

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Prehearing Conference

January 24, 2011

Jefferson City, Missouri

Volume 1

In The Matter of Union Electric Company)	
d/b/a AmerenUE's Fuel and Purchased)	File No.
Power Adjustment clause True-up)	ER-2010-0274

MORRIS L. WOODRUFF, Presiding
CHIEF REGULATORY LAW JUDGE

REPORTED BY:
Jennifer Leibach, CCR No. 1780
TIGER COURT REPORTING, LLC

1 JUDGE WOODRUFF: Let's come to order, please.
2 We're here today for a prehearing conference in File No.
3 ER-2010-0274, which concerns the true-up filing of the fuel
4 adjustment clause of Ameren, Missouri.

5 Let's begin by taking entries of appearance,
6 beginning with Ameren Missouri.

7 MR. LOWERY: Good morning, Your Honor, James
8 B. Lowery, Smith Lewis, LLP, 111 South Ninth Street, Suite
9 200, Columbia, Missouri 65201, appearing on behalf of Union
10 Electric Company.

11 JUDGE WOODRUFF: Thank you.

12 MR. BYRNE: And Your Honor, Tom Byrne, 1901
13 Chouteau Avenue, St. Louis, Missouri 63103, also appearing on
14 behalf of Union Electric Company.

15 JUDGE WOODRUFF: Thank you. For Staff?

16 MR. DEARMONT: Thank you, Judge. Eric
17 Dearmont on behalf of the Staff of the Missouri Public
18 Service Commission, P.O. Box 360, Jefferson City, Missouri
19 65102.

20 JUDGE WOODRUFF: Any other parties here
21 wishing to enter an appearance? I received an e-mail on
22 Friday from the Department of Natural Resources indicating
23 they would not be here. I have not heard from anyone else,
24 but this does appear to be a dispute between Staff and
25 between Ameren Missouri for the most part.

1 The first thing the Commission needs to decide
2 today is apparently whether to suspend a timeline. I
3 understand the timeline would require a Commission decision
4 before the 29th of January of this year. I'm assuming we
5 probably can't resolve that without suspending that timeline,
6 but I want to have this prehearing conference to decide what
7 the schedule might be and how long the Commission should
8 suspend the time line. So Mr. Lowery?

9 MR. LOWERY: You know, Your Honor, I think one
10 of the things that we'll be talking about probably after we
11 get off the record about how to proceed and resolve the case
12 will be that very issue in terms of the timeline. We
13 anticipated that the Commission would suspend the timeline.
14 We have some thoughts about how procedurally we maybe could
15 get the docket resolved. We haven't talked to Staff about
16 those at this point.

17 We made the filing that we made, asked for
18 this prehearing conference really for the purpose of sort of
19 bringing us together to talk about that. I don't know
20 whether -- I -- my suspicion is we probably can come back, if
21 you want to know how long maybe to at least provisionally
22 suspend the timeline, we probably can come back I guess the
23 29th is Friday; is that right?

24 JUDGE WOODRUFF: Correct.

25 MR. LOWERY: We probably can come back and

1 give you some information collectively about that before then
2 would be my anticipation. I haven't talked to Mr. Dearmont
3 about this, but I don't think the facts are really too much
4 in dispute or in dispute at all in this matter, so my
5 suspicion is we may be able to agree upon a procedure for
6 getting this to a decision point in front of the Commission
7 that's, perhaps, not too complicated.

8 JUDGE WOODRUFF: Okay. Staff?

9 MR. DEARMONT: I think that would be just fine
10 with us, Judge. We would like to use this morning to discuss
11 a proposed schedule with the company. As far as the facts
12 are concerned, I can't really speak to that at this time, but
13 either way, I'm optimistic that we can reach some kind of
14 procedural agreement by the end of this week. We hope to
15 take some time this morning to discuss that.

16 JUDGE WOODRUFF: Would it be appropriate for
17 the Commission to suspend the timeline indefinitely or would
18 it be better to have a suspended date or is it necessary to
19 have a suspended date?

20 MR. LOWERY: I don't know whether, you know --
21 my guess is that we're looking at probably 60 days, but it
22 might be -- might turn into 120 days just simply because I
23 know what they have on their plate and what we have on our
24 plate.

25 JUDGE WOODRUFF: We have the rate case

1 cooking.

2 MR. BYRNE: And I don't think we -- I think
3 we'd rather not have an open-ended, indefinite suspension.

4 JUDGE WOODRUFF: That sounds fair to me, too.

5 MR. DEARMONT: I would agree with that,
6 although I don't know that our back is against the wall with
7 any -- as far as the -- the refund is concerned. I mean, I
8 understand that the company would like to roll it in as soon
9 as possible.

10 MR. LOWERY: Sure.

11 MR. DEARMONT: To the extent hat that can
12 happen, I think that's probably a good thing from our
13 perspective, too.

14 JUDGE WOODRUFF: Okay.

15 MR. LOWERY: My suggestion, Your Honor, is
16 that we come back to you by Friday and -- before Friday.

17 JUDGE WOODRUFF: It better be before Friday.

18 MR. LOWERY: Yeah, before Friday, say by
19 Thursday, or if it needs to be sooner, and maybe make a
20 recommendation on a suspension period. whether we'll have
21 this is exactly the schedule and how we think we want to
22 resolve the case that quickly, I'm not quite as sure, but I
23 think at least we can do that. If that's not satisfactory
24 and you feel like you need to suspend it for 90 days or 120
25 days. Right now, we wouldn't object to that, if you felt

1 like you needed to do that.

2 JUDGE WOODRUFF: I would be more comfortable
3 doing it for, say, 120 days and we can always adjust it. And
4 if you-all can agree upon a procedural schedule that resolves
5 it sooner --

6 MR. LOWERY: Sure.

7 JUDGE WOODRUFF: -- then that's unnecessary.
8 with the final agenda being on Wednesday --

9 MR. LOWERY: Right.

10 JUDGE WOODRUFF: -- and the deadline for
11 submission of items for the agenda is coming up in two hours,
12 I'd rather have something resolved now. So if that's
13 agreeable to everybody, I'll just go ahead and suspend it for
14 120 days.

15 MR. DEARMONT: That's certainly acceptable to
16 staff.

17 MR. LOWERY: We have no objection to that.

18 THE COURT: Okay.

19 MR. LOWERY: And perhaps, then, maybe I was
20 thinking if you can give us to until -- I don't know that
21 we'll need this long at all -- until February 4th to come
22 back with a filing regarding some kind of procedure and
23 schedule for resolving the case, would that be acceptable to
24 the bench?

25 JUDGE WOODRUFF: That's acceptable to me. Is

1 that okay with Staff?

2 MR. DEARMONT: It is, Judge, thank you.

3 JUDGE WOODRUFF: Okay. Well, then, I will
4 issue a written order this morning suspending the timeline
5 for 120 days and then I'll direct the parties to file a
6 proposed procedural schedule by February 4th. Anything else
7 we need to take up on the record?

8 MR. DEARMONT: Not at this time.

9 MR. LOWERY: Not from the company.

10 JUDGE WOODRUFF: Thank you very much, then,
11 and we are adjourned and you can have your discussions.

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or employee of any attorney or counsel employed by the
parties thereto, nor financially or otherwise interested in
the outcome of the action.

Court Reporter

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