

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

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| In the Matter of Union Electric Company, d/b/a) AmerenUE's Tariff to Increase Its Annual) Revenues for Electric Service.) | <u>Case No. ER-2011-0028</u> <u>Tariff No. YE-2011-0116</u> |
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**JOINT LIST OF ISSUES, LIST AND ORDER OF WITNESSES,
ORDER OF OPENING STATEMENTS, AND
ORDER OF CROSS-EXAMINATION**

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, and for its *Joint List of Issues, List and Order of Witnesses, Order of Opening Statements, and Order of Cross-Examination*, states as follows:

1. On November 10, 2010, the Commission issued its *Order Adopting Procedural Schedule and Establishing Test Year*.

2. That Order set April 19, 2011, as the date upon which “The parties shall agree upon and Staff shall file a list of the issues to be heard, the witnesses to appear on each day of the hearing, the order in which they will be called, and the order of cross-examination for each witness. The list of issues should be detailed enough to inform the Commission of each issue that must be resolved. The Commission will view any issue not contained in this list of issues as uncontested and not requiring resolution by the Commission.”

3. The parties are unable to comply with the requirements of Commission Rule 4 CSR 240-2.080(21); however, Staff has solicited input from all parties, and obtained input from most of them, in preparing the list of issues presented below. Therefore, Staff requests, pursuant to Rule 4 CSR 240-2.025, that the Commission waive the requirements of Rule 4 CSR 240-2.080(21) for good cause shown and accept this

pleading as the list of issues and order of witnesses required by the Commission's Order of November 10, 2010.

4. Staff, with input from the other parties and based on the statements of issues in AmerenUE's last general electric rate case, Case No. ER-2010-0036, has developed the list of issues, list and order of witnesses, order of opening, and order of cross-examination that are attached. Staff has attempted to minimize scheduling conflicts and maximize agreement among the parties. In some instances, due to witness availability limitations, a witness is scheduled to testify on a particular issue, or issues, out of order.

5. The statements of issues in the list of issues are not necessarily agreed to by all parties as the best or even an appropriate characterization of the issue; therefore, some parties may state the issue differently in their pleadings and briefs. Further, parties may address one or more issues not clearly included in the list of issues, or parties may state they consider an issue listed to not be a contested issue. Staff has attempted to phrase the issues in a non-argumentative way. Others may view that Staff has not always been successful. Although the Commission stated in its Order of November 10, 2010, that "The Commission will view any issue not contained in this list of issues as uncontested and not requiring resolution by the Commission," the Commission should not construe the list of issues here to impair any party's ability to argue about any of the listed issues or related matters, or to restrict the scope of any party's response to arguments made by other parties.

WHEREFORE, Staff submits the attached *List of Issues, List and Order of Witnesses, Order of Opening Statements, and Order of Cross-Examination*, and requests, pursuant to 4 CSR 240-2.025, the Commission waive the requirements of

Rule 4 CSR 240-2.080(21), regarding the format of the list of issues, for good cause shown.

Respectfully submitted,

s/ Kevin A. Thompson
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Certificate of Service

I hereby certify that a true and correct copy of the foregoing was served, either electronically or by hand delivery or by First Class United States Mail, postage prepaid, on this **21st day of April, 2011**, on the parties of record as set out on the official Service List maintained by the Data Center of the Missouri Public Service Commission for this case.

s/ Kevin A. Thompson