

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS
Prehearing Conference
October 12, 2010
Jefferson City, Missouri
volume 1

In The Matter Of:

Union Electric Company)
d/b/a AmerenUE's Tariff to) File No.
Increase Its Annual) ER-2011-0028
Revenues for Electric Service)

MORRIS L. WOODRUFF, Presiding
CHIEF REGULATORY LAW JUDGE

REPORTED BY:

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1 JUDGE WOODRUFF: Let's come to order,
2 please. We ready to go? Come to order, please.

3 Good morning, everyone. We're here for a
4 prehearing conference in Case No. ER-2011-0028.
5 We'll begin by taking entries of appearances
6 beginning with AmerenUE.

7 MR. BYRNE: Thank you, your Honor. Tom
8 Byrne and Wendy Tatro representing Union Electric
9 Company, doing business as Ameren Missouri. Our
10 address is 1901 Chouteau Avenue, St. Louis, Missouri
11 63103.

12 MR. LOWERY: Your Honor, also appearing on
13 behalf of Union Electric Company d/b/a Ameren
14 Missouri, James B. Lowery with the law firm of Smith
15 Lewis, LLP, 111 South Ninth Street, Suite 200,
16 Columbia, Missouri 65201.

17 JUDGE WOODRUFF: And for Staff?

18 MR. DOTTHEIM: Steven Dottheim, Kevin
19 Thompson, Nathan Williams, appearing on behalf of
20 Staff of the Missouri Public Service Commission,
21 P.O. Box 360, Jefferson City 65102.

22 JUDGE WOODRUFF: Thank you. For Public
23 Counsel.

24 MR. MILLS: On behalf of the Office of
25 Public Counsel and the public, my name is Lewis

1 Mills. My address is P.O. Box 2230, Jefferson City,
2 Missouri 65102.

3 JUDGE WOODRUFF: Okay. For Charter
4 Communications.

5 MR. COMLEY: Appearing for Charter
6 Communications, Inc., let the record reflect the
7 entry of Mark W. Comley of Newman, Comley and Ruth,
8 PC, 601 Monroe, Jefferson City, Missouri.

9 JUDGE WOODRUFF: Thank you.

10 For MEG.

11 MS. LANGENECKERT: Good morning. On
12 behalf of the Missouri Energy Group, Lisa
13 Langeneckert with the law firm of Sandberg, Phoenix,
14 & von Gontard, 600 Washington Avenue, 15th Floor,
15 St. Louis, Missouri 63101.

16 JUDGE WOODRUFF: For MIEC.

17 (No response.)

18 JUDGE WOODRUFF: For the Missouri
19 Retailers.

20 MR. SCHWARZ: Tim Schwarz, Blitz, Bardgett
21 & Deutsch, 308 East High Street, Jefferson City,
22 Missouri, appearing for the Missouri Retailers
23 Association.

24 JUDGE WOODRUFF: For the Consumers Council
25 on AARP.

1 MR. COFFMAN: Appearing on behalf of AARP
2 and the Consumers Council of Missouri, John B.
3 Coffman, 871 Tuxedo Boulevard, St. Louis, Missouri
4 63119.

5 JUDGE WOODRUFF: Thank you.

6 And we'll go back to MIEC and let
7 Ms. Holesteck enter her appearance.

8 MS. HOLESTECK: Diana Holesteck of Bryan
9 Cave, LLC, 211 North Broadway, Suite 3600, St. Louis,
10 Missouri 63102.

11 JUDGE WOODRUFF: For the Midwest Energy
12 Users.

13 MR. WOODSMALL: Thank you, your Honor.
14 Appearing on behalf of MEUA, David Woodsmall. I
15 previously entered my written appearance with my
16 address.

17 JUDGE WOODRUFF: Okay. And Missouri
18 American Water, Jim Riechard sent me -- or actually
19 phoned yesterday and indicated he won't be here.
20 He's involved with a collaborative -- with other
21 elements of the staff, specifically with Jim Bush,
22 but he would not be able to be here for this portion
23 of it.

24 That's all the parties that have
25 currently been allowed to intervene. There are other

1 applications to intervene pending. I'll go through
2 those.

3 NRDC, Renew Missouri, are they here?

4 (No response.)

5 JUDGE WOODRUFF: DNR?

6 MS. FRAZIER: Yes, your Honor. Jenny
7 Frazier with the Attorney General's Office appearing
8 for the Department of Natural Resources, P.O. Box
9 899, Jefferson City, Missouri 65102.

10 JUDGE WOODRUFF: For the Municipal Group?

11 (No response.)

12 JUDGE WOODRUFF: No?

13 And for the unions?

14 (No response.)

15 JUDGE WOODRUFF: All right. As I
16 indicated, there are some pending intervention
17 requests. I'll deal with those. First of all, the
18 Municipal Group, they initially filed their
19 application to intervene on the 23rd of September and
20 filed an amended application to intervene adding some
21 additional cities on September 29.

22 Does anyone object to the Municipal
23 Group's application to intervene?

24 MR. LOWERY: No, your Honor.

25 JUDGE WOODRUFF: Hearing no objections, I

1 will grant their application to intervene, and for
2 all these I'll issue a notice so that it will appear
3 in the record also that the intervention has been
4 granted.

5 For DNR, they applied to intervene on
6 September 28. Does anyone object to the DNR's
7 intervention?

8 MR. LOWERY: No.

9 JUDGE WOODRUFF: Hearing no objections,
10 that will also be granted.

11 And we've got the application to
12 intervene from IBEW and the Operating Engineer's
13 Union. That was filed on October 4.

14 Any objection to their request to
15 intervene?

16 (No response.)

17 JUDGE WOODRUFF: Hearing none, that would
18 also be granted.

19 The final application to intervene was
20 from NRDC and Renew Missouri. I was hoping they
21 would be here. NRDC, I don't have any problem with
22 that. The questionable portion of that application
23 to intervene is for Renew Missouri. Renew Missouri
24 is described as a project of Missouri Coalition for
25 the Environment. I don't believe that we can allow a

1 project to intervene. Probably Missouri
2 Coalition for the Environment would be an
3 appropriate intervener.

4 I'm not going to make a ruling on
5 this case, but I will ask if any parties have
6 any objection to NRDC or Renew Missouri.

7 MR. BYRNE: We may. If it's not an
8 appropriate party to intervene, we probably do
9 object to a project intervening.

10 JUDGE WOODRUFF: All right. At this
11 point I'm going to defer making a ruling on the
12 NRDC and Renew Missouri application to
13 intervene. We'll deal with that later through
14 an agenda order. All right. I believe that
15 takes care of all the intervening party
16 requests.

17 Another matter of the Test Year and
18 True-Up, the order that I issued suspending this
19 True-Up indicated that the parties were to take
20 a position by last week on Test Year and True-
21 Up.

22 Several parties requested more time
23 to do that, to take those positions, so I'll
24 allow them until October 19 for the parties to
25 make those positions if they haven't already.

1 And several parties indicated that
2 that would be a preferable path for the
3 Commission to take in future cases as well, and
4 I agree. In the future you can expect those
5 kind of orders. And I discussed that with all
6 the other judges as well and learned that most
7 of them already do it that way and I'm the one
8 that's lagging behind.

9 The only other matter that I have is
10 that the proposed procedural schedule and local
11 public hearing recommendations are due by
12 October 19 in terms of the previous order, so
13 I'll leave that to discussion.

14 Is there anything else that anyone
15 wants to bring up while we're on the record?

16 (No response.)

17 JUDGE WOODRUFF: Hearing nothing,
18 then -- yes, Mr. Dottheim.

19 MR. DOTTHEIM: Yes, Judge. I was
20 wondering if you might give us an idea if you
21 foresee Nebraska going to the Big 10, whether
22 that in any manner might affect this proceeding.

23 JUDGE WOODRUFF: I don't think it
24 will have any effect. I will note that I expect
25 Nebraska to be playing for national championship

1 this year, so don't schedule any public hearings
2 on that date.

3 MR. DOTTHEIM: We most definitely
4 will keep that in mind.

5 JUDGE WOODRUFF: All right. Thank
6 you very much.

7 with that, then, the on-the-record
8 portion of this prehearing conference is
9 adjourned.

10 (The hearing concluded.)

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CERTIFICATE

I, Nancy L. Silva, RPR, CCR, within and for the State of Missouri, do hereby certify that the witness' testimony that appears in the foregoing proceeding was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Nancy L. Silva, RPR CCR

<p><u>1</u> 1 1:8 10 10:21 111 2:3 4:15 12 1:6 15th 2:19 5:14 19 9:24 10:12 1901 2:7 4:10</p>	<p>3:9 573.751.4857 2:12</p>	<p>already 9:25 10:7 am 12:7,10 amended 7:20 Ameren 4:9,13 AmerenUE 2:5,9 4:6 AmerenUE's 1:13 American 6:18 Annual 1:14 anyone 7:22 8:6 10:14 anything 10:14 appear 8:2 appearance 6:7,15 appearances 4:5 appearing 4:12,19 5:5,22 6:1,14 7:7 appears 12:4 application 7:19,20,23 8:1,11,19,22 9:12 applications 7:1 applied 8:5 appropriate 9:3,8 Association 2:24 5:23 attorney 7:7 12:11 Avenue 2:7,19 4:10 5:14</p>	<p>behind 10:8 believe 8:25 9:14 best 12:5 Blitz 2:22 5:20 Boulevard 3:2 6:3 Box 2:3,11 4:21 5:1 7:8 bring 10:15 Broadway 6:9 Bryan 6:8 Bush 6:21 business 4:9 Byrne 2:6 4:7,8 9:7</p>
<p><u>2</u> 200 2:3 4:15 2010 1:6 211 6:9 2230 2:11 5:1 23rd 7:19 28 8:6 29 7:21</p>	<p><u>6</u> 600 2:19 5:14 601 2:15 5:8 63101 2:19 5:15 63102 6:10 63103 2:8 4:11 63119 3:3 6:4 65101 3:12 65102 2:11 3:8 4:21 5:2 7:9 65109 2:23 65201 4:16 65205 2:4</p>	<p><u>8</u> 871 3:2 6:3 899 7:9</p>	<p><u>C</u> Capitol 3:11 care 9:15 case 4:4 9:5 cases 10:3 Cave 6:9 CCR 1:21 12:2,18 CERTIFICATE 12:1 certify 12:3 championship 10:25 Charter 2:16 5:3,5 CHIEF 1:18 Chouteau 2:7 4:10 cities 7:21 City 1:7 2:11,23 3:8,12 4:21 5:1,8,21 7:9</p>
<p><u>3</u> 300 3:11 301 2:22 302 2:15 308 2:22 5:21 314.446.4238 2:20 314.554.2514 2:8 360 3:8 4:21 3600 6:9</p>	<p><u>9</u> 918 2:3</p> <p><u>A</u> AARP 3:4 5:25 6:1 ability 12:6 able 6:22 action 12:9,14 actually 6:18 adding 7:20 additional 7:21 address 4:10 5:1 6:16 adjourned 11:9 affect 10:22 agenda 9:14 allow 8:25 9:24 allowed 6:25</p>	<p><u>B</u> Bardgett 2:22 5:20 begin 4:5 beginning 4:6 behalf 4:13,19,24 5:12 6:1,14</p>	<p>Coalition 8:24 9:2 Coffman 3:2 6:1,3 collaborative 6:20 Columbia 2:4</p>
<p><u>4</u> 4 8:13 428 3:11</p> <p><u>5</u> 573.424.6779 3:3 573.443.3141 2:4 573.634.2266 2:15 573.634.2500 2:23 573.635.2700 3:12 573.751.4140</p>	<p><u>A</u> AARP 3:4 5:25 6:1 ability 12:6 able 6:22 action 12:9,14 actually 6:18 adding 7:20 additional 7:21 address 4:10 5:1 6:16 adjourned 11:9 affect 10:22 agenda 9:14 allow 8:25 9:24 allowed 6:25</p>	<p><u>B</u> Bardgett 2:22 5:20 begin 4:5 beginning 4:6 behalf 4:13,19,24 5:12 6:1,14</p>	<p>Coalition 8:24 9:2 Coffman 3:2 6:1,3 collaborative 6:20 Columbia 2:4</p>

<p>4:16 Comley 2:14 5:5,7 Commission 1:1 3:7,9 4:20 10:3 Communications 2:16 5:4,6 Company 1:12 2:5,9 4:9,13 concluded 11:10 conference 1:5 4:4 11:8 Consumers 3:4 5:24 6:2 Council 3:4 5:24 6:2 counsel 2:10,12 4:23,25 12:8,12 COURT 1:22 currently 6:25</p> <hr/> <p style="text-align: center;">D</p> <p>d/b/a 1:13 2:5,9 4:13 date 11:2 David 3:11 6:14 deal 7:17 9:13 defer 9:11 definitely 11:3 Department 7:8 described 8:24 Deutsch 2:22 5:21 Diana 6:8 direction 12:7 discussed 10:5 discussion 10:13</p>	<p>DNR 7:5 8:5 DNR's 8:6 Dottheim 3:6 4:18 10:18,19 11:3 due 10:11</p> <hr/> <p style="text-align: center;">E</p> <p>East 2:22 3:11 5:21 effect 10:24 Electric 1:12,15 2:5,9 4:8,13 elements 6:21 else 10:14 employed 12:8,12 employee 12:11 Energy 2:20 5:12 6:11 Engineer's 8:12 enter 6:7 entered 6:15 entries 4:5 entry 5:7 Environment 8:25 9:2 ER-2011-0028 1:14 4:4 everyone 4:3 expect 10:4,24</p> <hr/> <p style="text-align: center;">F</p> <p>File 1:13 filed 7:18,20 8:13 final 8:19 financially 12:13 firm 4:14 5:13 First 7:17 Floor 2:19</p>	<p>5:14 foregoing 12:5 foresee 10:21 Frazier 7:6,7 future 10:3,4</p> <hr/> <p style="text-align: center;">G</p> <p>General's 7:7 Gontard 2:18 5:14 grant 8:1 granted 8:4,10,18 Group 2:20 5:12 7:10,18 Group's 7:23</p> <hr/> <p style="text-align: center;">H</p> <p>haven't 9:25 hearing 7:25 8:9,17 10:11,17 11:10 hearings 11:1 hereby 12:3 He's 6:20 High 2:22 5:21 Holesteck 6:7,8 Honor 4:7,12 6:13 7:6,24 hoping 8:20</p> <hr/> <p style="text-align: center;">I</p> <p>IBEW 8:12 idea 10:20 I'll 7:1,17 8:2 9:23 10:13 I'm 9:4,11 10:7 Inc 2:16 5:6 Increase 1:14 indicated 6:19 7:16 9:19 10:1 initially</p>	<p>7:18 interested 12:13 intervene 6:25 7:1,19,20,23 8:1,5,12,15, 19,23 9:1,8,13 intervener 9:3 intervening 9:9,15 intervention 7:16 8:3,7 involved 6:20 issue 8:2 issued 9:18 it's 9:7</p> <hr/> <p style="text-align: center;">J</p> <p>James 2:2 4:14 Jefferson 1:7 2:11,23 3:8,12 4:21 5:1,8,21 7:9 Jenny 7:6 Jim 6:18,21 John 3:2 6:2 Judge 1:18 4:1,17,22 5:3,9,16,18, 24 6:5,11,17 7:5,10,12,15, 25 8:9,17 9:10 10:17,19,23 11:5 judges 10:6</p> <hr/> <p style="text-align: center;">K</p> <p>Kevin 3:7 4:18</p> <hr/> <p style="text-align: center;">L</p> <p>L.L.P 2:2 lagging 10:8 Langeneckert 2:18 5:11,13 last 9:20</p>
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<p>later 9:13 law 1:18 4:14 5:13 learned 10:6 leave 10:13 Let's 4:1 Lewis 2:2,10 4:15,25 Lisa 2:18 5:12 LLC 1:22 6:9 LLP 4:15 local 10:10 Louis 2:8,19 3:3 4:10 5:15 6:3,9 Lowery 2:2 4:12,14 7:24 8:8</p> <hr/> <p style="text-align:center">M</p> <p>manner 10:22 Mark 2:14 5:7 matter 1:11 9:17 10:9 may 9:7 MEG 5:10 MEUA 3:13 6:14 Midwest 6:11 MIEC 5:16 6:6 Mills 2:10 4:24 5:1 mind 11:4 Missouri 1:2,7 2:4,8,11,19, 20,23,24 3:3,4,7,8,9, 12 4:9,10,14,16 ,20 5:2,8,12,15, 18,22 6:2,3,10,17 7:3,9 8:20,23,24 9:1,6,12 12:3 Monroe 2:15</p>	<p>5:8 morning 4:3 5:11 MORRIS 1:17 Municipal 7:10,18,22</p> <hr/> <p style="text-align:center">N</p> <p>Nancy 1:21 12:2,18 Nathan 3:6 4:19 national 10:25 Natural 7:8 Nebraska 10:21,25 neither 12:8 Newman 2:14 5:7 Ninth 2:3 4:15 none 8:17 nor 12:8,12 North 6:9 note 10:24 nothing 10:17 notice 8:2 NRDC 7:3 8:20,21 9:6,12</p> <hr/> <p style="text-align:center">O</p> <p>object 7:22 8:6 9:9 objection 8:14 9:6 objections 7:25 8:9 October 1:6 8:13 9:24 10:12 Office 2:10,12 4:24 7:7 Okay 5:3 6:17 on-the-record 11:7 Operating</p>	<p>8:12 order 4:1,2 9:14,18 10:12 orders 10:5 otherwise 12:13 outcome 12:14</p> <hr/> <p style="text-align:center">P</p> <p>P.C 2:14 P.O 2:3,11 4:21 5:1 7:8 P.O.Box 3:8 parties 6:24 9:5,19,22,24 10:1 12:9,12 party 9:8,15 path 10:2 PC 5:8 pending 7:1,16 Phoenix 2:18 5:13 phoned 6:19 playing 10:25 please 4:2 point 9:11 portion 6:22 8:22 11:8 position 9:20 positions 9:23,25 preferable 10:2 prehearing 1:5 4:4 11:8 Presiding 1:17 previous 10:12 previously 6:15 probably 9:1,8 problem 8:21 procedural 10:10</p>	<p>proceeding 10:22 12:5,10 PROCEEDINGS 1:4 project 8:24 9:1,9 proposed 10:10 public 1:1 2:10,12 3:7,9 4:20,22,25 10:11 11:1</p> <hr/> <p style="text-align:center">Q</p> <p>questionable 8:22</p> <hr/> <p style="text-align:center">R</p> <p>ready 4:2 recommendatio ns 10:11 record 5:6 8:3 10:15 reduced 12:6 reflect 5:6 REGULATORY 1:18 related 12:8 relative 12:11 Renew 7:3 8:20,23 9:6,12 REPORTED 1:20 REPORTING 1:22 representing 4:8 request 8:14 requested 9:22 requests 7:17 9:16 Resources 7:8 response 5:17 7:4,11,14 8:16 10:16 Retailers</p>
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<p>2:24 5:19,22 Revenues 1:15 Riechard 6:18 RPR 1:21 12:2,18 ruling 9:4,11 Ruth 2:14 5:7</p> <hr/> <p style="text-align: center;"><u>S</u></p> <p>Sandberg 2:18 5:13 schedule 10:10 11:1 Schwarz 2:21 5:20 sent 6:18 September 7:19,21 8:6 Service 1:1,15 3:7,9 4:20 several 9:22 10:1 Silva 1:21 12:2,18 Smith 2:2 4:14 South 2:3 4:15 specifically 6:21 St 2:8,19 3:3 4:10 5:15 6:3,9 staff 3:9 4:17,20 6:21 State 1:2 12:3 Steven 3:6 4:18 Street 2:3,15,22 4:15 5:21 Suite 2:3,15,22 3:11 4:15 6:9 suspending 9:18</p>	<hr/> <p style="text-align: center;"><u>T</u></p> <p>taking 4:5 Tariff 1:13 Tatro 2:7 4:8 terms 10:12 Test 9:17,20 testimony 12:4 Thank 4:7,22 5:9 6:5,13 11:5 that's 6:24 10:8 thereafter 12:6 thereto 12:12 Thompson 3:7 4:19 TIGER 1:22 Tim 2:21 5:20 Tom 2:6 4:7 TRANSCRIPT 1:4 True 9:20 True-Up 9:18,19 Tuxedo 3:2 6:3 typewriting 12:7</p> <hr/> <p style="text-align: center;"><u>U</u></p> <p>Union 1:12 2:5,9 4:8,13 8:13 unions 7:13 Users 6:12</p> <hr/> <p style="text-align: center;"><u>V</u></p> <p>Volume 1:8 von 2:18 5:14</p> <hr/> <p style="text-align: center;"><u>W</u></p> <p>washington 2:19 5:14 Water 6:18 week 9:20</p>	<p>we'll 4:5 6:6 9:13 Wendy 2:7 4:8 we're 4:3 10:15 we've 8:11 whether 10:21 Williams 3:6 4:19 witness 12:4 wondering 10:20 WOODRUFF 1:17 4:1,17,22 5:3,9,16,18, 24 6:5,11,17 7:5,10,12,15 ,25 8:9,17 9:10 10:17,23 11:5 Woodsmall 3:11 6:13,14 written 6:15</p> <hr/> <p style="text-align: center;"><u>Y</u></p> <p>yesterday 6:19</p>
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