

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of Union Electric Company)	
d/b/a Ameren Missouri's Tariffs to Adjust)	<u>Case No. ER-2022-0337</u>
its Revenues for Electric Service.)	Tariff No. YE-2023-0031

STAFF STATEMENT OF DISCOVERY DISAGREEMENTS AND CONCERNS

COMES NOW the Staff of the Missouri Public Service Commission and for its *Statement of Discovery Disagreements and Concerns*, states as follows:

1. The Commission's *Order Setting Procedural Schedule and Adopting Test Year*, issued herein on September 28, 2022, provides for a Discovery Conference on October 13, 2022, at 2:00 p.m., and further states at Paragraph 2:

- (n) Not less than three 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.
- (o) Discovery conferences shall be on the record and will be transcribed by a court reporter if requested by the parties.
- (p) 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.
- (q) 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.

2. Pursuant to Paragraph (n) of the Commission's *Order*, Staff states that its concerns are as follows:

- A. **DR 198:** The response provided was not responsive in that Staff requested that the Company “fully describe all information retained by the Company as of July 1, 2022, that was not retained by the Company as of July 1, 2021, to facilitate allocation or assignment of labor and non-labor distribution expenses in general rate cases,” yet the Company failed to answer the question asked and responded with a description of the “:steps the Company has taken to facilitate the allocation or assignment of labor and non-labor distribution expenses in general rate cases.” In its last rate case, the Company agreed to do more; the DR sought either a description of what more it is doing or an admission that it is not doing more.
- B. **DR 202:** The response provided was not responsive in that Staff requested a list of customers and a description of the adjustment each customer gets, yet the Company did not provide a list and only provided an example adjustment. DR 202 asks, “[f]or each customer” subject to both Rider B and Rider C, “describe each adjustment, and describe the infrastructure associated with that customer.” The response must therefore identify “each customer” subject to both Rider B and Rider C; it must describe each adjustment for each customer; and it must describe the infrastructure associated with each customer. Ameren Missouri’s response does not identify each customer subject to Rider B and Rider C; it does not describe “each adjustment” for each customer; and it does not describe the infrastructure associated with each customer. Instead, it states when Rider C applies, which is not responsive to the question

asked; and it provides a single example for an unidentified customer, which is not responsive to the question asked.

C. **DR 214:** An objection was filed, but the Company stated that a response would nonetheless be provided; yet that response has not been received.

D. **DR 217:** The response was due by October 2, 2022, but has not yet been received. No extension was requested or objection filed.

3. The requested information is necessary for Staff to prepare its case, to rebut the Company's contentions, and to determine the Company's compliance with applicable Missouri statutes, Commission regulations, orders, and approved stipulations.

WHEREFORE, Staff submits this Statement of Discovery Disagreement or Concern in advance of the Discovery Conference currently scheduled for October 13, 2022 at 2:00 p.m.

Respectfully submitted,

/s/ Kevin A. Thompson

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**Attorney for the Staff of the Missouri
Public Service Commission**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or First Class United States Postal Mail, postage prepaid, **on this 5th day of October, 2022**, to all parties and/or counsel of record.

/s/ Kevin A. Thompson