

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

In the Matter of Union Electric Company d/b/a)
Ameren Missouri's 2nd Filing to Implement) File No. EO-2015-0055
Regulatory Changes in Furtherance of Energy)
Efficiency as Allowed by MEEIA.)

JOINTLY PROPOSED PROCEDURAL SCHEDULE

COMES NOW Union Electric Company d/b/a Ameren Missouri (Ameren Missouri or Company), the Staff of the Missouri Public Service Commission (Staff), and the Office of the Public Counsel (OPC),¹ and hereby request that the Commission establish the procedural schedule outlined below for resolving the Change Requests filed in this docket by Staff and OPC and, in support of their request, state as follows:

Introduction

1. On February 10, 2016, the Commission approved a *Unanimous Stipulation and Agreement (Cycle 2 Stipulation)*² approving Ameren Missouri's 2nd Missouri Energy Efficiency Act (MEEIA) energy efficiency plan. Appendix C to the Cycle 2 Stipulation outlines a process for resolution of Change Requests respecting the impact portion of annual Evaluation, Measurement, and Verification (EM&V) Reports prepared by EM&V contractors engaged by the Company as contemplated by the Cycle 2 Stipulation. That process contemplates a complete resolution of Change Requests on an approximately 90-day timeline, and further provides that the Commission's resolution of Change Requests is final and not subject to appeal.

2. The parties have conferred and believe that the Commission, as well as the parties, would be better served by a somewhat modified process for resolution of the Staff's and OPC's

¹ Counsel for the other parties to this File have been contacted and all, but one (Division of Energy), have indicated that they do not oppose the requests reflected in this Jointly Proposed Procedural Schedule. The undersigned have not yet been able to reach the Division of Energy's counsel.

² The Cycle 2 Stipulation has been modified in certain respects by three Commission orders listed in Footnote 1 of Staff's Change Request.

Change Requests, particularly given that this is the first EM&V cycle arising from the Company's Cycle 2 energy efficiency programs and given the technical details and complexity involved in addressing the issues that have been raised.³ The agreed-upon schedule includes a 2-day settlement conference to provide a preset opportunity to discuss technical issues and the possibility of resolving the parties' differences.

3. The parties therefore request that the Commission adopt the following procedural schedule and procedural requirements in lieu of the procedural schedule and requirements that would otherwise apply under Appendix C of the Cycle 2 Stipulation, and that the Commission vacate the August 15, 2017, *Order Directing Filing*. The agreed-upon procedural schedule and requirements are as follows:

Proposed Procedural Schedule

Direct Testimony of Staff and OPC ⁴	September 11, 2017
Rebuttal Testimony	October 13, 2017
Surrebuttal/Cross-Surrebuttal Testimony	October 27, 2017
Settlement Conference	November 6-7, 2017
Last Day to Request Discovery	December 1, 2017
List of Issues, Order of Witnesses, Order Of Cross-Examination	December 6, 2017
Statements of Position	December 8, 2017
Evidentiary Hearing	January 9-10, 2018
Initial Post-Hearing Briefs	January 31, 2018
Reply Briefs	February 16, 2018

³The modifications would not, however, change the parties' agreement, as reflected in the Cycle 2 Stipulation, that the Commission's resolution of the Change Request is final and un-appealable.

⁴ As the only parties filing change requests.

Proposed Procedural Requirements

- (a) All parties must comply with the requirements of Commission Rule 4 CSR 240-2.130 for prepared testimony, including the requirement that testimony be filed on line-numbered pages.
- (b) Although not all parties may agree upon how each issue should be described or on whether a listed issue is in fact a proper issue in this case, the parties shall agree upon and 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.
- (c) Each party shall file a simple and concise statement summarizing its position on each disputed issue.
- (d) All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 4 CSR 240-2.080. Briefs shall follow the same list of issues as filed in the case and must set forth and cite the proper portions of the record concerning the remaining unresolved issues that are to be decided by the Commission.
- (e) If part of testimony or documents are prefiled and served upon the parties before a hearing, a party need only provide a copy of the testimony or document to the court reporter for marking as an exhibit. If not prefiled and served upon the parties, then a party who has a document marked for use at the hearing shall have sufficient copies of the document to provide a copy not only to the court reporter, but also to each of the Commissioners, the presiding officer, and counsel for each other party.
- (f) All parties shall provide copies of testimony (including schedules), exhibits, and pleadings to other counsel by electronic means and in electronic form, essentially concurrently with the filing of such testimony, exhibits, or pleadings where the information is available in electronic format (.PDF, .DOC, .WPD, .XLS, etc.). Parties are not required to put information that does not exist in electronic format into electronic format for purposes of exchanging.
- (g) Public documents filed in the Commission's Electronic Filing and Information System ("EFIS") shall be considered properly served by serving the same on counsel of record for all other parties via e-mail. The parties agree highly confidential documents may be obtained from EFIS and so agree not to serve those documents via email.
- (h) Counsel for each party shall receive electronically from each other party serving a data request, an electronic copy of the text of the "description" of that data request contemporaneously with service of the data request. Regarding Staff-issued data requests, if the description contains highly confidential or proprietary information, or is voluminous, a hyperlink to the EFIS record of that data request shall be considered a sufficient copy. If a

party desires the response to a data request that has been served on another party, the party desiring a copy of the response must request a copy of the response from the party answering the data request. Data requests, objections to data requests, and notifications respecting the need for additional time to respond to data requests shall be sent by e-mail to counsel for the other parties. Counsel may designate other personnel to be added to the service list for data requests, but shall assume responsibility for compliance with any restrictions on confidentiality. Data request responses shall be served on counsel for the requesting party, unless waived by counsel, and on the requesting party's employee or representative who submitted the data request, and shall be served electronically, if feasible and not voluminous as defined by Commission rule. In the case of Ameren Missouri data request responses, Ameren Missouri shall post its data request responses on its Caseworks Extranet site; however, in the case of responses to data requests Staff issues, Ameren Missouri shall also submit the responses to Staff data requests in EFIS, if feasible, or in electronic format on compact disc or by other means agreed to by Staff counsel, if infeasible.

- (i) The parties shall make an effort to not include highly confidential or proprietary information in data requests. If highly confidential or proprietary information must be included in a data request, the highly confidential or proprietary information shall be appropriately designated as such pursuant to Commission Rule 4 CSR 240-2.135.
- (j) Until rebuttal testimony is filed, the response time for all data requests shall be fifteen (15) calendar days, with five (5) business days to object or notify the requesting party that more than fifteen (15) calendar days will be needed to provide the requested information; thereafter, the response time for all data requests shall be five (5) business days, with three (3) business days to object or notify the requesting party that more than five (5) business days will be needed to provide the requested information. If a data request has been responded to, a party's request for a copy of the response shall be timely responded to, considering that the underlying data request has already been responded to (except that, with the exception of responses to Staff, responses will not be needed for Ameren Missouri's data request responses posted on Ameren Missouri's Caseworks Extranet site).
- (k) Data requests may be directed to the Commission's Auditor or the Company's Evaluator by serving the data request on counsel for the Staff or the Company, respectively. The Auditor and Evaluator will provide their responses to Staff or the Company, respectively, who will in turn submit them to the parties. The Staff's role in responding to data requests sent to the Auditor and the Company's role in responding to data requests sent to the Evaluator shall be administrative only without exercising editorial control or invoking any privilege. In the event the Auditor or Evaluator is called to testify, the Auditor will be represented at the hearing or at any deposition by Staff counsel, and the Evaluator will be represented at the hearing or at any deposition by counsel for the Company.
- (l) Workpapers prepared in the course of developing a Change Request, including verified memoranda including therewith (including exhibits or schedules) shall not be filed with the Commission, but shall be submitted to each party within two (2) business days following the filing of the particular document, unless a party has indicated that it does not want to receive some or all of the workpapers. Workpapers containing confidential information shall be appropriately marked. If there are no workpapers associated with a Change Request or

testimony, the party's attorney shall so notify the other parties within the time allowed for providing those workpapers.⁵

- (l) Where workpapers or data request responses include models or spreadsheets or similar information originally in a commonly available format where inputs or parameters may be changed to observe changes in inputs, if available in that original format, the party providing the workpaper or response shall provide this type of information in that original format with formulas intact. With the exception of workpapers provided to Staff, Ameren Missouri may provide workpapers by posting the same on its Caseworks Extranet site, with e-mail notification to counsel for the parties to be provided essentially concurrently with the posting of workpapers on the Extranet site. Ameren Missouri shall provide its workpapers to Staff in electronic format by e-mailing or by delivery of a compact disc or other electronic storage.
- (m) Commission Rule 4 CSR 2.090's requirement that a party must seek a telephone conference with the presiding officer before filing a discovery motion shall be waived.

WHEREFORE, Ameren Missouri, the Staff and OPC request that the Commission vacate its August 15, 2017, *Order Directing Filing* and enter its order adopting the above procedural schedule and requirements.

Respectfully submitted,

/s/ James B. Lowery

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⁵ Staff and OPC have previously provided workpapers associated with their Change Requests and included memoranda.

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic transmission, facsimile or email to counsel for parties in this case on this 21st day of August.

/s/ James B. Lowery