

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

In the Matter of Union Electric Company d/b/a Ameren)
Missouri’s Filing to Implement Regulatory Changes in) File No. EO-2012-0142
Furtherance of Energy Efficiency as Allowed by MEEIA.)

**MOTION TO REVISE PROCEDURAL SCHEDULE AND
MOTION FOR EXPEDITED TREATMENT**

In accordance with, 4 CSR 240-2.080, and for good cause shown, Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri” or “the Company”), moves the Missouri Public Service Commission (“Commission”) for an order revising the procedural schedule in this case to allow additional time for the parties to conduct discovery, file surrebuttal testimony, and file a list of issues, order of witnesses, and order of cross-examination.

1. In its October 8, 2014, *Order Establishing Procedural Schedule to Consider the Program Year 2013 Change Requests* (“Procedural Order”), the Commission directed all parties to file direct testimony on October 22, 2014; rebuttal testimony on November 17, 2014; surrebuttal testimony on November 26, 2014; and an issues list and proposed order of witnesses and cross-examination on December 15, 2014.

2. In compliance with the Commission’s order, witnesses for Ameren Missouri, the Commission’s Staff (“Staff”), and the Office of the Public Counsel (“OPC”) each filed direct and rebuttal testimonies on the prescribed dates.

3. Even through OPC has stated it believes no further evidence is needed for the Commission to reach a decision on the remaining issues in this case,¹ OPC’s witness filed almost ninety pages of direct testimony and supporting schedules and an equal amount of rebuttal

¹ See *Public Counsel’s Response to Staff’s Suggestions, Ameren Missouri’s Response, Division of Energy’s Response to Change Requests and Ameren Missouri’s Response to Change Requests*, filed October 7, 2014, at ¶ 11.

testimony. Despite the unexpected quantity of testimony and supporting schedules filed by OPC's witness, the Procedural Order requires the Company and Staff to file responsive surrebuttal testimony on November 26th – just nine days after receiving OPC's rebuttal testimony.

4. Nine days is insufficient to digest almost ninety pages of rebuttal testimony filed by OPC's witness and to prepare and file responsive surrebuttal testimony. The current procedural schedule also does not provide any time for discovery, which Ameren Missouri believes is necessary to fully understand and address OPC's rebuttal testimony. Finally, in order to fully address OPC's rebuttal testimony, the Company is considering hiring an outside expert to prepare and present surrebuttal testimony. Nine days is not sufficient to identify an appropriate expert and allow him or her to analyze OPC's rebuttal testimony and prepare responsive surrebuttal.

5. To remedy time constraints in the current procedural schedule, the Commission should approve the following revisions to that schedule: the date for filing surrebuttal testimony should be extended from November 26th to December 11, 2014; and the date for filing a list of issues and a proposed order of witnesses and cross-examination should be extended from December 15th to December 17th. The balance of the current procedural schedule, including the January 6-7, 2015, hearing, would remain unchanged.

6. Providing additional time for surrebuttal testimony will help ensure there is sufficient competent and substantial evidence on the record to allow the Commission to fulfill its legal obligation to issue a fair and reasonable decision in this case. As the Commission noted in its November 12, 2014, *Order Regarding Motions to Strike Testimony*, “[t]he Commission wants to get it right, and that’s why the Commission has established a procedural schedule to allow the

parties to offer any evidence they believe is relevant to the question of whether any change request should be granted.” The current procedural schedule does not allow sufficient time for parties to offer all evidence they believe is relevant.

7. Revising the procedural schedule as requested in this motion will not prejudice any party. Because the currently prescribed hearing dates and briefing schedule would remain unchanged, the revisions the Company proposes would not delay the Commission’s final decision in this case in any way.

8. Ameren Missouri also requests expedited consideration of this motion. As noted, the Procedural Order requires parties to file surrebuttal testimony on November 26th, just six days after the date of this motion. Under 4 CSR 240-2.080(13), parties normally have ten days to respond to a motion such as this, and the rule prescribes no timeframe for a Commission decision. But allowing even ten days for response and decision would render moot the relief this motion seeks. For that reason alone, good cause exists for the Commission to grant expedited consideration.

9. To deal with the tight time constraints imposed by the Procedural Order, the Commission should require each party who opposes this motion to file a pleading expressing its reasons no later than noon November 21, 2014. The Company further requests a decision on this motion no later than the end of business that same date. This truncated schedule is necessary to allow all parties to know if they must file surrebuttal testimony on November 26th, as the current procedural schedule requires, so they can devote time and resources necessary to ensure they fulfill that obligation.

10. Ameren Missouri has discussed the requests made in this motion with Staff and the Missouri Division of Energy, and counsel for each of those parties has authorized the

Company to represent to the Commission that neither party opposes the requested relief. Ameren Missouri also attempted to obtain OPC's assent, but OPC failed to respond.

WHEREFORE, for the reasons stated above, Ameren Missouri respectfully requests the Commission grant this motion to extend the dates for filing surrebuttal testimony, a list of witnesses, and a proposed order of witnesses and cross-examination, and to do so on an expedited basis according to the schedule proposed in paragraph 9.

Respectfully submitted,

/s/ L. Russell Mitten

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**ATTORNEYS FOR UNION ELECTRIC
COMPANY d/b/a AMEREN MISSOURI**

CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2014, a copy of the foregoing was served via e-mail on all parties of record in File No. EO-2012-0142.

/s/L. Russell Mitten

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