

In the Matter of:

**Union Electric Company d/b/a Ameren Missouri's Tariffs**

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**GR-2019-0077 VOL. II**

*March 06, 2019*

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STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

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TRANSCRIPT OF PROCEEDINGS

Discovery Conference

March 6, 2019

Jefferson City, Missouri

Volume 2

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In The Matter Of Union )  
Electric Company d/b/a Ameren )  
Missouri's Tariffs To Increase ) File No. GR-2019-0077  
Its Revenues For Natural Gas )  
Service )

JOHN T. CLARK, Presiding  
REGULATORY LAW JUDGE

REPORTED BY:  
Beverly Jean Bentch, CCR No. 640  
TIGER COURT REPORTING, LLC

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P R O C E E D I N G S

1  
2 JUDGE CLARK: It is 10:30 so why don't we go  
3 on the record. Today's date is March 6, 2019, and the  
4 current time is 10:30 a.m. We're in Room 305 of the  
5 Governor Office Building. The Commission has set aside  
6 this time for a Discovery Conference in the case  
7 captioned as In The Matter Of Union Electric Company  
8 d/b/a Ameren Missouri's Tariffs To Increase Its Revenues  
9 For Natural Gas Service, File No. GR-2019-0077.

10 My name is John Clark. I'm the Regulatory Law  
11 Judge in this matter, and I'm going to begin by having  
12 the attorneys enter their appearance starting with  
13 Ameren Missouri.

14 MR. MITTEN: L. Russell Mitten, Brydon,  
15 Swearngen & England appearing on behalf of Union  
16 Electric Company d/b/a Ameren Missouri.

17 JUDGE CLARK: Thank you, Mr. Mitten. On  
18 behalf of Staff Counsel's office?

19 MR. BERLIN: Thank you, Judge. Appearing on  
20 behalf of the staff of the Missouri Public Service  
21 Commission, Robert S. Berlin. I've given the contact  
22 information for the Commission's offices to the court  
23 reporter.

24 JUDGE CLARK: Thank you, Mr. Berlin. From the  
25 Office of the Public Counsel? I'm sorry. Go ahead, Mr.

1 Irving.

2 MR. IRVING: Ron Irving, Staff Counsel. I've  
3 given my information to the court reporter as well.

4 JUDGE CLARK: Thank you, Mr. Irving. From the  
5 Office of the Public Counsel?

6 MS. SHEMWELL: Thank you, Judge, and good  
7 morning. Let the record reflect the appearance of Lera  
8 Shemwell and Caleb Hall representing the Office of the  
9 Public Counsel and the public. The court reporter has  
10 my information. Thank you.

11 JUDGE CLARK: Thank you. Missouri Division of  
12 Energy? Hearing no one from the Missouri Division of  
13 Energy.

14 Missouri Industrial Energy Consumers? Doesn't  
15 appear we have an attorney on the line in regard to them  
16 either.

17 The Missouri School Board Association e-mailed  
18 the parties, I believe, and indicated they would not be  
19 participating in today's discovery conference.

20 The National Housing Trust? Do we have  
21 anybody on the line right now?

22 MR. OPITZ: Tim Opitz with Renew Missouri is  
23 on the line.

24 JUDGE CLARK: Thank you very much. For Renew  
25 Missouri?

1 MR. OPITZ: On behalf of Renew Missouri, I'm  
2 Tim Opitz, and my address is 409 Vandiver Drive,  
3 Building 5, Suite 205, Columbia, Missouri 65202.

4 JUDGE CLARK: And on behalf of Spire Missouri?  
5 Nobody here from Spire. If they join in late, we'll  
6 address them at that time. Is there anybody I've  
7 missed? Hearing no responses.

8 I'm just going to kind of jump right in.  
9 Staff, you requested that we maintain this discovery  
10 conference today because you indicated in your e-mail to  
11 all the parties that you were having some discovery  
12 issues. What's the issue?

13 MR. BERLIN: Judge, if I may, I'd like to just  
14 take a moment to give a few overview comments as to why  
15 we are here, why staff has asked for this discovery  
16 conference. I will also pass to you the most current  
17 handout that I have given to counsel that are in  
18 attendance today at the discovery conference. So we'll  
19 work through that particular handout.

20 What I'd like to mention --

21 JUDGE CLARK: Let me ask real quick, is there  
22 any objection to me looking at this handout from any  
23 party?

24 MR. BERLIN: It's going to be the road map  
25 that we talk about. That's all it is.

1 MS. SHEMWELL: We're fine.

2 MR. MITTEN: I don't have a problem.

3 JUDGE CLARK: Okay. I will ask, because we  
4 are on the record, I will ask that if there's any  
5 confidential information that's going to be presented,  
6 try and give me a head's up so that we can at least go  
7 in camera for the purpose of keeping the transcript  
8 confidential.

9 Go ahead, Mr. Berlin.

10 MR. BERLIN: I don't anticipate any  
11 confidential material being discussed at this point.  
12 Thank you, Judge.

13 Staff has called this discovery conference  
14 because we do have some concerns about the  
15 responsiveness of the company to our DRs. There have  
16 been quite a few objections to our DRs, including our  
17 supplemental DRs. The total DRs right now as of March 5  
18 at 5:30 p.m. that have been objected to are 108 out of a  
19 total number of 253 DRs submitted. So the percentage of  
20 DRs that have been objected to is 43 percent of our DRs.  
21 And the percentage of total DRs that Ameren has sought  
22 additional time to respond to is 142 out of 253 or 56  
23 percent.

24 The total number of DRs objected and requested  
25 additional time but gave no specific date when provided

1 are 12. And then the total number of DRs that only  
2 requested additional time regardless of specific or  
3 open-ended type questions is 90. The specific DRs that  
4 were answered late, and we distinguish late as after 20  
5 days and late after the requested additional time, are  
6 85 out of the 253 or 34 percent, which means that those  
7 DRs were late and exceeded their own requested extension  
8 of time and then there's 157 out of 253 or 63 percent of  
9 all DRs, answered DRs, were late and that they exceeded  
10 the 20-day limit with or without extension.

11 So what I'd like to do is by way of comparison  
12 is to look at Ameren Missouri's last electric rate case,  
13 which was a much more complicated case, much more  
14 complex with many more DRs than what we have issued in  
15 this case. That was Case ER-2016-0179. In the electric  
16 rate case, Ameren objected to 10 percent of the DRs  
17 issued. In this case, the gas case, Ameren has objected  
18 to 43 percent of our DRs that have been issued.

19 In the electric rate case, 23 percent of the  
20 DRs required greater than 20 days for response. In the  
21 gas case, the percentage is 63 percent of DRs that  
22 require greater than 20 days for response. And we have  
23 all the documentation on every DR and the timing, and so  
24 forth.

25 What we find interesting are that, to frame



1 this concern, is that we have specific DRs that have  
2 been answered inadequately. We have unresolved DRs,  
3 unresolved DR No. 5 it did not provide October 2016 to  
4 current board of director committee or Ameren Missouri  
5 agendas, presentations or minutes. Unresolved is DR 6.  
6 It did not provide October 2016 to current officer  
7 meeting agendas, presentations or minutes. DR 30 did  
8 not provide the reports showing the other wages, bonus,  
9 overtime, et cetera, as was provided in the electric  
10 rate case DR 56. And DR 60 we asked for environmental  
11 cleanup lists for October 1, 2010 through true-up, and  
12 we received the third quarter 2017 forward.

13 Unresolved is DR 61. I'm not even going to go  
14 through and explain each one of these. But DR 61 was  
15 unresolved, DR 65 is unresolved, DR 95 is unresolved.  
16 There are some DRs that were resolved. We resolved 58,  
17 68 and 69, 93, 118 and 147. But again to highlight  
18 again our concern is we've got 43 specific DRs that were  
19 asked and answered without objection in prior cases but  
20 were objected to this time. That's 43. And so we have  
21 a concern.

22 And we have quite a bit of the documentation  
23 here. And then we have some specific DRs that we asked  
24 for information going back to true-up cutoff in the last  
25 case were for a five-year period but only received one

1 year of data and then had to bargain with the company  
2 for the entire five years that we had provisionally  
3 asked for. That was in DR 5, DR 6, DR 65, DR 68, DR 118  
4 and DR 147 and DR 190.

5 I do want to just mention -- And that pretty  
6 much concludes my overview comments before I was to get  
7 to what I have as the handout list of DRs -- but we also  
8 have some inadequate DR responses to our financial  
9 analysis group. 82 to 82.1, 83, and then we have a  
10 reasonable accommodation request such as in DR 81  
11 financial analysis. I'd like to mention this. That  
12 involves information on equity analysts' reports that  
13 were provided on DVD during the financial analysis  
14 on-site visit February 25. Staff believes it's a  
15 reasonable request such DVD be provided without having  
16 to review something like that on site. Anyway, I've  
17 given you a very broad overview of our concerns.

18 Staff has framed our concerns really with the  
19 specific DRs in the handout that I just handed to you  
20 and to the other counsel. So we're prepared to go down  
21 this list. Note, too, that we crossed out certain DRs:  
22 204, 191 and I think 80.2 was just answered as well. So  
23 we've updated this as again as of March 5 at 5:30 p.m.

24 So I would like to turn this over and go  
25 forward with discussion of the rest of the DRs that we

1 have concerns over as may be needed. And I have staff  
2 present as well that can offer any supporting detail on  
3 questions that you or any other counsel may have.

4 JUDGE CLARK: Okay. I've got a couple quick  
5 questions and then we'll start to go through that.  
6 These numbers were probably in large numbers that were  
7 thrown out. If they were. I didn't catch them.

8 How many data requests have been answered by  
9 the company so far? That would include data requests  
10 answered even unsatisfactorily.

11 MR. BERLIN: I've got to go back to my  
12 overview sheet. Lisa, if you could step up here and  
13 help guide me through this sheet.

14 JUDGE CLARK: I just want to know how many of  
15 the 253 were answered without regard to whether they  
16 were late, outside the 20 days or later.

17 MS. FERGUSON: It looks as if 239 have been  
18 answered whether it was inadequate or not inadequate.

19 JUDGE CLARK: That gets to my next question.  
20 Would you identify yourself for the court reporter?

21 MS. FERGUSON: I'm sorry. My name is Lisa  
22 Ferguson. I'm an auditor with the Missouri Public  
23 Service Commission.

24 JUDGE CLARK: Thank you. Of those 239 that  
25 were answered, do you know how many of those were

1 answered satisfactorily or conversely unsatisfactorily  
2 in terms of staff's perspective?

3 MS. FERGUSON: Now there are approximately  
4 seven that I have unresolved, but are you asking for  
5 prior to discussion and negotiation for extra  
6 information?

7 JUDGE CLARK: I'm asking at this point in time  
8 how many data requests have been satisfactorily answered  
9 from staff's perspective. If that information is  
10 unavailable right now, that's an acceptable answer.

11 MS. FERGUSON: Approximately 244 have been  
12 answered satisfactorily.

13 JUDGE CLARK: Just a second ago you told me  
14 239 were answered. Now we're at 244.

15 MS. FERGUSON: The reason it's 244 is I did  
16 not include Mr. Murray's financial analysis DRs in my  
17 first response. I apologize for that.

18 JUDGE CLARK: Okay. Did you say those have  
19 been answered to staff's satisfaction?

20 MR. MURRAY: I'm sorry. We had some  
21 confusion. I was just telling her to add to whatever  
22 the number is that's not satisfactory. I apologize. I  
23 have two that are unsatisfactory in my staff's.

24 MS. FERGUSON: And we have seven for auditing  
25 so that would be nine that were unsatisfactory after

1 negotiation of information.

2 JUDGE CLARK: And Mr. Murray, would you  
3 identify yourself?

4 MR. MURRAY: I'm sorry. David Murray,  
5 M-u-r-r-a-y.

6 JUDGE CLARK: Okay. If you want to go into  
7 the specifics, Mr. Berlin.

8 MR. BERLIN: It seems that probably the most  
9 economic thing to do here would be to go down through  
10 each of the nine DRs.

11 MR. MITTEN: Which nine DRs are we talking  
12 about? Let me also say something for the record. In  
13 advance of the meeting, Mr. Berlin was kind enough to  
14 provide us a list of DRs that staff had concerns about.  
15 In his opening today, I heard about at least three DRs  
16 that were not on the list. That's one of the problems  
17 that we have is that prior to receiving that list  
18 certainly the attorneys representing Ameren had no  
19 inkling that there were problems that staff had with any  
20 of our responses or any of our objections or anything  
21 else.

22 So it's difficult to resolve problems that  
23 you're not aware of. Going forward, we would offer to  
24 staff and to public counsel the opportunity to contact  
25 Ameren's attorneys directly or the people who are making

1 the responses directly to register their concerns about  
2 the, quote, end quote, adequacy of the responses or the  
3 request for additional time. But again, if we don't  
4 hear about those things, we can't know there's a  
5 problem.

6 MS. FERGUSON: Mr. Mitten, I've had several  
7 discussions with Laura Moore about the adequacy of the  
8 information that was provided.

9 MR. MITTEN: That's fine. If you dispute the  
10 adequacy of the information, that's fine, but there's a  
11 way to bring that to a head if you're not getting  
12 information that you're satisfied with.

13 MS. FERGUSON: Well, you just said that I  
14 didn't contact the company or let them know about the  
15 inadequacy of the information and I did.

16 MR. BERLIN: If I could just interject a  
17 comment. I understand Mr. Mitten's comments. I would  
18 just say, Judge, as you well know, we have three  
19 discovery conferences that are scheduled in our  
20 procedural schedule. I requested that we hold this  
21 particular discovery conference because, as you know, we  
22 have an enormous number of DRs involved here and quite a  
23 large percentage that are being answered late and so we  
24 have some real concerns about the timeliness of the  
25 response and the adequacy of the response given that we

1 are under a procedural schedule and we do have to file  
2 direct testimony and the staff witnesses require this  
3 information for their direct testimony.

4 So what I would offer to do then is, and I  
5 would ask the auditors to help me with this, is to just  
6 lay out the concerns on the nine DRs if we can whittle  
7 it down to that.

8 MR. MITTEN: Let me also make one other  
9 comment that we did object to a large number of DRs.  
10 The fact that there were more objections made in this  
11 case than were made in the last electric case probably  
12 has to do with the fact they're different lawyers  
13 working on this case than there were in the electric  
14 case.

15 In each and every instance where we objected,  
16 we also said that we would be providing a response  
17 subject to the objection and we, in fact, did that. If  
18 there are concerns about the, quote, adequacy, close  
19 quote, of the response, that can be raised in a motion  
20 to compel, it can be raised in a phone call to the  
21 lawyers, but again we haven't heard any of that prior to  
22 receiving the list from Mr. Berlin prior to this  
23 discovery conference.

24 The purpose of the discovery conference, as I  
25 understand it, is to really resolve issues that can't be

1 resolved otherwise. But again, if we don't know about  
2 the problem, and I'm talking now about the attorneys, we  
3 can't resolve those issues in advance of the discovery  
4 conference and that certainly would be our preference to  
5 not have to waste your time, to waste our time through a  
6 discovery conference and try and resolve the issues  
7 outside that.

8 MR. BERLIN: Judge, let me make a reply to  
9 that is that the purpose of the discovery conference at  
10 least from staff's viewpoint is that this is intended to  
11 address discovery issues on the record that may crop up  
12 during the course of discovery in this rate case. And  
13 so we have the opportunity to bring them out, surface  
14 all of our concerns and talk to specific DRs and that we  
15 are requesting responses to so that we can be prepared  
16 to do our direct testimony, prepare our direct  
17 testimony; and then if the company pushes back on  
18 responses to certain DRs, that then allows us in this  
19 discovery conference to make a motion to compel to the  
20 Regulatory Law Judge who can then issue an order either  
21 at the discovery conference or direct the attorney to  
22 file a motion to compel to take it in front of the  
23 Commission.

24 This is intended to be a tool to more  
25 efficiently manage discovery throughout the rate case



1 process. That's pretty much staff's view of it.

2 MR. MITTEN: Well, again, I think this is a  
3 last resort. In terms of the motion to compel, if you  
4 want to file a motion to compel, by all means do so, but  
5 let's give us an opportunity to resolve the problem  
6 beforehand. And I'm simply saying that we haven't heard  
7 about it. I'm talking again about the lawyers. We  
8 haven't heard about any complaints that you have prior  
9 to receiving the document that I got two or three days  
10 ago. If you will give us the opportunity to do that, it  
11 may obviate filing a motion to compel or even bringing  
12 the issue up at the discovery conference.

13 If staff's concern is to get timely responses,  
14 it would seem to me raising the issues at the time they  
15 become issues is the most efficient way to deal with  
16 that rather than waiting for the discovery conference  
17 which is only scheduled once a month.

18 MR. BERLIN: Well, this is all part of the  
19 process.

20 JUDGE CLARK: Okay, stop. What I don't want  
21 to do with this discovery conference is sit around  
22 debating what the purpose of the discovery conference  
23 is. What I do want to do with the discovery conference  
24 is try to as amicably as possible resolve this so all  
25 reasonable discovery requests get dealt with.

1 I don't see it as a waste of my time to be  
2 here. What one side may see as not being an issue  
3 another side may see as being an issue. At the same  
4 time, I do understand what you're saying. I have a  
5 limited grasp of how discovery works between the parties  
6 when you're dealing with companies. So it sounds like  
7 to me that discovery requests are issued to the company  
8 and then the company responds. And what I'm gathering  
9 from you, Mr. Mitten, is that that all kind of happens  
10 behind the scenes and unless it's brought to your  
11 attention you're unaware of issues; is that correct?

12 MR. MITTEN: We file a response. And unless  
13 somebody brings it to my attention, I assume that the  
14 response we filed was adequate and satisfactory.

15 JUDGE CLARK: In regard to, just to get this  
16 out of the way in regards to while there appears to be a  
17 substantial number of objections, two things. I mean, I  
18 don't know what the specific requests are that are being  
19 objected to that may be reasonable, it may not. You  
20 indicated it may just have to do with different  
21 attorneys working different cases.

22 What I am immediately interested in is if  
23 there are by comparison 43 answered DRs in a prior case  
24 that were objected to in this case, do those encompass  
25 any of the nine that we're going to be talking about?

1 MR. BERLIN: I'd have to ask the auditors that  
2 question. Hold on a minute, Judge.

3 MS. FERGUSON: I would say yes. I don't have  
4 a specific number, but DR 5 and DR 6 definitely are ones  
5 that have been answered in the past --

6 JUDGE CLARK: In the prior electric?

7 MS. FERGUSON: -- that were objected to. Yes.

8 MR. MITTEN: And again, the fact we objected  
9 doesn't mean we didn't answer them.

10 MS. FERGUSON: That's correct. 5 and 6 we  
11 considered inadequate.

12 JUDGE CLARK: Hold on. Why don't we start  
13 with this nine and see if there's any that you can agree  
14 need to be answered.

15 MS. FERGUSON: Let me clarify first, before we  
16 go to that spot. Earlier when you were asking, there  
17 are 14 unanswered DRs currently. That is in the list  
18 that is in front of you. There are nine inadequate  
19 responses. So just so that there is no confusion.

20 JUDGE CLARK: So for a total of 23?

21 MS. FERGUSON: Yes.

22 MR. BERLIN: Just to clarify, that's seven  
23 unresolved from auditing and there's two unresolved from  
24 finance.

25 MS. FERGUSON: From Mr. Murray, yes.

1 MR. BERLIN: I would propose maybe we go  
2 through each one of those DRs, we go through nine.

3 JUDGE CLARK: Yes, go ahead.

4 MR. BERLIN: The first unresolved DR was DR 5,  
5 did not provide the October 2016 --

6 JUDGE CLARK: Do I have a list of this?

7 MS. FERGUSON: It's on the second page.

8 JUDGE CLARK: DR 5 and 6?

9 MS. FERGUSON: Yes. What is listed under DR 5  
10 and 6 are specific items that we have typically seen in  
11 audits of their electric utility. However, these are  
12 committees that are for the Ameren board and Ameren  
13 officers which oversees both electric and gas. We were  
14 not provided any of these committee minutes, agendas or  
15 presentations for the dates listed, as well as any of  
16 their meetings for their executive leadership team,  
17 their senior leadership team or their Ameren leadership  
18 team.

19 We believe that this is -- this relates to gas  
20 operations because they review such things as  
21 compensation for not only their executives but also the  
22 people below their executives that have control over not  
23 only electric but gas operations.

24 MR. MITTEN: May I respond?

25 JUDGE CLARK: Yes.

1 MR. MITTEN: First of all, information  
2 regarding the board of directors has to go through one  
3 person, Lou Brislane. When the DR was submitted, she  
4 reviewed the DR to come up with responsive information  
5 but subsequent to that she had carpal tunnel surgery and  
6 as a result of that surgery developed pneumonia. So she  
7 was out sick a lot longer than we expected.

8 I will tell you that DR No. 5 specifically  
9 asked for information regarding the board of directors  
10 that pertains to Ameren Missouri gas operations and  
11 Ameren service operations. We believe the information  
12 that we gave responds to that specific request. To say  
13 it's less information than was provided in response to  
14 similar requests for an electric operation ignores the  
15 fact that Ameren Missouri's electric operations are  
16 much, much larger and much, much more comprehensive than  
17 are its gas operations.

18 And it's distinctly possible that some of  
19 those board minutes and other materials that they  
20 requested don't have anything to do with the gas  
21 operations or Ameren services operations. I will tell  
22 you that in response to staff's notification that they  
23 had a problem with that. We're going to go back and  
24 review all the board materials to make sure nothing that  
25 was requested was left out. But again, the request was

1 very specific and very limited to the gas operations and  
2 Ameren services. And we will provide that information.  
3 But to say that our response was inadequate because we  
4 didn't provide information that was not requested I  
5 think is unfair.

6 JUDGE CLARK: Let me ask a quick follow up  
7 question. When you say answered questions regarding gas  
8 which can be limitedly construed to when they mention  
9 the word gas or something broader where you have the  
10 oversight of both gas and electric operations where  
11 you're talking about overall executive compensation,  
12 would you say that the latter would be information that  
13 you would not include in relation to that DR request?

14 MR. MITTEN: If it relates to costs that were  
15 either directly assigned or allocated to gas operations,  
16 we believe that's within the scope of the request.  
17 And we're not saying -- and we believe that we have  
18 provided all that information, but again we're going to  
19 go back and review it and we're going to make sure that  
20 everything that could be construed as responsive to that  
21 request is being provided.

22 JUDGE CLARK: Okay. I think that kind of  
23 skirts my question about say, for example, executive  
24 compensation.

25 MR. MITTEN: Executive compensation to the

1 extent some of it is allocated to gas, yes, that's  
2 relevant and we don't know that we haven't provided that  
3 information. Again, we're going to go back and recheck  
4 to make sure.

5 JUDGE CLARK: Okay. How long do you think it  
6 will take to provide that information?

7 MR. MITTEN: The person who has access to that  
8 information will not be back on the job until next week.

9 MR. BERLIN: Judge, if I could interject.  
10 There's two points I'd like to make. I believe that  
11 staff's concern is yes, obviously we are concerned about  
12 Ameren Missouri gas because this is an Ameren Missouri  
13 gas rate case. But auditors need to have access to the  
14 entire board of directors minutes so that they can see  
15 what is and what is not included in those minutes as it  
16 may or may not affect the gas company. So they need to  
17 be able to look at the entire scope of the minutes and  
18 then make that determination as to whether it is  
19 relative to the gas company or not.

20 MR. MITTEN: Judge, that's not what they asked  
21 for. We're required to give them what they asked for,  
22 not try and guess what they want and give them that. I  
23 mean, I'll show you what the DR specifically says and we  
24 believe we responded to that. If they want more than  
25 that, then they're going to have to ask for more than

1 that. It may be subject to an objection as to relevance  
2 because just because they want to see information that  
3 may be relevant to electric operations or something  
4 other than is the subject of this rate case doesn't  
5 necessarily mean that they're going to get to see it.

6 MR. CASSIDY: Judge Clark, my name is John  
7 Cassidy. I'm an auditor with the Missouri Public  
8 Service Commission staff. And let me just speak to a  
9 few of the things that Mr. Mitten has commented on  
10 today.

11 With regard to DR 5 and 6, staff just recently  
12 completed its review of that information, and so we just  
13 became aware of all of the missing documents that were  
14 provided by Ameren. So this was really our first  
15 opportunity to address this with you and we didn't want  
16 to miss presenting this to you at the discovery  
17 conference because the next one is April 2 and it would  
18 be much too late for us to deal with that matter at that  
19 time for our testimony.

20 So with regard to all of these committees that  
21 we have listed on this second page, all of those  
22 committees are applicable to gas because there are  
23 employees that do work for both gas and electric. For  
24 instance, compensation studies not only for executives  
25 but for managers and lower level employees. So there's



1 a whole list of things here that we've provided here  
2 that are applicable to gas.

3 MS. FERGUSON: That also applies to Mr.  
4 Murray's information because when they develop the cost  
5 of capital and the return on equity that has to do with  
6 utility as a whole which applies to electric and gas.

7 MR. CASSIDY: And also I just follow up on  
8 Mr. Mitten's comment about Lou Brislane being out. I  
9 find it unreasonable that only one person in the entire  
10 company of Ameren can provide this information, and I  
11 would point Mr. Mitten to a response to DR 21.1 in  
12 ER-2016-0179 where Ameren's internal audit group did an  
13 audit of the rate case process and that rate case  
14 process was revamped and streamlined so that if people  
15 were out or key people retired it would not delay their  
16 response to staff data requests in rate cases.

17 MR. MITTEN: Judge, I don't know anything  
18 about that internal audit report. It's really not  
19 germane to what we're talking about here. Board of  
20 directors information is very, very sensitive, and it's  
21 not at all unreasonable for Ameren or any other company  
22 to restrict access to that to a very small number of  
23 people. I'm sorry Ms. Brislane was out ill, but that  
24 couldn't be avoided. But again, we believe we have  
25 provided staff the information that it requested in DRs

1 5 and 6. We're going to go back and double check to  
2 make sure. But again, if you ask for information that  
3 pertains to Ameren Missouri gas operations or Ameren  
4 services activities, that's what you're going to get.  
5 You're not going to get information regarding electric  
6 operations or operations other than gas and Ameren  
7 services.

8 JUDGE CLARK: I guess my problem here is there  
9 is a substantial amount of what I'm going to say is  
10 overlap between those two and the issue seems to be  
11 you're saying that the way the DR is framed is such as  
12 to limit that information and your view is that the  
13 company gets to be the redactor or editor of said  
14 information and your view is that the staff gets to be  
15 the redactor or editor of such information. I think in  
16 regard to this --

17 MR. BERLIN: Judge, if I could interject.  
18 It's not that staff is doing any redactions. Staff is  
19 --

20 JUDGE CLARK: Is deciding what's relevant.

21 MR. BERLIN: -- undertaking discovery to  
22 determine what's relevant to the gas operations.

23 JUDGE CLARK: Without going further into this,  
24 relevance is an extraordinarily low bar. Do we have  
25 somebody else on the line?

1 MR. OPITZ: This is Tim Opitz. I got  
2 disconnected briefly. Sorry about that.

3 JUDGE CLARK: Thank you, Mr. Opitz. I don't  
4 think you've missed anything.

5 Let me ask this. I understand that we're on a  
6 tight timeline here and I don't want to restrict the  
7 timeline, but I do see Mr. Mitten's point in regard to  
8 how the question is phrased. Is there a way that the  
9 data request could be phrased, and it might draw an  
10 objection which might necessitate a motion to compel an  
11 argument, but could a broader data request be designed  
12 to get this or is the company willing to just give this  
13 up? I don't really -- I'm trying hard to understand the  
14 harm to the company here and I'm not seeing it.

15 MR. MITTEN: Again, it's not a harm issue.  
16 This discovery conference is to bring before you  
17 complaints about our alleged failure to respond to staff  
18 data requests.

19 JUDGE CLARK: I'm less inclined in any of  
20 these discovery conferences to really get in to blame or  
21 fault. My interest is in getting proper requests  
22 answered.

23 MR. MITTEN: Judge, I understand that. But  
24 again, we responded to the request we got. We're now  
25 told that they want more information. We're going to go

1 back and look and maybe we can provide additional  
2 information. But again, to say our response was  
3 inadequate because we gave them what we believe they  
4 asked for doesn't seem to be fair to me.

5 JUDGE CLARK: Again, I'm not here to establish  
6 blame and I do see your point of view. So I guess my  
7 question is, I think it's clear the information they're  
8 requesting now does the company need a new DR with a  
9 broader base or is the company willing to provide the  
10 information that they've requested.

11 MR. MITTEN: Let me go back to my folks and  
12 ask. I will let Mr. Berlin know either by the end of  
13 the day today or tomorrow.

14 JUDGE CLARK: Is that satisfactory for now?

15 MS. FERGUSON: I would just like to comment  
16 that DRs 5 and 6 are similar if not probably verbatim  
17 the same as data requests that we've requested in the  
18 past eight Ameren rate cases. So I don't know as it's  
19 really a surprise what we're requesting here.

20 MR. MITTEN: But again, electric operations  
21 are much larger than gas operations.

22 MS. FERGUSON: I'm sorry. Number two, yes,  
23 but they're also overlap as we have already established.

24 MR. MITTEN: We don't know that we haven't  
25 provided information that is overlapping.

1 MS. FERGUSON: I am notifying you right now  
2 that you have not.

3 MR. CASSIDY: We know that you haven't. We  
4 have specific documents that we know are embodied in  
5 every electric case that pertain to compensation  
6 studies, you know, numerous things that are equally  
7 applicable to electric and gas and none of that was  
8 provided to us in response to DRs 5 and 6.

9 MS. FERGUSON: Judge Clark, I believe if we  
10 request another data request that puts us back another  
11 20 days and we may or may not get the information that  
12 we're still requesting.

13 MR. MITTEN: Again, let us go back and see  
14 what we have and what we can provide them and I will let  
15 Mr. Berlin know today or tomorrow what we're willing to  
16 provide to staff in response to these DRs.

17 MR. BERLIN: Judge, if I could interject, and  
18 I want to just cut to the chase and offer a way out or a  
19 solution here hopefully that would resolve all parties'  
20 concerns. Before I go on to the other DRs, we'll talk  
21 about nine of them, two from finance and then the  
22 balance after 5 and 6 of these. What I was going to  
23 suggest at the end of this conference is that we set up  
24 a follow up discovery conference for March 18 which is a  
25 Monday where we can follow up on the concerns that have

1 been presented here at today's discovery conference and  
2 if anything new were to arise between now and then. So  
3 that's how I would propose that we go forward to allow  
4 the company to go back through the problem DRs, the  
5 unresolved DRs, and then we can hopefully have these  
6 matters wrapped up on or by the 18th.

7 JUDGE CLARK: That actually goes along the  
8 lines of something I was thinking if we need to,  
9 basically if the company says they need to look back and  
10 see which of these can be answered and then provide a  
11 response, we need some check on the adequacy of those  
12 responses and I don't want to wait until the 20 days in  
13 regards to objections, handle it if it's going to  
14 substantially impact the timeline of getting things that  
15 need to be done before testimony is submitted.

16 MR. MITTEN: We don't have a problem with a  
17 follow up conference. We'd also like to have an interim  
18 process between now and then so we can try and figure  
19 out what it is you want and what we can provide you so  
20 that if we have to come back to you on the 18th we're  
21 limiting ourself to issues that staff has asked for  
22 something and we have said no for some particular  
23 reason.

24 JUDGE CLARK: That would be fantastic. That's  
25 ideally what I want.

1 MR. MITTEN: But again, we can't -- I can't  
2 know about issues if they're not brought to my  
3 attention.

4 JUDGE CLARK: You've covered that point  
5 several times and I do get it that you're walking into  
6 this and you're unaware of some of these issues. So I  
7 understand that. Like I said, I'm not here in any way  
8 to play the blame game. Nobody in my mind yet has asked  
9 or requested any kind of sanctions.

10 It sounds like you can go back and look  
11 through these and decide what needs to be answered, get  
12 with Mr. Berlin, and if it's unsatisfactory we can  
13 revisit again on the 18th. So I don't have a problem  
14 with that if nobody else has an objection to that.

15 MR. MITTEN: That's fine.

16 MS. FERGUSON: I don't. I will clarify I have  
17 been working closely --

18 JUDGE CLARK: Stop for just a second.

19 MS. FERGUSON: I apologize.

20 JUDGE CLARK: It sounds like there's a  
21 breakdown in what I would call informal communication  
22 between parties. I do think if you're not being  
23 notified that stuff is not being answered then that's a  
24 problem. I don't know if that's a problem between you  
25 and the company or I don't know if that's a problem

1 between you and the other parties. That needs to be  
2 resolved somehow.

3 MR. BERLIN: I would just point out, Judge, I  
4 did give this handout. When I e-mailed you on Monday  
5 saying we wanted to go forward with the discovery  
6 conference, I did provide Mr. Mitten a list of our  
7 concerns that we wanted to address so that the company  
8 would not be blindsighted. The company does have to  
9 understand too that when you have such a high number of  
10 objections and such a high number of requests to extend  
11 even indefinitely some due date for a response, that's  
12 kind of a witch's brew of problems that is developing.

13 So I don't think there's any surprises there  
14 at all. But I think that we have again nine unresolved,  
15 two from finance, seven from auditing, DRs that I think  
16 Mr. Mitten can go back to the company on and hopefully  
17 we meet here again on the 18th we'll all be able to be  
18 happy with the results. That would be my goal.

19 JUDGE CLARK: What day is the 18th?

20 MR. BERLIN: That's a Monday. I would suggest  
21 the afternoon for a follow up discovery conference.

22 MR. MITTEN: Judge, if I was unclear,  
23 Mr. Berlin did provide this information to me on Monday  
24 so that there was no surprise in terms of a list of  
25 items that we were going to discuss today. In fact, I



1 called him last week when I found out that he wanted to  
2 move forward with the discovery conference to see if we  
3 could begin a resolution process then. We're interested  
4 in resolving as many of these outside a formal discovery  
5 conference as we can. We'll try and do that before the  
6 18th.

7 JUDGE CLARK: Okay. Do we want to go through  
8 the rest of these or do we want to try and handle them?  
9 Do they all want to be umbrellaed in the same way?

10 MR. BERLIN: I would like to at least, at  
11 least from staff's perspective, just go over the nine  
12 DRs. Mr. Mitten may or may not be able to respond at  
13 this point. But just for the record we already talked  
14 about 5 and 6. I won't belabor that. DR 30 we are  
15 looking for reports to be provided showing the other  
16 wages, the bonus, overtime, et cetera, as was provided  
17 in the electric rate case ER-2016-0179 and I'll refer  
18 the electric rate case DR 56.

19 MR. HALL: Bob, is there some other document  
20 you're looking at regarding the DR 30?

21 JUDGE CLARK: I'm trying to catch up with you  
22 here.

23 MR. MITTEN: It's not on the list.

24 MS. FERGUSON: There's a difference. The list  
25 that you have in front of you are unanswered DRs. Those

1 are beyond the due date or extension that need to be  
2 answered.

3 JUDGE CLARK: You're talking about an  
4 unsatisfactory answer.

5 MS. FERGUSON: What he's discussing is an  
6 unsatisfactory answer of which I just wanted to say that  
7 I have been working with Laura Moore of the company and  
8 she has been helpful in trying to provide information.  
9 Now, I don't know whether she has discussed this with  
10 Mr. Mitten or not. That may be the communication  
11 breakdown.

12 MR. MITTEN: This is not limited to DRs that  
13 haven't been responded to because some of the ones on  
14 the latter pages have to do with what staff considers to  
15 be inadequate. We will be happy to look in to DR 30 and  
16 see what information can be provided.

17 MS. FERGUSON: I apologize. He is correct. 5  
18 and 6 is on your document as well. I do have a few more  
19 that had inadequate responses or we believe did and I  
20 can go through.

21 JUDGE CLARK: I just want to go out of this  
22 conference today with a comprehensive list of what needs  
23 to be addressed so that when we come back on the 18th  
24 we've limited it down to the ones where there's truly we  
25 don't think we should answer this, we think this should

1 be answered.

2 MS. FERGUSON: I think that's covered in the  
3 document that everybody has with the exception of five  
4 DRs.

5 MR. HALL: Just so we can follow along, just  
6 glancing over the table I see Bob's paper has an Excel  
7 spreadsheet on it. I see Russ has a paper with track  
8 changes. But the document that Your Honor and public  
9 counsel has does not have either the table or the track  
10 changes. I'm not sure what you're all looking at.

11 MR. MITTEN: I can fill you in on the track  
12 changes and would be happy to do that before we leave to  
13 make sure everybody is up to speed on what has been  
14 provided and what is still outstanding.

15 JUDGE CLARK: I don't care how it's done as  
16 long as you can all agree on the list of disputed ones.  
17 And any party can have a dispute as to one and then it  
18 goes on the list.

19 MR. MITTEN: Can we go over my updated  
20 information on the list of DRs that haven't been  
21 answered and maybe eliminate some of the discussion?

22 MR. BERLIN: All right. Understand that what  
23 I was trying to do is to focus us down to nine DRs.

24 MR. MITTEN: I want to get those nine DRs  
25 before we leave. If some of those nine DRs are dealt

1 with in some of the information I'm going to provide,  
2 that will take them off the list.

3 MR. BERLIN: I'm certainly willing to discuss  
4 DRs and give you an opportunity to talk to them.

5 MR. MITTEN: I don't know how the list that  
6 I'm speaking from --

7 JUDGE CLARK: We're looking at 23 DRs is my  
8 understanding.

9 MS. FERGUSON: Yes.

10 JUDGE CLARK: So why don't -- I normally  
11 prefer the moving party to go ahead and normally, Mr.  
12 Berlin, I'd let you go through this; but if we can  
13 eliminate some right now, I'd just as soon eliminate  
14 them from the list. Give me the numbers of the 23.

15 MR. MITTEN: DR 204, that response was filed  
16 on the 4th.

17 JUDGE CLARK: Just the numbers. Let's just go  
18 through the numbers. Get the 23 numbers down and then  
19 we'll address them individually.

20 MR. MITTEN: 23 numbers.

21 MS. SHEMWELL: The number of the DR.

22 JUDGE CLARK: Yeah, the DR numbers.

23 MS. FERGUSON: The 14 that have now been  
24 answered and the 9 that are inadequate.

25 JUDGE CLARK: That's correct.

1 MR. MITTEN: 204. That response was filed on  
2 the 4th. 198 was filed today.

3 MS. SHEMWELL: Just want the number.

4 JUDGE CLARK: Okay.

5 MR. MITTEN: 195 has not been filed, but we  
6 believe that answer will be provided by Friday. 193,  
7 the same, the answer will be provided by Friday. Same  
8 with 192. 191, that answer was published yesterday.  
9 186, we believe the answer will be provided by Friday.

10 162, the answer was filed yesterday. 153, the  
11 answer was filed yesterday. 151, the answer was filed  
12 yesterday. 150, the answer was filed yesterday. 80.2,  
13 the answer was filed yesterday. And 47.2 has not been  
14 responded yet but I expect it will be filed before the  
15 end of business today.

16 MR. BERLIN: Which one did you just mention?

17 MR. MITTEN: 47.2.

18 MS. FERGUSON: There are approximately four  
19 more on that list. You may have an older one.

20 MR. MITTEN: I have an older list and I don't  
21 have those, Lisa, and I can't respond to the ones that  
22 are on the list Bob passed out.

23 JUDGE CLARK: That's 14. What are the  
24 remaining ones? I don't really care who tells me.

25 MS. FERGUSON: 200, 185, 181 --

1 JUDGE CLARK: You mentioned 185, didn't he?  
2 No, he did not. Go ahead.

3 MS. FERGUSON: 181 and 173.

4 MR. MITTEN: 173 is outstanding, you're right.

5 JUDGE CLARK: What are the others?

6 MS. FERGUSON: So out of the ones that he did  
7 not mention I have, there is 200, 185, 181 and 173. The  
8 remainder of the ones that we haven't discussed outside  
9 of what Russ has talked about were the inadequate ones.

10 MS. SHEMWELL: 204 may I ask the status.

11 MR. MITTEN: 204 was filed on the 4th.

12 JUDGE CLARK: The inadequate ones, list those  
13 ones for me.

14 MS. FERGUSON: The inadequate? 5 and 6 which  
15 we've already discussed, 30, 60, 61, 65, 95.

16 MR. BERLIN: There's also some finance.

17 MS. FERGUSON: Correct.

18 MR. MURRAY: Financial analysis, although I --

19 THE COURT REPORTER: I'm sorry. I can't hear.

20 MR. MURRAY: I'm sorry. It's 82 through 82.2  
21 that we're requesting a document each time. I got an  
22 explanation as to why they didn't think it was relevant,  
23 I believe. Then the other one is DR 83 which could be  
24 resolved if DRs 5 and 6 are resolved with auditing as  
25 far as having access to Ameren and Ameren Missouri's

1 board of director materials because Ameren Missouri and  
2 Ameren obviously they do their financing for all their  
3 operations together and they're interrelated and that's  
4 just another explanation as to why we're used to seeing  
5 --

6 MR. MITTEN: If I can address the ones  
7 Mr. Murray just discussed, 82 through 82.2, we did  
8 respond to each one of those.

9 JUDGE CLARK: I understand that. I've got  
10 that on my they're considering an inadequate response.

11 MR. MITTEN: Can I explain to you the basis  
12 for I guess the dispute?

13 JUDGE CLARK: I don't think we need to go  
14 there yet, because I think that that's something that  
15 maybe can be worked out before the 18th.

16 MR. MITTEN: That's fine.

17 JUDGE CLARK: If it comes back, it comes back.  
18 Right now I'm interested in what's going on with 200.

19 MS. SHEMWELL: May I ask about 181 or 81?

20 JUDGE CLARK: I'm getting to 181.

21 MS. SHEMWELL: 81.

22 MR. MITTEN: 200 I have no explanation as to  
23 why that is still outstanding but we are running it down  
24 to find out and try to get it responded to as quickly as  
25 possible.

1 JUDGE CLARK: 185.

2 MR. MITTEN: That one is with the lady who has  
3 been out and we won't be able to respond to that until  
4 she returns next week.

5 JUDGE CLARK: That's outstanding as well.  
6 181.

7 MR. MITTEN: 181, again, I don't have an  
8 explanation as to why they hasn't been filed yet other  
9 than we are working to get it done as quickly as  
10 possible.

11 JUDGE CLARK: Okay. So it sounds like in  
12 looking at this list, it looks like some answers have  
13 been filed by today, some will be filed by Friday, some  
14 were filed yesterday and it looks like there are four or  
15 five on the unanswered list that are outstanding, one of  
16 them 47.2 you indicated you believe will be answered  
17 before the end of the day. We've just gone over the  
18 list. And to me this totals more than 23. It looks  
19 like we have some that the company believes that are  
20 inadequately answered. And so we can go over specific  
21 ones if there are specific objections that need to be  
22 handled now or what we can do is you can take this  
23 rather comprehensive list and try and work it out  
24 informally and then I can rule on any ones that come  
25 back on the 18th.



1 MR. MITTEN: So that I've got my notes  
2 correct, Bob and Lisa, the ones that you believe were  
3 inadequately answered are 5 and 6, 30, 60, 61, 65, 95  
4 and then Dave Murray had 82 through 82.2.

5 JUDGE CLARK: And I believe he said 83 but he  
6 said that would not be an issue if 5 and 6 were  
7 appropriately answered.

8 MR. MURRAY: Yes.

9 MS. FERGUSON: Correct.

10 JUDGE CLARK: And then Ms. Shemwell mentioned  
11 81. Is that an inadequately answered or is that an  
12 outstanding one?

13 MS. SHEMWELL: You're asking for a DVD that  
14 was provided to them on site that it be provided  
15 physically I think.

16 MR. MURRAY: It was a reasonable accommodation  
17 request in my opinion. All the reports were on DVD and  
18 I had to go on site to look at them. I think it would  
19 be reasonable for them to send it to staff and whoever  
20 else.

21 MR. MITTEN: The information doesn't belong to  
22 Ameren. It belongs to a company called AlphaSense. And  
23 the agreement with AlphaSense does not allow that to be  
24 provided to third parties which is why we have to make  
25 it available for review on site.

1 JUDGE CLARK: I believe that standard court  
2 discovery rules say that you have to make it available  
3 and not unreasonable to get to.

4 MR. MITTEN: And they're there on site. If  
5 they prefer to have it in Jefferson City, I can make it  
6 available in my office in Jefferson City, but we are  
7 prevented by the agreement with giving them a copy of  
8 that information.

9 JUDGE CLARK: Would that be tenable?

10 MR. MURRAY: That would be much more  
11 acceptable.

12 JUDGE CLARK: Okay. That sounds like that  
13 would at least resolve that one.

14 MR. MURRAY: So it would be available in your  
15 office?

16 MR. MITTEN: Yes.

17 JUDGE CLARK: Would that be tenable for you,  
18 Ms. Shemwell?

19 MS. SHEMWELL: Yes.

20 JUDGE CLARK: Did you want to go over any  
21 other specific ones? I know I kind of deviated from  
22 what you wanted to do.

23 MR. BERLIN: No, Judge. I think we've got all  
24 of them from auditing and finance. I think that  
25 addresses them at this point in time.

1 JUDGE CLARK: I think for this discovery  
2 conference I think an informal resolution is better  
3 where the parties try and work it out and then if these  
4 are outstanding issues next time it may merit a  
5 Commission order of some kind. I will say just from my  
6 perspective, and I'm sorry you're hamstrung a little bit  
7 by precedent, but if a DR request has been previously  
8 answered in another rate case by this company, I would  
9 be hard pressed to say that it shouldn't be answered in  
10 this one.

11 MR. MITTEN: Well, the only problem is I think  
12 you're comparing apples and oranges in terms of the DR  
13 request that was made in the last electric rate case  
14 versus the one here.

15 JUDGE CLARK: And that's an argument that can  
16 come up on the 18th.

17 MS. SHEMWELL: Public counsel has two.

18 JUDGE CLARK: Go ahead, Ms. Shemwell.

19 MS. SHEMWELL: 1201 and 1202. I have been  
20 visiting with Mr. Mitten and I think that I was under  
21 the impression that it was Laura Moore who had been out  
22 of the country and has been ill.

23 MR. MITTEN: She was ill and she was out for  
24 about a week early in February. So that has certainly  
25 delayed that. Lera, are those still outstanding because

1 the list that I have of outstanding DRs does not show  
2 those two? I will double check when I get back to my  
3 office.

4 MS. SHEMWELL: I just asked Amanda this  
5 morning. She doesn't have -- Let me say that Amanda  
6 feels the information she has gotten is that Ameren Gas  
7 does not have any direct employees and so she is  
8 concerned that there is potentially some real overlap in  
9 terms of expense reports particularly for Ameren  
10 officers but that she get all of them.

11 MR. MITTEN: Again, I don't know what DR that  
12 -- we'll be happy to talk you about that. I will also  
13 check on 1201 and 1202.

14 MS. SHEMWELL: Okay. That's fine.

15 JUDGE CLARK: So possibly outstanding  
16 possibly.

17 MR. MITTEN: We will certainly do everything  
18 we can to get them responded to as quickly as possible  
19 if they are outstanding.

20 JUDGE CLARK: My preference at this point is  
21 to go with Mr. Berlin's idea of holding another  
22 discovery conference on the 18th to see what issues have  
23 been cleared up. I haven't got my calendar in front of  
24 me. So I'm going to assume that the 18th is a good day.  
25 It's usually a day I telecommute. I shouldn't have

1 anything scheduled then. I'll get to you in just a  
2 second.

3 Does anybody have any problems with March 18  
4 at two o'clock?

5 MR. MITTEN: I don't.

6 MS. SHEMWELL: I don't have my calendar but I  
7 don't think so. Caleb is good.

8 JUDGE CLARK: Why don't we plan on that at  
9 this point. You were going to say something?

10 MR. CASSIDY: Judge Clark, John Cassidy again.  
11 Mr. Mitten, I would just offer we can submit a  
12 supplement to DR 5 and 6 that is identical to what we  
13 submitted in the electric case if you're -- you seem to  
14 be interpreting that DR differently in this case than  
15 the way it's been interpreted in all the other previous  
16 electric cases. We can work towards resolving that by  
17 wording it in a way that you think it needs to be worded  
18 in order to provide the information that we seek.

19 MR. MITTEN: John, I'm going to have to plead  
20 ignorance because I don't know what you asked for in the  
21 electric case. Let's see if we can't resolve this  
22 without having to do that. If you need to submit a  
23 supplemental request, I will let you know.

24 MR. CASSIDY: Okay.

25 JUDGE CLARK: I think that's reasonable.

1 Okay. Are there any other issues or matters that need  
2 to be addressed by the Commission at this time?  
3 Staff counsel?

4 MR. BERLIN: No, Judge. Thank you.

5 JUDGE CLARK: Does that adequately address  
6 what you wanted to address today?

7 MR. BERLIN: Yes, it is. I appreciate the  
8 time and opportunity to bring these forward, and I  
9 believe or hopefully believe we can get them all  
10 resolved by the 18th.

11 JUDGE CLARK: Ameren?

12 MR. MITTEN: Yes, I think we're satisfied,  
13 Judge.

14 JUDGE CLARK: Office of the Public Counsel?

15 MS. SHEMWELL: We have had a question outside  
16 of this as to local public hearings.

17 JUDGE CLARK: I believe those are right now,  
18 and I'm just going off the top of my head, I believe  
19 those were scheduled from June 10 to the 14th. Does  
20 that sound correct?

21 MS. SHEMWELL: I think that sounds right.

22 JUDGE CLARK: What was your particular  
23 question? As to where?

24 MS. SHEMWELL: Where the Commission is in the  
25 process of.

1 JUDGE CLARK: I have submitted those to my  
2 administrative assistant a few weeks ago. I can check  
3 on it today in regards to getting available locations  
4 and security for those locations. I believe that I had  
5 expressed between Columbia and Jefferson City having  
6 one. I believe we settled on having one in Columbia.

7 MS. SHEMWELL: Judge, when you say June, it  
8 does seem like a long way out. There's a long time to  
9 get that done. So we won't worry about it.

10 JUDGE CLARK: It has been submitted to my  
11 administrative assistant. I did ask to have locations  
12 basically reserved for that.

13 MS. SHEMWELL: Thank you.

14 JUDGE CLARK: I believe we settled on four.

15 MS. SHEMWELL: I believe so.

16 JUDGE CLARK: Anything else from the Office of  
17 the Public Counsel?

18 MS. SHEMWELL: Thank you, Judge.

19 JUDGE CLARK: Mr. Opitz, do you have anything  
20 you'd like to add?

21 MR. OPITZ: I do not. Thank you, Judge.

22 JUDGE CLARK: Thank you, Mr. Opitz. Okay.  
23 Again, and I will issue an order to the effect that we  
24 will have another discovery conference on March 18, 2019  
25 at 2:00 p.m. here in Room 305 at which time we'll

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address any of the issues that the parties were unable to informally resolve.

Hearing no other issues before the Commission, we will adjourn this discovery conference.

(Off the record.)



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CERTIFICATE OF REPORTER

I, Beverly Jean Bentch, RPR, CCR No. 640, Certified Court Reporter with the firm of Tiger Court Reporting, LLC, within the State of Missouri, do hereby certify that I was personally present at the proceedings had in the above-entitled cause at the time and place set forth in the caption sheet thereof; that I then and there took down in Stenotype the proceedings had; and that the foregoing is a full, true and correct transcript of such Stenotype notes so made at such time and place.

*Beverly Jean Bentch*

Beverly Jean Bentch, CCR No. 640

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