

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

In the Matter of the Second Prudence)	
Review of the Missouri Energy Efficiency)	
Investment Act (MEEIA) Cycle 2 Energy)	File NO. EO-2019-0376
Efficiency Programs of the Union Electric)	
Company d/b/a Ameren Missouri.)	
)	

**JOINTLY PROPOSED PROCEDURAL SCHEDULE
AND REQUEST TO CANCEL PROCEDURAL CONFERENCE**

COMES NOW Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri" or "the Company") and, on behalf of itself and the Staff of the Missouri Public Service Commission ("Staff") and the Office of the Public Counsel ("OPC"), requests the Commission establish the procedural schedule outlined below for resolving this case and cancel the procedural conference scheduled for December 5, 2019. In support of the request, the Company states as follows:

1. On November 15, 2019, the Missouri Public Service Commission ("Commission") issued its *Order Setting Procedural Conference*, establishing a December 5, 2019, date for the parties to convene and discuss a procedural schedule in this matter. In the interim, Ameren Missouri has discussed with Staff and OPC the establishment of a procedural schedule, with the idea that the parties would continue to negotiate for a potential resolution of this matter.

2. Ameren Missouri, Staff, and OPC have conferred and have agreed upon the procedural schedule and procedural requirements set forth below, and counsel for Staff has authorized the undersigned counsel for the Company to propose the following proposed procedural schedule and proposed procedural requirements. The following procedural schedule takes into account other pending cases at the Commission in which many of the same personnel from the

parties are engaged and which, for various reasons, need to be resolved on a more expeditious schedule than that set forth below.

Proposed Procedural Schedule

December 20, 2019	Staff Direct Testimony
February 17, 2020	Ameren/OPC Rebuttal Testimony
March 19, 2020	Settlement Conference
April 10, 2020	Surrebuttal/Cross-Surrebuttal (all parties)
April 15, 2020	List of Issues, Order of Witnesses, Order of Cross-Examination Last Day to Issue Discovery Requests, Subpoenas, or Take Depositions
April 20, 2020	Statements of Position
April 27 – 28, 2020	Evidentiary Hearing
May 22, 2020	Initial Post-Hearing Briefs
June 5, 2020	Reply Briefs

Proposed Procedural Requirements

- (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 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 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 issue that are to be decided by the Commission.

- (e) If part of 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 making 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 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 the Commission's Electronic Filing and Information System ("EFIS") shall be considered properly served by serving the same on counsel of record for all other parties via email. The parties agree confidential documents may be obtained from EFIS and so agree not to serve those documents via email.
- (h) Counsel for each party shall receive electronically from each other 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. Data requests issued to or by Staff shall be submitted and responded to in EFIS, if feasible, or in electronic format on compact disc, or by other means agreed to by counsel, if infeasible. Regarding Staff-issued data requests, 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. Data requests, other than data requests submitted through EFIS, 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, other than responses to data requests in EFIS, shall be served (electronically, if feasible and practical) on counsel for the requesting party, unless waived by counsel, and shall also be served by e-mail (if feasible and practical) on the requesting party's employee or representative who submitted the data request at the e-mail address provided in the data request; provided, that 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 20 CSR 4240-2.135.
- (j) If a data request has been responded to, a party's request for a copy of the response shall be timely responded to without waiting the full response time allowed (except that, with the exception of responses to Staff, responses will not be needed for Ameren Missouri data request responses posted on Ameren Missouri's Caseworks Extranet site).
- (k) Workpapers prepared in the course of developing a testimony shall not be filed with the Commission, but shall be submitted to each party within two (2) business days following the filing of the 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 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 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.
- (m) 20 CSR 4240-2.090's requirement that a party must seek a telephone conference with the presiding officer before filing a discovery motion shall be waived.

3. In light of the schedule set forth and agreed to by the parties to this proceeding, Ameren Missouri requests that the procedural conference currently scheduled for December 5, 2019, be canceled.

WHEREFORE, Ameren Missouri, on behalf of the parties, respectfully requests the Commission issue its order adopting the above procedural schedule and requirements, and cancel the procedural conference currently set for December 5, 2019.

Respectfully Submitted,

/s/ Paula N. Johnson

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**ATTORNEYS FOR UNION ELECTRIC
COMPANY d/b/a AMEREN MISSOURI**

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing has been e-mailed, this 4th day of December, 2019 to counsel for all parties of record.

/s/ Paula N. Johnson

Paula N. Johnson