIAMS: -- more specifically.

5 MR. LOWERY: Pardon me, Nathan.

6 Mr. Chairman, I can't, I guess,  
7 completely answer your question, but I will say the  
8 data that we are going to give them, it is publicly  
9 available from MISO, but we have a tool that when we  
10 pull that data down, we can sort it in a way that OPC  
11 could do that, but we do it anyway.

12 And so I think we're sort of help -- what  
13 they exactly are going to do with it or -- I don't  
14 know, but I think we're helping them out by sharing  
15 that sort of data that they could have sorted, but we  
16 do it in -- we do it because that facilitates our  
17 settlement process.

18 CHAIRMAN RUPP: All right.

19 MR. WILLIAMS: I think -- I think it's  
20 for obtaining some more granular information than  
21 we're getting otherwise from the utility, but I'm not  
22 disputing what Mr. Lowery's saying because I don't  
23 know to dispute it.

24 CHAIRMAN RUPP: We had a lot of  
25 discussion on granular data in our other hearing, so

1 that's a positive thing, right?

2 MR. LOWERY: I will say that it's not  
3 really requir- -- other -- other than we have to add  
4 it to a report that we already file, it's really not  
5 requiring time, effort, money to -- to do it on our  
6 part. And it's -- and it is data that they would get  
7 in rate reviews or Fuel Adjustment Clause periodic  
8 adjustments anyway, so I think we're just facilitating  
9 them having it.

10 CHAIRMAN RUPP: Very good. Thank you.

11 JUDGE CLARK: Any other Commissioner  
12 questions at this point? I have no further questions.  
13 Is there anything that any of the signatory parties  
14 wanted to say? I'm hearing and seeing nothing.

15 MR. KEEVIL: I was just going to say -- I  
16 was just going to say don't forget the exhibits.

17 JUDGE CLARK: Thank you for reminding me.  
18 And I assume everybody brought their exhibit list,  
19 because we're going to need that to go through this  
20 somewhat exhaustive list.

21 Well, I guess -- I guess the only thing I  
22 can say at this point is we are done with the -- the  
23 substance of this rate presentation. So I don't know  
24 if the Commission wants to stick around to watch me  
25 exhaustively enter exhibits into the hearing record,

1 but that is what I'm going to be doing for, say, the  
2 next 30 minutes or so.

3 CHAIRMAN RUPP: Thank you, Judge.

4 COMMISSIONER HOLSMAN: Judge, this is  
5 Commissioner Holsman. Just wanted to say thank you  
6 and thanks to everybody for all the hard work on this  
7 case.

8 JUDGE CLARK: Thank you very much,  
9 Commissioner Holsman.

10 COMMISSIONER KOLKMEYER: Yes, this is  
11 Commissioner Kolkmeier. I will echo those same thanks  
12 to you and all the parties involved here to come to a  
13 good decision here on this case. So thanks everyone.

14 JUDGE CLARK: Thank you, Commissioner  
15 Kolkmeier.

16 I have no formal way I want to do this so  
17 I'm just going to start with the parties. Why  
18 don't -- which party do I want to start with? Do I  
19 just want to go in the order that the parties would  
20 normally do their entry of appearances in?

21 MR. KEEVIL: I would go in the order that  
22 you assigned the exhibit numbers in, Judge, with --  
23 Ameren I think had the first batch and then Staff and  
24 then Public Counsel I guess was probably the third  
25 batch. Because that way the numbers will make sense

1 in the -- in the transcript.

2 JUDGE CLARK: I very much like that idea,  
3 Mr. Keevil. Let me pull up my -- let me pull up my  
4 procedural schedule. Or did I -- no, I sent those out  
5 to the parties via e-mail, didn't I?

6 MR. KEEVIL: Yes.

7 MR. LOWERY: Ameren is first, Judge. We  
8 start with number one.

9 JUDGE CLARK: Yes. But I can't type and  
10 write at the same time.

11 MR. WILLIAMS: Judge, I'm aware that  
12 Public Counsel and I believe most, if not all, of the  
13 other parties provided you an exhibit list already.  
14 Do you want us to step through each exhibit or just  
15 refer to the list?

16 JUDGE CLARK: Hold on just a second and  
17 I'll try and answer that. I'm still trying to find  
18 something. Okay. There's my e-mail.

19 Now, I'm assuming right now that all of  
20 the exhibits that the parties are asking to enter into  
21 this On the Record in this case are filed in EFIS and  
22 that nobody's brought any paper copies that -- of  
23 anything that's not contained in the exhibit list.

24 I have no problem doing these in batch if  
25 we want to do it that way, as long as the parties feel

1 that's sufficient to protect their interests.

2 MR. KEEVIL: I think that's good.

3 JUDGE CLARK: I guess I'll ask this this  
4 way: Ameren Missouri, is there -- are there any  
5 exhibits on your list that are not being entered into  
6 the record for this?

7 MS. TATRO: There are not.

8 JUDGE CLARK: Okay. So everything,  
9 including what was entered in the -- everything,  
10 including what has been entered into evidence in the  
11 evidentiary hearing?

12 MS. TATRO: Everything -- yes.

13 JUDGE CLARK: Okay. And that would be my  
14 assumption. Okay, so --

15 MS. TATRO: So I think that makes a total  
16 of 51 pieces of pre-filed testimony.

17 JUDGE CLARK: I've got 51 pieces of  
18 pre-filed testimony and one additional exhibit, 52-C.

19 MS. TATRO: Yeah. And of course, some of  
20 those have confidential and public versions, but same  
21 testimony.

22 JUDGE CLARK: Are there any objections to  
23 entering exhibits 1 through 52-C onto the -- onto the  
24 record for this On the Record Presentation?

25 MR. LOWERY: Your Honor, just for the

1 sake of the record perhaps, our -- our Exhibits 32  
2 through 52 have already been admitted to the record,  
3 according to our records at least. And so maybe just  
4 for clarity, I think we would be moving 1 through 31  
5 into the record at this point.

6 JUDGE CLARK: Okay. So you want to treat  
7 this as a single -- even though it's -- it's -- it's  
8 multiple proceedings, you want to treat it as a single  
9 record; is that correct?

10 MR. LOWERY: I think -- yeah, I think the  
11 case is a single record.

12 JUDGE CLARK: That would make sense.  
13 I'm --

14 MR. WILLIAMS: Judge, we're wanting to  
15 admit the exhibits into evidence in the case so that  
16 it is evidence for the Commission's consideration.

17 JUDGE CLARK: Okay. And that -- that --  
18 that works for me and that explains your little squint  
19 when I said that.

20 MR. LOWERY: Yeah. The stipulation,  
21 Judge, I don't know if -- you may have noticed, but it  
22 specifically provides that we've agreed that the --  
23 all of that testimony will come in. And of course,  
24 that's also helpful to the Commission because it  
25 provides them what evidentiary basis on which to



1 approve the stipulation.

2 JUDGE CLARK: Thank you very much. Okay.  
3 Let's -- let's do that then. So is there any  
4 objection to admitting Exhibits -- is it 1 through 31  
5 onto the case record? I see no objections. Ameren's  
6 Exhibits 1 through 31 are admitted onto the -- onto  
7 the record for this case.

8 (Ameren Exhibits 1 through 31 were  
9 received into evidence.)

10 JUDGE CLARK: Next, I have Staff.

11 MR. KEEVIL: Judge, before we leave  
12 Ameren, just out of curiosity, what was 52-C? I think  
13 Ms. Tatro had a special remark about that one.

14 JUDGE CLARK: That was -- that was the  
15 Company response to DR-591.

16 MR. KEEVIL: Okay. So that was one of  
17 the exhibits entered during the hearing.

18 JUDGE CLARK: Yeah. That was not a  
19 pre-filed.

20 MR. KEEVIL: Okay. That explains that.  
21 Thank you.

22 MR. LOWERY: Judge, one other thing just  
23 for the sake of the record. I'm wondering if you  
24 should order us or ask us to submit these exhibit  
25 lists into EFIS, because they have the identifier of

1 the -- you know, the witness tied to the exhibit  
2 number. And that way, the record will be clear as to  
3 what 1 through 31, for example, were.

4 Because you haven't verbally gone through  
5 that on the transcript of every witness's name, but  
6 you could short circuit that by having us submit the  
7 list into EFIS.

8 JUDGE CLARK: I -- I appreciate all the  
9 help and suggestions I can get at this point, so I  
10 will be happy to do that, so.

11 MR. KEEVIL: And that would also, I  
12 think, reflect public, confidential and --

13 MR. LOWERY: It would.

14 MR. KEEVIL: -- in a very few limited  
15 respects, highly confidential, because we did have to  
16 have one filed as highly confidential. So if we do  
17 file the list, you can -- each party can show for each  
18 piece of testimony whether it's PC or HC.

19 JUDGE CLARK: Okay. Is it enough for me  
20 to verbally order that or would you like me to issue a  
21 written order?

22 MR. LOWERY: I think an On the Record  
23 order is -- is just as much of an order from my  
24 perspective.

25 MR. KEEVIL: Works for me.

1 JUDGE CLARK: Okay. I will order -- I  
2 will order the parties to file in EFIS their exhibits  
3 list as to the list -- as to the exhibits that are  
4 being admitted onto the hearing record for this case,  
5 ER-2022-0337.

6 MR. KEEVIL: Well, now that -- what you  
7 just said would include ones that were introduced  
8 during the testimony part of the hearing that we had  
9 the last couple of days. I was thinking that the -- I  
10 was expecting you to say it would just be for the  
11 pre-filed exhibits.

12 JUDGE CLARK: For the pre-filed exhibits,  
13 I'm going to order the parties --

14 MR. KEEVIL: Exhibit list to be filed for  
15 the pre-filed exhibits.

16 MR. LOWERY: I'd say it slightly  
17 differently, Mr. Keevil. I agree with the general  
18 concept. I think we all should file a list and we  
19 should state that this is the list of exhibits that  
20 were admitted on the record on whatever today is --  
21 April 14th, 2023 during the On the Record.

22 And that way it will match up to the  
23 transcript in terms of exactly what was admitted and  
24 what -- what those documents were.

25 MR. KEEVIL: Yeah. As long as it doesn't

1 have to include the exhibits that were introduced  
2 during the live hearing.

3 MR. LOWERY: Right. I agree. That's why  
4 I said during the On the Record.

5 MR. KEEVIL: During the pres- -- okay.

6 MR. LOWERY: We should delineate that  
7 when we submit the list; that this was the list of  
8 exhibits corresponding to the numbers that were  
9 admitted by the Judge during the On the Record  
10 Presentation.

11 JUDGE CLARK: That makes sense. Let's do  
12 that. So to clarify -- and if I say this wrong, let  
13 me know. I'm going to order the parties to submit the  
14 exhibit list as to the exhibits that were admitted  
15 onto the record at the On the Record Presentation. Is  
16 there any party that believes that's not sufficient?

17 Okay. Let's move onto Staff's exhibits.

18 MR. KEEVIL: Yes, Judge. We had the 100  
19 block.

20 JUDGE CLARK: And I've got -- I've got  
21 100 through 116.

22 MR. KEEVIL: Right. 100 through 116,  
23 some of which are P, some of which are C, some of  
24 which may be HC. And then 117, 118 and 119 have  
25 already been received, as you noted there.

1                   So we would pick up again at 120 and go  
2 through 135. And then 136, 137 and 138 have already  
3 been received. So we pick up again at 139 and go  
4 through -- I believe the end of the list is 177.

5                   And again, some of those will have  
6 public, some of those will have confidential and one  
7 or two of them has highly confidential. And when I  
8 submit the list, that list will indicate which has  
9 public, confidential and highly confidential.

10                  JUDGE CLARK: Okay. Thank you. Any  
11 objections to admitting Staff Exhibits 100 through 116  
12 onto the hearing record -- or onto the case record?  
13 Staff -- also Staff Exhibits 120 through 135 and Staff  
14 Exhibits 139 through to 177? Are there any objections  
15 to admitting those onto the hearing record? Those are  
16 so admitted.

17                  (Staff Exhibits 100 through 116, 120  
18 through 135 and 139 through 177 were received into  
19 evidence.)

20                  JUDGE CLARK: Next I have Public Counsel.  
21 It looks like 200 and 201 have already been submitted  
22 onto the hearing record, so we're looking at 202  
23 through 211; is that correct?

24                  MR. WILLIAMS: Yes. Public Counsel  
25 offers Exhibits 202 through 211 into the evidentiary

1 record in this case.

2 JUDGE CLARK: Is there any objection to  
3 admitting Exhibits 202 through 211 onto the case  
4 record? Those are so admitted.

5 (OPC Exhibits 202 through 211 were  
6 received into evidence.)

7 JUDGE CLARK: Bear with me for just a  
8 moment.

9 Okay. I do not have an exhibit list from  
10 Consumers Council of Missouri. I know that they had  
11 some exhibits entered onto the hearing -- or already  
12 had entered. They were assigned 3 [sic] through 349.  
13 I believe they only had two.

14 MR. LOWERY: I don't believe they have  
15 any other witnesses, Your Honor.

16 JUDGE CLARK: And I believe that would be  
17 the Exhibit 300 and 301, which are the --

18 MR. KEEVIL: Probably Jackie Hutchinson's  
19 testimony.

20 MR. LOWERY: Right.

21 JUDGE CLARK: That is correct. And that  
22 has been admitted onto the hearing record. Okay. So  
23 nothing further on behalf of Consumers Council.

24 Missouri Industrial Energy Consumers  
25 Group?

1 MS. PLESCIA: Missouri Industrial Energy  
2 Consumers Group has had admitted into the record four  
3 exhibits, and those are marked 350 through 353.

4 MR. KEEVIL: Were those all Brubaker  
5 testimony?

6 MS. PLESCIA: Correct. Well, the last  
7 one is actually the settlement schedules.

8 MR. KEEVIL: Right, right.

9 JUDGE CLARK: And those have already been  
10 admitted onto the hearing record?

11 MS. PLESCIA: I believe so.

12 JUDGE CLARK: Do you have any additional  
13 exhibits that need to be admitted as part of this  
14 proceeding?

15 MS. PLESCIA: No, we do not. Thank you,  
16 Your Honor.

17 JUDGE CLARK: Thank you very much.

18 Moving onto Midwest Energy Consumers  
19 Group.

20 MR. OPITZ: Thank you, Judge. 400 and  
21 401 were admitted this morning. So I'll move 402,  
22 public and confidential, and 403 into the record. And  
23 that's the testimonies of Greg Meyer.

24 JUDGE CLARK: Thank you. Any objection  
25 to admitting MECG Exhibits 402 through 403 onto the

1 hearing record? I see none. Those are so admitted.

2 (MECG Exhibits 402 and 403 were received  
3 into evidence.)

4 JUDGE CLARK: Renew Missouri had one  
5 exhibit, Exhibit 450, the rebuttal testimony of James  
6 Owen. That has already been admitted onto the record  
7 of this case. Renew, do you have any other exhibits  
8 that I've missed? I hear nothing.

9 Bear with me just a moment. Sierra Club  
10 I believe had the testimony of Tyler Comings and that  
11 was Exhibit 500, his direct testimony. And that has  
12 already been admitted onto the record of this case.

13 With that, I believe that admits all of  
14 the outstanding exhibits that not -- that have not  
15 been admitted that were admitted on the record just --  
16 just minutes ago and were also admitted by agreement  
17 of the parties in their Stipulation and Agreement.

18 And I would ask how much time do the  
19 parties need to file those exhibit lists?

20 MR. LOWERY: Monday.

21 MR. WILLIAMS: Ten minutes.

22 MR. KEEVIL: I was going to -- let's do  
23 it Monday or Tuesday. I'm going to have to delete  
24 part of my list and -- so how about Tuesday?

25 JUDGE CLARK: Okay. My previous order to



1 file an exhibit list as to the outstanding exhibits  
2 that were admitted in the On the Record Presentation,  
3 those lists are due to be filed in EFIS no later than  
4 Tuesday, April 18th.

5 Is there anything else that the  
6 Commission needs to take up at this time?

7 MR. LOWERY: I don't think so.

8 JUDGE CLARK: Okay. I hear nothing.  
9 With that, we will adjourn this proceeding and go off  
10 the record.

11 (WHEREUPON, the hearing was concluded at  
12 1:39 p.m. and was adjourned.)

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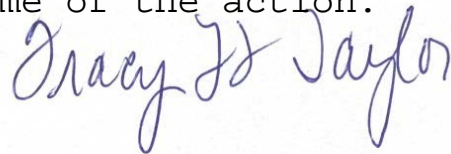
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## CERTIFICATE OF REPORTER

I, Tracy Thorpe Taylor, CCR No. 939, within the State of Missouri, do hereby certify that the testimony appearing in the foregoing matter was duly sworn by me; that the testimony of said witnesses was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this matter was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.



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Tracy Thorpe Taylor, CCR, RPR

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