

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

In the Matter of Union Electric Company d/b/a)
AmerenUE for Authority to File Tariffs Increasing)
Rates for Electric Service Provided to Customers) Case No. ER-2008-0318
In the Company’s Missouri Service Area.)

**JOINTLY PROPOSED PROCEDURAL SCHEDULE, REQUEST FOR OTHER
PROCEDURAL ITEMS, AND RECOMMENDATION FOR TRUE-UP**

Come now Union Electric Company, d/b/a AmerenUE (AmerenUE), the Staff of the Missouri Public Service Commission (Staff), Office of the Public Counsel (Public Counsel), Noranda Aluminum, Inc., State of Missouri, Missouri Department of Natural Resources, Missouri Energy Group (MEG), Missouri Industrial Energy Consumers, AARP, International Brotherhood of Electrical Workers and International Union of Operating Engineers Locals (collectively, the Unions), The Commercial Group, Consumers Council of Missouri, and Laclede Gas Company, (collectively the parties) and for their jointly proposed procedural schedule state as follows:

1. The Commission in its April 7, 2008 Order Directing Notice, Suspending Tariff, Setting Hearings, And Directing Filings scheduled an early prehearing conference for May 27, 2008, and directed that the parties shall file a proposed procedural schedule on or before June 3, 2008. Those dates were subsequently changed to May 13 and May 20, respectively, in the Commission’s April 24, 2008 Order Rescheduling Prehearing Conference. The Commission’s April 7 Order also directed the parties to file a recommendation respecting local public hearings to be held in this case (due June 3), and directed Staff, Public Counsel, and any persons or entities requesting intervention to make filings respecting the test year and concerning a true-up

(due May 7). Those due dates were also changed to May 20 by the Commission's April 24 Order.

2. The above parties, with the exception of the Unions and MEG, who were excused by the Presiding Officer, appeared at the May 13, 2008 early prehearing conference and participated in the development of the jointly proposed procedural schedule which follows. All of the above-parties¹ have since reached agreement on the jointly proposed procedural schedule which follows, and have reached agreement respecting the appropriate test year in this case, respecting a true-up in this case, and respecting certain other procedural matters set forth herein. Those agreements are reflected below, including evidentiary hearings commencing November 17 and ending December 5, 2008.

3. The Commission presently has set evidentiary hearings for November 5 through November 26, 2008. In an April 17, 2008 AmerenUE Response To Order Directing Notice, Suspending Tariff, Setting Hearings And Directing Filings And Motion For Reconsideration, AmerenUE requested that the Commission reserve, but not set, the first three weeks of December (December 1 through 23) as possible dates for evidentiary hearings in this case, pending completion of the early Prehearing Conference and receipt of a recommended procedural schedule from the parties. The Staff in an April 23 response concurred. Noranda in an April 23 response did not object to the Commission preserving the suggested December dates for the evidentiary hearings in this matter. Public Counsel in an April 23 response requested that the Commission reschedule the hearings for the first three weeks of December (December 1 through 23). In its April 24, 2008 Order Rescheduling Prehearing Conference, the Commission stated as

¹ On May 20, 2008, MEG filed its Test Year And True-Up Recommendations stating that it took no position regarding the proper test year and the necessity of a true-up in this proceeding. Also on May 20, 2008, Laclede Gas Company filed its Position On Test Year And True-Up stating that it concurred with the test year and true-up proposed by AmerenUE in its April 4, 2008 filing.

follows regarding AmerenUE's request to reserve the first three weeks in December for evidentiary hearing dates:

. . . The Commission is willing to consider revisions to the hearing schedule if such revisions are proposed by the parties following the prehearing conference. But the Commission intends to issue its report and order at least thirty days before the March 1 operation of law date. Therefore, AmerenUE's proposal to move the hearing back into December and submit the case for decision on approximately January 19, clearly would not allow the Commission sufficient time to deliberate and write a decision.

At the May 13 Prehearing Conference, various parties discussed with the Regulatory Law Judge the Commission's desire to issue its report and order at least thirty days (30) before the March 1 operation-of-law date and various parties' desire to schedule at least part of the evidentiary hearings in December so as to permit the non-utility parties more time to prepare, in particular, their direct cases. The Staff also expressed a desire to attempt to alleviate scheduling concerns respecting the Missouri-American Water Company rate case, Case No. WR-2008-311, filed by Missouri-American Water Company on March 31, 2008, five (5) days before this case.

Neither the Staff nor AmerenUE believes that as many evidentiary hearing days as the Commission has scheduled will be needed for the instant case and that scheduling December 1-5 as the last week of evidentiary hearings for the instant case will permit the AmerenUE evidentiary hearings to commence November 17, instead of November 5, and provide an adequate number of hearing days. As AmerenUE has previously noted, it has not filed a gas rate case with its electric rate case. Additionally, it is believed that the experience of the recent fully litigated AmerenUE electric rate case, which had a fuel adjustment clause proposal as does the instant case, and the thinking that the instant case appears not to have the unique issues that the last case had, will cause fewer hearing days to be required than for Case No. ER-2007-0002. Furthermore, AmerenUE, the Staff, and other parties have indicated a commitment to work with

each other respecting compliance tariffs. As a consequence, the parties are proposing a schedule with the last week of hearings occurring the first week in December.

Proposed Procedural Schedule – AmerenUE Rate Case Filed 4/4/08 – test year ending March 31, 2008, including pro forma adjustments for certain items through September 30, 2008, and including a true-up for certain items through September 30, 2008:

<u>Event</u>	<u>Date</u>
Case Filed	April 4, 2008
AmerenUE will replace its forecasted data for Jan. to Mar. 2008 with actual data and provide pro-forma adjustments for certain items through September 30, 2008 (not filed – provided to parties)	June 4, 2008
AmerenUE to file limited Supplemental Direct Testimony* respecting the updated data	June 16, 2008
Direct Testimony – non-AmerenUE parties, excluding customer class cost of service and rate design	August 28, 2008
Direct Testimony – non-AmerenUE parties, customer class cost of service and rate design	September 11, 2008
Circulation of Preliminary Reconciliation (not to be filed – to be provided to all parties)	September 11, 2008
Local Public Hearings (subject to Commission order)	Week of September 8
Technical/Settlement Conference (including development of a preliminary list of issues – not filed)	September 15-17, 2008

Rebuttal Testimony – all parties - all issues	October 14, 2008
Settlement/Technical Conference	October 16-17, 2008
Surrebuttal Testimony – all parties - all issues	November 5, 2008
AmerenUE to Provide True-Up Data***	November 7, 2008
List of Issues – Order of Witnesses – Order of Cross-examination	November 10, 2008
Final Reconciliation – Filed	November 12, 2008
Statements of Position	November 12, 2008
Evidentiary Hearings (and November 26, if needed)	November 17 - 21, 24-25, December 1-5, 2008
True-up Direct – all parties, if necessary ***	December 23, 2008
True-up Rebuttal – all parties, if necessary ***	December 30, 2008
True-up Reconciliation, if necessary	January 5, 2009
True-up hearing, if necessary	January 6-7, 2009
Posthearing Briefs – all parties	January 9, 2009
True-up Brief, If necessary	January 14, 2009
Operation-of-Law Date	March 1, 2009

* Supplemental Direct Testimony filed on June 16, 2008 is to be concise and strictly limited to quantification of actual data. Such testimony shall not introduce a change of methodologies or changes in methodology. AmerenUE has stated that it intends to include a proposed pro forma adjustment for nuclear fuel costs for the 16th Callaway Plant refueling scheduled to occur in October and November, 2008. Certain parties have stated their intention to consider opposing this pro forma adjustment on the grounds that the refueling would occur after the date to which the case is being tried-up, September 30, 2008. Although the parties agree that nothing in this Jointly Proposed Procedural Schedule, Request For

Other Procedural Items, and Recommendation for True-Up, including this footnote, precludes AmerenUE from including this pro forma adjustment respecting nuclear fuel costs, the parties nevertheless reserve their positions and all their rights and remedies as to whether it is appropriate for the nuclear fuel costs for the 16th refueling to be included in AmerenUE's revenue requirement and these same parties further explicitly disclaim that the mention or reference to such stated intention by AmerenUE in this document shall prejudice, impair or otherwise limit their ability to object or resist the inclusion of such nuclear fuel costs in AmerenUE's revenue requirement in any manner.

** Anticipated true-up items would include revenues, customer growth, off-system sales revenues, payroll,, depreciation expense,, fuel and transportation prices, purchased power costs,, income taxes, rate base excluding cash working capital lead/lag days, and other significant items that maintain a proper matching of revenues, expenses and rate base. No party is precluded from proposing such significant additional item(s) as a proper true-up item, but the other parties should be timely notified in writing of a party's decision to propose an additional item(s) as a proper true-up item(s). The inclusion of an item in the preceding list of anticipated true-up items shall not preclude or limit any party from objecting to a specific item or event as inappropriate for treatment as a true-up item or as inappropriate for inclusion in the Commission's determination of the revenue requirements in this case. Further, inclusion of an item in the preceding list of anticipated true-up items shall not preclude or limit any party's discovery rights in any way as to the listed items or any other items or matters involved in this case.

*** True-Up Direct Testimony filed on December 23, 2008 and True-Up Rebuttal Testimony filed on December 30, 2008 is to be concise and strictly limited to quantification of actual data. Such testimony shall not introduce a change of methodologies or changes in methodology.

4. All parties also have agreed to the following procedures and request that these agreed to matters be reflected in the Commission's Order setting the procedural schedule and approving the test year and true-up for this case:

(a) AmerenUE used a test year ending March 31, 2008, with nine months actual data and three months forecasted data as well as pro forma adjustments to include certain items through June 30, 2008. There is no need to update AmerenUE's case to June 30, 2008, but AmerenUE will update its forecasted data with actual data through March 31, 2008, with certain pro-forma adjustments through September 30, 2008. AmerenUE will provide the actual data with pro forma adjustments by June 4, 2008 and provide supporting testimony on June 16, 2008. The test year will be trued-up as of September 30, 2008.

(b) All parties agree that they will 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. Parties are not required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.

(c) An effort should be made to not include in data request questions either highly confidential or proprietary information. If either highly confidential or proprietary

information must be included in data request questions, the highly confidential or proprietary information should be appropriately designated as such pursuant to 4 CSR 240-2.135.

(d) Counsel for each party is to receive electronically from each other party, a copy of all data requests served by that party on another party in the case – 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 – in this manner the party providing a response to a data request has the opportunity to object to providing the response to another party and is responsible for copying information purported to be highly confidential or proprietary – thus, if a party wants a copy of a data request response by AmerenUE to a Staff data request, the party should ask AmerenUE, not the Staff, for a copy of the data request response unless there are appropriate reasons to direct the discovery to the party originally requesting the material. Data requests, objections, or notifications respecting the need for additional time to respond shall be sent via e-mail to the persons designated in writing by the parties to counsel for the other parties. Data request responses will be served on counsel for the requesting party and on the requesting party’s employee or representative who submitted the data request and shall be served electronically, if feasible and not voluminous.

(e) Until the September 11 filing of direct testimony on class cost of service and rate design pertinent issues, the response time for all data requests is 20 calendar days, and 10 calendar days to object or notify that more than 20 calendar days will be needed to provide the requested information. After September 11 until the filing of rebuttal testimony on October 14, the response time for data requests becomes 10 business days to provide the requested information, and 5 business days to object or notify that more than 10 business days will be needed to provide the requested information. After the filing of rebuttal testimony on October 14, the response time for data requests becomes 5 business days to provide the requested information, and 3 business days to object or notify that more than 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.

(f) Workpapers that were prepared in the course of developing a witness’ testimony should not be filed with the Commission but should be submitted to each party within 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 highly confidential or proprietary information should be appropriately marked. Since workpapers for certain parties may be voluminous and generally not all parties are interested in receiving workpapers or a complete set of workpapers, a party shall be relieved of providing workpapers to those parties indicating that they are not interested in receiving workpapers or a complete set of workpapers.

(g) 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.

(h) For purposes of this case, the parties request the Commission waive 4 CSR 240-2.045(2) and 2.080(11) with respect to prefiled testimony, and treat prefiled testimony made in the Commission's Electronic Filing and Information System (EFIS) as timely filed if filed before midnight on the date the filing is due.

(i) Documents filed in EFIS shall be considered properly served by serving the same on counsel of record for all other parties via e-mail.

(j) The parties hereby request that the Commission provide for expedited transcripts of the evidentiary hearings.

Wherefore in response to the Commission's April 7 Order, as modified by the Commission's April 24 Order, the Staff files, on behalf of itself and the parties identified above, this Jointly Proposed Procedural Schedule, Request For Other Procedural Items, And Recommendation For True-Up, requests that the Commission dispense with the need for any further filings from any party respecting the test year and true-up in this case, and requests that the Commission adopt this proposed procedural schedule and include in its order its adoption of the test year and true-up recommended herein, and the procedural items requested by the parties in paragraph 4 above.

Respectfully submitted,

/s/ Kevin A. Thompson

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 21st day of May, 2008.

/s/ Kevin A. Thompson