

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

In the Matter of the Application of Union Electric)
Company d/b/a Ameren Missouri for an Accounting)
Authority Order to Record and Preserve Net Costs and) **File No. GU-2021-0112**
Revenues Related to COVID-19.)

JOINT PROPOSED PROCEDURAL SCHEDULE

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, on behalf of all parties to this matter,¹ and for their *Joint Proposed Procedural Schedule* in this matter hereby state:

INTRODUCTION

1. Union Electric Company d/b/a Ameren Missouri filed a verified application for an accounting authority order (“AAO”) on October 16, 2020 seeking authority to defer certain COVID-19-related costs (including foregone late and reconnection fee revenues) and savings arising from its gas service operations, as described in its application. On that same date, the Company filed an identical application for an AAO in File No. EU-2021-0027 which seeks authority to defer certain COVID-19-related costs (including foregone late and reconnection fee revenues) and savings arising from its electric service operations, as described in the application in that case.

2. On December 21, 2020, the Commission issued its *Order Directing Staff to File Procedural Schedule*.

¹ Staff, Ameren Missouri, the Office of the Public Counsel (“OPC”), Renew Missouri Advocates d/b/a Renew Missouri (“Renew Missouri”), and the Missouri School Boards Association (“MSBA”).

3. The parties have discussed and have come to the following proposed dates and terms in collaboration. The parties request that the Commission adopt the following procedural schedule:

PROPOSED SCHEDULE

| <u>Activity</u> | <u>Date</u> |
|---|------------------------------|
| Initial Case Filing | October 16, 2020 |
| Company Direct Testimony | February 5, 2021 |
| Non-Company Rebuttal Testimony | April 2, 2021 |
| Surrebuttal and Cross-Surrebuttal Testimony | April 28, 2021 |
| List of Issues, Order of Witnesses And Order of Cross-Examination | April 30, 2021 |
| Discovery Cutoff | May 5, 2021 ² |
| Statement of Positions | May 5, 2021 |
| Evidentiary Hearing | May 12-14, 2021 ³ |
| Initial Briefs | June 4, 2021 |
| Reply Briefs | June 11, 2021 |

² This designates the final day by which to issue new data requests, to request any written discovery, and by which to conduct depositions.

³ See ¶ 6 below for the procedure recommended by all parties for conduct of the evidentiary hearings in both this case and the separate electric COVID-19-related AAO case also filed by Ameren Missouri on October 16, 2020.

PROPOSED PROCEDURES

4. Workpapers prepared in the course of developing a witness' testimony including schedules (whether filed separately or as part of a report) shall not be filed with the Commission but shall be provided to each party within two (2) business days following the filing of the relevant testimony. Workpapers containing confidential information should be marked in compliance with 20 CSR 4240 2.135. Counsel for each party shall undertake to advise other counsel if a sponsored witness has no workpapers associated with a specific piece of testimony. Where workpapers include models, spreadsheets or similar documents originally in a commonly available format, in which inputs or parameters may be changed to observe changes in inputs or outputs, if available in that original format, the party providing the workpapers shall provide this type of information in that original format with formulas intact. Workpapers shall be provided in electronic format by email or on a compact disc or other electronic storage media where appropriate.

5. The parties request that the Commission adopt the following discovery procedures:

a. All parties shall provide copies of testimony including schedules, exhibits and pleadings to other counsel of record by electronic means and in electronic form concurrently with the filing of such testimony, exhibits or pleadings where the information is available in electronic format. Parties are not

required to put information that does not exist in electronic format into electronic format for purposes of exchange.

b. Parties shall treat all confidential information with the appropriate designation and comply with all provisions of 20 CSR 4240 2.135.

c. Data requests (DR) issued to or by Staff shall be submitted and responded to in the Commission's Electronic Filing and Information System (EFIS). If this is not feasible, Staff shall be contacted to arrange an appropriate alternative. Counsel for each party shall receive electronically from each party serving a DR, an electronic copy of the text of the "description" of that data request contemporaneously with service of the data request. Regarding Staff-issued DRs, if the description contains confidential information, or is voluminous, a hyperlink to the EFIS record of that DR shall be considered a sufficient copy. If a party desires a copy of the responses to DRs served on another party, the party desiring a copy must request that copy from the party responding to that DR. DRs shall be emailed to counsel for the other parties to this matter. Counsel may designate other personnel to be added to a service list for DRs, but shall assume the responsibility for enforcing such a request and ensuring the preservation of confidentiality. In the case of Ameren Missouri data request responses, Ameren Missouri shall post its data request responses on its Caseworks Extranet site and notify counsel for the requesting party of such posting electronically; however, in the case of responses to data requests Staff issues, Ameren Missouri shall also submit the responses to Staff data requests in

EFIS, if feasible, or in electronic format on compact disc or by other means agreed to by Staff counsel, if infeasible.

d. Discovery disputes should be handled in accordance with 20 CSR 4240-2.090.8. The parties commit to resolve discovery disputes without Commission intervention to the extent possible.

e. Data request responses containing models, spreadsheets or similar documents originally in a commonly available format, in which inputs or parameters may be changed to observe changes in inputs or outputs, as discussed above should be provided in their original format with formulas intact.

f. Documents filed in EFIS shall be considered properly served by serving the same on counsel of record for all parties via email.

6. This case shall retain its identity separate and apart from the case pending in File No. EU-2021-0027, and the parties agree that the Commission should make independent determinations respecting the propriety of granting an AAO and the terms of such AAO, if one is to be granted in File No. EU-2021-0027 and/or File No. GU-2021-0112. To avoid duplicative presentation and cross-examination, to increase the efficiency of the hearing process, and to otherwise conserve Commission and party resources, the parties propose that the evidentiary hearings in this case be held simultaneously with the evidentiary hearings in File No. EU-2021-0027 using the following procedures:

a. The docket will be called in both cases at the commencement of the hearings and transcribed by the court reporter in one transcript;

b. Each party to each docket shall provide a separate exhibit list to the Presiding Officer and the other parties by May 5, 2021. Said exhibit lists shall list all pre-filed exhibits, with the following exhibit numbers reserved for each party:

- i. Staff Nos. G1 – G100
- ii. Ameren Missouri Nos. G101 – G200
- iii. Public Counsel Nos. G201 – G300
- iv. Renew Missouri Nos. G501 – G600
- v. MSBA Nos. G701 – G800

If a party desires to offer a single exhibit in both cases such exhibit must be marked for identification with separate exhibit numbers and offered in each case. Counsel for any party in a case in which such an exhibit is offered shall be entitled to lodge objections to the exhibit's admission, which shall be ruled on separately in each case by the Presiding Officer.

c. If a party is a party to both this case and the case pending in File No. EU-2021-0027, that party shall give one opening statement that clearly delineates its position in each case.

d. Witnesses filing testimony in both this case and the case pending in File No. EU-2021-0027 shall file separate testimonies in each case and shall be cross-examined on both their testimony in this case and in File No. EU-2021-0027 when they take the witness stand. Counsel for all parties in both cases shall have the right to conduct cross-examination and to lodge objections during such examinations.

e. Witnesses filing testimony in this case only shall only be cross-examined by counsel for parties to this case, and only such counsel may lodge objections during such examinations.

f. Parties who are parties to both this case and File No. EU-2021-0027 shall prepare one initial and reply brief and file the same in each case. Said briefs shall clearly delineate any differences in a party's position on issues common to both cases, including a clear delineation of evidence regarding costs and savings that are the subject of the AAO applications between each case.

DISCUSSION OF PROPOSED PROCEDURES

7. In proposing the above-listed Proposed Procedures, the parties have conferred and are mindful of the Commission's November 18, 2020 *Order Denying Motions for Consolidation* and believe the Proposed Procedures address the concerns expressed in that order regarding a full consolidation of both cases.

8. While it is true that Union Electric Company d/b/a Ameren Missouri operates distinct utilities in terms of their ratemaking (and, in some respects, in terms of the Commission's general regulatory oversight), the same legal entity owns and operates both utilities using common employees, systems, and in most respects, common procedures and policies (e.g., exposure risk mitigation, cleaning, and protective equipment procedures and policies). From an accounting perspective as it pertains to ratemaking for each utility, certain non-capital costs, including costs (or savings) at issue in both this case and File No. EU-2021-0027, relate to a single contract, vendor invoice, or charge that is allocated between gas

and electric. Consequently, while the nature of some of each utility's costs differ, and the level of such costs differ (based upon the allocations described earlier), most of each utility's costs (and of savings that are the subject of both AAO applications) are of the same nature.

9. Given these facts and recognizing that entirely separate testimony will be prefiled by the Company and responded to by the parties, there are significant efficiencies to be gained by the Commission and the parties from holding simultaneous hearings in these cases and in the submission of combined briefs. The Company's prefiled testimonies will specifically outline and support the costs and savings arising from each of the Company's electric and gas businesses and will do so separately for each. The non-Company parties' prefiled testimony in each case can then separately and specifically address both the electric and gas case facts and issues separately. However, there will be significant overlap in the pre-filed testimonies (Company and non-Company) and other relevant evidence adduced during the hearings in each case. It is also highly likely that the witnesses in each case will be identical for each party who is a party to both cases. If hearings were held sequentially instead of simultaneously, the second set of hearings would of necessity consist of a large amount of repetitious and duplicative presentation in opening statements, cross-examination, exhibits, and pertinent argument. This would likely mean that instead of completing the hearings in both cases in two or perhaps three days, total hearing time across both cases would likely need to be increased by up to an additional two days. Separate briefs would also contain

substantial repetition, necessitating duplication by the parties and there would then be a need for the Commission to read, review, and analyze significantly more material than if single initial and single reply briefs covering both cases are submitted.

10. In summary, the parties, having conferred on the most effective and efficient means of resolving both this case and File No. EU-2021-0027, respectfully suggest to the Commission that the concerns it expressed when it denied a formal consolidation of both cases can be, and are, fully addressed by the procedures outlined in ¶ 6 above. The parties further respectfully suggest that by adopting those procedures, the Commission can both ensure that it has a clear record in each case upon which to make a proper independent decision in each case, while also substantially reducing the commitment of Commission and party time and resources necessary to complete the processing of this case and File No. EU-2021-0027.

WHEREFORE, Staff prays that the Commission will adopt the Proposed Schedule and Proposed Procedures and grant such other and further relief as the Commission considers just in the circumstances.

Respectfully submitted,

/s/ Karen E. Bretz

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been electronically mailed to all counsel of record on this 15th day of January, 2021.

/s/ Karen E. Bretz