

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

In the Matter of Union Electric Company d/b/a Ameren Missouri’s Tariffs to Increase Its Revenues for Electric Service.	) ) ) )	File No. ER-2021-0240
In the Matter of Union Electric Company d/b/a Ameren Missouri’s Tariffs to Increase Its Revenues for Gas Service.	) )	File No. GR-2021-0241

**MOTION TO CONSOLIDATE FOR  
PURPOSES OF HEARING AND WHERE  
APPROPRIATE, DISCOVERY ONLY**

COMES NOW Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri” or the “Company”) and hereby requests that the Commission order a limited consolidation of File No. ER-2021-0240 (Ameren Missouri’s electric rate case) with File No. GR-2021-0241 (Ameren Missouri’s concurrently filed gas rate case) to promote efficiency for the Commission and the parties, while developing distinct records for each case. In support of its motion, Ameren Missouri states as follows:

1. Commission cases involving common questions of law or fact, like their civil case counterparts, can properly be joined for hearing when doing so would promote efficiency in handling of each such case. *Cf.* Mo. R. Civ. P. 66.01(b) (providing for a “joint hearing” when there are common questions of law or fact, and authorizing courts to “make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.”). Consolidation of cases for hearing does not mean that the cases become one, but rather, such cases “remain separate with respect to docket entries, verdicts, judgments, and all aspects except trial.” *See, e.g., City of Kansas City v. Woodson*, 130 S.W.3d 7, 10 (Mo. App. W.D. 2004).

2. The Commission has routinely consolidated concurrent rate cases filed by the same company – as is the case here<sup>1</sup> – for purposes of trial, and in fact has routinely consolidated concurrent rate cases even when filed by different, affiliated companies. *See, e.g., Order Consolidating Cases for Hearing and Setting Procedural Schedule, and Amended Notice of Hearing*, File Nos. ER-2012-0174 and ER-2012-0175 (KCP&L and KCP&L-GMO’s<sup>2</sup> 2012 rate cases), EFIS Item Nos. 66 and 63, respectively; *Order Consolidating Files*, File Nos. ER-2010-0355 and ER-2010-0356 (KCP&L and KCP&L-GMO’s<sup>3</sup> 2010 rate cases), EFIS Item Nos. 129 and 129, respectively;<sup>4</sup> *Order Directing Notice, Consolidating Cases, Establishing Deadlines, and Setting Procedural Conference*, File Nos. WR-2020-0344 and SR-2020-0345 (MAWC’s<sup>5</sup> water and sewer rate cases), EFIS Item No. 19 in each case. The Commission in substance recently consolidated for hearing Ameren Missouri’s then-pending Accounting Authority Order cases arising from the COVID-19 Pandemic in its *Order Establishing Procedural Schedule, Other Procedural Requirements*, File Nos. EU-2021-0027 and GU-2021-0112, EFIS Item Nos. 23 and 16, respectively.

3. Ameren Missouri, as the single entity filing both these electric and gas rate cases, owns and operates both its electric and gas utilities using common employees, systems, procedures and policies (in many respects), accounting systems, and functional departments (*e.g.*, Digital (IT), Human Resources, Purchasing, Accounting, Treasury, Environmental, Legal, Customer Service, Safety and Security). A substantial majority of the costs that comprise the

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<sup>1</sup> The same legal entity, Union Electric Company, a Missouri corporation, operates both an electric and gas utility under the Commission’s jurisdiction.

<sup>2</sup> Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company.

<sup>3</sup> Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company.

<sup>4</sup> The construction audit case involving Iatan II, File No. EO-2010-0259, was also consolidated in these orders. The orders are not explicit, but it is clear from the docket entries in these cases that the consolidation was for purposes of hearing and that the cases did retain their separate identity.

<sup>5</sup> Missouri-American Water Company, a single legal entity operating both a water and sewer utility, analogous to Ameren Missouri’s operation of both an electric and gas utility.

cost of service for both the electric and gas utility are entered into the Company's general ledger as an electric expense, with an allocation for ratemaking purposes then being performed to assign an appropriate amount to gas operations so that separate electric and gas revenue requirements can be determined. While there are some very distinct aspects of the electric and gas operations, most of their operations are in common. The foregoing facts demonstrate that there are a plethora of common questions of law or fact that will apply in each case and demonstrate that a substantial proportion of the discovery that Staff and the other parties are expected to conduct will call for responses containing the same information from the same responding individuals. For similar reasons, a great deal of the testimony to be adduced through cross-examination in both cases, should they both go to hearing, will relate to both the electric and gas operations and the respective electric and gas rate cases.

4. For the foregoing reasons, the Commission and all parties will greatly benefit from efficiencies to be gained, allowing avoidance of delays and expense, from holding consolidated hearings in both cases, and from allowing common discovery submissions and responses to be submitted to the Company and responded to by the Company in one case.<sup>6</sup> As an example, the Staff generally submits several dozen "standard" data requests early in a rate case, including when an electric and gas rate case are filed concurrently as here, that pose the same questions to the same individuals. Many of those same data request responses may get updated later as the case(s) progress. Many additional data requests beyond that initial set are also identical between both cases. It takes a significant amount of time (which ultimately translates to cost) to process, assign, draft, review, and then submit responses (in the case of Staff data requests, in EFIS) to those common data requests, together with the hundreds and

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<sup>6</sup> And if the Company submits common discovery to other parties, if other parties submit common discovery to each other, or if combined depositions are taken in certain cases, the same efficiencies will be gained.

likely thousands of data requests the Company will receive and respond to in both cases. Ordering that data requests common to both cases can be submitted in a lead case (*e.g.*, the electric case) and responded to in that lead case will save significant time both for the party propounding the discovery and the party responding to it.<sup>7</sup>

5. To be clear, such an order will *not* affect the record upon which the Commission will make a decision in either case. Separate testimony will be filed in each case, and the record in each case will reflect all cross-examination and all exhibits (including data request responses entered into evidence as an exhibit). Such an approach will also not impede or impair the parties' ability to settle one case or the other, or certain aspects of one case but not the other.

**WHEREFORE**, Ameren Missouri respectfully requests that the Commission enter its order consolidating the electric and gas rate case for purposes of hearing, and further entering its order allowing parties to submit common discovery to another party by submitting it in the electric case and designating the electric case as the lead case for that purpose only, and for such other and further relief respecting these matters as the Commission deems just and proper under the circumstances.

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<sup>7</sup> In the Company's prior gas rate proceeding, the Staff itself made the point that there are benefits from reducing the need to submit common data requests in two different cases, noting that when both a gas and electric case are filed concurrently, it reduces the administrative effort and time relating to the discovery process: "For example, [when the cases are handled together] it would not be necessary for Staff to submit numerous duplicate data requests during discovery. Staff submits standard data requests in a rate case that seeks information that is applicable to both electric and gas operations. Instead of submitting these data requests twice in two separate cases, the data requests can be submitted and responded to by Ameren Missouri once. File No. GR-2019-0077, Surrebuttal/True-up Direct Testimony of Lisa M. Ferguson, filed on July 10, 2019, at p. 12, l. 14 – 20.

Respectfully submitted,

/s/ Wendy Tatro

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**ATTORNEYS FOR UNION ELECTRIC  
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**CERTIFICATE OF SERVICE**

The undersigned certifies that true and correct copies of the foregoing was served on the Staff of the Missouri Public Service Commission and the Office of the Public Counsel via electronic mail (e-mail) on this 31<sup>st</sup> day of March, 2021.

*/s/ Wendy K. Tatro*  
Wendy K. Tatro