

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

In the Matter of Union Electric Company)	
d/b/a Ameren Missouri's Tariff Filing to)	
Implement Changes to the Energy)	Case No. GT-2011-0130
Efficient Natural Gas Equipment and)	
Building Shell Measure Rebate Program)	

**MOTION TO ESTABLISH EXPEDITED
DISCOVERY RESPONSES AND MOTION
FOR EXPEDITED TREATMENT**

COMES NOW the Missouri Office of the Public Counsel ("OPC") and for its Motion to Establish Expedited Discovery Responses and Motion for Expedited Treatment states:

1. The Commission's November 10, 2010 Order Suspending Tariff and Setting Hearing set an evidentiary hearing for November 29, 2010. The Commission set this matter for hearing to allow the parties an opportunity to present evidence. The Commission recognized that "there is no factual record to support the claims or positions of either Public Counsel or Ameren Missouri."

2. OPC wishes to have an opportunity to engage in discovery with Union Electric Company d/b/a Ameren Missouri (UE) to give OPC an opportunity to present its case to the Commission. On November 10, 2010, OPC sent its first set of data requests to UE in this case, which included twenty (20) separate data requests.¹

3. Commission rule 4 CSR 240-2.090 provides that a "party to whom data requests are presented shall answer the requests within twenty (20) days after receipt

¹ OPC Data Requests 2001 through 2020, sent to UE on November 10, 2010.

unless otherwise agreed by the parties to the data requests.” This rule presents an obstacle to OPC’s ability to engage in discovery because a twenty day response would allow the data request responses to be provided *after* the evidentiary hearing. For this reason, OPC respectfully requests that the Commission order the parties to respond to data requests no later than five (5) business days after receipt, and to object no later than three (3) business days after receipt.²

4. In regards to the previously submitted data requests, numbers 2001 through 2020, expediting UE’s response should not be a burden on UE since OPC submitted nearly identical data requests to UE on October 27, 2010 in UE’s general rate case, Case Number GR-2010-0363. UE’s responses to those data requests are due to be provided to OPC by UE no later than next Tuesday, November 16, 2010. UE did not object to OPCs’ data requests in GR-2010-0363 within ten (10) days as required by 4 CSR 240-2.090(2), and therefore, UE should have no objections to providing the same discovery responses in the present case since all of the requests are relevant to tissues in this case. Accordingly, this request to expedite discovery responses would create no additional burden to UE in regards to the pending data requests.

5. OPC anticipates the need to submit follow-up data requests to UE once OPC has reviewed UE’s responses to OPC data request numbers 2001 to 2020. Any follow-up data requests or other additional data requests should also be answered within

² A similar requirement of five (5) business days to answer and three (3) business days to object was ordered by the Commission in UE’s rate case, *In the Matter of Union Electric Company d/b/a AmerenUE’s Tariffs to Increase its Annual Revenues for Gas Service*, Case No. GR-2010-0363, Order Adopting Joint Procedural Schedule and Procedural Requirements, August 19, 2010, p.2.

five (5) business days, with objections due within three (3) business days, given the short timeframe available for conducting discovery prior to the evidentiary hearing.

6. The Commission may waive the application of any rule, including the Commission's discovery rules, upon the showing of good cause. 4 CSR 240-2.015. Given the shortened window for conducting discovery, OPC believes that this establishes good cause for ordering all parties to expedite their data request responses by providing answers within five (5) business days after receipt, and objections within (3) business days after receipt.

7. OPC requests expedited consideration of this motion pursuant to 4 CSR 240-2.080(16), and asks that the Commission grant this motion no later than Tuesday, November 16, 2010. The harm that will be avoided by granting this motion is the harm in prohibiting a party from having a reasonable opportunity to engage in discovery due to the twenty day turnaround requirement. OPC filed this motion as soon as it could have filed.

WHEREFORE, the Office of the Public Counsel respectfully requests that the Commission establish a discovery response deadline of five business days from receipt of the data request, and objections within three business days from receipt.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 12th day of November 2010:

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