

In the Matter of:

**UNION ELECTRIC COMPANY d/b/a AMEREN MISSOURI's TARIFFS TO ADJUST, etc.**

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**ER-2021-0240; GR-2021-0241, VOL. III**

*August 24, 2021*

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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Discovery Conference

HEARING VIA WEBEX

AUGUST 24, 2021

JEFFERSON CITY, MISSOURI

Volume 3

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

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

MORRIS WOODRUFF, Presiding

CHIEF REGULATORY LAW JUDGE

REPORTED BY:  
Cynthia P. Lakin, CCR No. 323  
TIGER COURT REPORTING

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1 P R O C E E D I N G S

2 JUDGE WOODRUFF: If Staff wants  
3 to go first explaining where we're at.

4 Let me take entries of  
5 appearance from the people here first. First  
6 of all who is representing Staff?

7 MR. STOKES: My name is Curt  
8 Stokes on behalf of Staff. That's C-U-R-T  
9 S-T-O-K-E-S. My address is 200 Madison  
10 Street, Jefferson City, Missouri, 65101.

11 JUDGE WOODRUFF: Okay. And for  
12 Ameren?

13 MR. LOWERY: Good morning,  
14 Judge. Jim Lowery representing Ameren  
15 Missouri. My information is in the docket.

16 JUDGE WOODRUFF: Any other  
17 attorneys here representing parties?

18 MR. POSTON: Yeah, Judge. Marc  
19 Poston for Office of Public Counsel.

20 JUDGE WOODRUFF: Mr. Barrs, are  
21 you representing Legal Services in this case?

22 MR. BARRS: Yes, I am, as an  
23 intervenor.

24 JUDGE WOODRUFF: Any other  
25 attorneys?

1 All right. Well then,  
2 Mr. Stokes, why don't you explain what's  
3 going on from Staff's perspective.

4 MR. STOKES: Yeah. Well, just to  
5 begin with like I said in the status at the  
6 beginning of our statement in discovery I  
7 don't want to leave your or the Commission  
8 with the impression that discovery has been  
9 horrible in this case.

10 You know, we have issues, a great  
11 many DRs, and there have been a lot of  
12 responses and for those Staff is  
13 appreciative.

14 Staff does, though, have serious  
15 concerns about some targeted discovery that  
16 we really need answers to, and we need them  
17 soon. We have cost of service coming up due  
18 September 3rd, I believe, or September 4th,  
19 and Staff's last cost of service two weeks  
20 after that.

21 And again as indicated in our  
22 statement, some of our discovery requests  
23 involve detailed information, but there has  
24 been a -- what looks like it might be a  
25 pattern on behalf of Ameren to object to a

1 large number of DRs as overly burdensome.

2 Our concern there is that, you  
3 know, under Missouri rules which, you know,  
4 in Commission cases we get discovery under  
5 the same manner and condition as civil cases.  
6 There is a five factor test for whether a  
7 discovery request is burdensome. And as  
8 indicated all, you know, all five factors  
9 weigh in favor in this case with more  
10 detailed discovery.

11 You know, the importance of the  
12 issues at stake, you know, we have a time  
13 limit on rate cases, so we need that  
14 discovery. It is our only chance to set  
15 just and reasonable rates and then a general  
16 rate case. So this is where the Commission  
17 considers all factors in setting those rates.

18 The second factor is the amount  
19 in controversy. Ameren is seeking an annual  
20 revenue requirement here of \$3.2 billion  
21 (sic). That's an annual increase of almost  
22 300 million per year. And so the amount in  
23 controversy certainly weights in favor of  
24 more detailed discovery because there are a  
25 lot of major issues to consider.

1           The third factor is the party's  
2 relative access to relevant information. And  
3 here Ameren is holding the information that  
4 we need that's relevant.

5           An example is, you know,  
6 information about their Smart Energy Plan and  
7 how, you know, how they're spending that  
8 2.2 billion and how they're weighing the  
9 projects and prioritizing the projects.

10           The fourth factor is the  
11 party's resources. And again, Ameren has,  
12 you know, thousands of employees, they've got  
13 billions in revenue. They just need to  
14 prioritize making discovery in this rate case  
15 so Staff can do its function and review the  
16 evidence for -- in setting just and  
17 reasonable rates.

18           So that's the last factor  
19 though, the fifth factor, the importance of  
20 discovery in resolving issues, and that's  
21 where we'll get into more details later  
22 today.

23           The DRs that Staff is asking,  
24 they are important and, you know, we brought  
25 the ones that, you know, we really need

1 answers to to keep the case moving forward in  
2 a, you know, a predictable and, you know,  
3 non-chaotic manner so that we're not  
4 including information and rebuttal or  
5 surrebuttal, but we really want to get, you  
6 know, the facts in as soon as possible so  
7 that we can get it in testimony and, you  
8 know, fully vet all that information.

9           So that brings us to our first  
10 test of discovery, which there is seven DRs  
11 related to Ameren's \$2.2 billion Smart Energy  
12 Plan. And the first two, DRs 611 and 612,  
13 ask about the cost-benefit analyses that  
14 Ameren used in spending that \$2.2 billion in  
15 its Smart Energy Plan.

16           And Ameren's response is  
17 attached in attachment one -- I'm sorry,  
18 attachment two, pages five and six. And you  
19 know, despite, you know, in the last  
20 discovery conference there was some  
21 statements by Ameren that, you know, the  
22 level of detail they needed to respond so 611  
23 and 612 is they needed more time.

24           And attachment two, page --  
25 pages eight and nine shows their response.



1 And their response was not to produce the  
2 cost-benefit analysis, just a generic three  
3 paragraphs that generally purported to  
4 describe what their cost-benefit analysis  
5 process was.

6 And so Staff's first concern  
7 here is those DR 611 and 612, we really need  
8 the cost-benefit analyses that Ameren used in  
9 spending its 2.2 billion Smart Energy Plan.

10 JUDGE WOODRUFF: All right.  
11 Let's go over to Mr. Lowery, then. Can you  
12 respond?

13 MR. LOWERY: Yes, Judge. Thank  
14 you. So obviously Mr. Stokes filing Friday  
15 and, you know, the information that's being  
16 provided this morning, so a lot of  
17 allegations are being made.

18 I appreciate the fact that  
19 Mr. Stokes acknowledges the, you know, I  
20 think we've gotten something like 750 DRs, in  
21 that range, but most of them, many of them  
22 have many, many subparts and many, many  
23 questions beyond that.

24 It's not an exaggeration to say  
25 we've probably answered several thousand

1 manner of responses in this case when we put  
2 all the questions together. And it certainly  
3 has not been the case that we've not been  
4 responsive or provided a tremendous amount of  
5 information.

6           And I don't think discovery in  
7 this case, with really just one exception,  
8 which really is a problem we'll talk about a  
9 little later in the conference, one subject  
10 matter area, has really been all that  
11 difficult.

12           But Mr. Stokes sort of raised  
13 the specter -- and forgive me, Judge, I may  
14 jump around a little bit. Obviously we had  
15 about one business day to respond to all of  
16 this.

17           I realize that Staff followed  
18 the rules in terms of filing the discovery  
19 statement concern, but the reality is a lot  
20 of allegations are being made about the  
21 Company and what it has or hasn't done, and  
22 we've had very little time to actually deal  
23 with all of those allegations.

24           But Mr. Stokes mentioned, you  
25 know, I don't want to have a chaotic

1 situation, the testimony is due I think in  
2 ten days, and so on. And I want to make sure  
3 that you, Judge, understand some context  
4 that's very important to that issue and  
5 perhaps why Staff finds itself where it is  
6 today.

7                   So as I think you know, and as  
8 I mentioned in the last discovery conference,  
9 when Staff asks questions about Smart Energy  
10 Plan investments Staff is asking questions  
11 about the entirety of the Company's capital  
12 energy transmission, energy delivery, every  
13 power plant, all of its facilities, customer  
14 service, IT, everything. So those data  
15 requests go to the entirety of the capital  
16 spend.

17                   And I guess the way I would  
18 look at it, the relevant request would be  
19 capital expenditures and then go into service  
20 in this rate case. I believe that that  
21 comprises about 1,700 products -- or projects  
22 in total approximately. There are about  
23 1,700 different projects that they're asking  
24 about.

25                   The other thing that I guess I

1 find a little disturbing about sort of this  
2 suggestion that they're in a pickle or in an  
3 emergency at this point is every year  
4 starting in February 2019 as required by law  
5 the Company has filed its capital spending  
6 plans under 393.1400. Those filings were  
7 made in February of '19, February of '20, and  
8 February of '21.

9 In those filings at a project  
10 level for the year, so for '19, then '20, and  
11 then '21, the Company provided by work order  
12 number and description all of the planned  
13 expenditures that it was going to make.

14 Staff didn't follow up on a  
15 single bit of that information. In fact  
16 every question that Mr. Stokes I think is  
17 complaining about today in terms of our  
18 responsiveness, or lack of responsiveness, or  
19 the chaos that he's worried about, every one  
20 of those questions could have been asked the  
21 day this rate case was filed, and they  
22 weren't asked.

23 Staff didn't ask a single  
24 question related to the justification for the  
25 capital spend that's going to be at issue in

1 this rate case until roughly half of their  
2 audit time had already been expired.

3           So part of the problem that we  
4 have here is the problem of the Staff's own  
5 making. I want to make that clear, because  
6 the suggestion while the filing on Friday  
7 says we really appreciate the fact Ameren has  
8 cooperated with us on certain areas, the rest  
9 of the filing is pretty much a claim that the  
10 Company has just been unreasonable and hasn't  
11 acted in good faith and hasn't, you know,  
12 produced information and ought to be more  
13 prepared to do this, that, and the other  
14 thing.

15           The fact is the Staff had all  
16 kinds of means at its disposal not to be in  
17 the situation that its in. In fact, you  
18 know, you take in this case we have two large  
19 wind projects going into service that were  
20 approved by the Commission as risk-compliance  
21 assets.

22           The Staff contacted us in late  
23 2019 and said hey, we'd like to open and  
24 investigate, or a docket, we'll send some DRs  
25 to start the auditing project. We cooperated

1 with the Staff and said that would be fine.  
2 In fact, you don't have to open a separate  
3 docket, if you want why don't you just use  
4 our docket.

5                   And we answered about 20 DRs in  
6 each of those dockets for that purpose. And  
7 of course the Staff very well knows how to  
8 open investigative dockets when there's going  
9 to be large capital expenditures and ask that  
10 request.

11                   So I think the context needs to  
12 be set that the Company is getting asked  
13 questions about 1,700 different projects  
14 halfway through the Staff's audit time that  
15 could have been asked from the very  
16 beginning.

17                   And that's relevant to the  
18 entire context about what the burden is and  
19 how -- how practical it was for the Company  
20 to answer the unanswered questions.

21                   So let me turn to the  
22 specifics, specifically on 611, 612. We have  
23 provided dozens if not hundreds of documents  
24 on a myriad of projects that we were asked on  
25 data requests. We got about 15 or 20 data

1 requests I think on June 17, and 611 and 612  
2 were two of those.

3 As we outlined in our responses  
4 to those DRs, and also Staff didn't include  
5 these in their filing, but you need to look  
6 at 605, 606, 609, and 612 because all of  
7 those go together, and 612 refers to some of  
8 the other data requests.

9 We explained in detail in those  
10 responses how project decisions in various  
11 categories are made, specifically told Staff  
12 that the cost and benefits of a given project  
13 are not the only, or even the overriding  
14 factor.

15 In fact, the specific question  
16 that Mr. Stokes is pointing to asked us for,  
17 quote, "All cost-benefit analyses performed  
18 regarding the types of projects including in  
19 the SET."

20 And no, we did not produce,  
21 quote, "Cost-benefit analyses," because as we  
22 believe from our reading was clear from the  
23 responses that we gave we don't have cookie  
24 cutter to formulate here is a cost-benefit  
25 analysis for category A and category B. They

1 don't exist, and we thought we were clear  
2 about that. Apparently from Staff's  
3 perspective we were not.

4 But keep in mind, as I  
5 mentioned, we're talking about 1,700, you  
6 know, projects across the entire company.  
7 When we got the data requests, we were also  
8 paired with a 102 series that asks for all  
9 kinds of project detail. We didn't know what  
10 we might or might not have out there.

11 Mr. Stokes points out we have  
12 all these employees. We have projects going  
13 on in the transmission and distribution areas  
14 in particular, which would be nominally the  
15 dollars we're talking about here.

16 We have projects going on in  
17 all the different divisions all across the  
18 state. And so in order to get our arms  
19 around what we might or might not have, what  
20 we could or could not produce, we, you know,  
21 had to figure that out for 1,700 projects  
22 across the entire country.

23 It took us time to do that. We  
24 said we would answer them by July 30th, and  
25 we answered I believe all of them by I think



1 July 28th. So yes, it took some time.

2 But that was by the nature of  
3 the questions and by the nature of the  
4 breadth of the questions that we were asked.  
5 And so, you know, I don't know what to say,  
6 Judge. What I'm telling you today is we  
7 don't have the time cost-benefit analyses  
8 that Staff I guess assumed that we did.

9 We answered the questions to  
10 the best of our ability within the time that  
11 we felt we had to have to answer the  
12 question. And there is really nothing more  
13 that we can do about that.

14 If Staff wanted time to have,  
15 you know, follow-up questions and more rounds  
16 then Staff should have been requesting the  
17 questions, which it was capable of doing at a  
18 minimum back on April 1 when the case was  
19 opened.

20 JUDGE WOODRUFF: Mr. Stokes, do  
21 you have any response?

22 I think you're muted.

23 MR. STOKES: Yeah, there is two  
24 matters here, or two numbers that really  
25 matter. It's not the 1,700 projects, it's

1 the \$2.2 billion that they're being asked to  
2 pay for and that they need to pay for to the  
3 extent there are benefits being provided, and  
4 that number is zero. That's the number of  
5 actual cost-benefit analyses that have been  
6 produced today.

7 And we don't have, you know,  
8 the cost-benefit analyses that we did ask  
9 for. 611 asked for any cost-benefit analyses  
10 on a given project, project level  
11 cost-benefit analyses.

12 And Ameren's response is to see  
13 the response in 612. DR 612 asks for any  
14 cost-benefit analyses performed by Ameren  
15 Missouri regarding the types of project, and  
16 Ameren didn't provide a single cost-benefit  
17 analyses.

18 They just said what their, you  
19 know, you know, process was. We don't  
20 actually have a document that we can point to  
21 and rely on in our testimony to say here is  
22 the analysis that Ameren Missouri did, here's  
23 how we know the customers are getting  
24 benefits they're asked to pay for to the tune  
25 of \$2.2 billion?

1                   These two DRs, if I had to  
2 point to one area of the case where, you  
3 know, things could get really bad really  
4 quickly, this is it. You know, again, you  
5 know, Staff, you know, customers do need to  
6 pay for any benefits they are receiving as  
7 far as the Smart Energy Plan, we just don't  
8 have the evidence to do an analysis yet.

9                   And again, 612, as we stated in  
10 our filing, asked if you did not file -- or  
11 if you did not prepare any cost-benefit  
12 analysis tell us why. They didn't say they  
13 didn't prepare any in response to that. So,  
14 you know.

15                   JUDGE WOODRUFF: Mr. Lowery --  
16 I'm sorry, Mr. Stokes, let me ask Mr. Lowery  
17 to follow up on that.

18                   Mr. Stokes just indicated that  
19 you have not, the Company has not said that  
20 they didn't prepare cost-benefit analyses.  
21 Do you want to respond to that?

22                   MR. LOWERY: Your Honor, as I  
23 thought the responses were clear and  
24 apparently they weren't, we may need to make  
25 them clearer in that regard. We don't sit

1 down for project A, project B, and project C  
2 and do a, quote, "Formal cost-benefit  
3 analyses," where we quantify here is the cost  
4 and here is something quantifiable. The  
5 nature of most of the projects don't lend  
6 themselves to that.

7                   Think about it this way. We  
8 have been filing rate cases for decades,  
9 obviously, and filed six or eight or ten in  
10 the last -- not ten, but probably six or  
11 eight in the past 15 years.

12                   Every single one of those cases  
13 involves significant investment in all of the  
14 systems across the country, but energy  
15 delivery transmission and so on and so forth.

16                   We've never -- we've never been  
17 requested in any of those cases the kinds of  
18 questions that are being asked in this case.  
19 It's never been controversial. Staff seems  
20 to think that there ought to be or should be  
21 or has to be some kind of approach where  
22 there is some kind of analytical,  
23 quantifiable, mathematical formula applied to  
24 every expenditure and it has to be  
25 documented, and if it's not there is no

1 benefit, the project shouldn't be done, and  
2 so on.

3           You can't put cost-benefit on  
4 replacing infrastructure that may fail. I'm  
5 not an expert, Judge, I can't testify about  
6 the merits of Staff's theory in this  
7 discovery conference obviously. But I think  
8 Staff auditors here are making assumptions  
9 about what we do or don't do.

10           They have in their minds some  
11 kind of formulaic, analytical formal  
12 cost-benefit study that's done, and that's  
13 just not how it's done, and we tried to  
14 explain that in our data request responses.  
15 We can't give what we don't have.

16           JUDGE WOODRUFF: All right.  
17 Going back to you then, Mr. Stokes.

18           MR. STOKES: Yeah. Let's do  
19 look at their response. 612 is page eight  
20 and nine of attachment two.

21           It says, "Once the need for a  
22 given project is established," you know,  
23 that's the benefit analysis. You know, where  
24 are those documents? "A range of solutions  
25 are identified." That's part of the benefit

1 analysis. Where are those documents?

2 It also factors in the cost of  
3 the final solution to allow Ameren Missouri  
4 to address other needs within the category,  
5 that's a cost analysis. Where is it?

6 "Given that the projects in the  
7 Smart Energy Plan are needed for the  
8 obligation of providing continued safe and  
9 reliable electricity to customers, individual  
10 cost and benefit considerations are focused  
11 on selecting the project solution that best  
12 meets the needs of the system being addressed  
13 by the project."

14 Where are those documents;  
15 where is that analysis? Where are they? You  
16 know, going from page eight to nine it says,  
17 "Ameren says any project over \$5 million is  
18 subject to individual review and scrutiny  
19 through an oversight committee." Where are  
20 those documents?

21 It sounds to me, you know, when  
22 we say cost-benefit analysis, at what, you  
23 know, how is the oversight committee, you  
24 know, what documents are they reviewing to  
25 decide, you know, the project is worth its

1 cost?

2           And it says, "Projects of this  
3 scale," meaning that \$5 million I presume,  
4 "are subject to the same scrutiny as all  
5 other projects by subject matter and category  
6 owners but require additional documentation  
7 and discussion around project scope."

8           So that additional  
9 documentation, you know, costs and benefits,  
10 where are those documents? That's what we  
11 asked for in the DR, and we haven't gotten  
12 one.

13           It says that there is  
14 discussion around project scope, alternative  
15 analysis, total project cost, the benefit and  
16 contract structure. Where are those  
17 documents?

18           We asked for them. We asked  
19 for cost-benefit analyses and we don't have a  
20 single one. And Ameren being, you know,  
21 asking their rate payers to pay for \$2.2  
22 billion in these projects.

23           We do want to know, you know,  
24 what is the cost-benefit analysis, what's the  
25 documentation to support your claim that, you

1 know, inclusion of 2.2, that \$2.2 billion in  
2 rates is just and reasonable?

3 And, you know, three paragraphs  
4 in response to just, you know, how they go  
5 about weighing projects, that's just not  
6 sufficient and it's not responsive to those  
7 requests.

8 And again, in conclusion,  
9 Ameren's own response says there are  
10 documents and there are analyses out there,  
11 they just need to produce them.

12 JUDGE WOODRUFF: Mr. Lowery, it  
13 looks like Staff is not actually looking for  
14 something called a formal cost-benefit  
15 analysis, rather they're looking for  
16 documents that are effectively a cost-benefit  
17 analysis. Do you have any such documents?

18 MR. LOWERY: I'm not entirely  
19 sure how to even respond to that. And we  
20 provided more than three paragraphs of  
21 information. This data requests refers to  
22 other data requests in this series that  
23 explained the process, explained how the  
24 projects are selected, and it's all relevant.

25 And what it said in a nutshell



1 was you have subject matter experts, is going  
2 to be division directors out of each  
3 division, engineers that work in those areas  
4 that come up with lists of projects with the  
5 needs of their system and their given areas.

6 And I'm focused more energy  
7 delivery here. It works differently probably  
8 in generation and other, but I think the main  
9 point of contention here is probably the  
10 blocking and tackling of transmission and  
11 distribution investments that are done.

12 And I don't know how to produce  
13 a cost-benefit analysis that is -- in all  
14 likelihood it's an amalgamation of engineers  
15 looking at the system, identifying projects,  
16 discuss, you know, e-mails back and forth  
17 with people about hey, about this, they could  
18 be people that have -- I don't know how on  
19 1,700 projects to call that a, quote,  
20 "cost-benefit analysis."

21 We've had many cases, and Staff  
22 is well familiar with this as well, where we  
23 are justifying projects or initiatives or  
24 tariff filings or whatever by an economic  
25 analysis.

1           Usually a spreadsheet of all  
2 these different cases, we have all these  
3 assumptions that go into it, and you have a  
4 document or a file or whatever or a request  
5 that says here is the cost-benefit analysis.  
6 That's what we had in our mind when they  
7 asked the question.

8           What I'm now hearing is well,  
9 every scrap of paper I guess written or  
10 electronic that might in some way pertain to  
11 the thought process about every project was  
12 supposed to be included in the umbrella of  
13 the cost-benefit analysis.

14           We couldn't possibly produce  
15 every scrap of paper on all of the projects,  
16 certainly not in 20 days or five weeks. You  
17 know, five weeks, that's basically the task  
18 what I'm now hearing we were supposed to do.

19           And that's why if Staff wanted  
20 this kind of level of detail they should have  
21 been talking to us about it months ago.

22           It was no surprise to Staff  
23 that there were going to be a couple of  
24 billion dollars of investment, or shouldn't  
25 have been a surprise to them, at issue in

1 this case because we made those filings in  
2 the SEP as required by law every single year  
3 starting in 2019, and we didn't get any of  
4 these questions until June in this case.

5 Now as far as these oversight  
6 committee documents, the project is over  
7 \$5 million, the Staff has asked a follow-up  
8 DR and I believe we will have, and I think  
9 there is about 40 projects that are going  
10 into service in this rate case we expect  
11 that with those oversight committees.

12 We've collected I think  
13 hundreds of pages of documents that the  
14 committee has looked at and I believe we will  
15 have that response to Staff yet this week. I  
16 think probably in the next day or two.

17 But in terms of all of these  
18 other information, what's being described is  
19 not a cost-benefit analysis. What's being  
20 described is every single document about  
21 every single project. And that is unduly  
22 burdensome, particularly in the context of  
23 the time in which it was asked for.

24 JUDGE WOODRUFF: Mr. Stokes, is  
25 Staff asking for every single document about

1 every single project?

2 MR. STOKES: No. I want to --  
3 I do want to prioritize the documents from  
4 that oversight committee. I think those are  
5 going to be the most important.

6 I'm not willing to concede  
7 that, you know, every bit of documents that  
8 support a \$2.2 billion claim are unduly  
9 burdensome. I think anybody who goes into  
10 circuit court asking for \$2.2 billion better  
11 be ready to respond to a request for  
12 production of documents about, you know, any  
13 documents relating to that claim.

14 You know, that's not what we're  
15 asking for here. We're not asking for every  
16 e-mail. We're not asking for every, you  
17 know, note or phone call memo that might have  
18 been created in response to this.

19 But anything, anything that  
20 summarizes that and, you know, any documents  
21 where, you know, some decision maker at  
22 Ameren said yes, you know, go forward with  
23 this project. You know, something like that  
24 would be relevant.

25 But again, you know, the

1 documents that were produced in that  
2 oversight committee, those are going to be  
3 the most important things that we get in  
4 response to this DR.

5 MR. LOWERY: And they're going  
6 to get those, Judge, as I just said. But  
7 there is no repository, I don't have any way  
8 for 1,700 projects to come up with some  
9 document that Staff I think thinks is a  
10 cost-benefit analysis that shows a decision  
11 point. It just doesn't exist.

12 It would -- with months and  
13 months of work perhaps some amalgamation of  
14 documentation could be put together on all  
15 those projects, but it can't be done in the  
16 way that Staff seems to envision this being  
17 done.

18 JUDGE WOODRUFF: Mr. Stokes,  
19 does that satisfy some of your concerns?

20 MR. STOKES: I mean we'll see  
21 what is produced. You know, I do have  
22 concerns that there wasn't apparently an  
23 orderly cost-benefit analysis and, you know,  
24 going forward in spending \$2.2 billion.

25 But, you know, we'll see what

1 documents from that oversight committee come  
2 in. And, you know, again, these DRs were  
3 sent in June and then an extension was  
4 granted based on, you know, a representation  
5 that the response was so detailed that they  
6 couldn't possibly produce it in 30 days, and  
7 then we get three paragraphs.

8           And, you know, he does  
9 reference DR 606 and 609. 606 is a two-page  
10 response and 609 is a one-page response. So  
11 the level of detail provided was not, you  
12 know, I don't think the extension granted was  
13 justified.

14           So we do want to see is the  
15 oversight committee information as soon as  
16 possible. And even today, you know, if he  
17 can start rolling it out today. We don't  
18 have to get it all in one batch. Anything  
19 you've got give it to us, and then give more,  
20 provide it. That would be helpful.

21           JUDGE WOODRUFF: All right.  
22 And we are being -- the time frames are  
23 starting to get short now as far as filing  
24 testimony, so.

25           MR. LOWERY: Judge, we were --

1 we gathered the information, we were asked  
2 specific requests ten days ago. Like I said,  
3 I think we're going to have it in the next  
4 day or two.

5                   It's a lot of information and  
6 sure, Staff can ask a DR in the middle of  
7 June, but this is not all on our -- on the  
8 Company that we are in a situation where we  
9 have tremendous amount of documentation being  
10 asked for and very little time to deal with it.

11                   And I want to say one other  
12 thing. We've spent more on capital  
13 expenditures the last two or three years than  
14 we historically have. So the amount at issue  
15 is greater than it would have been in other  
16 cases, that is true.

17                   But we just a few years ago we  
18 were probably spending 8, \$900 million  
19 annually. If we were out of a rate case for  
20 two years you would have say a billion and a  
21 half plus dollars of capital investment at  
22 issue in those cases.

23                   We never were asked these kind  
24 of questions. Staff never told us that they  
25 had some expectation about this kind of level

1 of detail. We are entitled to a presumption  
2 of prudence under the law on these  
3 expenditures.

4 So if Staff suddenly had a  
5 different point of view about what they need  
6 to do to audit these projects, quite frankly  
7 Staff could have told us that. Staff could  
8 have had a conversation with us about this.

9 Staff could have taken  
10 advantage of the information that we gave  
11 them in February of 2019, '20, and '21, and  
12 they don't do that.

13 So I don't think it's fair to  
14 leave the impression that somehow the Company  
15 has been derelict or something of that nature  
16 and we should have read Staff's mind and  
17 known exactly what they wanted and when they  
18 wanted it.

19 JUDGE WOODRUFF: I just want to  
20 say in general to everybody here that I'm not  
21 here to assess blame or to cast aspersions  
22 the Company or on Staff's methods, that's not  
23 what I'm here for.

24 I've been doing this for long  
25 enough to know that everybody is trying to do



1 their best. So but what I am here to do is  
2 try and get discovery and keep things flowing  
3 smoothly so that the Commission can get a  
4 fair assessment of what was happening in the  
5 case. So again, I'm not here to place blame  
6 on anybody.

7 Mr. Stokes, do you want to move  
8 on to the next area?

9 MR. STOKES: Yeah, the next one  
10 is we're still in the Smart Energy Plan, but  
11 now we're in some areas where -- and I think  
12 if Sarah Lange is on the phone she can sort  
13 of help me explain the level of detail she  
14 was asking for.

15 The first one is 102.5, and  
16 that was asking for customer contributions to  
17 construction and other payment information.  
18 And Sarah, are you able to explain the  
19 details that you were looking for in this?

20 MS. LANGE: Yes. So I asked  
21 about one, two, three, four, five, six, seven  
22 eight, I believe nine projects. And the  
23 Company's DR response said that yes, these  
24 are nine projects, we have about \$12 million  
25 under them, and that we cannot break out

1 assets, customer's rate schedules or any  
2 further information about them.

3           Why this is more problematic  
4 than usual is that the responses we've been  
5 getting about the stipulation in the last  
6 case to break out information by rate  
7 schedule and by voltage -- I'm sorry, by  
8 voltage, has been -- well, it's really hard  
9 to go back and do the old stuff, but boy  
10 we're going to do a good job on all the Smart  
11 Energy Plan stuff. So we asked basic  
12 information on the Smart Energy Plan stuff  
13 and we were told they can't provide the  
14 detail.

15           So, you know, and I guess I --  
16 I'm a little bit -- this does relate back to  
17 the prior DR in that we started asking DRs  
18 about this Smart Energy Plan in February.  
19 And this is, you know, kind of a follow-up to  
20 a follow-up, if you will, on that.

21           We used those DR responses to  
22 identify the projects to request greater  
23 detail on. So this is information that we  
24 were told we could receive in lieu of the  
25 information the Company has been unable or

1 unwilling to provide in response to, I  
2 believe it's DR 102.

3                   So, you know, we were told oh,  
4 wait, you can get better on Smart Energy  
5 Plan, and now we're not getting better on  
6 Smart Energy Plan.

7                   JUDGE WOODRUFF: Mr. Lowery,  
8 your response?

9                   MR. LOWERY: Yeah, let me just  
10 address one thing, or a couple small things,  
11 and then I'm going to let Steve Wills address  
12 the specifics because, you know, it's beyond  
13 frankly my knowledge base to really  
14 understand all of the back and forth that's  
15 gone on about the, you know, more than a  
16 hundred data requests that Miss Lange has  
17 sent. And that's under statement because  
18 most of them have many subparts and probably  
19 four or 500 questions in total.

20                   But let me be clear about  
21 something, Judge. The DRs Miss Lange is  
22 talking about, it's clear that they are  
23 directed toward what I'm sure is a class cost  
24 of service study that she intends to submit.  
25 They are geared toward allocating costs to

1 the various rate classes. They don't have  
2 anything to do with project justification,  
3 the issues that Mr. Stokes and I were  
4 debating for you a little while ago.

5 And so I don't want there to be  
6 some misimpression that well, we did start  
7 asking questions on those back in February.  
8 They've been sending a class cost of service  
9 study related data requests, but one thing  
10 really doesn't have anything to do with the  
11 other.

12 In terms of Smart Energy, the  
13 level of detail on Smart Energy Plan stuff,  
14 when we say level of detail, it's level of  
15 detail I think about what is in the plant  
16 records and what -- what assets exist on a  
17 given circuit and so on. That's the kind of  
18 things I think Miss Lange is talking about.

19 But if I may I'm going to ask  
20 Steve Wills, who I believe is on, to I guess  
21 address this 102.5 in particular and any  
22 other generalities and that might pertain to  
23 it.

24 Steve are you on?

25 MS. LANGE: Before we get to

1 that, I think Ameren may be assuming that  
2 Staff doesn't try to cross functions and try  
3 to work with each other, you know. And so  
4 this particular question is in regard to  
5 customer requests.

6 There was a similar question in  
7 regard to new business where I believe we got  
8 a similar level of lack of answer. Yeah, the  
9 same lack of answer on 102.6 as on 102.5.

10 And I'm not an auditor, I'm not  
11 an auditor assigned on this case by any  
12 means. But part of what caught Staff's  
13 attention on both of these is that both of  
14 these are quite likely not eligible for PISA  
15 treatment. And so that's an additional  
16 reason why we need additional data on them,  
17 because it appears that they may be going to  
18 support new business, which is excluded under  
19 PISA.

20 So I'm not sure what Mr. Lowery's  
21 dissertation on our Staff assignments was  
22 for, but I just wanted to correct his  
23 misstatements in that.

24 MR. LOWERY: Judge, just to be  
25 clear, those questions and those issues still

1 don't have anything to do with 611 and 612  
2 and the other series (audio cut out), that  
3 was my only point.

4 MR. WILLS: Yeah. Can you hear  
5 me okay?

6 Okay. Thanks. Yeah, so I  
7 guess I just want to address a couple of  
8 things Miss Lange said. I think there are  
9 two buckets of information that are subject  
10 to these DRs, and she characterizing it I  
11 think fairly as the old stuff. Like  
12 basically investment in the system that  
13 occurred prior to the Smart Energy Plan. And  
14 I think that's a separate issue, as she also  
15 I think agreed with her lead-in to 102.5.

16 So that -- when we're looking  
17 at the Smart Energy Plan she mentioned that  
18 we had, you know, some meetings, or in some  
19 interactions leading into the case, which is  
20 true. Subject to some provisions of the  
21 stipulation agreement in the last rate case.

22 And, you know, what we came  
23 away with and understanding of that is that  
24 Staff wanted the projects from the Smart  
25 Energy Plan. This is again from our class

1 cost of service perspective, from the  
2 function that we're involved in. But Staff  
3 wanted information about the voltage level  
4 that projects operate at.

5 Now, on the old stuff we've  
6 been struggling quite a bit because of, you  
7 know, just the nature of the records we have  
8 on that. But for the Smart Energy Plan we  
9 did exactly what we, you know, we actually in  
10 those meetings provided a template and said  
11 this is the type of additional detail we  
12 think you're talking about, right?

13 And so we ultimately produced  
14 that level of detail which took at least, you  
15 know, hundreds, hundreds and hundreds of  
16 projects and assessed the voltage level  
17 they're at and categorized the (audio cut  
18 out) level voltage, as was discussed.

19 Now 102.5 and 102.6 are really  
20 not in the scope of anything that was  
21 involved in any of those discussions in  
22 February or in the stipulation. And the  
23 specific projects that Miss Lange is talking  
24 about are things that are in standing work  
25 orders, which basically means that they're

1 amalgamations of many, many, many, many small  
2 projects. They're not large enough to, you  
3 know, initiate an entire project on their  
4 own.

5           So essentially, you know, that  
6 information is, you know, kind of similar to  
7 the nature that Mr. Lowery was talking about  
8 earlier, about, you know, when trying to  
9 collect data on 1,700 different projects.  
10 This is actually not project level, this is  
11 subprojects with many, many different, you  
12 know, customer -- you know, projects that  
13 impact different customers in different  
14 locations and things like that, that roll up  
15 together from different districts, et cetera.

16           So that's where the indication  
17 was that the level of detail that she was  
18 asking about -- first of all it wasn't, you  
19 know, it's not consistent with the  
20 information that we have been preparing  
21 pursuant to the stipulation in our  
22 conversations, you know, leading up to the  
23 case.

24           And it's not a type of  
25 information that is, you know, stored in a



1 way that is able to be aggregated in any kind  
2 of, you know, in any kind of process that has  
3 got any, you know, efficiency at all. You  
4 know, it's information in districts and with  
5 different engineers.

6 You know, and kind of similar  
7 to the scenario Mr. Lowery was talking about  
8 where, you know, the project level  
9 information is hundreds of e-mails or  
10 documents or, you know, things like that.

11 So these standing work orders  
12 just don't have the type of information  
13 accumulated in the way that Miss Lange was  
14 asking for, and that's just kind of simply  
15 where the DRs stood.

16 JUDGE WOODRUFF: Miss Lange,  
17 was that response helpful to you at all?

18 MS. LANGE: I mean I think that  
19 response is consistent with their answer when  
20 their answer was saying that we have no  
21 documentation for these projects.

22 So I guess we just wanted to  
23 bring these to the discovery conference to  
24 confirm, you know, before we proceed with  
25 testimony with clarifying what information

1 Ameren is unable to provide, and so I guess  
2 if they cannot provide any additional  
3 information we'll just let the Commission  
4 know.

5 JUDGE WOODRUFF: And include  
6 that fact in your testimony, I'm assuming.

7 MS. LANGE: I guess that's the  
8 best we can do at this point, Judge, I  
9 appreciate your time.

10 JUDGE WOODRUFF: Okay.  
11 Mr. Stokes, next area?

12 MR. STOKES: Yeah. The next  
13 two I have on the Smart Energy Plan issues  
14 were 664 and 665. And I think -- I think  
15 those were all requested by Miss Lange. And  
16 I guess, I don't know if going through this  
17 again would be helpful or if we just want to  
18 do a quick summary, you know. If Miss Lange  
19 can explain what she was looking for and  
20 Ameren can explain whether that exists or  
21 not.

22 MS. LANGE: Sure. So Ameren  
23 has two large categories identified within  
24 the Smart Energy Plan that in their words are  
25 termed "grid resiliency" is one and

1 "communication" is the other.

2 And so we were looking for  
3 information on how those projects set into  
4 accounts. And their response was essentially  
5 -- oh, and I'm sorry, I had the wrong thing  
6 pulled up here.

7 So they had answers about high  
8 voltage plants that were impacting low  
9 voltage accounts. They did provide some  
10 answer to that, that portion of it.

11 However they were unable to  
12 generally describe, you know, the level of  
13 detail that was requested, and to that extent  
14 it's the same as the prior two.

15 JUDGE WOODRUFF: Mr. Lowery?

16 MR. WILLS: Did you want me to  
17 address that?

18 I guess I'll go ahead and try  
19 to take that. So these questions, and I  
20 don't have them exactly in front of me, but  
21 the 664 about communications equipment, it  
22 would refer to, at least as I understood it,  
23 the communications subpart of the SEP, it  
24 talks about everything essentially in our  
25 plant records related to communication, which

1 is under both SEP and what we call volt  
2 equipment.

3 But the nature of the question  
4 as I understood it was asking for drawing,  
5 you know, detail that doesn't exist with  
6 units of mass property. I think --

7 MS. LANGE: Wait. Steve, I'm  
8 sorry, I had the wrong DR pulled up. I  
9 confused myself on that, these two aren't  
10 related. I'm sorry.

11 MR. WILLIS: Okay.

12 MS. LANGE: If you want to  
13 address 644 first. What rate 644 is, this  
14 isn't related to Smart Energy Plan, I  
15 apologize.

16 The question on communication  
17 equipment is there seems to be pieces of  
18 fiberoptic cable, pieces of cable called  
19 under different retirement units, spread  
20 throughout the accounts.

21 Based on some responses to a  
22 couple of the DRs, and I'm not trying to make  
23 a big deal about one retirement unit having  
24 two different uses, it's just unclear what is  
25 conductor and what is communication equipment

1 across these accounts.

2           There are also some things in  
3 the meter accounts that look a little odd.  
4 Frankly this DR was asking is there a rhyme  
5 or reason to it, or is it just some stuff got  
6 in some wrong places and most of it should be  
7 in 397, but there is little pieces  
8 everywhere. That was the kind of information  
9 I was looking for.

10           MR. WILLIS: Right, so that's --  
11 sorry, go ahead.

12           MS. LANGE: No, primarily  
13 focused on the distribution accounts.  
14 Because yeah, there is small bits of fiber  
15 optic in a lot of different accounts outside  
16 of the communication equipment account.

17           And there is bits of other  
18 communication and control cables in other  
19 accounts in the distribution plant that, you  
20 know, if there's reason for them being there  
21 great, tell me. But if they're just in the  
22 wrong place that's just something we need to  
23 get cleaned up.

24           MR. WILLIS: Right. And we are  
25 working on, Judge, a followup of that DR.

1 Essentially, you know, I think Miss Lange  
2 maybe characterizes it correctly that are  
3 there a lot of multiple uses.

4                   And so, you know, trying to  
5 clarify which ones belong in which bucket and  
6 some belong in either/or bucket depending on  
7 how they're used. So we have a followup DR  
8 trying to clarify that as best we can,  
9 although these mass property accounts are so  
10 big that, you know, on a retirement unit  
11 basis we can't always identify exactly what  
12 that specific piece of cable is being used  
13 for in the field, but we are doing our best  
14 to try to provide some additional insights in  
15 a followup to that.

16                   MS. LANGE: Okay. I didn't  
17 know if that supplement was going to be  
18 coming but that is appreciated. And then on  
19 the grid resiliency one, I apologize, I got  
20 the two, I was thinking the two were related.

21                   So the answer says, "We are  
22 unable to identify distribution and assets  
23 that are 'used for grid resiliency' as almost  
24 any asset on those systems could be  
25 identified as being used for grid

1 resiliency."

2                   What the DR was asking about  
3 are those projects under the grid resiliency  
4 category in the SEP.

5                   MR. WILLIS: Yeah, I guess I  
6 would say we didn't read it that way. The  
7 question as I recall it he said what assets  
8 could be used in grid resiliency or used for  
9 grid resiliency. I don't know we read it as  
10 being a subset, and I don't know how -- if or  
11 how I would answer it otherwise with that  
12 other reading.

13                   But I know we considered it,  
14 you know, that all of these things that we're  
15 doing in terms of, you know, upgrading  
16 capacity, using -- putting in, you know, new  
17 infrastructure have implications to improve  
18 grid resiliency. So I think our answer was  
19 what we believed it to be for the question  
20 that was asked.

21                   MS. LANGE: Okay. So the  
22 question that I read it as and the question I  
23 wrote it as is: "Give me the retirement  
24 units to the extent you can for the grid  
25 resiliency SEP projects."

1 MR. WILLS: Well, I'll have to  
2 kind of take that reinterpretation under  
3 advisement and look at what, you know, what  
4 other information we might have on that  
5 topic.

6 But I didn't think I'm prepared  
7 to answer it on the phone here, but I think I  
8 understand that you have a different  
9 intention with that question than what we  
10 read it as.

11 MS. LANGE: Yeah. And I think  
12 that at one point had the G and the R in grid  
13 resiliency capitalized. But yeah, the intent  
14 was those grid resiliency projects from the  
15 capital plan.

16 MR. WILLS: So I mean I think  
17 with that information I can review the DR.  
18 I'm not exactly sure what, you know, what  
19 response we'll have when we do that, but we  
20 can review it with that information.

21 MS. LANGE: Okay. I appreciate  
22 that.

23 JUDGE WOODRUFF: Okay. Are we  
24 ready to move on to the next area?

25 MR. STOKES: I think so, I



1 think so. Can you hear me?

2 JUDGE WOODRUFF: Yes.

3 MR. STOKES: Okay. The next  
4 one I've got it under subsection B, and my  
5 concern with this one was the extent to which  
6 Ameren was actually searching for information  
7 responsive to this DR. Attachment 3 has the  
8 DR and the response.

9 What Staff is asking for is the  
10 physical location of some of this property.  
11 And the example given is that -- at the top  
12 line, vintage 2005, it's a disconnect switch  
13 with a connectivity cost of 3.7 million.

14 And Ameren's response says, you  
15 know, "assets in these groups are not  
16 identified by a specific location," and it  
17 talks about having them in a, you know,  
18 they're distribution mass assets.

19 But in uniform physical  
20 accounts, you know, mass assets don't have a  
21 physical location in it. And we weren't  
22 asking for a physical location in the US of  
23 A, though. We were asking where is the asset  
24 located. And I think Staff could use that  
25 information to help with its rate design.

1                   Correct me if I'm wrong on that  
2 one but, you know, we just want to know what  
3 efforts were taken to say, you know, okay we  
4 have a \$4 million switch, where is it.

5                   It's not enough in Staff's  
6 opinion just to look in your US of A and say  
7 oh, it's not listed there. You know, we  
8 think that, you know, a couple e-mails to  
9 some people who might know would be worth the  
10 effort to help Staff find the information it  
11 needs for this one.

12                   JUDGE WOODRUFF: Mr. Lowery, do  
13 you have a response?

14                   MR. LOWERY: I'm probably going  
15 to have to defer to Mr. Wills on this one as  
16 well. I mean, you know, \$4 million --

17                   MR. WILLS: Well, I can jump  
18 in, Jim.

19                   MR. LOWERY: I think it's  
20 (audio cut out.)

21                   MR. WILLS: I guess our concern  
22 is, you know, and I think Mr. Stokes  
23 acknowledged that the information in our  
24 claim accounting is mass assets and it  
25 doesn't have a location.

1           And when you're asking where an  
2 individual switch is that you're reference is  
3 to I don't think that's in our plant  
4 accounting, that's stored by mass accounting.

5           You don't have anything else  
6 other than that. I mean could we go out and  
7 find a \$3 million switch somewhere? I don't  
8 know. We probably could do that.

9           But we were asked where that  
10 switch from 2005 is, and there is nothing in  
11 that record that allows us to track that; in  
12 the plant accounting record, which is the  
13 only thing that's referred to.

14           You know, the question is about  
15 something in plant accounting, that's stored  
16 in a mass property that has no location  
17 identification with it, and the question is  
18 where is that item.

19           You know, when we don't have  
20 anything, you know, other than the plant  
21 information to go from, which has no location  
22 information. So I mean going out and asking  
23 someone if they know where any \$3 million  
24 switch is, it's not responsive in my mind to  
25 where this line item that we were asked

1 about.

2 MS. LANGE: I would agree with  
3 you if this were a common facility, or a  
4 common item within the continuing property  
5 record.

6 However, this is a very unique  
7 item within the continuing property record.  
8 In fact that's why Staff was asking about.  
9 If this item is being used to  
10 disconnect/reconnect an individual customer  
11 it should be treated differently than if this  
12 item is being used in a general sense for  
13 system operation and reliability.

14 You know, we want to give the  
15 Company every opportunity to provide this  
16 data because this is again something that we  
17 think it would behove the Company to be able  
18 to identify this.

19 And I mean it really is, you  
20 know, you have nothing in your plant  
21 accounting record that gives you the address  
22 of the Sioux plant, but if we asked you what  
23 does the Sioux plant do, you know, what is  
24 the detail or where -- what does the  
25 equipment in, and I gave you the, you know,

1 the structures subaccount for the Sioux plant  
2 you could probably tell me where it is and  
3 what it does.

4           You know, this is an incredibly  
5 unique item, it is an incredibly high dollar  
6 item, and it is item that based on its name  
7 is very likely to only be involved in serving  
8 one customer.

9           If that's the case we need to  
10 assign the cost as closely as possible to  
11 that customer. And if it is a general  
12 distribution switch that just for some  
13 reason, you know, costs \$3 million when the  
14 other ones each cost about a thousand, you  
15 know, then tell us that.

16           MR. WILLS: I can --

17           MS. LANGE: And the switch is  
18 just one item. I think there were 14 total  
19 items that we asked about in that DR.

20           MR. WILLS: I mean this new  
21 analogy doesn't really make sense to me  
22 because those aren't the (audio cut out.) I  
23 think that we feel very comfortable that our  
24 assets are now being done appropriately, and  
25 that, you know, that \$3 million is

1 appropriate.

2                   And I put it in here and it  
3 doesn't have the information needed to  
4 identify its location, and that's consistent  
5 with how our accounting records are, you  
6 know, maintained and appropriate I think.

7                   MR. LOWERY: Judge, this is Jim  
8 Lowery. I think what we're saying is we  
9 don't know how to find the switch. The  
10 records don't give us the bread crumbs that I  
11 think Staff wishes they did so we could go  
12 find the source. And we can't send a couple  
13 of e-mails because I don't know who to send  
14 it to.

15                   We've answered the question the  
16 best we can answer the question.

17                   JUDGE WOODRUFF: Is there any  
18 other way to track this particular switch?  
19 First of all, is this truly a unique switch  
20 that -- or are there dozens of them around  
21 the system?

22                   MS. LANGE: It is our -- it is  
23 far and above the cost of the other switches  
24 recorded in that account, and it does not  
25 appear to be the same as the retirement unit

1 that is in use in other accounts.

2 And based on the conversation  
3 with the Ameren distribution personnel my  
4 understanding is that it is the sort of  
5 switch that is used to turn a customer off  
6 and on as that customer so requires.

7 JUDGE WOODRUFF: Do you know  
8 why they would be turning a customer off and  
9 on?

10 MS. LANGE: I assume to perform  
11 maintenance on meters, you know, perform  
12 maintenance on that customer's transformers,  
13 perform maintenance on that customer's  
14 substation if it has its own substation.  
15 There is operational purposes that they would  
16 do that.

17 JUDGE WOODRUFF: Okay.

18 MR. WILLS: I would guess in  
19 our engineer's opinion that he gave in that  
20 meeting is probably the best information that  
21 we have on it relative to -- I keep going  
22 back to we're saying on this switch, and the  
23 only thing we have to identify this switch is  
24 a mass property designation.

25 So I think that engineer's

1 judgment, you know, that what he said was  
2 probably useful is probably what its used  
3 for.

4 But as far as, you know,  
5 finding it physically, we didn't have really  
6 a path to that, you know, without going out  
7 and I guess having some people inspect.

8 You know, yeah, I just -- I  
9 mean I think in our engineer's judgment on  
10 that is the best we can have on how it's  
11 probably being used and where it might be.

12 MR. HICKMAN: I wanted to add  
13 to that, this is Tom Hickman with Ameren as  
14 well.

15 During that conversation I  
16 think that he talked about isolating  
17 individual customers to work on their  
18 equipment, but also isolating sections of  
19 distribution equipment to work on it to the  
20 extent that its needed.

21 I don't think that it was the  
22 use case for disconnect switches was  
23 specifically only to serve individual  
24 customers. That's my recollection of the  
25 conversation with the engineers involved.



1 MS. LANGE: And Tom, I agree  
2 with that. That was the distinction I was  
3 trying to make, which is why it's important  
4 to verify the location. Because if it is  
5 used to disconnect portions of circuit than  
6 that would be properly allocable more  
7 broadly. And if it is used to disconnect and  
8 reconnect a particular customer than that  
9 would be assignable to that customer as  
10 closely as possible. And that's why it  
11 matters.

12 And so whether the \$3 million  
13 is broadly allocable probably isn't going to  
14 have a big impact on CCOS. But if \$3 million  
15 of rate base needs to be added to the revenue  
16 requirements of a class of small customers,  
17 particularly, you know, in our LDS class  
18 there is not that many customers to spread it  
19 over.

20 We want to A, be sure we're not  
21 doing that unless it's right. And B, make  
22 sure that we have the documentation to  
23 substantiate that as opposed to, you know, an  
24 off-the-hand its probably this comment in a  
25 meeting. Which we do appreciate that

1 meeting, we do appreciate that personnel were  
2 made available for the discussion.

3 JUDGE WOODRUFF: All right.  
4 Anything else from Ameren on that?

5 MR. WILLS: Well, I guess I  
6 just -- I will just follow-up saying, Judge,  
7 I understand Miss Lange's desire to direct  
8 assign that piece of equipment.

9 But I think that there are  
10 reasons why allocations for mass property  
11 accounts is the standard in the industry and,  
12 you know, some of these reasons are reasons  
13 of discovery.

14 Like this that you're talking  
15 about, you know, so many specific pieces of  
16 equipment, the equipment that has a certain  
17 amount of detail in the plant record, and  
18 then a certain amount of information that is  
19 not retained in plant records.

20 And, you know, the goal of  
21 direct assigning every piece of mass property  
22 is a really cumbersome thing that there is I  
23 think practical considerations to why people  
24 use allocations.

25 MS. LANGE: And Judge, if I may

1 respond?

2 JUDGE WOODRUFF: Sure.

3 MS. LANGE: This DR, and most  
4 of the DRs that I issued, would not have been  
5 issued had the Company provided responses to  
6 the DRs 104 and 105.

7 This DR is seeking to do the  
8 work that we understood the Company to have  
9 agreed to do in the last rate case. At this  
10 point that is a matter for testimony and for  
11 Commission resolution, but that's why we are  
12 where we are.

13 Because we legitimately thought  
14 that two or three DRs for information that  
15 the Company was working on since June of last  
16 year would answer virtually all of our  
17 questions about distribution classification,  
18 and we found that not to be the case.

19 MS. LOWERY: Your Honor, this  
20 is Jim Lowery. To be clear we legitimately  
21 did not think we had agreed to any such  
22 thing.

23 JUDGE WOODRUFF: Well, as  
24 Miss Lange says I think that is a matter of  
25 some testimony for resolution.

1                   Mr. Stokes, want to move on to  
2 the next area?

3                   MR. STOKES: Yes, please.

4                   To 718 we do have a response,  
5 so that one drops off. On 716, DR 716, this  
6 is a long DR, but I think in this last  
7 discussion I think is that helpful  
8 illustration of kind of maybe what Miss Lange  
9 was looking for.

10                  And, you know, we've had Ameren  
11 talk about, you know, their reading of  
12 certain DRs, and they, you know, they  
13 understand them as they understood to be --  
14 you know, they answered them as they said  
15 they understood them, but as they understood  
16 them apparently Ameren is reading several of  
17 these as asking for information that is not  
18 in existence.

19                  But what we're really want is  
20 just kind of a bit more dialogue from Ameren  
21 and on DR 611, 612, 489, you know, saying  
22 what are you looking for, how can we get it  
23 to you. You know, it might not be, you know,  
24 the information might not be in our mass  
25 product record but maybe somebody somewhere

1 knows where this switch is.

2           It's kind of, you know, knowing  
3 more about what information resides where  
4 could help Staff draft more targeted DRs and  
5 data requests that do get information that  
6 Ameren does have. And so that's really kind  
7 of the spirit of this DR.

8           And Sarah, you can expound on  
9 that if you want.

10           MS. LANGE: I mean it seems  
11 like most of the DRs we've issued the  
12 response has been well this information is in  
13 this system and that information is in that  
14 system.

15           We're just trying to figure out  
16 what is where, what can be cross-referenced  
17 with what, and whether, you know, I, you  
18 know, I don't know how -- well, I do know  
19 how. The fact that this was objected in full  
20 instead of at least a summary explanation of  
21 what repositories exist and what information  
22 resides where.

23           You know, we want to at least  
24 use the right terms, you know. Tell us what  
25 you call your billing system. Tell us what

1 you call your customer data system. Are  
2 those the same system? Are they different  
3 systems? You know, what is the system called  
4 that the distribution personnel actually use  
5 to do their day-to-day jobs?

6 How or does it interface with  
7 the general ledger? How or does it interface  
8 with the continuing property record? You  
9 know, we're just asking for basic information  
10 and we got a full objection and no response.

11 MR. STOKES: And just to add on  
12 that, you know, it hasn't trickled down to  
13 the Missouri civil rules yet, but Federal  
14 rules require these, you know, initial  
15 discovery conferences where exchanging  
16 information like that is just par for the  
17 course. We do think it would help make  
18 discovery go better if we were able to  
19 exchange that kind of information.

20 JUDGE WOODRUFF: Mr. Lowery, do  
21 you have a response?

22 MS. LOWERY: I don't know if  
23 you've looked at this request, Judge, but it  
24 is replete with questions, compound questions  
25 on top of compound questions that the Staff

1 greatly understates what they're asking here.

2           And, you know, I'll let  
3 Mr. Wills or Mr. Hickman speak more  
4 specifically, but when we saw this DR by our  
5 estimation we're talking about, I don't know  
6 if a man week or a person week is a real  
7 thing, but we really don't even know where to  
8 begin to provide the kind of level of detail.  
9 And the answers, you know, to this engineer  
10 or district has a spreadsheet that has some  
11 of this information in it, we don't know.

12           You know, talked about our  
13 5,000 employees or whatever it is. This is  
14 so far reaching we don't even know where to  
15 begin in answering, and so we objected.

16           We objected I think three weeks  
17 ago today. And they didn't have to approach  
18 us, Staff counsel didn't have to call me up  
19 and say is there any way we can compromise on  
20 this, how about this? You know, that  
21 conversation didn't take place, though.

22           We objected, and here we are  
23 today. And so I don't know how to even begin  
24 to deal with this particular DR, but I think  
25 the objection is completely well taken given

1 the breadth and the scope and the level of  
2 detail and the tremendous amount of work that  
3 would probably take weeks to complete as  
4 asked. I don't know if Mr. Wills has  
5 anything you want to add or not.

6 MR. WILLS: I would just add to  
7 what you said, Jim, you know, the DR itself  
8 is not -- when I read the DR I don't hear  
9 anything close to the request that Staff has  
10 articulated.

11 The DR is extremely complex and  
12 long and impacts many, many, many systems and  
13 departments and personnel then that would  
14 have to provide that information to be  
15 responsive. I guess I'm just restating what  
16 you've already said, Jim, so I guess I'll  
17 leave it at that.

18 MS. LANGE: So here is the  
19 quandary that Staff is left at. When we ask  
20 something like please generally explain and  
21 describe each ledger, data system, map or  
22 other source of repository of data to which  
23 the Company records information, when we ask  
24 a question like that we're told we're too  
25 vague.



1           So in my mind asking a vague  
2 question first followed by a series of  
3 detailed questions should, you know, cause at  
4 least some data to be provided.

5           It's interesting when we get DR  
6 -- or we get DRs objected to that are too  
7 vague, and then when we ask a DR with  
8 detailed questions we're told it's overly  
9 broad and burdensome and requires analysis.

10           It's very interesting to me  
11 that the Company takes this position on its  
12 data requests. And again, if this is the  
13 position that the Company has taken, that it  
14 is too difficult and too unreasonable to  
15 answer this question I understand that. I  
16 understand that the Company is taking the  
17 position that its intermix of data  
18 repositories is too complicated to explain.

19           And if you can't answer it, you  
20 can't answer it. We wanted to give you this  
21 opportunity to provide at least a partial  
22 answer. And as I indicated earlier, with  
23 that partial answer we can hopefully make  
24 this more productive, because at this point  
25 it has not been very productive.

1 MS. LOWERY: Judge, we would  
2 certainly agree that in this particular area  
3 of the case the discovery has not been very  
4 productive. We have a different perspective  
5 as to why that is, but regardless, as you  
6 said, the issue is not to lay blame one way  
7 or the other, so I'll move on.

8 Let me say one other thing,  
9 though. Our issues with most of the hundred  
10 DRs that we received from Miss Lange, we  
11 haven't -- and I can't say we haven't  
12 complained any aspect of them is vague. I'm  
13 sure there are some vagueness objections.

14 In some of those objections I  
15 think, Judge, you understand that folks have  
16 to protect themselves, so to speak, when they  
17 get a data request so that if we get in a  
18 dispute about the answer we've at least  
19 raised the right objection or all the  
20 possible objections. But if we don't we  
21 waive them, and you understand that I'm sure.  
22 But I don't think that's really been the  
23 objection in most cases.

24 The real issue here is that  
25 Miss Lange wants a level of detail that our

1 records don't provide. Or if they provide it  
2 it's dispersed among whoever, all over the  
3 Company, and with weeks of work you might be  
4 able to dig it out somewhere maybe, probably  
5 not in most cases.

6           And Staff is unhappy about  
7 that, and we understand that Staff is unhappy  
8 about that. We can't do anything about it.  
9 It is what it is. Our records contain the  
10 level of detail they contain, and I don't  
11 know that there is really much more that can  
12 be said about it. That's where we are.

13           Staff will say what they want  
14 about that in their testimony. We will  
15 respond, and that's really where we're going  
16 to be I think.

17           MS. LANGE: And so --

18           JUDGE WOODRUFF: Let me jump in  
19 here for a second. Is there room for a  
20 compromise DR here? Mr. Lowery, you suggest  
21 that Staff should have come forward and talk  
22 with you about whatever kind of compromise  
23 you had in mind. Can we do that today?

24           Miss Lange, if you want to  
25 speak?

1 MR. LOWERY: I'm happy to talk  
2 about it, Judge. I'm looking at this thing  
3 on the screen. I certainly -- I certainly  
4 can't, you know, in the context of this  
5 discovery conference figure out how to  
6 negotiate some compromise. But we would  
7 certainly --

8 MS. LANGE: Judge --

9 MR. LOWERY: We would be  
10 willing to discuss it. We've offered to meet  
11 earlier. You know, after the first discovery  
12 conference, Judge, I believe when there was  
13 quite a bit of controversy about a number of  
14 these data requests from Miss Lange I made a  
15 point specifically following up with Staff  
16 counsel and saying we are willing to sit down  
17 with you and talk about, and I think there  
18 were four or five DRs at that time discussed  
19 in this area, and we didn't hear anything for  
20 weeks about having that discussion.

21 So we are willing to talk, of  
22 course, and we have been. But I don't think  
23 I can problem solve a DR with this level of  
24 detail. It makes my head spin looking at it  
25 here today.

1 JUDGE WOODRUFF: Miss Lange?

2 MS. LANGE: So Judge -- oh, I'm  
3 sorry. Yes, there is about five things to  
4 respond to in that. I'll try to keep it as  
5 short as possible.

6 First I hope you notice that in  
7 his concerns about us asking too many DRs,  
8 that he indicated we would ask DRs and they  
9 would be seeking information that's spread  
10 out across the Company and we wouldn't  
11 identify where we needed that information  
12 from. Well, that's what we tried to do with  
13 this DR.

14 Second, he indicated that, you  
15 know, we should have reached out sooner.  
16 This DR was objected in full. This DR did  
17 not indicate that a partial response would be  
18 forthcoming, this DR was objected in full.

19 I'm not acting in a capacity as  
20 an attorney in this matter, but if you object  
21 to something in full my understanding is that  
22 that means you do not intend to produce  
23 responsive documentation or an answer.

24 The other fact is that when he  
25 talked about that we took weeks and weeks to

1 arrange that meeting. Part of the discussion  
2 for that meeting is that we would be provided  
3 with some information from the Company to  
4 discuss at that meeting.

5 I don't have all the documents  
6 in front of me of the time line. We  
7 scheduled the meeting as soon as possible  
8 after that information that was to be  
9 discussed at the meeting was produced by the  
10 Company.

11 And again, most of these DRs  
12 relate back to those DRs 104 and 105 that I  
13 suspect you will hear far more than you ever  
14 wanted to hear about in the context of the  
15 actual deliberation of this case.

16 So that said, boy would be I  
17 happy to receive literally any information in  
18 response to this question. I think the more  
19 information the Company can provide A, the  
20 more productive things will be going forward,  
21 and B, the better resolution there could  
22 possibly be to this case.

23 MR. LOWERY: Judge, I only just  
24 want to make one quick point. I have  
25 practiced in this area for a long time and

1 other civil cases as well. I have had many  
2 dozens of instances where a total objection  
3 has been made to an interrogatory or requests  
4 for production and data requests, and it's  
5 commonplace for the attorneys for both sides  
6 to talk about a resolution of those  
7 objections.

8 In fact, Mr. Stokes and I had  
9 such a conversation about eight different DRs  
10 that we fully objected to last week. And  
11 guess what? We worked out compromises on the  
12 eight DRs. So the idea that we objected and  
13 Staff is and handicapped and can't come to us  
14 and talk about a compromise is frankly not  
15 accurate at all in the real world.

16 MS. LANGE: And Jim, that  
17 characterization is abysmally inaccurate.  
18 You objected in full. Staff has no  
19 obligation to beg and plead to get  
20 information from you that you should have  
21 provided in response to DRs.

22 This is neither here or there  
23 for purposes of this discovery conference so  
24 I'll just quit there.

25 MR. STOKES: Judge, this is

1 Curt. And I'm -- maybe what we can do is  
2 just get a commitment to maybe immediately  
3 after this discovery conference kind of sit  
4 down and, you know, maybe we can, you know,  
5 get Miss Lange and somebody from Ameren who  
6 has some information about their IT system or  
7 where the information resides, kind of break  
8 this DR apart and try to figure something  
9 out.

10 MS. LANGE: So Mr. Stokes, my  
11 concern with that is I feel we need written  
12 documentation. I think meeting notes are  
13 only as good as meeting notes. I will accept  
14 whatever Ameren can provide on this, and if  
15 Ameren can provide nothing than Ameren can  
16 provide nothing.

17 I'm hopeful they will take this  
18 opportunity to give us the information to  
19 allow us to ask more tailored DRs and to  
20 better frame the discussions that are needing  
21 to occur as a result of their inability or  
22 unwillingness to answer DRs 104 and 105.

23 JUDGE WOODRUFF: All right. I  
24 certainly encourage any further discussions  
25 if the parties find out it would be helpful.



1                   Mr. Stokes, anything else?

2                   MR. STOKES: I believe that  
3 takes care of Section C. Section D, DRs that  
4 we received a response which I had concerns  
5 about information being either incomplete or  
6 the information was not responsive to what  
7 Staff was looking for.

8                   And I think the first one is  
9 data request 104.6 asking about the number of  
10 conductors associated with each circuit. And  
11 if Miss Lange can explain that much better  
12 than I can, I believe, because of the  
13 technical nature of what she's asking for.

14                   MS. LANGE: We're simply asking  
15 how many conductors are associated with each  
16 circuit. The response we got from the  
17 Company was an objection that that requires  
18 analysis.

19                   I would find that concerning if  
20 the Company isn't aware of how many  
21 conductors are on each circuit. I guess  
22 we're just giving them an opportunity to  
23 clarify. If they want to I guess stand with  
24 that objection and if we can get a written  
25 response to that effect.

1 JUDGE WOODRUFF: Mr. Lowery?

2 MR. LOWERY: Judge, I'm going  
3 to have to ask Mr. Wills to respond. I don't  
4 know the details about that. But if we  
5 objected it calls for analysis, we felt it  
6 calls for analysis. I think we stand by the  
7 objection.

8 MR. WILLS: Sorry, I can jump  
9 in, Jim.

10 Yeah, exactly. So I guess the  
11 question comes down to again, our folks that  
12 provide that kind of information. A circuit  
13 is a long and complex entity that is not just  
14 one answer. They have to analyze the  
15 circuit.

16 Now I will say, and maybe we  
17 can cut short the conversation on this  
18 because I think we're working on an alternate  
19 response to that that we should have what I  
20 think is relevant information that will help  
21 Miss Lange understand, you know, that type of  
22 information.

23 But as far as, you know, the  
24 objection, it's not that we don't, you know,  
25 know how many conductors there are, but

1 circuits are long and complex and they  
2 change over time. And there would have to be  
3 a way to amalgamate the response that covers  
4 many potentially different voltages and  
5 different phases.

6 And so the answer would require  
7 analysis, but what we are going to do is  
8 provide an alternate response that we think  
9 is helpful on the topic.

10 MS. LANGE: This is the first  
11 we're learning of that provision of the  
12 alternate response and we look forward to  
13 receiving it.

14 JUDGE WOODRUFF: Okay.

15 MR. STOKES: And this is Curt,  
16 and I think any time that there is an  
17 objection that, you know, a response would  
18 require analysis, I think it would be helpful  
19 if the objection also indicated, you know,  
20 does Ameren have the information that that  
21 analysis would be based on, and can Ameren  
22 get us that information. And then Staff can  
23 do the analysis and get to the same  
24 information. I think that would be helpful.

25 Then I think that moves us to

1 533, and let me see. I think that those are  
2 requests about distribution infrastructure  
3 installed across a range of scenarios. And I  
4 think that goes back to something Miss Lange  
5 said earlier about, you know, trying to get  
6 to the same information that wasn't provided  
7 in response to DRs 104 and 105.

8 And I think Miss Lange can  
9 probably give it a lot better description  
10 than I just did.

11 MS. LANGE: And we did meet on  
12 this. It still remains on the list because  
13 my understanding is that Ameren was going to  
14 make a good faith effort to provide the  
15 information, some relative cost information  
16 if they could. So we hope that that is  
17 received, but under the circumstances we had  
18 to leave it on the list.

19 MR. LOWERY: Mr. Wills, any  
20 comment on that one?

21 MR. WILLS: I think we did have  
22 that meeting and we did say we would take  
23 another look at that and continue to have  
24 conversations with engineers about the topic.  
25 I still don't have any like additional answer

1 at this point but we continue to talk about  
2 it. We'll see if we can come up with  
3 something for it over time.

4 But I think they really, you  
5 know, they struggle to come up with these  
6 generalizations on a very complex electric  
7 system so we're thinking about that, about  
8 how to kind of simplify that into an answer.

9 JUDGE WOODRUFF: Any ideas on  
10 how long it will take?

11 MR. WILLS: Yeah, I can't say  
12 that I'm close to having something. I think  
13 they provided that, you know, I got a number  
14 of conversations. I don't think I'm on the  
15 cusp of having something, I'll say.

16 MR. LOWERY: Judge, I think we  
17 don't really know how to provide something  
18 more but we continue to explore ways to try  
19 to figure that out. I don't think we know  
20 how to provide anything more at this point.

21 MS. LANGE: And Judge, to  
22 clarify what we said, we will accept  
23 literally any information they can provide  
24 about the relative cost of building circuit  
25 at different voltage levels.

1           So what it costs to run, you  
2 know, just relative information. You know,  
3 what it costs under the same circumstances to  
4 run a mile of secondary cable; a mile of  
5 12.47, you know, double wire; a mile of, you  
6 know, 34KB. Any general information on that.

7           Is it, you know, a hundred  
8 dollars, is it a thousand dollars, is it  
9 \$10,000? And I think I've said this in, you  
10 know, virtually every discovery conference  
11 I've said that same thing. We will accept  
12 any information that they can provide on  
13 that.

14           JUDGE WOODRUFF: Okay.  
15 Mr. Stokes, next area.

16           MR. STOKES: Yes, we get to  
17 592, and that one gets back to a stipulation  
18 in a 2019 rate case, paragraph 41-A. There  
19 is one provision in there that I quote is,  
20 "Upon request by Staff, the Company, Ameren,  
21 shall make available determinants associated  
22 with the potential creation of a coincident  
23 peak demand charge for all classes."

24           And my understanding is that  
25 the response to 592 gave average demand by

1 class, where Staff was looking for peak  
2 demand. And the second part of that is  
3 paragraph 41 of the same stipulation had a  
4 provision for providing information, quote,  
5 "With and without applicable metering or  
6 voltage adjustments."

7 And my understanding is that  
8 response to DR 592 did not provide the  
9 information with that, quote, "with and  
10 without."

11 And Sarah might be able to, you  
12 know, explain that a little bit better again.

13 MS. LANGE: Well no, you did it  
14 all, Curt, I appreciate it.

15 JUDGE WOODRUFF: Response,  
16 Mr. Lowery?

17 MR. LOWERY: I'll let Mr. Wills  
18 respond.

19 MR. WILLS: Sure. I think  
20 there is a few items I think here. First of  
21 all we provided our response over a month  
22 ago. This is the first I've heard that there  
23 was anything wrong with it. So I didn't know  
24 it needed any follow-up, either formal or  
25 informal, that I'm aware of or else we would

1 have addressed that.

2                   The second point I make is that  
3 when I opened the data request I see  
4 aggregate and averages per customer, what it  
5 asks for, so I can't speak to why Miss Lange  
6 doesn't think it's there, but I see it in the  
7 response that I read.

8                   MS. LANGE: So sorry, Steve,  
9 yes. The aggregate -- the -- you did the  
10 second half of the quote but not the first  
11 half. So I'm looking for the information for  
12 the creation of a coincident peak demand  
13 charge.

14                   MR. WILLS: What information is  
15 that that's not in there?

16                   MS. LANGE: Well, I think what  
17 we had talked about before were customer NTP  
18 information. So you've got aggregate --

19                   MR. WILLS: What is NTP  
20 information for a peak demand charge?

21                   MS. LANGE: Okay. And so this  
22 is, I think this is something that Ameren had  
23 been interested in in the past, Steve. Think  
24 about the context of that STIP and what we  
25 were talking about at the time of the STIP.



1                   This is where we were looking  
2                   at potentially doing an NTP demand charge not  
3                   based on around the clock NTP but based on  
4                   NTP that occurs during a defined coincident  
5                   peak.

6                   MR. WILLS: Okay. I mean I  
7                   remember us having had conversations about  
8                   different stuff with demand charges. I  
9                   thought in this particular case that you were  
10                  looking for a demand charge, what is in the  
11                  STIP and what is asked for.

12                  I mean we wanted, you know, we  
13                  have data to do a decision list and are  
14                  willing to share data about that. I think  
15                  the standard coincident, I think the  
16                  information is adequate to do that.

17                  We can, you know, we have both  
18                  research and starting to build AMI data and I  
19                  agree that we talked about in the past being  
20                  able to do different rate designs and to look  
21                  at different rate designs and calculate data  
22                  for it.

23                  I think what we were understood  
24                  you were looking for is a coincident peak,  
25                  and we have information for a coincidence

1 peak there, so I mean.

2 MS. LANGE: Is this something  
3 where the Company will be supplementing it  
4 with that information or not?

5 MR. LOWERY: I think it depends  
6 on whether we've answered the question or  
7 not. If we have then we've answered the  
8 question. If there's a different question  
9 then we'll deal with a different question.

10 MS. LANGE: Well, there's the  
11 question in the context of the stipulation  
12 from the last rate case, which is the quoted  
13 language, and you affirmatively did not  
14 answer that question.

15 MR. LOWERY: Well, I'm not  
16 sure, we're claiming the stipulation --

17 MR. WILLS: The stipulation  
18 asks for hourly, aggregate, and average  
19 demand by class. The response has hourly,  
20 aggregate, and average demand by class.

21 MS. LANGE: And would you  
22 consider that --

23 MR. WILLS: That's the way I  
24 read the stipulation, that's what I thought  
25 you wanted.

1 MS. LANGE: So in the context  
2 of the last rate case, which is where this  
3 language is coming from, "Company shall make  
4 available determinants associated with the  
5 potential creation of a coincident peak  
6 demands charge for all classes." So you  
7 think that this --

8 MR. WILLS: Then it goes on to  
9 specifically request aggregate, hourly demand  
10 by class. And I thought that's what you  
11 wanted to use to create the charge that you  
12 were referencing in that stipulation. That's  
13 what was described there.

14 MS. LANGE: I think that the  
15 testimony in that particularly your testimony  
16 talking about the development of the demand  
17 charge for the TOU customers would probably  
18 be informative of what that language meant.

19 MR. WILLS: Okay. I didn't go  
20 back and read the testimony. I just did what  
21 the stipulation and the data requests said to  
22 do.

23 So I mean like I said, I'm  
24 happy to work with you on rates, on data for  
25 rate design. I thought this was what you

1 were looking for in the rates.

2 MS. LANGE: And I'm not trying  
3 to cast aspersions or anything, I'm just  
4 asking whether or not that is something  
5 that's going to be provided as a supplement.

6 MR. LOWERY: I think we will  
7 discuss -- we will discuss your perspective  
8 and get back to you on what we are or are not  
9 going to do.

10 I think that the fact that  
11 various positions were taking in testimony  
12 and settlements reached. What was said or  
13 not said in testimony you'll have your on  
14 perspective on. (Audio cut out.)

15 MS. LANGE: And this was an  
16 issue on which Ameren and Staff were in  
17 agreement. Again, this is not intended to  
18 cast aspersions, I just need to know whether  
19 or not I'm going to be able to have the data  
20 to do rate design.

21 And this was something where we  
22 were unable to get more details in the last  
23 rate case because Ameren took the position  
24 they didn't know exactly what data they would  
25 have and exactly what format, and that's why

1 I didn't ask for data in any particular  
2 format here for the creation of that charge.  
3 I just asked for what information do you have  
4 on it consistent with the prior STIP.

5 JUDGE WOODRUFF: What is hear  
6 is that you're going to talk some more.

7 MR. LOWERY: Judge, what I'm  
8 committed to is we will caucus and get back  
9 to Staff as to whether or not we think a  
10 supplementation is appropriate or not.

11 MR. STOKES: And this is Curt.  
12 I had a hard time following the technical  
13 aspect of that conversation. Will that  
14 conversation also include, you know, the  
15 concern about the with and without an  
16 applicable meeting or voltage adjustment  
17 piece?

18 MR. WILLS: We're happy to  
19 discuss all the elements of it. I mean we  
20 can get into that, but yeah, we can, yeah, we  
21 can discuss that.

22 MR. STOKES: Okay.

23 And then I think it gets us to  
24 our penultimate issue, which is DR 615. I  
25 think Sarah can explain that one again better

1 than I can. But I think there was a request  
2 in there for some ranges, and I think there  
3 was a concern that the ranges weren't  
4 provided in the response to this one.

5 And is Miss Lange available to  
6 explain that one?

7 JUDGE WOODRUFF: Miss Lange,  
8 can you hear us?

9 MS. LANGE: Yeah. I'm sorry, I  
10 was having trouble getting my phone screen to  
11 respond.

12 So yeah, again this is one  
13 where we tried to ask as generally as we  
14 could and the response says there is no  
15 typical installation, which is why we asked  
16 for ranges in the -- in the question itself  
17 saying what are -- what is plants that could  
18 be implicated in this.

19 MR. LOWERY: Mr. Wills or  
20 Mr. Hickman, it's my understanding we didn't  
21 think Staff asked for rate in this question.

22 MR. WILLS: Yeah, I mean  
23 reading the question I don't see the request  
24 for ranges for types of plants.

25 MR. HICKMAN: This is Tom. And

1 that's consistent with my understanding when  
2 I asked to try to get some feedback from  
3 engineers.

4           The question asked for typical  
5 overhead and underground service drops and  
6 then provides a range of customer types. And  
7 the issue I think that they had is that  
8 whenever you look at some of these customer  
9 types there is not a typical installation for  
10 these customer types.

11           And so the question kind of  
12 circled back to the fact that there is not a  
13 typical installation. So I think as I read  
14 the question if I understand there to be a  
15 range the range is the different customer  
16 types. But what was asked for was a typical  
17 installation across the customer types, and  
18 the customer types do not necessarily have  
19 typical installations.

20           MS. LANGE: And again,  
21 literally any information we can get on this  
22 is appreciated. You know, I am sure there is  
23 some overlap and I understand, you know, the  
24 rate classification does not necessarily, you  
25 know, you may have really similar, you may

1 have the same plant for a really big LGS  
2 customer for -- I'm sorry, a real small LGS  
3 customer or a really big SGS customer.

4 Literally any information is  
5 better than what we have at this point.

6 MR. WILLS: I'll just say  
7 working with engineers on these requests for  
8 typical is -- I mean it's eye opening in  
9 talking about we had some conversations with  
10 engineers that yeah, they really just don't  
11 think in terms of typical.

12 Every situation, you know, has  
13 nuance and uniqueness to them. And it  
14 becomes very difficult to get engineers to  
15 genericize something that is unlike. I mean  
16 we could make another run at seeing what they  
17 could provide on that, but it is very  
18 detailed and specific.

19 And I don't know, just trying  
20 to genericize something for a PS customer or  
21 a (audio cut out) there will be 17 questions  
22 about well, what is their equipment. They'll  
23 ask 17 questions before, you know, trying to  
24 even opine on what type of equipment they  
25 would use.



1           That is kind of the nature of  
2 how our, you know, how we'll feed the world,  
3 and in my experience anyway. So it's very  
4 challenging to pin someone down on this is  
5 average for that class. It's just not how  
6 they tend to operate and think.

7           MS. LANGE: And so just to  
8 contextualize this, again this is one where  
9 we asked for what is the actual dispersal of  
10 these assets by voltage and by rate schedule,  
11 and we did not get that information.

12           So we can't get actual, we're  
13 asking for the next best thing. And I guess  
14 we're asking for the next best thing to the  
15 next best thing because again, any  
16 information is better than none.

17           MR. WILLS: Judge, I think we  
18 think we've answered it to the best of our  
19 ability. We hear the request, but I think  
20 we've answered to the best of our ability, I  
21 don't know what else to say about it.

22           JUDGE WOODRUFF: Mr. Stokes,  
23 you want to move on, then?

24           MR. STOKES: Yeah, I guess it's  
25 to our last one, data request 681. This one

1 asked for the average number of customers by  
2 month taking service on very permutations of  
3 rate schedules and voltages billed and  
4 served.

5 And there was like an empty  
6 spreadsheet provided in response to that and  
7 you know, I think the request was just, you  
8 know, fill this spreadsheet out if you can.

9 At our July 20 discovery  
10 conference Ameren indicated they intended to  
11 answer, and the answer that we got I think  
12 was missing the information that Miss Lange  
13 was looking for.

14 I think there was a follow-up  
15 and there was also Ameren had objected to  
16 this request and, you know, given their  
17 indication of July 20 conference that they  
18 intended to respond I didn't know what the  
19 status of the -- I don't know if they're  
20 relying on the objections or, you know, if  
21 they just didn't have the information.

22 MS. LANGE: And so we did just  
23 get late yesterday some additional responses  
24 to this. Actually it wasn't to this DR, but  
25 it was to a follow-up to this DR. So we do

1 have some things to work from now.

2           There were a lot of caveats in  
3 that response, and that response still does  
4 not provide voltage rate schedule, which I  
5 mean that is how many customers do you serve  
6 under what rate at a given voltage is as  
7 fundamental as I think you can get to class  
8 cost of service and to charging rates.

9           So again, we just want to give  
10 the Company every opportunity to provide as  
11 much information as we can possibly get to  
12 this because I mean I can't think of a more  
13 critical question to cost of service and  
14 particularly to pricing out some of their  
15 elements like rider B and rider C.

16           JUDGE WOODRUFF: Any response  
17 from Ameren?

18           MR. WILLS: Yeah. I can -- I  
19 don't know if the response in the additional  
20 information you got yesterday, I'm not sure  
21 which one that is.

22           Tom Hickman, if you're on and  
23 you know, is there one?

24           MR. LOWERY: Mr. Wills, it's  
25 681.1 was the response we provided yesterday.

1 MR. WILLS: Okay. I don't have  
2 that open in front of me, though.

3 MR. HICKMAN: Do you know which  
4 one we're talking about, the metering voltage  
5 one?

6 MR. WILLS: Yeah. Then that is  
7 the information I was thinking of. And so  
8 that is, you know, required us to do  
9 additional analysis, but we did go ahead and  
10 do it willingly and, you know, after the kind  
11 of request we've had on this topic.

12 But, you know, I guess just  
13 with it being a foundational to class cost of  
14 service if anything, you know. I would just  
15 suggest that we've had class cost of service  
16 for the last two decades and never provided  
17 this information. So we're doing our best to  
18 get what Miss Lange would like to have. I  
19 think we've provided something that is very  
20 useful.

21 But I think, you know, there  
22 are standards of class cost of service that  
23 are reasonable where you treat customers not  
24 by individual voltages but by the voltage  
25 buckets in this category, which is what we do

1 and we've always done. So it's pretty much  
2 every party I've ever been aware of is class  
3 cost of service. We're doing our best to get  
4 the additional detail Miss Lange wants.

5 But I can't imagine we've done  
6 class cost of service for 20 years without it  
7 and that -- 20 years, you know, it's a  
8 hundred years without it, but we've given  
9 what we can get.

10 MS. LANGE: And in those  
11 hundred years how many years have you had  
12 seven different residential rate schedules?

13 MR. LOWERY: Judge, I think  
14 we've answered the question to the best of  
15 our ability. Miss Lange has a different  
16 perspective about the level of detail that  
17 ought to be available to class cost of  
18 service.

19 We don't have it. I think  
20 we've told her that in I don't know how many  
21 different DRs. And so I'm sure we're  
22 probably going to hear in testimony why we  
23 should have had X, Y, and Z. That's  
24 discovery.

25 MS. LANGE: And this is where

1 it would be very helpful to have that  
2 information about what information is  
3 contained in what repository and how they can  
4 and cannot cross reference.

5 And I would note that yes,  
6 Ameren's initial response to this DR is that  
7 they did not have it, and yet yesterday I got  
8 a lot of it. And so that's what's very  
9 frustrating with this process is waiting and  
10 waiting and waiting and two to three months  
11 later learning that the information we were  
12 told was unavailable is available.

13 We're grateful that it's  
14 available, but we're really closing in on the  
15 time when we can accommodate it in our direct  
16 case. So this is the last plea to get  
17 information.

18 MR. LOWERY: Sounds like a  
19 classic case of no good deed goes unpunished,  
20 Judge. We voluntary in an effort to be  
21 helpful did an analysis that we didn't have  
22 to do to come up with some information. But  
23 we didn't go pluck data from some repository  
24 to do that. We had to do analysis.

25 We don't have to do that, and

1 we did it in this particular instance because  
2 we were trying to be helpful.

3 JUDGE WOODRUFF: Okay.

4 Mr. Stokes, anything else?

5 MR. STOKES: No, I think that's  
6 it. I think, you know, my statement did  
7 have, you know, a note in there about, you  
8 know, the objections raised, you know, 80 or  
9 so DRs that they were overly burdensome.

10 I do want to reiterate that  
11 this is, you know, a \$300 million rate  
12 increase. The presumption is an evidentiary  
13 issues, it's not a shielded discovery of  
14 relevant information.

15 And, you know, I think  
16 especially on, you know, information about  
17 \$2.2 billion in Smart Energy Plan  
18 expenditures and rate design that, you know,  
19 the information Staff is asking for is  
20 important. And that we just want to get as  
21 much cooperation as we can from the Company.

22 When we're asking for  
23 information, you know, don't parse the data  
24 requests that Staff is sending in a way that  
25 you can answer that there is no responsive

1 information.

2           You know, look at the  
3 information. You know, there was a lot of  
4 gloss put on the phrase cost-benefit analysis  
5 to say that Ameren didn't have a response to  
6 those. But really put the claim language  
7 information, understanding, you know, did you  
8 analysis the cost and benefits of these \$2.2  
9 billion in expenditures and can you get us  
10 those, you know, the analyses that you did.

11           You know, a good example of  
12 that is the oversight committee information,  
13 you know, so. You know, in some this  
14 information is important. Customers need to  
15 pay for the benefits that they're receiving,  
16 but Staff needs the information about the  
17 benefits so that we can put a number on that.

18           And, you know, cost benefit  
19 information is pretty basic. And, you know,  
20 when you're talking about \$2.2 billion it  
21 really is incredibly important to get in.

22           And so again, you know, don't  
23 overly parse or layer additional meetings or  
24 constructions on, you know, just the plain  
25 language of our DRs. And, you know, just get



1 us the information that we're asking for.

2 JUDGE WOODRUFF: Okay.

3 Anything anybody else wants to bring up while  
4 we're on the record here?

5 All right. Well with that then  
6 we will be adjourned. Thank you all.

7 (Off the record.)

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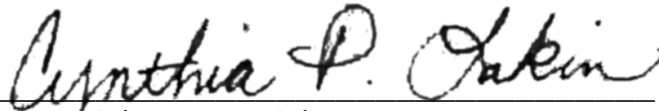
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