



July 14, 2015

Andrew J. Linhares
Attorney for Renew Missouri
910 East Broadway
Suite 205
Columbia, MO 65201
andrew@renewmo.org

Re: EO-2015-0055

Dear Mr. Linhares:

Thank you for the opportunity to speak this morning concerning the Motion for Protective Order you filed on behalf of Renew Missouri. In response to your concerns, I would offer the following compromise:

1. Earth Island Institute d/b/a Renew Missouri ("Renew Missouri") appoint a non-attorney representative to discuss the factual basis for Renew Missouri's support of the stipulation and understanding of the operation of the terms presented therein;
2. The time and place of the deposition are negotiable and could include tomorrow, Thursday, Friday, Saturday, or possibly even Monday;
3. The time of the deposition would be limited to 45 minutes;
4. The deposition could be by phone;
5. Renew Missouri would present the same representative at hearing for cross examination.

As I explained previously, Renew Missouri presented the testimony of two witnesses from National Housing Trust and Tower Grove Development Corporation. The factual testimony contained therein addresses issues affecting low-income energy efficiency programs only. On July 7, 2015, Renew Missouri signed onto a stipulation that included low-income programs, but National Housing Trust and Tower Grove Development Corporation did not sign the stipulation. The July 7, 2015 Stipulation contains new terms not previously socialized with Ameren Missouri, including a novel cost recovery mechanism, a novel peak demand reduction performance incentive, a third party moderator, an expert panel to make certain findings, and other terms not previously discussed or advanced in this case.

As I noted on the phone, Ameren Missouri has a due process right to confront witnesses against its interest. Renew Missouri has signed a stipulation containing terms that, if approved, could render Ameren Missouri's continued participation in energy efficiency under the MEEIA legislation financially impossible. As you are aware, the Office of the Public Counsel has also sought to avoid any deposition with respect to the same stipulation. Surely, given the new terms contained in that agreement, at least one fact or expert witness, expert, (or other person with knowledge) among the signatory parties would be available for a limited deposition concerning the terms of the stipulation.

As you are aware, the Commission's rules provide for liberal discovery. The discovery process, including depositions, allows parties to educate themselves about the viewpoints and facts known by opposing parties. In this manner, it enables the parties to narrow issues and refine the issues presented at hearing. Thus, discovery

assists with the resolution of litigated matters in an efficient manner. We ask that you honor the Commission's policy and present a representative of Renew Missouri for a short telephone deposition at a time and place convenient for the deponent.

If I do not hear from you by **5:00 pm today**, I will respond as appropriate.

Sincerely,

Matthew R. Tomc

Matthew R. Tomc
Corporate Counsel