

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

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

STAFF'S 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 November 16, 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 201.1, parts (5) and (6):** (5) Please identify the number of residential customers indicated by metering data to have used more than 100 kWh in a given hour during the period 1/1/2021 and 10/1/2022. (6) If less than 400 customers have used more than 100 kWh in a given hour during the period 1/1/2021 and 10/1/2022, please provide all hourly usage data for each customer for that time period. If more than 400 customers have used more than 100 kWh in a given hour during the period 1/1/2021 and 10/1/2022, please provide all hourly usage data for 400 such customers for that time period.

Objection: The Company objects to parts (5) and (6) of Data Request (DR) No. 201.1 because they seek information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence and further because they seek to require Ameren Missouri to engage in research, to compile data, and to perform analyses rather than seeking the discovery of existing facts or documents and thus are beyond the proper scope of discovery.

Staff response: This DR was prompted by sample customer load data provided in response to DR 201. Sample data indicated a residential customer who had purportedly used in excess of 1000 kWh in a single hour. This is generally not an expected residential customer load and greatly exceeded other hourly loads presented for that customer. The data requested in parts 5 and 6 is necessary to determine the frequency of similar incidents of apparent extreme excess usage as metered or retained by the billing and metering software. Clearly, the requested data is relevant and does not require

Ameren Missouri to engage in research, to compile data, or to perform analyses, and are not beyond the proper scope of discovery.

DR 201.2, part (4): Please identify the number of SGS customers using more than 100 kWh in a given hour in the months May 2021-October 2021, and May 2022 – October 2022. Please indicate how many such customers were transferred to the LGS rate schedule.

Objection: The Company objects to part (4) of DR No. 201.2 because it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence and further because it seeks to require Ameren Missouri to engage in research, to compile data, and to perform analyses rather than seeking the discovery of existing facts or documents and thus is beyond the proper scope of discovery.

Staff response: The sample meter data provided in response to DR 201 included a Small General Service customer whose metered usage exceeded 100 kWh of consumption in given hour in multiple hours of August 2021, September 2021, and May 2022. Ameren Missouri's Small General Service tariff requires that "Customer shall be transferred to the Company's Large General Service Rate 3(M) whenever customer's metered demand in any summer month exceeds 100 kW." The objected-to portion of the DR is a straightforward ask of how many customers were moved subject to the specified tariff requirement, and how many customers' meter data indicates should have been reviewed for movement. This data is necessary to evaluate Ameren Missouri's compliance with its Commission-approved tariff.

If Ameren Missouri will not provide this information voluntarily, Staff may open an investigation outside of this rate case.

B. **DR 209.1:** The response provided is unresponsive in that the DR requested the identity of “the individual or individuals responsible for determining which existing unit of property is retired from the Continuing Property Record when a given item is removed from service, in light of the Response provided to Staff’s DR 209, stating in pertinent part “No location information exists in the Company's property accounting records for mass property investments[.]” The DR also requested a description of “the process and safeguards in place for the responsible individual to determine which vintage, engineering in service year, in service year, and asset ID is selected to correspond to a given item that is physically removed from service.” The response provided failed to identify any individual or individuals and failed to describe any process or safeguards.

C. **DR 358:** Staff requested: “Please update the following work papers: Ameren-UE_DIR_007_Peters-Att-01 2021 RC - RT - LGDev.xlsx Ameren-UE_DIR_007_Peters-Att-04 Oct 2018- Sep 2021 DA LMP and AWDs.xlsx through June 30,2022 Alternatively, please provide the following information updated through June 30, 2022 in the same format as what was provided in the workpaper titled Ameren-UE_DIR_007_Peters-Att-04 Oct 2018- Sep 2021 DA LMP and AWDs.xlsx: (a) The day-ahead generation by node. (b) Day-ahead LMP by node.”

Objection: The Company objects to DR No. 358 because it seeks to require an update to workpapers that will be updated as part of the true-up

phase of the case, rendering it irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and overly broad, unduly burdensome and oppressive. Moreover, it contravenes the procedural order's deadline for agreement on accounting/financial data requests to update. Subject to the foregoing objections, the Company states that it will follow that process and would expect to update these workpapers as part of the true-up phase.

Staff's response: The requested information is basic information necessary for Staff to complete its analysis of Ameren Missouri's fuel and production costs. Without this information, Staff will be unable to file fuel and production costs direct testimony and thus will be unable to develop an accurate revenue requirement.

D. **DR 368:** The Company's response was entirely unresponsive. Staff requested: "Please provide, if available, the attachment y and the attachment y-2 study performed by MISO to determine impacts of retiring the **Meramec** generation station." Ameren responded yesterday with: "See responses to Date Requests numbers MPSC 0002 and 0015s1 in File No. EO-2022-0215." Case No. EO-2022-0215 is the case regarding **Rush Island** and DR 2 response and 15S1 response show the attachment y-2 and y studies for Rush Island, not Meramec.

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 Disagreements and Concerns* in advance of the Discovery Conference currently scheduled for November 16, 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 10th day of November, 2022**, to all parties and/or counsel of record.

/s/ Kevin A. Thompson