

In the Matter of:

**UNION ELECTRIC COMPANY d/b/a AMEREN MISSOURI'S TARIFFS, etc.**

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**ER-2021-0240 AND EO-2021-0241, VOL. I**

*June 22, 2021*

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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Discovery Conference

June 22, 2021

Jefferson City, Missouri (via WebEx)

Volume 1

In The Matter Of Union Electric )  
Company d/b/a Ameren Missouri's )  
Tariffs to Adjust Its Revenues For ) File No. ER-2021-0240  
Electric Service )

In the Matter of Union Electric )  
Company d/b/a Ameren Missouri's )  
Tariffs to Adjust Its Revenues For ) File No. EO-2021-0241  
Natural Gas Service )

MORRIS WOODRUFF, Presiding  
CHIEF REGULATORY LAW JUDGE.

REPORTED BY:  
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P R O C E E D I N G S

JUDGE WOODRUFF: It is 10:02. We're here for a discovery conference in the Ameren electric and gas rate cases ER-2021-0240 and GR-2021-0241. We'll start by taking entries of appearance just so I know which attorneys are here. Since Staff has indicated they have some issues, we'll start with Staff.

Who is here from Staff?

MR. KEEVIL: Yes, Judge. Appearing on behalf of the staff of the Missouri Public Service Commission, Jeff Keevil and Jamie Myers. Our address is P.O. Box 360, Jefferson City, Missouri 65102.

JUDGE WOODRUFF: Thank you. And for Ameren?

MR. LOWERY: Your Honor, Jim Lowery representing Ameren Missouri. (Telephone cut out)-- during the hearing. My address is 3406 Whitney Court, Columbia, Missouri 65203.

COURT REPORTER: That was very difficult to hear, but I know your address.

JUDGE WOODRUFF: Could you get closer to the microphone?

MR. LOWERY: We'll use the mic. Do you want me to go through that again?

JUDGE WOODRUFF: If you would, please.

MR. LOWERY: Jim Lowery, appearing on behalf of Ameren Missouri, 3406 Whitney Court, Columbia, Missouri 65203 and Jermaine Grubbs will also be entering her appearance for the

1 Company.

2 JUDGE WOODRUFF: Thank you. I heard Mr. Poston  
3 here from Public Counsel?

4 MR. POSTON: Yes, Marc Poston for the Office of  
5 the Public Counsel.

6 JUDGE WOODRUFF: All right. Any other attorneys  
7 present?

8 MR. BARRS: Yes, Paul Barrs on behalf of Legal  
9 Services of Eastern Missouri, 4232 Forest Park Avenue,  
10 St. Louis, Missouri 63108.

11 MR. BANKS: Eric Kendall Banks on behalf of  
12 Union Electric Company doing business as Ameren Missouri, 1824  
13 Chouteau Avenue, St. Louis, Missouri 63103.

14 JUDGE WOODRUFF: Anybody else? All right.  
15 Let's go ahead and get started. Mr. Keevil, you indicated that  
16 you filed the indication that you had some disputes with Ameren  
17 over discovery, so I will turn it over to and you can tell me  
18 what your concerns are.

19 MR. LOWERY: Your Honor? I mean --

20 MR. KEEVIL: The current --

21 JUDGE WOODRUFF: I'm sorry. Mr. Keevil, if you  
22 can wait just a moment.

23 MR. LOWERY: I thought I might be able to  
24 suggest some issues that I think will probably dispense with the  
25 need to deal with most of the issues that are on the list.

1 Mr. Keevil --

2 MR. KEEVIL: That's what I was going to say, if  
3 I could go ahead and do that first and you can --

4 MR. LOWERY: Go ahead.

5 MR. KEEVIL: -- correct me if I'm wrong, but  
6 since it is my motion I think that I should go first. Not a  
7 motion, excuse me, statement of discovery concerns.

8 Judge, I think you will be happy to know that  
9 since last Thursday we have received a barrage of responses from  
10 Ameren in response to the DRs. And most of the ones which are  
11 listed on both the gas and electric filings as being completely  
12 unresponded to have now been responded to, so I will go through  
13 the electric.

14 If you look at the thing that I filed for the  
15 electric case the only -- in Paragraph B -- 3(b), where it has  
16 the DRs that have not been -- no response have been received,  
17 3(b) on the electric case of ER-240, the only ones which are  
18 still outstanding 459, 460, and 461.

19 Now, I would also note that most of those have  
20 come in recently enough that we have not, Staff, has not had a  
21 chance to review the responses to see if they are truly  
22 responsive responses or whether they were just, you know,  
23 unresponsive and something filed.

24 I do know that 489, and 492, which we did  
25 receive a response to, are -- we have determined them to not, in

1 our opinion, be responsive. But I think we can probably work  
2 that out with Mr. Lowery later.

3 So that's really, like I said, before 459, and  
4 460 and 461 are the ones that no response has yet been received.

5 On the gas side, the 241 case, Paragraph 3(b),  
6 the only ones that are still -- have received no response to are  
7 239.1, and 294. And again, we haven't had time to determine if  
8 the responses themselves are actually responsive or not, but  
9 239.1 and 294 are the only ones outstanding on Paragraph B on  
10 the gas case.

11 Moving to the ones where insufficient responses  
12 have been provided prior to filing of the statements,  
13 subparagraph (a) of both of the statements, we have -- we have  
14 now received further response on the electric case to Data  
15 Request No. 115, so you can take that one off the list for now.  
16 And on the gas case we received response to the Data Request  
17 235.1, so you can take that one off the list for now. That  
18 does --

19 JUDGE WOODRUFF: Okay.

20 MR. KEEVIL: I'm sorry. Go ahead, Judge.

21 JUDGE WOODRUFF: I was just listening to you.  
22 Go ahead.

23 MR. KEEVIL: I was just going to say that does  
24 leave several still that we've -- we consider to be  
25 nonresponsive, but at least we knocked off several -- Ameren, I

1 should say, knocked off several of the ones that no response had  
2 been received too. The names in Paragraph (c) of both of the  
3 statements that still is outstanding. So nothing to my  
4 knowledge has been accomplished on that one, but -- if you have  
5 a question, Judge, go ahead and ask. That's about all I had for  
6 now.

7 JUDGE WOODRUFF: I was going to turn it over to  
8 Mr. Lowery if he wants to respond.

9 MR. LOWERY: Sure. Thank you, Your Honor. So  
10 459 and 460 that's on subparagraph (b), we objected to those and  
11 I suggest we take those up with -- we have a couple of other  
12 objections that are under Paragraph (a), I suggest we take up.  
13 That is why there are no responses there. I show 461 as having  
14 been responded to, so we just have a difference -- different  
15 information on those and I will just have to check on it, but I  
16 show it as having been responded to. I will have to follow up  
17 on that one.

18 Back on Paragraph (a) -- so 30, 284 and 283 all  
19 deal with the topic of lobbying. And by the way, Judge,  
20 Mr. Keevil and I have been in discussions about all of these. I  
21 think there's one that I surprised was on the list, but  
22 otherwise I recognized them all, starting back last  
23 Wednesday/Thursday. And I think Mr. Lansford, our manager in  
24 accounting and Ms. Ferguson have also been in discussion on some  
25 of these. But on these other ones 30, 284, 283 all relate to



1 issue of lobbying. We've agreed to provide a supplement on 283  
2 that will provide the names. I think that will resolve 30, and  
3 284 as well. We are in the process of supplementing that and I  
4 think it resolves those three.

5 Then 102, I believe that Mr. Lansford and  
6 Ms. Ferguson agreed to do a supplement to that and so that will  
7 resolve that one. We'll skip 104 and 104.1 for a second. Then  
8 248, 283, 284, 446, 447, and 473 also we're in the process of  
9 supplementing all of those and we have had discussions with  
10 Staff. And I think those, once the supplements are submitted,  
11 will be resolved as well.

12 That leaves 104 and 104.1, and 525, and 533 on  
13 that subparagraph (a) list, all of which -- well, 535 and 533 we  
14 provided objections to, which I can address and which we  
15 standby, at least 533 we did.

16 And then 104, 104.1 and 5.5 we think we fully  
17 responded to those. I was going to suggest -- I would like to,  
18 if it pleases the Commission, to take these issues out on A and  
19 B and these objections and then we can talk about this names'  
20 issue that -- employee names' issue that Staff has brought up,  
21 which frankly until 2:30 or 3:00 yesterday afternoon, we had no  
22 idea there was even an issue about it. And you know, that's  
23 fine. There's no requirement that it be brought to our  
24 attention. But we've got two lists of about 70 data requests  
25 where, you know, that have been raised about how we are or are

1 not providing names. We didn't know anything about it.  
2 Frankly, we haven't had an opportunity to parse through it and  
3 understand, you know, where we are or are not on those. But  
4 maybe we could take up a handful objections, I would suggest on  
5 the other ones and then -- and then go back to that if that is  
6 okay.

7 JUDGE WOODRUFF: That sounds good. Acceptable  
8 to you, Mr. Keevil?

9 MR. KEEVIL: Yes. That is fine.

10 JUDGE WOODRUFF: Okay. Let's do the electric  
11 first and we will deal with -- well the ones that objections  
12 have been raised to, let's talk about those first.

13 MR. LOWERY: Yeah. If you want me to go ahead,  
14 I can go ahead, Judge. I'm prepared to talk about that. So on  
15 525 we were asked -- I'm paraphrasing -- but we were asked to  
16 prepare projections of ADIT, accumulated deferred income tax,  
17 impacts related to the Meramec plant for -- I guess for the rest  
18 of 2021 and into 2022, post the true-up date. And we didn't  
19 object to it, but what we said was we don't have those  
20 projections. We have to developed the analysis and data  
21 necessary and there is analysis that has to be done even up  
22 through the true-up because when we filed the case, we had to  
23 come up with the numbers that went into the revenue requirement.

24 What we proposed on Meramec, and I will probably  
25 goof this up a little bit, but essentially we proposed a

1 tracking mechanism. It's going to retire in about a year from  
2 now. We proposed a tracking mechanism. And instead of putting  
3 all of those costs associated with Meramec that are going to go  
4 away in 2022, in the revenue requirement case, we proposed to  
5 defer them and then track them and we would get the actual. And  
6 we would figure out in the next case exactly where we are on  
7 Meramec instead of burdening customers with the full revenue  
8 requirement associated with Meramec in this case since we know  
9 it's going away just a few months after the operation of law  
10 date.

11 So whatever the ADIT ends up being, it will be  
12 what is going to be. When we get to the end of the month or end  
13 of a quarter we can then look back, you know, what the actual  
14 net plant is. You have to know that that plant -- in order to  
15 figure out what date is, otherwise you're just making estimates,  
16 projections. And so whenever it will be, it will be and the  
17 tracker will pick it up. And if the Commission doesn't approve  
18 the tracker, then the issue doesn't even matter because the  
19 whole point is trying to figure out the impact through the  
20 tracker. So if it is not approved, then it won't matter. If it  
21 is approved, the actuals are going to come up and they will be  
22 tracked.

23 Staff has suggested, I think, to us that it's  
24 sort of easy to do and it is not easy to do it at all. You got  
25 to know what the retirements are. You have to know what the

1 additions are. You have to know all of these parameters and  
2 then you have to figure out, develop a -- I think Mr. Lansford  
3 referred to it as a ADIT register for the -- associated with all  
4 of the companies. Then, you have to figure out a way to  
5 allocate Meramec.

6 So you haven't developed information. I don't  
7 think required to develop information that we don't have and so  
8 we think our answer is responsive. And Judge, I don't know if  
9 you maybe want to take these one at a time and then go on to the  
10 next one.

11 JUDGE WOODRUFF: Yeah. I think that would be  
12 best.

13 Mr. Keevil, your response?

14 MR. KEEVIL: Yes. Excuse me. Well, first of  
15 all, as Mr. Lowery said, I don't think they objected to this.  
16 If they did, I don't find the objection. As far as the ADIT  
17 calculation, they've done most of that already in -- Mr. Lowery  
18 said, they've done out through the true-up period is my  
19 understanding. What we have requested is that it be done  
20 through the operation of law date as Mr. Lowery indicated that  
21 Meramec's going away after the operation of law date. So it  
22 will still be around through the operational of law date and we  
23 need to know that in order to develop our position on the  
24 advisability or inadvisabilty of the tracker mechanism self.

25 I know Ms. Ferguson has spoken with the Ameren

1 tax people who do this calculation and they have informed her  
2 that they could do it. It is not a question of whether or not  
3 it can be done or how difficult, because most of those  
4 calculations that Mr. Lowery referred to, they've already done  
5 most of those or they have that information available to use  
6 because they have done it through the true-up date.

7 And so the tax people told Ms. Ferguson that  
8 basically sure, we can do that. And then Mr. Lansford said, no  
9 we are not going to do that. And -- but Ms. Ferguson, you can  
10 correct me if we're wrong. Is that basically how that went  
11 down?

12 MS. FERGUSON: Yes. This is Lisa Ferguson. I  
13 did have a separate income tax meeting with Ameren personnel and  
14 we kind of discussed the ADIT calculation associated with  
15 Meramec. And, you know, just to give you a little bit of  
16 insight, Judge, you know, Ameren calculates estimated taxes on a  
17 quarterly basis including any kind of deferred taxes. And they  
18 kind of shored up that up or trued that up when it is time to  
19 file their tax return. And they typically file their tax return  
20 in September of every year. So I know in and of itself that  
21 what is calculated will not be truly actual. It will end up  
22 being trued up through the true-up mechanism.

23 However, in order to state my position on the  
24 tracking mechanism and having a real idea of what the impact  
25 would be on revenue requirement, I think it is appropriate to

1 have the ADITs through the operation of law date. And when I  
2 met with the personnel they told me that, yes, that was  
3 possible. It would be an estimate, however, you know, based on  
4 the provisions, but it was possible.

5 MR. LOWERY: Your Honor, I'd like to have  
6 Mr. Lansford -- if Ms. Ferguson is going to give her  
7 perspective, I think it's only fair that Mr. Lansford can speak  
8 for himself as to what was and wasn't said and what happened.

9 JUDGE WOODRUFF: Sure. Mr. Lansford, are you  
10 on?

11 MR. LANSFORD: Sure thing, Judge. I would just  
12 -- I would add that when I was responding to Ms. Ferguson's  
13 question, we were responding in the context of part of the  
14 analysis that they would prepare. They would also rely on me  
15 and other people to prepare inputs and -- that they would use in  
16 the calculation. So as Mr. Lowery described, it is a  
17 projection. It is an analysis that we haven't performed to  
18 date. Yeah, I think that is our perspective exactly how  
19 Mr. Lowery described it.

20 JUDGE WOODRUFF: Are you saying that it can be  
21 done, but it would just be an estimate at this point?

22 MR. LANSFORD: We can estimate it. It can be  
23 done. It is possible to estimate this amount.

24 MR. LOWERY: But you know, Judge, all kinds of  
25 things can be done. I mean, Staff -- if Staff wanted to look at

1 projections of net plans and all these things and look at tax  
2 rate, they can do they their own analysis to support their own  
3 case. I don't think that we're required by the discovery rules  
4 to prepare analyses that don't exist whether we object or not.  
5 Sometimes we do object just as a precautionary matter, but  
6 discovery is meant to discover known facts, information and  
7 documents, not for us to conduct an analysis that they want us  
8 conduct from data that we then have to analyze. As Mr. Lansford  
9 said, there are a lot of things that have to happen from  
10 analysis perspective before the tax part can (telephone  
11 interruption) that information. That was the context. Yeah, we  
12 can do it, but what you are leaving out is all of the analysis  
13 that has to take place to even get to that point.

14 MS. FERGUSON: Judge, this is Lisa Ferguson.  
15 Can I add to that?

16 JUDGE WOODRUFF: Sure.

17 MS. FERGUSON: First thing is, is that Ameren  
18 Missouri retains all of the information and data, so it is kind  
19 of hard for me to necessarily ask for all of the information  
20 that I might need to perform my own analysis when they already  
21 have that analysis. And second of all, Meramec is a generating  
22 facility that is very close to retirement. I would assume --  
23 and I guess this is an assumption, but I assume that there  
24 wouldn't be a lot of additions in retirements prior to this  
25 plant being fully decommissioned and retired. I mean, with it

1 retiring at the end of '22, I would think that any type of vast  
2 investment would be considered imprudent. But, you know, based  
3 -- you would have to base that on what was actually spent if  
4 that was the case. So I wouldn't think there would be much  
5 change moving forward on the plant reserve side.

6 MR. LOWERY: The fact that the magnitude -- we  
7 would agree, we would not expect to have a lot of investment  
8 certainly over time as they claim. That does not change the  
9 magnitude of the work that has to be done. You still have to do  
10 the work. There's going to be retirements. There's going to be  
11 additions. But none of that has been analyzed. We don't have  
12 that information prepared today or analyzed, plus, we didn't  
13 have any need to do so.

14 JUDGE WOODRUFF: Okay. Staff could obtain the  
15 raw data? Is that what you are saying Mr. Lowery, and perform  
16 its own analysis --

17 MR. LOWERY: I think that --

18 JUDGE WOODRUFF: -- if they ask the right  
19 questions?

20 MR. LOWERY: -- have to know the information to  
21 ask for and would know how to do the calculation, I would  
22 assume.

23 JUDGE WOODRUFF: Ms. Ferguson, do you have a  
24 response to that?

25 MS. FERGUSON: Well, Judge, I guess I can look



1 at some of these calculations and see all of the components that  
2 are inputs to it and try to ask the correct DRs to get at all of  
3 the information. But it seems to me to be kind of, for lack of  
4 a better word, pointless in asking that when they know what  
5 information is going into their calculation. They're proposing  
6 the tracking mechanism. And if we were to accept their tracking  
7 mechanism, I would like to think that they would be okay with  
8 providing me all of the data I need to see the larger picture.  
9 I don't know if I can necessarily ask the exact right questions  
10 to get the information that is within there. I just -- I can't  
11 give you an answer to that. I can try.

12 JUDGE WOODRUFF: I understand that. I am  
13 concerned that legally I don't believe I can require Ameren to  
14 perform a calculation. I think I can require them to provide  
15 information. I cannot require them to do a study on your behalf  
16 and I don't think that's what you're asking -- that's not really  
17 what you're asking.

18 Mr. Keevil, do you have any response to the idea  
19 of whether ordering Ameren to actually do a study or am I  
20 missing something here?

21 MR. KEEVIL: I guess the thing I am missing,  
22 Judge, is since they've done it the true-up date, I don't know  
23 what addition other than additional calculations to account for  
24 some additional months, I am not sure what additional study is  
25 really required. It would seem to me that the inputs that

1 they've used -- I may be wrong on this, Ms. Ferguson, correct if  
2 I'm wrong -- but it would seem to me that the inputs they have  
3 used for their study up to the point that they've done it would  
4 still apply to the extending this analysis out through the  
5 operation law date. So I am a little confused as to what their  
6 burdensome study, additional study this requires on Ameren's  
7 part.

8 MS. FERGUSON: I agree with you, Mr. Keevil. I  
9 -- that's the thing, is this is the calculation that I would  
10 think that the Company could roll forward. It is not a study.  
11 It is just expanding upon the adjustment and the calculation the  
12 Company has proposed in this case. I mean, yes, there might be  
13 changes in plant reserve, but I would assume, as I said before  
14 that there would not be any large investment in this generating  
15 facility because it is going to be retired. So really, I would  
16 think it would be calculating out the reserve and any kind of  
17 deferred income tax impact associated with that plant reserve.

18 MR. LOWERY: Judge, we disagree with that  
19 entirely. We have to -- we have to look forward into months  
20 that we haven't look at, into the plant records, into our  
21 projects that might be taking place at the plant, and figure out  
22 how that may affect the plant reserve, the plant retirements  
23 etc. We haven't done that. We have to analyze the plant  
24 records. We have to analyze what is expected to happen in the  
25 field over that period of time, and then come up with that

1 analysis and then apply calculation, that you come up with an  
2 ADIT impact and what the ultimate impact is. We only looked at  
3 this through September. We haven't looked at October, November,  
4 December, January, or February. We've not looked at that data.  
5 We have not analyzed it at all. And so you can't just roll it  
6 forward because we didn't even look at the data that you have to  
7 look at in order to come up with this.

8 JUDGE WOODRUFF: Okay. It seems to be a bit of  
9 an impasse on this one. I'm not comfortable in this setting  
10 actually issuing an order to -- Ameren to complete this  
11 analysis. Mr. Keevil, if you believe that a motion to compel is  
12 appropriate in the circumstance, go ahead and make it so that I  
13 have something a little bit more to look at on this. So at this  
14 point we will just move on to the next issue then. It's --

15 MR. LOWERY: 533.

16 JUDGE WOODRUFF: -- 533? Okay.

17 MR. LOWERY: Your Honor, 533, Staff has --

18 MS. LANGE: Judge, wouldn't it proper for  
19 Mr. Keevil to introduce Staff's position on 533?

20 JUDGE WOODRUFF: That would be fine.

21 MR. LOWERY: I didn't know Ms. Lange is still  
22 practicing law.

23 JUDGE WOODRUFF: That's fine. We'll --

24 MS. LANGE: I do practice law, Jim. I am not  
25 appearing today, but I believe it is an informal hearing.

1 JUDGE WOODRUFF: It is informal. Mr. Keevil, if  
2 would like to go, that is fine.

3 MR. KEEVIL: Thank you, Judge. Basically the  
4 way I see this, you need to look at 533 in conjunction with 104  
5 and 104.1 as well, because all three of those DRs are connected.  
6 Excuse me. The information there is frankly -- if you look at  
7 the 104, 104.1 data, in the last rate case there was an  
8 agreement for Ameren to meet with Staff and possibly Public  
9 Counsel. I don't remember right off the top of my head. But to  
10 meet with Staff and -- let me get this language for you. Yes,  
11 it did include OPC. So Ameren shall meet with Staff, OPC and  
12 other interested stakeholders to discuss data collection and  
13 retention policies around voltage level data including, but not  
14 limited to the following. And then there is a list of several  
15 different elements, most of which are related to the voltage of  
16 which the service is delivered. Then there is some service drop  
17 investment information, customer load data information, et  
18 cetera, et cetera.

19 Staff and OPC did meet and came up with an  
20 agreed-upon format for Ameren to collect and retain this data so  
21 that it would be available for Staff's usage in the following  
22 rate case, which is this rate case. However, when  
23 Ms. Kliethermes put in the Data Requests 104, and 104.1, Ameren  
24 basically responded, Well, we met with you, but we don't -- we  
25 didn't keep the data, collect the data according to the way we

1 agreed we were going to. In other words, we don't have it.

2 Well, that is a problem because the data -- the  
3 information is necessary to come up with a rate design class  
4 cost of service for the different voltage levels, which leads  
5 into 533. 533, if each give me just a second here -- I've got  
6 the wrong -- clicked on the wrong thing. Excuse me.

7 The information between the three data requests  
8 -- to be more specific I guess, more formal about it, we believe  
9 it is necessary to classify the distribution accounts into the  
10 customer secondary, primary, and high-voltage classes. And the  
11 reason that is necessary is that you need to -- or those costs  
12 are then allocated to the class -- different customer classes in  
13 different ways. That brings you around to 533, which basically  
14 seeks information regarding how much it would cost to extend  
15 service to various customers at various voltage levels, with  
16 various service drops or customer dedicated portions of the  
17 facility.

18 Ms. Kliethermes, can you explain the customer  
19 dedicated facilities issues?

20 MS. LANGE: Sure. As we understand it, Ameren  
21 has taken the position that there's no such thing as a primary  
22 service drop. And so that all primary facilities Ameren  
23 classifies -- and HB facilities -- Ameren classifies as  
24 allocable to all customer classes and does not exclude a  
25 customer rate portion. So in Mr. Hickman's study -- I'm sorry

1 Mr. Hickman's testimony, he testifies in regard to all the  
2 distribution accounts that he did a minimum study on, that he  
3 developed his minimum study size in conversation with the  
4 distribution department within Ameren Missouri. So DR 533 is  
5 seeking the information to develop the customer-related portion  
6 of Staff's study. DRs 104 and 104.1 are seeking the information  
7 to classify the secondary, primary HB portions of the  
8 distribution study. Those are all things that Mr. Hickman  
9 testifies he did due to conversations with members of the Ameren  
10 distribution department. Rather than depose members of Ameren's  
11 distribution department, we asked DR saying, okay, what is the  
12 minimum network and what is the minimum service that would  
13 require to attach these various customers.

14 Without the DR 533, they have discussions with  
15 Ameren about if they would prefer a different format or a  
16 different set of assumptions. We're happy on DRs 104, and 104.1  
17 to talk about what to do with the not easy classifiable portions  
18 of the distribution plan, which is what we committed to do and  
19 that -- I believe it was June 6th of last year, was when this  
20 discussion we thought was wrapped up.

21 So we are happy to have discussions about how to  
22 resolve that. This is simple information that we have to have  
23 in order to perform the distribution study. And Ameren has  
24 stated in their testimony that they derived that information  
25 through discussions with their Ameren distribution department.

1 MR. LOWERY: Your Honor, if I may (audio cut  
2 out). Let me address 533 and the objection we made to it. I'm  
3 going to ask Ms. Grubbs to address 104 and 104.1 because she was  
4 involved in the stipulation on this issue. She was involved in  
5 the follow-up meeting that were part of the stipulations. But  
6 she has firsthand knowledge that I don't have. And then Steve  
7 Wills is also on the line for us. If I would call him,  
8 Ms. Lange's counterpart, to weigh in on this issue. So I'd like  
9 to get his perspective.

10 But let me address 533. So when Mr. Keevil  
11 brought 533 up with me last week, he more or less said to me,  
12 Well, I mean couldn't we just, you know, you can go to any  
13 lineman out in the field and ask him these -- I mean, the  
14 hypotheticals, he can answer the question. Hit a few buttons on  
15 a computer and answer the question. I spent half an hour with  
16 the distribution engineers yesterday and that supposition is  
17 simply not true.

18 In fact, even parsing through these 30  
19 hypotheticals, it was clear that at the end of the day what  
20 would have to happen is you would have to know specific  
21 parameters, parameters that are not involved, not included in  
22 these hypotheticals. You know, not all -- just because you have  
23 a 20-megawatt customers, not all 20-megawatt customers are  
24 created equal. You don't build the -- don't build the extension  
25 necessarily to serve all 20 megawatts simultaneously. You may

1 go -- I am completely out of my element here, in terms to even  
2 try and explain this. But the hypotheticals leave out things  
3 that they would have to know. Until you have a specific  
4 project, a specific set of variables and facts, you can't sit  
5 down and develop a reasonable cost estimate for what that line  
6 extension is going to be. If we had to do that for 30 different  
7 hypotheticals, which are insufficient anyway to even do it in a  
8 reasonable way, we're talking dozens of hours in engineering  
9 time for somebody to do that. We haven't done the analysis. We  
10 timely objected on that basis. I don't even think we have to  
11 object on the basis, but we did.

12 And so we have not done that analysis. They can  
13 wish we have done the analysis. They could hope that we did the  
14 analysis. But we are not required to do the analysis under the  
15 law and we haven't done it. I'll let Ms. Grubbs address --  
16 there's an implication, I believe, in what Mr. Keevil said that  
17 we haven't complied with the stipulation from the last rate  
18 case. We completely disagree with that and I will let  
19 Ms. Grubbs address that and perhaps we can have Mr. Wills fill  
20 in any blanks.

21 MR. KEEVIL: It is unclear if Ms. Grubbs is  
22 appearing as an attorney or not appearing as an attorney?

23 MR. LOWERY: She is and she did. I entered her  
24 appearance for her.

25 MS. GRUBBS: Thank you all for the opportunity



1 to address this. And as Jim mentioned, we do believe that we  
2 fully complied with our obligations under the stipulation in  
3 ER-2019-0335. At Paragraphs 41B and C, both required us to meet  
4 with Staff to discuss data collection and retention policies and  
5 we did just that. We met with them on April 30th and June 26th.  
6 And out of that we did develop some detailed data collection for  
7 smart energy plant projects moving forward.

8 But the distinction, and it's a very important  
9 one here, is for historical plant for which the detailed  
10 information has just not been retained. So Ms. Lange suggested  
11 that, you know, we agreed to an analysis. What we did and is  
12 cited in the data request itself is, that is a reasonable  
13 approach. It's the type of information that we would look to  
14 compile in reviewing our distribution plant allocators in the  
15 future, but that is going to take a significant amount of review  
16 and effort to assign those. And just as, Your Honor, previously  
17 noted in the discussion of the ADIT issue, you know, we are not  
18 required to perform special analyses just because Staff request  
19 that we do so.

20 What we said is it is not completed to date. We  
21 hope to compile and review information and approve this, but it  
22 is not done now. So we have fully responded to both 104, and  
23 104.1 in this case.

24 MS. LANGE: Since your statement there came off  
25 more of a statement as a fact witness rather than any sort

1 (audio cut out) -- I'm not sure. Can I please respond to that?

2 JUDGE WOODRUFF: Sure. Just to be clear for the  
3 record, no one has been sworn as a witness here.

4 MS. LANGE: Understood.

5 JUDGE WOODRUFF: This is just a conference. Go  
6 ahead.

7 MS. LANGE: I was unclear on what the purpose of  
8 what Ms. Grubbs' statement there was, in that context. So my  
9 recollection of those meetings is that Ameren personnel stated  
10 that there were some plant that were clearly identifiable to a  
11 voltage level. Some plant that were not clearly identifiable to  
12 a single voltage level, but could be associated with one or  
13 more. And some plant that was not identifiable to any voltage  
14 level. And as I recall, the discussion during those meetings  
15 was to have Ameren segregate that plant to the level of detail  
16 that they could, understanding that it would not be complete,  
17 and understanding that going forward with the smart energy plan,  
18 a higher level of detail could be obtained. That is my  
19 recollection of what Ms. Grubbs just described.

20 MR. LOWERY: Your Honor, just clarify --

21 INTERRUPTING SPEAKER: (Audio cut out.)

22 MR. LOWERY: I'm sorry. The capital improvement  
23 plan that we embarked on started in 2019. So we kept record and  
24 did things differently when we -- at that time for that newer --  
25 those newer projects in certain instances, but you know, we're

1 talking about -- we're being asked questions that would go back  
2 in a plant that, you know, was in the ground or in the air for  
3 10, 20, 30, 40 years or whatever, so --

4 MS. LANGE: So --

5 MR. LOWERY: -- when people talk plant, that is  
6 the demarcation that you're getting.

7 MS. LANGE: To clarify though Jim, you did not  
8 provide any information on the smart energy plan investment in  
9 response to DR 104, and 104.1. Correct?

10 MR. LOWERY: We think --

11 INTERRUPTING SPEAKER: -- refer to --

12 MR. LOWERY: -- we --

13 MS. GRUBBS: There was a response to --

14 COURT REPORTER: Okay. This is the court  
15 reporter.

16 MS. LANGE: 242 contained.

17 COURT REPORTER: I need to speak one at a time.

18 JUDGE WOODRUFF: I will reiterate that also.  
19 One at a time or we really confuse the court reporter,  
20 particularly when we are on the telephone like this.

21 UNIDENTIFIED SPEAKER: Did you get that?

22 COURT REPORTER: I did not.

23 JUDGE WOODRUFF: You need to identify who you  
24 are when you're speaking also.

25 MS. LANGE: I apologize. This is Sarah Lange,

1 who Mr. Keevil has referred to as Kliethermes as well.

2 JUDGE WOODRUFF: I was confused with that also.  
3 Sorry.

4 MS. LANGE: Did that response --

5 COURT REPORTER: No, Ms. Lange. It did not.

6 MR. KEEVIL: Okay. Now, Ms. Lange talks.

7 Ms. LANGE: Jermaine, did you indicate that that  
8 response to 242, I believe that you said that you provided that  
9 in lieu of responding smart energy plan to 104, and 104.1. That  
10 response to 242 did not contain continuing property records of  
11 retirement units or asset IDs.

12 MS. GRUBBS: I was just trying to clarify that  
13 we also referred you to 242. In that response and then said  
14 historic information and analysis was not available. I was just  
15 trying to clarify that.

16 MS. LANGE: And I was just clarifying that you  
17 did not respond to 104.1 or 104 with information concerning  
18 smart energy plan and that the smart energy plan information  
19 does not contain the continuing property record information,  
20 which was sought by 104 and 104.1.

21 MR. LOWERY: That is fine. The issue is whether  
22 or not we complied up the stipulation and whether or not we  
23 responded to the questions that were asked in 104 and 104.1.  
24 Our position is that we did. Again, we don't have to go analyze  
25 our plant records in the way Ms. Klie-- excuse me, Ms. Lange

1 wants us to just because she wants us to do it.

2 MS. LANGE: Mr. Lowery, are you stating that you  
3 provided continuing property record information concerning the  
4 smart energy plan expenditures in compliance with 104 and 104.1?

5 MR. LOWERY: I am not here to answer your  
6 questions, Ms. Lange. I'm here to state the Company's position.  
7 We believe we responded fully to 104 and 104.1. You want  
8 information that calls for analysis that we haven't done, our  
9 property records and we don't have to do it.

10 MR. KEEVIL: If you have the property records, I  
11 would certainly think that you have to provide the continuing  
12 property records.

13 MR. LOWERY: Well, if the question is provide  
14 the continuing property record and if we haven't done that in  
15 this case, which I suspect we may have because we usually have  
16 that question, then I suspect we could do that and we would do  
17 that. I don't think that is the real dispute here though. I  
18 think the real dispute is, is that Ms. Lange wants the Company  
19 to manufacture records that don't exist in a way they don't  
20 exist. Has you answer 30 hypotheticals that call for engineers  
21 to sit down piece by piece and do analysis. We don't have all  
22 the variables to do that. That is the issue here.

23 MR. KEEVIL: Well, if that the issue, let's  
24 (audio cut out) as you mentioned the discussion we had last  
25 week. I also mentioned during that discussion that really what

1 we need on 533 is the cost to extend service to varying customer  
2 at various voltage levels and the cost of the customer drops or  
3 customer dedicated portions of the distribution system related  
4 to extensions to serve those customers. What I am hearing you  
5 say is that you don't know how much it would cost to extend  
6 service to serve varying customers at varying voltage levels,  
7 but I can't believe that to be the case. And it seems to me  
8 that there should be some way that you can provide us with the  
9 information that we -- that we need here to do our study of this  
10 without requiring your engineers to do whatever you are claiming  
11 they would be required to do for 40 hours or whatever.

12 So I mean, in terms of providing information  
13 regarding the cost to extend to serve varying customers at  
14 different voltage levels, I mean just that question there, you  
15 -- are you able to answer that or not? I mean --

16 MR. LOWERY: I think I said earlier we are not  
17 able to answer that in a hypothetical situation because it  
18 depends on the particular installation on a particular project  
19 and the variables that go into it. The answer is no, we can't  
20 hypothetically on a blanket basis answer hypotheticals.

21 MR. KEEVIL: So you cannot answer how much it  
22 would cost to extend service to serve a customer at a specific  
23 voltage level?

24 MR. LOWERY: When you're putting in a tractor  
25 supply store, next location or a substations and we have to

1 figure out what is going to extend to that tractor supply you  
2 can go down and do the analysis and figure that out. Yes. But  
3 that is not a hypothetical installation. We can't tell you just  
4 because it is a mile and just because it is X and Y those other  
5 parameters that aren't even included in the hypothetical, we  
6 can't tell you in a blanket matter that's going to cost X  
7 dollars. I asked that question directly of the distribution  
8 engineers yesterday in preparing for this conference. We  
9 haven't done the analysis that you are asking us to do.

10 MS. LANGE: Can there not be relative values  
11 produced? If Hickman testifies that he can talk to a  
12 distribution engineer and that distribution engineer can tell  
13 him the name of the wire that they are going to install, then I  
14 think it is reasonable for us to find out what is the relative  
15 cost within, you know, 20 percent of extending service to a  
16 small residential customer, a large residential customer, a  
17 primary service customer that is very big, a primary service  
18 customer that is medium sized and so on. That is the  
19 information we are seeking and we are happy to work with the  
20 Company to obtain it in whatever format or in whatever level of  
21 detail that can be produced. I've made that clear from the  
22 beginning with Mr. Hickman.

23 MR. LOWERY: All I can say is you are getting  
24 beyond my non-engineering ability. The first I heard about this  
25 issue with last Thursday afternoon. And we are -- the Company

1 always -- and always does go down and try to talk and try to  
2 find compromise on questions that the Staff has. At this point,  
3 I think I said all I can say about it, all the knowledge I have  
4 about it. I know that we cannot answer those questions in that  
5 form. I know we don't have all of the data that I think that  
6 you think that we have. I don't know that we can go further  
7 into a technical conference, Judge, to take any further than  
8 that.

9 JUDGE WOODRUFF: Yeah. I will add also I don't  
10 believe I've actually seen the data requests. Have I,  
11 Mr. Keevil? I don't think they were included with what you  
12 filed?

13 MR. KEEVIL: Yes, they were, Judge. Some of  
14 them -- let's see -- let me figure out which batch they were in.  
15 They were in two different batches. Sorry, wrong -- I am  
16 clicking on the wrong thing. They were the confidential ones  
17 and then there were the public ones. I believe Ms. Lange's were  
18 in the public ones, but I -- do you not have a batch of data  
19 requests attached to the -- whatever you are reading from,  
20 Judge?

21 JUDGE WOODRUFF: I am trying to pull it up on  
22 EFIS as we speak here.

23 MR. KEEVIL: Okay.

24 JUDGE WOODRUFF: What I printed it out earlier,  
25 I did not have it, but maybe I missed something.



1 MS. FERGUSON: Judge, this is Lisa Ferguson. If  
2 I may, this DR is attached to the file that is called Ameren  
3 Missouri Electric Overdue and Insufficient Public dot PDF. It's  
4 -- DR 533 is the very last DR attached to that file.

5 JUDGE WOODRUFF: Okay.

6 MR. LOWERY: Judge, if you would like to see our  
7 objection, I am not sure it is in that file or not. Since we  
8 certainly did not get it in two business days to look at that  
9 statement, I might have missed it, but I do have it here if you  
10 want to see it.

11 MR. KEEVIL: 104 and 104.1 are also in that  
12 attachment, Judge.

13 JUDGE WOODRUFF: Okay. I see it here now.  
14 Yeah, I am looking at the various hypotheticals. Mr. Lowery,  
15 what is your -- what I understand Ms. Lange is looking for is  
16 some sort of comparison between these rather than actual  
17 definite numbers.

18 MR. LOWERY: Well --

19 JUDGE WOODRUFF: A relative --

20 MR. LOWERY: -- please provide an itemized  
21 construction estimate including a detailed list of the specific  
22 materials that will be expected to use for that circumstance,  
23 the current cost of these materials, and expected installation  
24 costs of those materials for very different scenarios.

25 MS. LANGE: I will note that if Mr. Hickman's

1 testimony is accurate, there would be roughly two sets of costs.

2 MR. LOWERY: That's not a question --

3 MS. LANGE: Each scenarios Mr. Hickman testifies  
4 same materials would be used regardless.

5 MR. LOWERY: I'm sure if they find flaws  
6 Mr. Hickman's testimony they could point that out.

7 MS. LANGE: I am just clarifying whether or not  
8 there are 30 different scenarios or whether this -- I'm not  
9 trying to get too far into the merits of the case here, but in  
10 Mr. Hickman's testimony he testifies this is the minimum used.  
11 So if that is the minimum used, I would expect that those  
12 materials would be (audio cut out) the same up to the  
13 high-voltage primary or high-voltage customers. If that is not  
14 the case, that is not the case. If that is the case, that is  
15 the case. It is not a -- you know, it is not intended to be --  
16 it is not intended to be more complicated than it needs to be.  
17 I'll note that in the last case we DR'd for please provide  
18 typical installations for customers on various classes and the  
19 Company said they couldn't do it, that they needed details. So  
20 to object in the last case the details weren't provided and  
21 object in this case that there's too many details, is somewhat  
22 incongruous.

23 MR. LOWERY: Judge, I'm not sure how you want to  
24 proceed. I mean, it seems to me this was first brought up last  
25 Thursday. It is obviously a very complicated technical issue.

1 We timely objected. We -- we're now getting all kinds of  
2 different arguments and facts about different things that  
3 haven't been brought up.

4           Mr. Wills is on the line and indicates he has to  
5 go to another meeting in about seven minutes. If you want to  
6 hear from him -- I'm not pushing him on you, but if you want to  
7 hear his perspective before he has to leave, that's fine.

8 Otherwise, it seems to me that -- we, of course -- are willing  
9 to talk to Staff about this. It was just brought up this last  
10 Thursday. But if we can't resolve it and Staff thinks that  
11 there has been some violation, it seems given the complexity and  
12 the depth of these issues, even though discovery conference  
13 doesn't require a motion to compel and you weigh all these  
14 things out, it seems to me a lot more orderly for all of us,  
15 including you, if that's what we end up doing -- if that's what  
16 we end up having to do.

17           JUDGE WOODRUFF: I would prefer that they should  
18 be able to work this out amongst yourselves. At this point, I  
19 don't really have enough information, like I said previously, to  
20 try and make an intelligent ruling on what exactly these data  
21 requests mean and how they can be responded to or anything to  
22 compel. I guess I will throw back the idea that hopefully you  
23 can work this out.

24           If not, Mr. Keevil, go ahead and file a motion  
25 to compel so that I can give it a more rational response to

1 this. Do you have response to that, Mr. Keevil?

2 MR. KEEVIL: I think I understood what you said,  
3 Judge. I suppose -- I suppose a deposition of the distribution  
4 staff to which Mr. Hickman spoke is always -- always an option.

5 JUDGE WOODRUFF: I suppose.

6 MR. LOWERY: I mean, I can't think off the top  
7 of my head why would have valid objection within reason  
8 obviously, Judge. If they know somebody they wanted to depose  
9 and ask us, we almost 99 percent of the time will schedule it by  
10 agreement. I don't really see a need to, but this is technical  
11 and I -- you know, you can tell I am not an engineer. You can  
12 tell that.

13 JUDGE WOODRUFF: I am certainly not either. All  
14 right. Let's move on then. Mr. Keevil, what else have we got?

15 MR. KEEVIL: Let's see, what's next, 459 --

16 MR. LOWERY: I think --

17 MR. KEEVIL: And electric we've got -- what'd  
18 you say, 459?

19 MR. LOWERY: 459 and 460.

20 MR. KEEVIL: We are -- I'm looking at the  
21 objected to or refused to answer. We've got -- you --

22 MR. LOWERY: There aren't any others on the  
23 Category A, Jeff, that we haven't talked about. You put 459 and  
24 460 in Category B and that was because I think you overlooked  
25 our objection to it and part of it is my fault that I have a

1 typo in my objection letter, but I'd like to address that.

2 Judge, I've got a copy for you as well.

3 JUDGE WOODRUFF: Okay.

4 MR. KEEVIL: Judge, going back to -- I believe  
5 you directed this to me rather than Mr. Lowery. I'm still not  
6 completely clear as to -- because we didn't discuss -- I think  
7 Mr. Lowery just stated that -- I want to get clear on this:  
8 They intend to answer adequately to DRs No. 18 -- excuse me, not  
9 18 -- 30, 283, 284, 102, 248, 446, 447, 473; is that my  
10 understanding, that they have agreed to provide answers to  
11 those?

12 MR. LOWERY: Yes, Judge. That is what I  
13 indicated. We discussed all those with Ms. Ferguson. We are in  
14 the process of supplementing the DRs. There have been specific  
15 understandings reached about what those responses will look  
16 like. We are in the process of doing that on all the ones you  
17 listed. So I think that resolves -- obviously, if you get a  
18 response and you got an issue, you have an issue. But assuming  
19 that you don't, I think that resolves everything in A or we've  
20 talked about everything in A. We've got a couple more resolved  
21 that we raised objections to. But I think we resolved or we  
22 have gone over everything in A. We've gone over everything in B  
23 except for 459 and 460, by my count.

24 MR. KEEVIL: Judge, obviously, I can't address  
25 the adequacy of the responses we haven't received yet in A, so I

1 guess they are what they are. 461, I don't think we have  
2 addressed 461. I don't think that it was objected to, but I  
3 don't think it has been responded to either.

4 MR. LOWERY: I (audio distorted) put on the  
5 record early on in the conference that my records show we have  
6 responded to 461, but I can't (audio cut out) here at this  
7 moment. If we haven't, we will --

8 MS. LANGE: Well --

9 MR. LOWERY: But I believe that we have.

10 MS. FERGUSON: Judge, this is Lisa Ferguson. I  
11 just looked. We don't have anything that's for 461, just so you  
12 know.

13 MR. LOWERY: We show it as published and somehow  
14 it did not happen. That is a minor thing to fix. I will follow  
15 up after the conference.

16 MS. FERGUSON: That's fine.

17 MR. KEEVIL: Let me figure out how this case  
18 works. I mean, the responses to Staff are supposed to be  
19 submitted through EFIS and most of them have been. Most of them  
20 have been, which have been responded to, but I know there have  
21 been some that we've been getting emails from, I guess, your  
22 paralegal or someone that say this is the response to such and  
23 such -- so that's --

24 MR. LOWERY: I am not quarreling with the fact  
25 that that -- absent a situation where it's too big or whatever

1 that we should submit it through EFIS and if we didn't, we will.  
2 It's just -- as far as I know, if is not out there it is an  
3 oversight at this point.

4 MR. KEEVIL: Okay. 489, and 492, had been on  
5 the list of unresponded to and we got those here in the last  
6 couple of days. Like I said, I believe those are at least  
7 partially nonresponsive. If I can find the right thing to click  
8 on, I would do so.

9 MR. LOWERY: I think you indicated earlier that  
10 you thought we would be able to work those out, which I suspect  
11 is probably case. But we -- I haven't had an opportunity to  
12 talk about this because I didn't know there was an issue about  
13 them.

14 MR. KEEVIL: What -- Judge, do want to skip  
15 those or do you want to address those?

16 JUDGE WOODRUFF: Well, it doesn't sound like  
17 there's anything to discuss at this point. You're talking about  
18 the -- the question is whether they were outstanding. Ameren  
19 said they have been provided, but nobody has raised to discuss  
20 them at this --

21 MR. LOWERY: Agreed. We have provided them. I  
22 think they have an issue with the fullness or something of the  
23 answers, but I don't know what that is.

24 JUDGE WOODRUFF: Is that right, Mr. Keevil?

25 MR. KEEVIL: Basically, what Mr. Lowery said was

1 correct. They responded to them, I think, over the weekend in  
2 part but -- I'm sorry. Go ahead, Ms. Lange.

3 MS. LANGE: The responses that were provided to  
4 489 says we can't respond or we won't respond. And the response  
5 to 492 refers to a different DR on a different topic.

6 MR. LOWERY: I cannot respond to their  
7 characterization of our responses.

8 JUDGE WOODRUFF: Okay.

9 MS. LANGE: 489, Jim, is where we asked where the  
10 3.8M dollars switch is located and Ameren responded, We don't  
11 know.

12 MR. LOWERY: I don't even remember the DR.  
13 Again, I can't --

14 JUDGE WOODRUFF: Is there anybody else from  
15 Ameren that can respond to that?

16 MR. LOWERY: I don't think here at the moment --  
17 I mean, we're on the list for having not responded at all. They  
18 have responses. We haven't talked about them.

19 JUDGE WOODRUFF: Okay. Well, let's move on from  
20 those then and just, in general, for both of you and for anybody  
21 else that is listening out there, we are not restricted to  
22 having these monthly conferences. If anybody wants to file a  
23 motion to compel or if you want to have additional conferences,  
24 I am certainly open to that as we go along. The idea is to try  
25 to move discovery along as quickly as possible and get answers



1 out as -- to data requests and so forth as quickly as possible  
2 so that we can be prepared for the hearing. I'm willing to come  
3 back again another day if that is what it takes, and If that  
4 could be helpful.

5 MR. LOWERY: Your Honor, just for a little  
6 perspective, you know, there is fairly extensive list on there,  
7 although we really got down to six or eight that really were at  
8 issue today. We've received in the neighborhood of 1,100 data  
9 requests in two cases so far and many of us have multiple  
10 subparts. I don't want leave the impression that we have all  
11 kinds of major discovery disputes and problems. Obviously, two  
12 cases -- one of the big cases will have discovery. We  
13 understand that, but we talk pretty frequently. Both the  
14 lawyers and the technical staff have worked through a lot of  
15 issues. So I don't want to leave the wrong impression.

16 JUDGE WOODRUFF: I am sure that is the case. I  
17 certainly want to avoid having surrebuttal testimony filed in  
18 this case or any other case that says, well we would liked to  
19 have known this from Ameren but they would not tell us. I want  
20 to be able to make sure that we can responses to data -- proper  
21 data requests as best we can as soon as we can.

22 Mr. Keevil, we had some other electric  
23 indications? Was there anything else you wanted to bring up on  
24 the electric side?

25 MR. KEEVIL: Yeah, 459 and 460, Judge, were

1 questions regarding legislation that Ameren sponsored or had  
2 sponsored in the last legislative session that they don't want  
3 to answer. I'm not exactly sure why, but they did object to  
4 those two. I'm not exactly sure what their objection is to  
5 those DRs.

6 MR. LOWERY: You have the objection in front of  
7 you, Judge, the third or fourth page of --

8 JUDGE WOODRUFF: I assume Mr. Keevil will have  
9 this also.

10 MR. LOWERY: -- May 28th and I have -- I think  
11 Mr. Keevil recognized we objected with the typos for 369 and  
12 360. Those are my fault. But if you look at the file name, you  
13 will see it that 459 and 460 are in the filename. If you look  
14 at the progression of the numerics here, it is pretty obvious  
15 that those are typographical errors. In fact, 359 and 360 we  
16 had already responded to those before these objections. It's on  
17 me that I have a typographical mistake, but I think the context  
18 is very clear that we objected to 459 and 460. I really don't  
19 think that's the issue. I think the issue is the substance of  
20 the objection, which I am happy to address.

21 JUDGE WOODRUFF: Just looking at the data  
22 request, they are looking for House and Senate bill numbers and  
23 detailed description of legislation, legislative history,  
24 modifications, and some other information. Why are you  
25 objecting to this?

1 MR. LOWERY: First of all, I don't know what  
2 relevance it has to this rate case. One of the bills didn't  
3 even pass, the one under 459, but regardless, whatever the bills  
4 provide for or don't provide for and whatever utilization might  
5 be made of the one, the 460 discrimination legislation at some  
6 point in the future, has no impact on the revenue requirement or  
7 any other issue in this case. There's absolutely no relevance  
8 to it at all.

9 Staff can look at the bill number. Staff can  
10 look at the progression of modifications that were proposed by  
11 legislators. Staff can look at the Senate House journal if they  
12 want to see all of the activity about the bills. I don't know  
13 why we are somehow required -- I mean, first of all, it's  
14 irrelevant. But even if this had some relevance, why we would  
15 be required to go do legislative research for them -- I mean, by  
16 the way, we made this orders -- incidentally, Evergy was the  
17 primary behind this scene support of the securitization bill.  
18 Ameren supported it, but we were not the entity who got a  
19 sponsor, which was Senator Cierpiot. I think that's his name --  
20 in the first place.

21 And, you know, another thing I will say about  
22 the securitization bill, I was in the Senate conference from  
23 until one o'clock in the morning one night with Chairman Silvey  
24 and Kate Burton and whatever the legislative person of the  
25 commission. Whatever information they are wanting, is at least

1 equally available to them. I don't think we have any  
2 requirement that we have to do legislative research for them.  
3 That legislation is not relevant. (Audio cut out) set of facts,  
4 and changes in revenue and expense comparative to other proposed  
5 legislation. We're not required to do analysis. I mean, we  
6 haven't done them and we are not required to do them for the  
7 Staff.

8 MR. KEEVIL: Did I hear Mr. Lowery --

9 MR. LOWERY: Not relevant.

10 MR. KEEVIL: -- indicate that information.

11 JUDGE WOODRUFF: One at a time, please.

12 MR. LOWERY: It's not relevant and it calls for  
13 analysis that we haven't done and aren't required to do for  
14 them.

15 JUDGE WOODRUFF: All right. Mr. Keevil?

16 MR. KEEVIL: Well, first of all I think I heard  
17 Mr. Lowery say that Staff is entitled to the information in the  
18 possession of Chairman Silvey and Kim Burton, which, I'm pretty  
19 sure would be -- that Ameren would raise all sorts of objections  
20 if we decided to question Kim Burton or Chairman Silvey  
21 regarding the activities of the legislature even if Mr. Lowery  
22 was in a meeting with them.

23 I find it hard to believe that it is not  
24 possible they have no -- when he said they haven't done certain  
25 analysis or -- what am I trying to say -- projections or

1 whatever the cost of the benefit, I find it difficult to believe  
2 that Ameren would support legislation of which it has no  
3 knowledge of whether the bill is going to even help it or not or  
4 benefit it or not. So they have to have certain analysis of the  
5 impact of these bills, Judge. And as far as legislative  
6 history, I mean they have to have that in their possession. I  
7 find it just almost impossible to believe that they don't have  
8 it.

9 Ms. Ferguson can tell you why it is relevant  
10 specifically.

11 MS. FERGUSON: Well, Judge, this is Lisa  
12 Ferguson. Can I give a little context behind the DRs?

13 JUDGE WOODRUFF: Sure.

14 MS. FERGUSON: Okay. The first DR is to  
15 securitization, you know, part of the reason that I asked it was  
16 Number 1, in this case Ameren Missouri is proposing a two-way  
17 tracking mechanism for the Meramec tracker because of its  
18 retirement. I don't know this for a fact, but I would assume  
19 that one of the reasons that Ameren proposed it was in the off  
20 chance that securitization wasn't passed by the legislation,  
21 which would allow them a way to recoup costs and not have  
22 stranded cost related to those assets. So I was trying to get  
23 it at through this questioning on securitization just to see  
24 what the status of this was, what Ameren was planning to do  
25 regarding securitization, and if it was going to have any impact

1 on this rate case. It wasn't necessarily that I knew that it  
2 wasn't going to have any compact. I was trying to get at what  
3 impact, if any, would be had on this rate case.

4           When it comes to the fiber optic legislation, as  
5 of right now when the session ended this bill was still in  
6 committee and it had no specific date for the legislation to  
7 come back to it. As such, Ameren has recently filed a fiber  
8 optic case with the Commission to have fiber optics wiring laid  
9 partially for its smart energy plan, but also it has excess  
10 capacities that Ameren is wanting to -- well, I guess it is  
11 contracting with other parties to receive revenue for use of  
12 that excess fiber optic cable. And that is a case that is  
13 currently filed with the Commission right now. So in a way, I  
14 was also trying to find out if there was going to be an effect  
15 of the fiber optic legislation or lack thereof on this rate  
16 case.

17           If they believe that they will not have any rate  
18 base for that fiber optic cable prior to or at the true-up  
19 cutoff date, and if they do not believe they will be recording  
20 revenue from use of that fiber optic cable, then I have no  
21 problem with saying that it has no effect on this case, but I do  
22 not know that because it all depends on when that case is  
23 decided by the Commission and when it is constructed. I do know  
24 that they already have a customer that has signed and executed  
25 an agreement to use that fiber optic cable.

1           So Judge, in the end, with that context, that is  
2 what I was asking these questions for, was to see if there was  
3 an effect on this rate case or would be by our true-up cutoff.  
4 Because as the Company has said many times, I am to present my  
5 main rate case in direct, my main position, so I hope that  
6 helps.

7           MR. LOWERY: Judge, can I respond to a couple of  
8 those things?

9           JUDGE WOODRUFF: Sure.

10          MR. LOWERY: On the securitization, the Meramec  
11 tracker that was proposed is to remove depreciation return  
12 et cetera from the rev-- or remove from the revenue requirement,  
13 you know -- rates are -- rates are at least in theory set for  
14 ever. Right. The plant is going to retire fairly early in the  
15 life of this rate. That was the purpose of it. The retirement  
16 -- the depreciable life of Meramec has been set at 2022 for  
17 several years now. It is expected to fully depreciate when it  
18 retires making there be no role for a securitization  
19 legislation, the entire purpose of which is to take a presumably  
20 large under appreciated balance and secure it and recover it in  
21 a different way.

22          The securitization legislation is not even in  
23 front of the government yet, as far as I know, but regardless,  
24 isn't even effective yet, has nothing to do with Meramec. And  
25 that is not the questions asked. You saw the details of the

1 question asked in the -- three-quarters of the questioned they  
2 asked could have been answered -- I could have given the answer  
3 I just gave and I think it would have -- given the context that  
4 Ms. Ferguson just gave, it would told her everything she needs  
5 to know. But the securitization cannot have anything to do with  
6 Meramec, it's going to be fully depreciated when it retires.  
7 You know, you never hit it exactly, but you understand what I  
8 mean. It's materially going to be fully depreciated, so  
9 securitization has nothing to do with it.

10           On the fiber optic, the bill died. Who knows if  
11 the bill will even come back. And the customer that we are  
12 talking about here -- first of all, the fiber that is being laid  
13 that this customer would use some excess fiber optical off of,  
14 it's ground wire 1.67 miles of river crossing with a bond  
15 transmission line that's being put in for the transmission line.  
16 It would be put in whether or not the customer came along or  
17 not. It has some excess capacity and I believe we're expecting  
18 to get \$200,000 of revenue from this additional lease, which  
19 they know from the case. The lease and that revenue is not  
20 going to show up until well after the true-up and I think  
21 probably even after the hearing in this case are taken place.

22           If they want to ask us that question we can tell  
23 them that. But again, that was not the question asked. The  
24 question asked for all these details about the legislative  
25 history. Ms. Ferguson even indicated she knew that it was in



1 committee and didn't come out of committee. So why are they  
2 asking us to go through all of these modifications and (audio  
3 cut out).

4 MS. FERGUSON: Can respond to that, please?

5 JUDGE WOODRUFF: Sure.

6 MS. FERGUSON: I asked that DR prior to the  
7 fiber optic case being filed, so I had no idea that Ameren was  
8 proposing to file this separate case. And I believe the reason  
9 they filed it was because they were not successful in getting  
10 that legislation through.

11 MR. LOWERY: Judge, Ms. Ferguson brought up or  
12 she provided context for why she asked the case, the fiber optic  
13 case that we just filed. If that's not what she meant, that's  
14 fine, but it -- I stand by securitization has nothing to do with  
15 Meramec. It can't because of the nature of the facts regarding  
16 Meramec. Don't ask a bad question. That's not the question  
17 they asked. The one asked a question about revenues from this  
18 -- for \$200,000 of revenues not even annually from this small  
19 fiber deal. We can answer that as well. It is not going to  
20 affect the true-up in this case. It's not even going to be in  
21 place yet.

22 MS. FERGUSON: I think that is blatantly unfair.  
23 As I just said, I did not know about your fiber optic case until  
24 after I asked the DR about fiber optics. And yes, I went and  
25 looked at the status of the legislation because Company objected

1 to responding to my DRs. On securitization, you know, just a  
2 minute ago when we were arguing ADIT Mr. Lowery said there could  
3 be additions in retirement, additional additions in retirement.  
4 So I believe that would create excess depreciation that probably  
5 would not be depreciated by the end of its life if that is true.  
6 I think I have a right to ask about legislation that could very  
7 well affect customer rate.

8 MR. LOWERY: I can assure the bench, that we  
9 will not be using securitization legislation for Meramec under  
10 any circumstances. It's possible if there's some tiny balance  
11 that Meramec left in September 2022. I agree with Ms. Ferguson,  
12 that is possible.

13 JUDGE WOODRUFF: Okay. Well, we've got to DRs  
14 which objection has been filed.

15 Again Mr. Keevil, if Staff believes that the  
16 objections are improper, go ahead and file a written objection  
17 -- or a motion to compel. I'll deal with it.

18 MR. LOWERY: Just to be clear, the way that  
19 Ms. Ferguson indicated what she actually is after, I think we  
20 can provide which she is actually after. So if they want to  
21 talk to us about a more narrowly drawn question to get to the  
22 heart of what she is asking, we would be happy to entertain  
23 that, Judge.

24 JUDGE WOODRUFF: I would certainly encourage  
25 that.

1 Mr. Keevil, anything else for electric?

2 MR. KEEVIL: Just the employee names, Judge.  
3 That's for both gas and electric.

4 JUDGE WOODRUFF: Let's talk about that because I  
5 am not really understanding what the concern is here.

6 Mr. Keevil, what is your concerns about it?

7 MR. KEEVIL: Yeah, well, Judge we are getting  
8 some objections that appear to indicate that Ameren Missouri is  
9 of the opinion that it does not have to provide employee names  
10 simply because they are employee names, that somehow employee  
11 names are immune to discovery, they're super secret and highly  
12 confidential, privileged mega -- and I just want to make -- make  
13 it clear that that's not the case and that Staff has the right  
14 to ask for employee names first of all.

15 Second of all, some objections -- or some DRs,  
16 which sought employee names were objected to while a lot of the  
17 other ones were not objected to. But even in some of the cases  
18 where they were not objected to, the responses did not include  
19 the employee names. And you can see from those lists that are  
20 attached to both the electric and gas that there is really no  
21 consistency as to when they are objected to or when they are not  
22 objected to and when they are responded to or when they are not  
23 responded to.

24 This has been an issue in the past that we've  
25 asked for in the last electric -- excuse me, the last Ameren

1 cases. We obtained employee -- we got the employee names. So I  
2 don't know why in this case this has come up again, but it has  
3 and if Ameren could explain why exactly they believe employee  
4 names are not discoverable, I suppose that could -- or if --  
5 like I said, in some cases they have provided the -- in many  
6 cases they have provided us the name, others they have not. So  
7 I am unclear really as to if employee names are confidential and  
8 privileged from discovery.

9                   If they are conf-- that's another thing, Judge,  
10 I just want to point out: We have no problem with responses  
11 which include employee names being designated as confidential.  
12 We -- you know, we deal with confidential material all the time.  
13 And I don't think there has been any problem with Staff. There  
14 may have had problems with another party divulging some  
15 information, but I don't think there has been any problems at  
16 least with Staff divulging any confidential information. So it  
17 is not that we are not willing to treat the names as  
18 confidential, we are. It just -- somehow Ameren seems to  
19 believe that employee names are not disclosable -- or  
20 discoverable, excuse me.

21                   JUDGE WOODRUFF: Mr. Lowery?

22                   MR. LOWERY: Yeah, so Judge, you know, I  
23 obviously and Ms. Grubbs obviously haven't had an opportunity to  
24 go through this 70 DRs on the list between the two cases to  
25 parse through what happened or what didn't happen or what our

1 position might be or what our concerns might be specifically.  
2 Because we just not had time. We've had four or five business  
3 hours before the conference. The issue was not brought up until  
4 the filing yesterday. I apologize for that, but I have some  
5 limitation about exactly how intelligently I can respond.

6 I will say this: I think part of this is  
7 probably the Company's fault that we have not been consistent in  
8 how we've handled the issue of employee names and we should have  
9 been more consistent and more communicative about what our  
10 concerns are. There are times that we provided DR, which  
11 appropriate and there's other times we should have and there's  
12 probably other times we should have just provided the names  
13 because it didn't implicate the privacy concern, that I'm going  
14 talk about.

15 We need to go back through these and figure out  
16 where the issues are or are not and see if there is some  
17 remediation that needs to be done and we're going to do that,  
18 but we honestly have not had the ability to do it yet. Let me  
19 articulate what I think the concern -- the primary concern.  
20 Some of these DRs -- we just know this sort of from memory  
21 because I do see them all -- some of these DRs they will ask for  
22 names and title and pay and other information. Sometimes we  
23 provide the title and the division. We don't provide the name.  
24 The reason we substitute that when that information is stored on  
25 somebody else's computer system, it creates security and privacy

1 issues.

2                   We don't -- I completely agree with Mr. Keevil.  
3 Staff is very good about dealing with confidential information.  
4 I cannot remember in 20 years, I don't think they ever, you  
5 know, improperly, you know, disclosed confidential information.  
6 This is not an accusation at all or a complaint.

7                   But once these come off of Ameren's computer  
8 system, which -- you know, if you can understand, we pipeline  
9 and a meatpacking, we spent a lot of money and time on cyber  
10 security because of the criminal nature of the business we're  
11 in. We've lost control of that information. And when you put  
12 that employee pay and names and so on together, and if that were  
13 to be hacked or there were to be a breach, identity theft  
14 perpetrators would delve into that kind of information. They  
15 can do a lot of things with it. We would all be surprised what  
16 they could do with it.

17                   So what we're really attempting to -- again, I  
18 don't think we handled as well it we could have or should have.  
19 We probably should have -- probably need to have this  
20 conversation with Staff, but that is the sensitivity. But we  
21 have not been consistent with it, I'll admit that. We need to  
22 clean it up. That's why we're sensitive. I think some people  
23 in the Company are more sensitive and you've got their  
24 responses, and you've got others that haven't been. Again,  
25 that's an internal thing that I think we need to make sure that

1 everybody understands what the issue is and gets at what they  
2 need, but get it in a way that, you know, is the least intrusive  
3 that it can be to the employees and also the least risky with  
4 their information. That's all I can really say today. I am  
5 fumbling around because I don't have a good draft of this DR.

6 JUDGE WOODRUFF: Okay.

7 MR. KEEVIL: I'm sorry, Judge. Go ahead.

8 JUDGE WOODRUFF: Go ahead.

9 MR. KEEVIL: Yeah, I think Mr. Lowery actually  
10 hit on a point there. I mean, even if he is unfamiliar with the  
11 specifics of the DRs. The privacy question there though, the  
12 issue that he raised, I think, has been the problem getting the  
13 information from Ameren on some occasions and not on other  
14 occasions as he mentioned. Regarding the privacy concern  
15 itself, I mean, I don't believe that is a valid reason for  
16 Ameren not to give it to Staff. Because first of all, you know  
17 Ameren gives this information to other governmental agencies,  
18 Labor and Social Security and whoever. So is not like we're the  
19 only people out there with an interest in this information.

20 Secondly, I mean, what they said is basically,  
21 Well, somebody might be able to hack your computer system, PSC,  
22 and because of that we're not going to give Staff the  
23 information in response to data requests. I don't think that is  
24 -- I don't think that's a valid objection to providing the  
25 information. I simply -- I agree that, you know, hacking is a

1 concern these days, but Ameren can be hacked just as well as the  
2 PSC can be hacked. When they're giving this information to  
3 other agencies -- other governmental agencies, I don't think  
4 there is any reason the PSC is more subject to being hacked than  
5 some other governmental agency.

6 As far as the need for the information, that is  
7 where we sometimes have disagreed in the past. But Staff  
8 believes that there is a definite need whenever we ask for this  
9 information, so we can know who was involved and sometimes it is  
10 a payroll question, sometimes it's an authorization question,  
11 who is responsible for what type of issue. But it's -- I think  
12 it all goes back to the privacy concern that Mr. Lowery  
13 mentioned. And again, like -- I feel like President Clinton, I  
14 feel Mr. Lowery's pain but I don't think that is a valid  
15 objection to providing the information. Ms. Ferguson can  
16 address any further issue with Staff's need for names.

17 JUDGE WOODRUFF: I don't question Staff's need  
18 for the names. I don't have any specific information in front  
19 of me at this point it. But I agree that Staff does need to be  
20 able to see names.

21 MR. LOWERY: Your Honor, I -- there are -- there  
22 may be certain instances where we don't see any need, but I --  
23 again, I think -- let's just put it this way: I think if this  
24 issue had been raised with us and we can have a separate  
25 conversation and gone through and figure out what are the



1 concerns and are not, we realize that we haven't been consistent  
2 about this, I think we could've probably before this entire  
3 conversation today, perhaps not, but I think we probably could  
4 have.

5 MR. KEEVIL: I think, Ms. Ferguson and  
6 Mr. Lansford have already discussed this, but I may be -- I may  
7 be wrong on that.

8 MR. LOWERY: Well, I don't -- Mitch, I assume  
9 you're still on the phone. I was not aware of that if that was  
10 the case.

11 MS. FERGUSON: This is Lisa Ferguson. I did not  
12 specifically bring this up to Mitch because, you know, I know  
13 Jim you say that this surprises you, but this has been an issue  
14 that has come up in at least the last two Ameren Missouri rate  
15 cases, one electric and one gas, where we argued for the name  
16 and we were successful on the very eve of a discovery  
17 conference. So I requested that we bring this time to the  
18 discovery conference this time because I want an order from the  
19 Commission that requires it because I am getting kind of  
20 frustrated with having to argue with it for multiple cases now.

21 MR. LOWERY: I'm going to say, you know,  
22 Ms. Ferguson's characterization of the history may or may not be  
23 accurate. I don't think it is accurate as -- and I'm sure she  
24 believes that it is, but I don't think it is as accurate as she  
25 gave. But regardless, this wasn't brought to our attention

1 until yesterday afternoon at about 2:30 in a filing. And I'm  
2 expressing a willingness to work with the staff and see if we  
3 can once and for all come to a combination that makes sense.  
4 And that's really all I can do. I don't think -- I would  
5 suggest, Your Honor, that you aren't really in a position to as  
6 a blank ruling say every time Staff asks for names in every  
7 context or what they're wanting they are entitled to the names  
8 of every employee in the company no matter what. It would have  
9 to depend on the data request, I would think. And that is  
10 really what they're asking for. I don't think it's fair for  
11 such a ruling to be made given that this issue in this case  
12 certainly didn't come until yesterday afternoon.

13 JUDGE WOODRUFF: I don't have any specifics in  
14 front of me at this point. So I am not going to make it by an  
15 order, but I will say that I find it hard to imagine a  
16 circumstance in which Staff would not be entitled to a name of  
17 an employee.

18 MR. LOWERY: Well, there are data requests, Your  
19 Honor, that we provide the job title, the division, etc. And we  
20 -- I can't give you the context of the question, we can't see  
21 any reason why they also need to know that it is Mike Smith in  
22 that position. (Audio cut out) Why they need to know it is Mike  
23 Smith or Tim Jones, but -- you know, I don't have a mastery of  
24 that particular DR that they are -- I can remember the  
25 spreadsheet that was attached to it. I'm not sure that it's

1 necessarily the case that every time they ask for a name it's  
2 appropriate. Probably in many times it is and I think probably  
3 sometimes we have not provided it, it probably is.

4 JUDGE WOODRUFF: Again, I can't imagine a  
5 circumstance in which, just in general, the names of Ameren  
6 employees would not be available to Staff. They may have their  
7 own reason to find out why -- who Mark Smith is and where he is  
8 working. Staff, and Public Counsel also for that matter, has a  
9 great deal of authority to try to obtain information from  
10 regulated utilities. So, like I said, I am not issuing any sort  
11 of order at this point, but I will make that statement.

12 MR. LOWERY: I understand and I appreciate you  
13 telling us that.

14 JUDGE WOODRUFF: And if there are specific  
15 incidents where there is some objection, then we will deal with  
16 that at the time, but -- well, I said my piece on that.

17 Mr. Keevil, anything else on electric side?

18 MR. KEEVIL: Unless I'm missing it, Judge, I  
19 think we've covered everything on the electric side. Ms. Lange  
20 and Ms. Ferguson can correct me if wrong, but I think we've got  
21 everything covered.

22 MS. FERGUSON: Yes.

23 MS. LANGE: I look forward to -- sorry. Go  
24 ahead, Lisa.

25 MS. FERGUSON: I was just going to say, yes, I

1 believe that that's true, Jeff. Go ahead, Sarah.

2 MS. LANGE: I just need to know the timeline on  
3 that 489 and 492 or whatever. I mean, Staff gets one crack at  
4 CCOS and that has to be done, you know, before direct. So this  
5 isn't something that we can resolve in true-up or surrebuttal as  
6 noted by Judge Woodruff.

7 MR. LOWERY: I am expecting that we will hear  
8 from Mr. Keevil about it and we'll talk about it. I can't say  
9 any more than that right now.

10 JUDGE WOODRUFF: Okay. If we need motions to  
11 compel or anything, Mr. Keevil, you know how to do it.

12 MR. KEEVIL: All right.

13 JUDGE WOODRUFF: And I will ask that also in  
14 these rate cases the Commission has delegated me authority to  
15 make rulings without having to take to agenda. So I'll need  
16 your response fairly quickly if I could have something in front  
17 of me today to make an intelligent decision on it.

18 Go ahead Mr. Keevil.

19 MR. KEEVIL: I was going ask do we have the  
20 requirement for a phone conference regarding a specific motion  
21 to compel?

22 JUDGE WOODRUFF: If I recall, that was waived as  
23 part of setting up these conferences.

24 MR. KEEVIL: Okay.

25 JUDGE WOODRUFF: I would say it is not

1 necessary, but certainly if you want to talk with me I will make  
2 myself available.

3 MR. KEEVIL: Sure.

4 JUDGE WOODRUFF: Let's move over to gas.

5 MR. KEEVIL: On the -- again, we got -- since  
6 last Thursday or Friday we have had received responses in  
7 Paragraph B to everything except 239.1 and 294. I don't really  
8 know why we haven't got responses to those other than just time  
9 crunch.

10 MR. LOWERY: Ms. Grubbs is going to address the  
11 gas.

12 JUDGE WOODRUFF: Sure.

13 MR. LOWERY: If that's all right.

14 JUDGE WOODRUFF: All right. Ms. Grubbs?

15 MS. GRUBBS: Yes, thank you. On 239.1 that was  
16 (audio cut out) on the 16th and we are working to get it to  
17 Staff as soon as possible. There's been some emails back and  
18 forth even today, so my hope is tomorrow, but I am still waiting  
19 on that. We will get it to Staff as soon as possible. On 294,  
20 that should be published today. I believe it was due on the  
21 16th. If it has not already been published, it should be later  
22 today.

23 MR. KEEVIL: Okay. They are both coming then.

24 JUDGE WOODRUFF: Okay.

25 MR. KEEVIL: That takes is up to the

1 insufficient response parts. Still got 23, 229, 86, 179, and  
2 195, which we believe to have been insufficient responses. I  
3 can address further. Jermaine, if you -- if guys are planning  
4 to respond to some of those go ahead and let me know.

5 MS. GRUBBS: Well, 229, I believe that that is  
6 -- has been supplemented or responded to in the electric rate  
7 case as a supplement to 113.1. So -- and that deals with cost  
8 incurred for investigating potential acquisition. So we could  
9 go ahead and supplement 229 or just refer over to 113.1. That  
10 just fell through the cracks because we had already supplemented  
11 on the 113 in the electric case.

12 MR. KEEVIL: Judge, my understanding -- yeah,  
13 because I think there's some allocation that you have to do to  
14 it to go from the response on the electric side over to the 229  
15 on the gas side. So you guys would need to supplement your  
16 response in order to take into account whatever allocation it is  
17 is between the gas and electric.

18 MS. FERGUSON: Jermaine, this is Lisa. I guess  
19 I just -- I want to clarify. I see that you have provided me  
20 the test year cost, but I guess my question is was it -- I know  
21 the purchase -- this is confidential, so I'm trying to skirt  
22 around it. I know the interest that you all had, I believe, was  
23 electric only; is that correct? I'm trying to -- I'm trying  
24 to --

25 MS. GRUBBS: I am not sure --

1 MR. LOWERY: Lisa, I don't want to say it either  
2 if it is confidential. You know the -- you know the subject of  
3 the interests. I think they are electric only so -- that  
4 answers your question, doesn't it?

5 MS. FERGUSON: Yes. I just wanted to -- I guess  
6 that is what I wanted to verify was that we wouldn't see any  
7 charges on the electric side. And if that's the case, then  
8 that's fine.

9 MR. LOWERY: I think that has to be the case  
10 given --

11 MS. FERGUSON: Okay. Then I -- if you guys just  
12 want to supplement that way on the gas side, that would be fine.

13 MS. GRUBBS: We can make that happen. On some  
14 of the others, I am not exactly sure what Staff's concern is.  
15 We, you know, learned about this yesterday when they filed their  
16 statement. On 23, I believe we --

17 COURT REPORTER: I'm sorry, that completely cut  
18 out. This the court reporter, Ms. Grubbs. You need to repeat  
19 that, please.

20 MS. GRUBBS: I objected to the extent that it  
21 sought employee names and that issue has been discussed already.  
22 We did provide the information per position, so I'm not exactly  
23 sure what Staff's concern is on this one.

24 MS. FERGUSON: Jermaine, this is Lisa. I think  
25 that basically covers it, is the names. Because you are giving

1 a position and I do see -- I guess when you say base salary,  
2 that is for everything. Correct? Because you have a separation  
3 under that DR of electric and gas, but the base of the salary  
4 you have is under gas. I assume that is in total. Correct?

5 MS. GRUBBS: That is my understanding, yes.

6 MS. FERGUSON: And we replied saying -- I guess  
7 one thing I am looking at is, do you have an electric gas  
8 percentage on this? I see capital. I see lobbying. I see O&M.

9 MS. GRUBBS: Could you repeat your question? Do  
10 we have what?

11 MS. FERGUSON: Do you have an electric gas  
12 percentage split for this DR, because I don't see if you do.

13 MS. GRUBBS: I just show the 5 percent  
14 allocation.

15 MS. FERGUSON: Okay. So the 5 percent is the  
16 gas piece and the 35 percent is the electric piece?

17 MS. GRUBBS: That is my understanding.

18 MS. FERGUSON: Then, yes. I think we are okay  
19 with the exception of the supplement of the name.

20 MS. GRUBBS: The names -- the previous  
21 discussion where we certainly think we are entitled to the names  
22 and Ameren doesn't want to disclose them for privilege of  
23 whatever reason.

24 JUDGE WOODRUFF: Okay. We've had that previous  
25 discussion already.



1 MS. GRUBBS: So go then on Number 86.

2 MR. KEEVIL: Judge, for -- Ms. Grubbs, you are  
3 cutting out terribly. Is there some --

4 MR. LOWERY: (Audio cut out), Judge.

5 MS. GRUBBS: My apologies.

6 MR. KEEVIL: She's cutting in and out, so I  
7 can't even hear her. 86? On 23 or --

8 MS. GRUBBS: I was talking about 86.

9 MR. KEEVIL: -- things are not --

10 MR. GRUBBS: I thought that could be addressed  
11 on --

12 (Ms. Grubbs, Mr. Lowery, and Mr. Keevil talking  
13 simultaneously.)

14 MR. LOWERY: I will say, Judge, that we've  
15 provided the title for that position. There's only one such  
16 position in the entire company, so they know who it is. That  
17 will be an instance of where they don't actually need the name,  
18 but -- but we will provide the name.

19 JUDGE WOODRUFF: Okay.

20 MR. KEEVIL: On 86, I think what Ms. Grubbs was  
21 indicating was the next one. We did not have, again, the name  
22 of each lobbyist being paid and indicate the amounts paid to  
23 each of lobbyist. And also, describe specifically what benefits  
24 Ameren Missouri and its -- after ratepayers received for the  
25 amount identified in the -- that I just read about the

1 lobbyists.

2 MS. GRUBBS: This is Jermaine --

3 MS. FERGUSON: This is Lisa.

4 MS. GRUBBS: -- Grubbs, can you all hear me?

5 JUDGE WOODRUFF: Ms. Ferguson, go ahead. I just  
6 wanted to say that these are companion DRs to the electric DRs  
7 283 and 284 of which Mitch Lansford and I have been discussing.

8 MR. LOWERY: And when we supplement that, it  
9 should solve the issues, so if that's the case -- I know  
10 Ms. Grubbs is having some audio problems, so I thought I'd help  
11 out a little bit.

12 JUDGE WOODRUFF: Okay.

13 MS. GRUBBS: I apologize. Can you hear me now?

14 MR. KEEVIL: Yes.

15 MS. GRUBBS: I apologize.

16 MR. KEEVIL: 179.

17 MS. GRUBBS: So that --

18 MR. KEEVIL: 179. Is this another lobby -- or  
19 employee names, job titles? Is that covered by the companion  
20 DRs, Ms. Ferguson, or is this separate?

21 MS. FERGUSON: I believe this is all under the  
22 same bucket of companion DRs. So as far as I know, I  
23 mean, Mr. Lansford can correct me, but I believe the Company is  
24 committed to giving me a supplemental response for these.

25 MS. GRUBBS: Well, I would clarify at least it

1 explains that no employee is charged for lobbying, so no names  
2 were provided because there were no employees to name.

3 MS. FERGUSON: If that's the case, then it was  
4 my oversight because I tried to make sure that any of those DRs  
5 that you stated as such had been removed from the list. If that  
6 is the case, then that's sufficient.

7 MR. KEEVIL: Okay. One more. Go ahead.

8 MS. GRUBBS: 195?

9 MR. KEEVIL: Yes, 195.

10 MS. GRUBBS: That is the (audio cut out)  
11 service. That was removed from the revenue requirement. So I  
12 am not sure what Staff's concern is on this one either.

13 MS. FERGUSON: Well, I will explain. This is  
14 Lisa again. For any responses that are provided to us that  
15 state that an amount has been removed from the revenue  
16 requirement, you know -- I have to do my due diligence and I  
17 have to ask for the proof in that it has been removed from the  
18 above the line to below the line. So what I would request on  
19 this is that we have the ledger detail. And if we already have  
20 it, please show me where it's at. But we would like the ledger  
21 detail proving the fact that there are certain items that are  
22 below the line and aren't being recovered in revenue  
23 requirement. And that's what I ask on anything that -- the age  
24 range we're not seeking recovery or this has been booked below  
25 the line.

1 MR. KEEVIL: So you need the ledger --

2 MS. GRUBBS: I understood that our responses --  
3 oh, go ahead.

4 MR. LOWERY: Jermaine, you broke up.

5 MS. GRUBBS: I apologize. I thought that the DR  
6 responses to 195 and 266 would address this, but we did not make  
7 that reference in our response to 195, so we can do that. We  
8 can supplement and refer to them -- those.

9 MS. FERGUSON: Yeah, if you don't mind, because  
10 if we are not told where to go look sometimes we may not know  
11 that we have the information already. It depends on similar --  
12 or the same auditor is working an issue, they might be able to  
13 see that. But if a different auditor is working a different  
14 issue and doesn't see it, then they don't know.

15 MS. GRUBBS: Understood. This is one we may be  
16 able to clear up.

17 MR. KEEVIL: So you will supplement that when  
18 Jermaine?

19 MS. GRUBBS: Yes, we can.

20 MR. KEEVIL: Okay. Thanks.

21 MS. GRUBBS: I think that is all I have on my  
22 list that Staff identified yesterday.

23 MR. KEEVIL: Yeah, I think there's -- that is  
24 all I have on the list.

25 JUDGE WOODRUFF: Okay. Well, thank you all very

1 much then. Anything else anybody wants to bring up at this  
2 point?

3 MR. LOWERY: Judge, just a quick question. I am  
4 pretty sure I know the answer. I know Juneteenth kind of came  
5 in there, but the two business-day requirement, do you intend  
6 for that to stick in the future?

7 JUDGE WOODRUFF: Yes. That is very helpful.  
8 Juneteenth, was our public holiday, but nobody was expecting it.

9 MR. LOWERY: Sure.

10 JUDGE WOODRUFF: It screwed up a couple of  
11 things including our agenda.

12 MR. LOWERY: It made it harder for us and for  
13 you --

14 JUDGE WOODRUFF: That is absolutely true.

15 MR. KEEVIL: Mr. Lowery, I will even concede  
16 that. Had it not been for Juneteenth, the holiday popping up,  
17 my filing was otherwise due last Friday instead of this Monday.  
18 I readily concede that. I apologize.

19 MR. LOWERY: I don't believe we were given a  
20 heads up about any of the gas they had issues with in advance,  
21 so that made it a little cumbersome in trying to deal with  
22 because we don't know what the issue is.

23 JUDGE WOODRUFF: And we do have several more of  
24 these scheduled on the schedule, so we're -- as much warning as  
25 possible is appreciated from my end and I am sure all of the

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other parties as well. I realize this is a fluid situation and things keep changing on you.

MR. LOWERY: I appreciate the time, Judge.

JUDGE WOODRUFF: Okay. With that then, we're adjourned. Thank you, everybody.

(OFF THE RECORD.)

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CERTIFICATE OF REPORTER

I, Lisa M. Banks, CCR within and for the State of Missouri, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness 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 deposition 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.



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Lisa M. Banks, CCR No. 1081

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