

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

In the Matter of Union Electric Company)
d/b/a AmerenUE's Tariffs To Increase Its) Case No. ER-2008-0318
Annual Revenues for Electric Service)

**LIST AND ORDER/SCHEDULE OF ISSUES, AND ORDER OF WITNESSES
AND OPENING STATEMENTS**

COMES NOW the Staff of the Missouri Public Service Commission ("Staff") and respectfully states:

1. On April 4, 2008, Union Electric Company d/b/a AmerenUE filed with the Missouri Public Service Commission ("Commission") tariffs seeking a general rate increase in its retail electric rates. On April 7, 2008, the Commission suspended those tariffs to March 1, 2009, and set evidentiary hearings to be held in this case for November 5 through 7, November 10, November 12 through 14, November 17 through 21, and November 24 through 26, 2008. In addition, the Commission, among other things, directed (1) the Staff, the Office of the Public Counsel (OPC), and any intervenors to file, on or before May 7, 2008, a pleading either indicating concurrence in AmerenUE's recommended test year or recommending alternatives to that test year, (2) the Staff, OPC, and any intervenors to file, on or before May 7, 2008, a pleading offering a recommendation concerning a true-up, and (3) ordered the parties to file a proposed procedural schedule on or before June 3, 2008, after the occurrence an early prehearing conference scheduled by the Commission to be held on May 27, 2008, at 10:00 a.m.

2. On May 29, 2008, the Commission adopted a procedural schedule in this case generally as proposed by the parties in a Jointly Proposed Procedural Schedule, Request For Other Procedural Items, And Recommendation For True-Up filed on May 21, 2008, and set the

test year as the 12 months ending March 31, 2008, with a true-up for certain items as of September 30, 2008. *See Order Adopting Procedural Schedule And Establishing Test Year* (“Procedural Order”).

3. On June 16, 2008, AmerenUE filed Supplemental Direct Testimony, as contemplated by the Procedural Order.

4. The May 29, 2008 Procedural Order requires the parties to jointly file a Joint Statement of Issues to be Heard, Order of Issues, List of Witnesses, Order of Witnesses, and Order of Witness Cross-Examination by November 10, 2008. The Staff has requested an extension of this due date to November 12, 2008.

5. Commission Rule 4 CSR 240-2.080(21) provides:

Any list of issues ordered by the commission must contain one (1) or more questions presented for decision, stated in the following form per issue: in three (3) separate sentences, with factual and legal premises, followed by a short question; in no more than seventy-five (75) words; and with enough facts woven in that the commission will understand how the question arises in the case.

(A) The questions must be clear and brief, using the style of the following examples of issue statements, which illustrate the clarity and brevity that the parties should aim for:

1. Example A: The Administrative Procedures Act does not require the same administrative law judge to hear the case and write the final order. ABC Utility Company filed an appeal based on the fact that the administrative law judge who wrote the final order was not the administrative law judge who heard the case. Is it reversible error for one administrative law judge to hear the case and a different administrative law judge to write the final opinion?

2. Example B: For purposes of establishing rates, ABC Utility Company is entitled to include in its costs expenses relating to items that are used or useful in providing services to its customers. ABC Utility Company has spent money to clean up environmental damages resulting from the operation of manufactured-gas plants some 70 to 80 years ago. Should ABC Utility Company be allowed to include these expenses among its costs in establishing its future natural gas rates?

6. The parties are unable to comply with the requirements of Commission Rule 4 CSR 240-2.080(21); however, the Staff has solicited input from all, and obtained input from most, of the parties in preparing the list of issues presented below. Therefore, the Staff requests,

pursuant to 4 CSR 240-2.025, that, for good cause, the Commission waive the requirements of 4 CSR 240-2.080(21).

7. Pursuant to the Procedural Order, the Staff, with input from the other parties, has assembled the required list and order/schedule of issues, and order of witnesses and opening statements. Under the issue headings are one or more questions. The listing of questions below is not necessarily to be considered as an agreement by any party upon the characterization of the question(s) presented by the issue. As a consequence, more than one characterization of the question(s) presented may appear in Statements Of Positions, the proceedings and Briefs. Indeed, in the subsequent filing of Statements Of Positions, proceedings and filings of Briefs, some parties may argue that they are addressing additional questions or may state that they consider a particular question to not be, or to no longer be, before the Commission for decision or to phrase the question differently than appears herein. Effort has been made to be non-argumentative in how questions are phrased. Undersigned counsel does not expect that all parties necessarily agree that that effort has been successful in every instance. No party has been permitted a veto over the content of this document. This “non-binding” listing of issues is not to be construed as impairing any party’s ability to argue about any of these issues or related matters, or to restrict the scope of any party’s response to arguments made by other parties. The Staff is under the impression that the Commission adopted the two separate documents List Of Issues and Statements Of Positions as replacements for Hearing Memorandum because of the amount of argument that came to inhabit Hearing Memorandum and the amount of time that the Staff was spending dealing with arguments and counterarguments from the parties in drafting Hearing Memorandum. At the same time, undersigned counsel wants to be clear that he extends his apologies to all involved including the Commissioners and the Regulatory Law Judge.

Undersigned counsel clearly was belated in his start on this project and the next project, the Statement Of Positions. The Order Of Cross-Examination will be late-filed on November 13, 2008.

8. The Staff has developed the below order/schedule of issues, list of witnesses and order of witnesses based in general on input from the parties, attempting to minimize scheduling conflicts and maximize agreement among the parties. However, the Staff was unable to resolve all scheduling conflicts and, therefore, certain witnesses may testify out of order, and one or more parties may even suggest a different schedule.

9. In several limited instances witnesses are scheduled to provide testimony on particular issues and are also scheduled to provide testimony on other issues later in the hearing. The parties may have reached an understanding, among themselves, that, although an effort will be made to cross-examine those witnesses on later issues at the earliest opportunity, for various reasons, including without limitation counsel preparation, consultant unavailability, insufficient time for counsel preparation and the need to place particular issues in context, no party shall be required to do so or be precluded from later cross-examination of a particular witness on a particular later-scheduled issues because he/she did not cross-examine that witness on all issues encompassed in that witness' testimony at the earliest opportunity.

10. The parties have also reached an understanding, among themselves, that the following witness schedule identifies the earliest date that a particular issue or witness will be expected to be heard or to appear and trial counsel will prepare their cross-examination in reliance upon that schedule. For reasons of trial preparation, neither particular issues nor particular witnesses shall be advanced from the dates specified to an earlier date unless all

parties' counsel are notified and consent to such rescheduling. The parties request that the Commission follow this procedure that the parties have agreed to among themselves.

11. The following are parties in this case: Staff, Union Electric Company d/b/a AmerenUE (“AmerenUE”), Office of the Public Counsel (“OPC”), the State of Missouri (“State”), the Department of Natural Resources (“DNR”), the Missouri Industrial Energy Consumers (“MIEC”)¹, the Missouri Energy Group (“MEG”)², The Commercial Group³ (“TCG”), Noranda Aluminum, Inc. (“Noranda”), Laclede Gas Company, AARP and Consumers Council of Missouri, International Brotherhood of Electrical Workers and International Union of Operating Engineers Locals – AFL-CIO (“Unions”), and Missourians for Safe Energy and Missouri Coalition for the Environment.

Wherefore the Staff files the instant List And Order/Schedule Of Issues, And Order Of Witnesses And Opening Statements.

Respectfully submitted,

/s/Steven Dottheim

Steven Dottheim
Chief Deputy General Counsel
Missouri Bar No. 29149

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-7489 (Telephone)
(573) 751-9285 (Fax)
e-mail: steve.dottheim@psc.mo.gov

¹ Anheuser-Busch Companies, Inc., BioKyowa, Inc., The Boeing Company, Chrysler, Doe Run, Enbridge, Explorer Pipeline, GKN Aerospace, General Motors Corporation, Hussmann Corporation, JW Aluminum, Monsanto, Pfizer, Precoat Metals, Procter & Gamble Company, Nestlé Purina PetCare, Solutia and U.S. Silica Company.

² Barnes-Jewish Hospital, Buzzi Unicem, USA, Inc., and SSM Health Care.

³ JCPenney Corporation, Inc. and Wal-Mart Stores East, LP.

Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 12th day of November 2008.

/s/ Steven Dottheim

REVENUE REQUIREMENT ISSUES RESOLVED BY AMERENUE AND STAFF

The following revenue requirement issues have been resolved between AmerenUE and the Staff⁴:

Callaway Refueling Non-Labor
Normalization of Legal Expenses
Normalization of Environmental Expenses
Property Taxes
Cable Television Revenues
MISO⁵ Transmission Revenues
Allocation of Sales For Resale Rental Revenue
Transmission Expense (MISO Day 1)
Prepaid Insurance
Fuel Additives
Pension/OPEB Expense
Weather Normalization
Normalization for Days

⁴ In each rate case, areas that are not in dispute during the course of the audit of the utility's books and records, or areas which may be in dispute, but the dispute is resolved before the non-utility parties file their direct testimony, do not appear as issues in parties' direct, rebuttal, or surrebuttal cases. Thus, the Commission, and the individual parties other than the party with the dispute that has been resolved with the utility may be unaware of areas for which there may initially have been disputes, but the disputes have been resolved. If a dispute occurs, and the dispute is not resolved until after the party files its direct case, then in those situations the Commission and other parties become aware of the dispute and usually become aware if it is resolved. If the party with the dispute with the utility is the Staff, and the Staff resolves its dispute with the utility after the Staff's direct case has been filed, the resolution of the dispute may involve upward movement in the revenue requirement value of the Staff's case, and on this basis alone, the Commission and the parties become aware of the resolution.

⁵ Midwest Independent Transmission System Operator, Inc. (MISO)

Rate Switching
Annualization of Rate Change
Gross Receipts Tax in Revenues
Billing Units & Contribution Factor
Uncollectible Expense
Miscellaneous Tariff Items
MISO RSG⁶ Revenues
Advertising (non-Power On)
Dues & Donations (non-EEI⁷)
Storm Cost AAO Deferral Amount
Underforecasting Error – Net Fuel Expense – MISO Day Ahead Market
Callaway Unit I Relicense Expense
EEI Dues
Cash Working Capital (CWC)
Overtime Payroll Normalization
Fuel Inventory – Coal
Normalized Non-Labor Storm Costs
Rate Case Expense
Payroll Taxes
Leap Day
Book/Tax Depreciation Ratio
Annualization of Customer Growth
Base and Amortization of Pension and OPEB Trackers
Rebalance of SO₂ Tracker
Union Lump Sum Payment
Insurance Expense and Related Excise Tax
Payroll Annualization
AMS Payroll

The Staff and AmerenUE have agreed to language for the Individual Residential Customer Extension tariff sheet and the Rendering and Payment Program tariff sheet.

⁶ MISO Revenue Sufficiency Guarantee (RSG)

⁷ Edison Electric Institute (EEI)

STATEMENT OF ISSUES TO BE HEARD

The following statements of contested issues are presented to the Commission:

1. **Overview and Policy:** Overview of “cost of service,” and / or what policy considerations, if any, should guide the Commission in deciding this case?

Thomas R. Voss (AmerenUE)
Stephen M. Rackers (Staff)

2. **Return on Equity:** What return on equity should be used in determining revenue requirement?

Roger A. Morin (AmerenUE)
Stephen G. Hill (Staff)
Michael Gorman (MIEC)
Billie Sue LaConte (MEG)

Capital Structure: What capital structure should be used?

Michael G. O’Bryan (AmerenUE)
Stephen G. Hill (Staff)

3. **Vegetation Management and Infrastructure And Repair:**

a. **Vegetation Management:**

- i. What level of vegetation management expense is appropriate for recognition in AmerenUE’s revenue requirement in this case?
- ii. Should AmerenUE’s revenue requirement in this case include a three year amortization of vegetation management expense from January 1, 2008 to June 30, 2008 that is in excess of the \$45 million annual level that was included in AmerenUE’s revenue requirement for Case No. ER-2007-0002?
- iii. Should AmerenUE’s revenue requirement in this case include a three year amortization of vegetation management expense from July 1, 2008 to September 30, 2008 that is in excess of the \$45 million annual level that was included in AmerenUE’s revenue requirement for Case No. ER-2007-0002?
- iv. Should accounting authority be granted for vegetation management expense incurred from October 1, 2008 to February 28, 2009 in excess of the \$45 million annual level that was included in AmerenUE’s revenue requirement for Case No. ER-2007-0002, with this cost being deferred for treatment in AmerenUE’s next rate case?
- v. Should a tracker be implemented for vegetation management expense that exceeds the level of vegetation management expense the Commission

recognizes in AmerenUE's revenue requirement in this case? Should such a tracker be implemented for the one-year period of March 1, 2009 to February 28, 2010?

Richard J. Mark (AmerenUE)
Ronald C. Zdellar (AmerenUE)
Daniel I. Beck (Staff)
Ted Robertson (OPC)

b. Infrastructure Inspection And Repair:

- i. What level of infrastructure inspection and repair expense is appropriate for recognition in AmerenUE's revenue requirement in this case?
- ii. Should AmerenUE's revenue requirement in this case include a three year amortization of infrastructure inspection and repair expense from January 1, 2008 to June 30, 2008?
- iii. Should AmerenUE's revenue requirement in this case include a three year amortization of infrastructure inspection and repair expense from July 1, 2008 to September 30, 2008?
- iv. Should accounting authority be granted for infrastructure inspection and repair expense incurred from October 1, 2008 to February 28, 2009, with these costs being deferred for treatment in AmerenUE's next rate case?
- v. Should a tracker be implemented for infrastructure inspection and repair expense that exceeds the level of infrastructure inspection and repair expense the Commission recognizes in AmerenUE's revenue requirement in this case? Should such a tracker be implemented for the one-year period of March 1, 2009 to February 28, 2010?

Richard J. Mark (AmerenUE)
Ronald C. Zdellar (AmerenUE)
Daniel I. Beck (Staff)

4. **January 13, 2007 Ice Storm Accounting Authority Order (AAO):** In Case No. EU-2008-0141, the Commission authorized AmerenUE an AAO for the extraordinary costs of the January 13, 2007 Ice Storm but deferred to this case the determination of the starting date of the five-year amortization of the deferred costs. What should be the start date of the five year amortization?

Lynn Barnes (AmerenUE)
John P. Cassidy (Staff)

5. **Deferred Income Taxes:** Three items included by AmerenUE in the deferred income tax balance offset to ratebase relating to deductions taken by AmerenUE on prior tax returns may be disallowed by the IRS, but there will not likely be a final IRS ruling before 2011. Should these uncertain tax positions be included or excluded from the determination of AmerenUE's revenue requirement in this case?

Gregory L. Nelson (AmerenUE)
John P. Cassidy (Staff)

6. **Entergy Arkansas Equalization Costs in SO₂ or Other Tracker:** Should AmerenUE be required by the Commission to accumulate in its SO₂ or some other tracker refunds it may prospectively receive relating to the Entergy Equalization costs?

John P. Cassidy (Staff)
Shawn E. Schukar (AmerenUE)

7. **Off-System Sales:**

- a. **Off-System Sales Margin:** What amount of off-system sales margin is appropriate for recognition in AmerenUE's revenue requirement in this case?

Shawn E. Schukar (AmerenUE)
Timothy D. Finnell (AmerenUE)
John Cassidy (Staff)
Michael Rahrer (Staff)
Erin L. Maloney (Staff)
Ryan Kind (OPC)
James R. Dauphinais (MIEC)
Billie Sue LaConte (MEG)

- b. **Natural Gas and Purchased Power / Market Energy Prices:** What are the appropriate natural gas and purchased power / market energy prices to use in this case for purposes of inputs into the production cost models of AmerenUE and the Staff?

Shawn E. Schukar (AmerenUE)
Scott A. Glaeser (AmerenUE)
Erin L. Maloney (Staff)

- c. **Prior Period Taum Sauk Capacity Sales:** Should there be an adjustment to hold customers harmless from the adverse effects of the failure of the Taum Sauk pumped storage unit with regard to foregone capacity sales in prior periods?⁸

Ryan Kind (OPC)
Shawn E. Schukar (AmerenUE)
Stephen M. Rackers (Staff)

- d. **Non-Taum Sauk Capacity Sales:** What level of non-Taum Sauk capacity sales revenues should be included in AmerenUE's off-system sales?

⁸ OPC sought the establishment of Case No. ER-2008-0015, which was consolidated with Case No. ER-2008-0318.

Shawn E. Schukar (AmerenUE)
Stephen M. Rackers (Staff)
Ryan Kind (OPC)

- e. **Taum Sauk Capacity Sales:** What level of Taum Sauk capacity sales revenues should be included in AmerenUE's off-system sales?

Shawn E. Schukar (AmerenUE)
Stephen M. Rackers (Staff)
Ryan Kind (OPC)

- f. **Non-Asset Based Trading Margins:** Should the margins associated with non-asset-based trading of wholesale capacity and energy products be included in the calculation of AmerenUE's Missouri jurisdictional revenue requirement?

Ryan Kind (OPC)
Shawn E. Schukar (AmerenUE)

8. **Fuel Adjustment Clause (FAC):**

- a. **FAC** – Should the Commission approve AmerenUE's proposed fuel adjustment clause, should the Commission approve a FAC with modifications for AmerenUE, or should the Commission reject the authorization of a FAC for AmerenUE.

Martin J. Lyons, Jr. (AmerenUE)
Kenneth Gordon (AmerenUE)
Gary M. Rygh (AmerenUE)
Ajay K. Arora (AmerenUE)
Robert K. Neff (AmerenUE)
Scott A. Glaeser (AmerenUE)
Randall J. Irwin (AmerenUE)
Paul W. Mertens (AmerenUE)
Maurice Brubaker (MIEC)
James R. Dauphinais (MIEC)
Donald E. Johnstone (Noranda)
Martin R. Cohen (State)
Lena Mantle (Staff)
Michael S. Proctor (Staff)
James C. Watkins (Staff)
Ryan Kind (OPC)

- b. **FAC Structure** – If the Commission authorizes a FAC for AmerenUE, what are the proposals of the various parties for fuel and purchased power cost recovery pursuant to a FAC to be adopted for AmerenUE?

- i. AmerenUE proposal - 95% of the difference between actual fuel and purchased power costs, net of off-system sales and the cost included in base rates
- ii. MIEC proposal - 80% / 20%, with an annual limit plus or minus 50 basis points impact
- iii. State proposal - 80% / 20%
- iv. OPC proposal – 50% / 50%

Martin J. Lyons, Jr. (AmerenUE)
Ryan Kind (OPC)
Martin R. Cohen (State)
Maurice Brubaker (MIEC)
Donald E. Johnstone (Noranda)

- c. **FAC Structure – Accumulation periods per year.** If the Commission authorizes a FAC for AmerenUE, should there be four-month accumulation periods (three per year) or six-month accumulation periods (two per year) during which the variations from the base fuel costs are accumulated for later recovery subject to the tracking provisions?

Martin J. Lyons, Jr. (AmerenUE)
James C. Watkins (Staff)
Donald E. Johnstone (Noranda)

- d. **FAC Structure – Length of recovery periods.** If the Commission authorizes a FAC for AmerenUE, should there be twelve-month recovery periods or six-month recovery periods?

Martin J. Lyons, Jr. (AmerenUE)
James C. Watkins (Staff)
Donald E. Johnstone (Noranda)

- e. **FAC Structure – Outage replacement power costs/risk management.** If the Commission authorizes a FAC for AmerenUE, should ratepayers bear the effects of the cost of replacement power in the context of major unit outages?

Donald E. Johnstone (Noranda)
Martin R. Cohen (State)
Martin J. Lyons, Jr. (AmerenUE)

- f. **FAC Structure – Treatment of Taum Sauk.** If the Commission authorizes a FAC for AmerenUE, how should the absence of Taum Sauk generation be treated?

Ryan Kind (OPC)
Marty J. Lyons, Jr. (AmerenUE)

- g. **FAC Structure – Timing of recovery periods.** If the Commission authorizes a FAC for AmerenUE, shall the recovery periods be timed to reduce the number of rate changes within a year?

FAC Structure – Recovery of fuel cost accumulations. If the Commission authorizes a FAC for AmerenUE, should the recovery (or return) of the difference between the base fuel and the actual fuel cost be billed on a calendar or billing month basis?

FAC Structure – Base fuel and purchased power cost. If the Commission authorizes a FAC for AmerenUE, should there be a single annual average base cost or a seasonal average base cost?

FAC Structure – FAC tariff sheet. If the Commission authorizes a FAC for AmerenUE, should the tariffed FAC schedule include the Fuel and Purchased Energy Cost Adjustment(s) currently in effect and a tariff sheet detailing the calculation of the rate?

FAC Content – Costs/Revenues to be included. If the Commission authorizes a FAC for AmerenUE, what costs/revenues should be included in the FAC?

FAC – Additional Information. If the Commission authorizes a FAC for AmerenUE, should AmerenUE be required to submit information in addition to what is required by 4 CSR 240-3.161(5) and (6)? If so, what additional information should AmerenUE be required to provide?

James C. Watkins (Staff)
Marty J. Lyons, Jr. (AmerenUE)

- h. **FAC Heat Rate Tests / Efficiency Tests Requirements.** If the Commission authorizes a FAC for AmerenUE, has AmerenUE met the heat rate tests/efficiency tests minimum filing requirement 4 CSR 240-3.161(2)(P)?

Mark C. Birk (AmerenUE)
Michael E. Taylor (Staff)

9. **Callaway Unit II Combined Construction And Operating License Application (COLA) Costs:** Should or can the costs of the combined construction and operating license application to the Nuclear Regulatory Commission for the prospective Callaway

II unit be recovered in rates by AmerenUE? Can any such recovery proceed without a determination of public convenience and necessity or does AmerenUE intend to rely on the 1975 certificate?

Ajay K. Arora (AmerenUE)
Gary S. Weiss (AmerenUE)
Stephen M. Rackers (Staff)
Ryan Kind (OPC)

10. **MISO⁹ Day 2:** Should AmerenUE recover in cost of service Revenue Sufficiency Guaranty resettlement costs for prior years?

Gary S. Weiss (AmerenUE)
Jeremy Hagemeyer (Staff)

11. **Incentive Compensation and Restricted Stock Compensation / Performance Share Unit Plans:**

- a. **Incentive Compensation:** AmerenUE eliminated from cost of service the Executive Incentive Plan for Officers that is awarded on the basis of earnings per share performance. Should AmerenUE recover the costs of all other incentive compensation programs?
- b. **Restricted Stock Compensation / Performance Share Unit Plans:** Should AmerenUE recover the costs of the Restricted Stock Compensation / Performance Share Unit plans?

Krista G. Bauer (AmerenUE)
Jeremy Hagemeyer (Staff)

12. **Depreciation:** Should depreciation rates for the plant accounts for the Callaway I nuclear generating station be adjusted, based on less than a full depreciation study of all plant accounts, to use the actual book accumulated depreciation reserve amounts, which adjustment would amortize an over accrual of the nuclear depreciation reserve accounts, i.e., the difference between the actual book accumulated depreciation and the theoretical accrued depreciation, on the basis that the Callaway I plant will be relicensed for an additional 20 year term?

William W. Dunkel (OPC)
John F. Wiedmayer (AmerenUE)
Rosella L. Schad (Staff)
Guy C. Gilbert (Staff)

⁹ Midwest Independent Transmission System Operator, Inc. (MISO)

13. **Demand Side Management (DSM):** In Case No. ER-2007-0002, AmerenUE was ordered by the Commission to book the costs of acquiring demand side management resources in a regulatory asset account. Should the Commission require netting of revenues for only demand response programs, or should netting apply to all demand side management resources?

Richard A. Voytas (AmerenUE)
Ryan Kind (OPC)
Henry Warren (Staff)

14. **Low-Income Weatherization Program:** Should AmerenUE provide an additional \$300,000 for funding the current low-income weatherization program for the full amount directed by the Commission in Case No. ER-2007-0002 for the twelve months ended July 5, 2008? Should AmerenUE continue to fund the current low-income weatherization program for the full amount directed by the Commission in Case No. ER-2007-0002 for the twelve months ending July 5, 2009? In what annual amount and from what source of funds, should AmerenUE continue to fund the current low-income weatherization program beyond the Commission's Report and Order in Case No. ER-2007-0002?

Richard J. Mark (AmerenUE)
Laura Wolfe (DNR)
Henry Warren (Staff)

15. **Pure Power Program (Voluntary Green Power Program / Renewable Energy Credits (RECs)):** Should the Commission authorize AmerenUE to continue its Pure Power Program / Voluntary Green Power Program, and if the Commission does so, in what form should the Commission authorize the continuation of the program?

Michael Ensrud (Staff)
William J. Barbieri (AmerenUE)

16. **Union Issues:** The Unions are in support of AmerenUE's proposed rate increase but raise the following issues:

- a. Should AmerenUE be required to expend a substantial portion of the rate increase investing in its employee infrastructure, in general, including recruitment and training, if the Commission has the authority to require AmerenUE to do so;
- b. if the Commission has the authority to require AmerenUE to do so Should AmerenUE be required to fully and permanently staff itself within 3 years for its normal and sustained workload, thereby reducing the need for subcontracting and overtime, if the Commission has the authority to require AmerenUE to do so;
- c. Should AmerenUE be required to be liable for and to ensure the training and certification of its subcontractors, if the Commission has the authority to require AmerenUE to do so; and

- d. Should AmerenUE be required to make good faith efforts to hire locally, both its internal and external workforces, if the Commission has the authority to require AmerenUE to do so?

Michael Datillo (IBEW 1455)
David Desmond (IBEW 2)
Michael Walter (IBEW 1439)
Donald Giljum (IUOE 148)
Mark C. Birk (AmerenUE)
Ronald C. Zdellar (AmerenUE)

- 17. **Hot Weather Safety Program:** Should the Hot Weather Safety Program proposed by AARP be adopted by the Commission?

John G. Howat (AARP)
Richard J. Mark (AmerenUE)

- 18. **Certain Power On and Dollar More Advertising Expense:** Should AmerenUE's advertising expense for certain Power On and Dollar More advertising be recovered in rates?

Richard J. Mark (AmerenUE)
Erin M. Carle (Staff)

- 19. **Class Cost of Service and Rate Design:**

- a. **Class Cost of Service:** How should class revenue responsibility be determined? A number of parties have submitted class cost-of-service studies.
 - i. Should the revenue responsibility of the various customer classes be based in part on the class cost-of-service study results?
 - ii. Should there be an increase or decrease in the revenue responsibility of the various customer classes?
 - iii. If the answer to "ii" above is "yes," what basis should be used to increase or decrease the revenue responsibility of the various classes?

William M. Warwick (AmerenUE)
Maurice Brubaker (MIEC)
David Stowe (MIEC)
Donald E. Johnstone (Noranda)

Richard A. Baudino (TCG)
James C. Watkins (Staff)
David C. Roos (Staff)
Barbara A. Meisenheimer (OPC)
Ryan Kind (OPC)

b. **Rate Design:**

- i. In respect to the class cost-of-service determination, including the class cost-of-service study determination, how should the Commission change the level of the rates of each customer class that it orders in this case?

Wilbon L. Cooper (AmerenUE)
James C. Watkins (Staff)
Ryan Kind (OPC)
Barbara A. Meisenheimer (OPC)
Maurice Brubaker (MIEC)
Robert Mayer (Noranda)
Steve Hodges (Noranda)
Mark Baker (Noranda)
Harvey Cooper (Noranda)
Steve McPheeters (Noranda)
Donald E. Johnstone (Noranda)
Richard A. Baudino (TCG)

**ORDER / SCHEDULE OF ISSUES, LIST OF WITNESSES, AND
ORDER OF WITNESSES:**

Thursday, November 20, 2008

Entries of Appearance
Mark Exhibits
Motions, Outstanding Matters
Opening Statements

Overview and Policy

Thomas R. Voss (AmerenUE)
Stephen M. Rackers (Staff)

Return on Equity and Capital Structure:

Return on Equity

Roger A. Morin (AmerenUE)
Stephen G. Hill (Staff)
Michael Gorman (MIEC)
Billie Sue LaConte (MEG)

Capital Structure:

Michael G. O'Bryan (AmerenUE)
Stephen G. Hill (Staff)

Friday, November 21, 2008

Return on Equity and Capital Structure (cont.)

Start Monday, November 24, 2008 Issues

Monday, November 24, 2008

Pure Power (Voluntary Green Power Program / Renewable Energy Credits (RECs)):

Michael Ensrud (Staff)
William J. Barbieri (AmerenUE)

MISO Day 2:

Gary S. Weiss (AmerenUE)
Jeremy Hagemeyer (Staff)

Depreciation

William W. Dunkel (OPC)
John F. Wiedmayer (AmerenUE)
Rosella L. Schad (Staff)
Guy C. Gilbert (Staff)

Tuesday, November 25, 2008:**Unions:**

Michael Datillo (IBEW 1455)
David Desmond (IBEW 2)
Michael Walter (IBEW 1439)
Donald Giljum (IUOE 148)
Mark C. Birk (AmerenUE)
Ronald C. Zdellar (AmerenUE)

Demand Side Management (DSM):

Richard A. Voytas (AmerenUE)
Ryan Kind (OPC)
Henry Warren (Staff)

Low-Income Weatherization Program:

Richard J. Mark (AmerenUE)
Laura Wolfe (DNR)
Henry Warren (Staff)

Certain Power On and Other Advertising Expense:

Richard J. Mark (AmerenUE)
Erin M. Carle (Staff)

Deferred Income Taxes:

Gregory L. Nelson (AmerenUE)
John P. Cassidy (Staff)

Monday, December 1, 2008

Hot Weather Safety Program:

John G. Howat (AARP)
Richard J. Mark (AmerenUE)

**Callaway Unit II Combined Construction And Operating License Application (COLA)
Costs:**

Ajay K. Arora (AmerenUE)
Gary S. Weiss (AmerenUE)
Stephen M. Rackers (Staff)
Ryan Kind (OPC)

Incentive Compensation and Restricted Stock Compensation:

Krista G. Bauer (AmerenUE)
Jeremy Hagemeyer (Staff)

Vegetation Management and Infrastructure And Repair:

Richard J. Mark (AmerenUE)
Ronald C. Zdellar (AmerenUE)
Daniel I. Beck (Staff)
Ted Robertson (OPC)

Tuesday, December 2, 2008

Vegetation Management and Infrastructure And Repair (cont.)

January 13, 2007 Ice Storm Accounting Authority Order (AAO):

Lynn Barnes (AmerenUE)
John P. Cassidy (Staff)

Off-System Sales:

Off-System Sales Margin:

Shawn E. Schukar (AmerenUE)
Timothy D. Finnell (AmerenUE)
John P. Cassidy (Staff)
Michael Rahrer (Staff)

Erin L. Maloney (Staff)
Ryan Kind (OPC)
James R. Dauphinais (MIEC)
Billie Sue LaConte (MEG)

Natural Gas and Purchased Power / Market Energy Prices:

Shawn E. Schukar (AmerenUE)
Scott A. Glaeser (AmerenUE)
Erin L. Maloney (Staff)

Prior Period Taum Sauk Capacity Sales:

Ryan Kind (OPC)
Shawn E. Schukar (AmerenUE)
Stephen M. Rackers (Staff)

Non-Taum Sauk Capacity Sales:

Shawn E. Schukar (AmerenUE)
Stephen M. Rackers (Staff)
Ryan Kind (OPC)

Taum Sauk Capacity Sales:

Shawn E. Schukar (AmerenUE)
Stephen M. Rackers (Staff)
Ryan Kind (OPC)

Non-Asset Based Trading Margins:

Ryan Kind (OPC)
Shawn E. Schukar (AmerenUE)

Wednesday, December 3, 2008

Off-System Sales (cont.)

Entergy Arkansas Equalization Costs in SO₂ or Other Tracker

John P. Cassidy (Staff)
Shawn E. Schukar (AmerenUE)

Class Cost of Service and Rate Design

Class Cost of Service:

William M. Warwick (AmerenUE)
Maurice Brubaker (MIEC) (Will also be cross-examined on Fuel Adjustment Clause)
David Stowe (MIEC)
Donald E. Johnstone (Noranda)
Richard A. Baudino (TCG)
James C. Watkins (Staff)
David C. Roos (Staff)
Barbara A. Meisenheimer (OPC)
Ryan Kind (OPC)

Rate Design:

Wilbon L. Cooper (AmerenUE)
James C. Watkins (Staff)
Ryan Kind (OPC)
Barbara A. Meisenheimer (OPC)
Maurice Brubaker (MIEC)
Robert Mayer (Noranda)
Steve Hodges (Noranda)
Mark Baker (Noranda)
Harvey Cooper (Noranda)
Steve McPheeters (Noranda)
Donald E. Johnstone (Noranda)
Richard A. Baudino (TCG)

Thursday, December 4, 2008

Class Cost of Service and Rate Design (cont.)

Friday, December 5, 2008

Class Cost of Service and Rate Design (cont.)

Wednesday, December 10, 2008 – Friday December 12, 2008

Fuel Adjustment Clause (FAC)

FAC Proposals

Martin J. Lyons, Jr. (AmerenUE)
Kenneth Gordon (AmerenUE)
Gary M. Rygh (AmerenUE)

Ajay K. Arora (AmerenUE)
Robert K. Neff (AmerenUE)
Scott A. Glaeser (AmerenUE)
Randall J. Irwin (AmerenUE)
Mark C. Birk (AmerenUE)
Paul W. Mertens (AmerenUE)
Maurice Brubaker (MIEC) (Will be cross-examined on December 3, 4, or 5)
James R. Dauphinais (MIEC)
Donald E. Johnstone (Noranda)
Martin R. Cohen (State)
Lena Mantle (Staff)
Michael S. Proctor (Staff)
Michael E. Taylor (Staff)
James C. Watkins (Staff)
Ryan Kind (OPC)

FAC Rate Design

Martin J. Lyons, Jr. (AmerenUE)
Maurice Brubaker (MIEC) (Will be cross-examined on December 3, 4, or 5)
Donald E. Johnstone (Noranda)
James C. Watkins (Staff)

ORDER OF OPENING STATEMENTS

Union Electric Company
Staff
Office of the Public Counsel
State of Missouri
Department of Natural Resources
Missouri Industrial Energy Consumers
Missouri Energy Group
The Commercial Group
Noranda Aluminum, Inc.
AARP/Consumers Council
Unions (IBEW and IOUE – AFL-CIO)
Missourians for Safe Energy and Missouri Coalition for the Environment