BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Tariff Filings of Union Electric Company d/b/a Ameren Missouri, to Increase Its Revenues for Retail Electric Service.	)))	Case No. ER-2012-0166

AMEREN MISSOURI'S COMMENTS REGARDING DISCOVERY ORDER

COMES NOW Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri" or the "Company"), by and through counsel, and hereby submits the following comments regarding a discovery order for this case.

1. During the March 6, 2012 Prehearing Conference in this case, the Regulatory Law Judge ("RLJ") indicated to the parties that he was considering issuance of a "discovery order," and requested that any party desiring to comment on the issuance of such an order and its terms should submit those comments by March 13, 2012. As an example of the general type of order under consideration, the RLJ directed the parties to the discovery order issued in Case No. WR-2011-0337.

2. It is Ameren Missouri's understanding that discovery orders of the general type issued in Case No. WR-2011-0337 were first issued by the Commission after substantial discovery disputes arose in one or more recent Kansas City Power & Light Company ("KCP&L") rate cases, most notably involving KCP&L's Iatan I or Iatan II plants. While there have occasionally been discovery disputes between Ameren Missouri and another party in Ameren Missouri's prior four rate cases (filed between 2006 and 2010), those disputes have been very limited and infrequent. Consequently, the Company believes there is no need for such an order in this case. Like most circuit courts, the Commission has long had a rule for dealing with discovery disputes (4 CSR 240-2.090(8)), and in the limited instances when it has been necessary in Ameren Missouri's rate cases, parties have been able to avail themselves of its provisions to

obtain timely resolution of disputes. The Company would also note that the concerns which such discovery orders apparently have been directed to (resolution of substantial discovery-related matters during or on the eve of the evidentiary hearings) has either not been an issue in Ameren Missouri's prior rate cases, or to the extent an issue has arisen it has been quite isolated. Consequently, it appears there is little or no cause to adopt a special discovery order in this case. Such an order does create administrative burdens and costs, and we respectfully submit that the benefits of such an order appear to be very limited, if they exist at all. Consequently the Company asks the Commission not to issue a special discovery order in this case.

3. Despite the lack of a demonstrated need for such an order, should the Commission decide to issue one the Company would ask that the Commission take the following into account (these comments are largely based upon the discovery order in Missouri American Water Company's rate case, Case No. WR-2011-0337 (the "MAWC Case")):

a. Any "deadline" for the issuance of "data requests, subpoenas, or other discovery requests" should not be set the day after surrebuttal testimony is due, as was done in the MAWC case. From time-to-time matters arise for the first time in surrebuttal testimony, thereby necessitating additional discovery in order to determine (for example) the basis of opinions or the data behind analyses that had not previously been disclosed. Data request response times are intentionally shortened later in a rate case (the parties have agreed to a five business day response time after the date rebuttal testimony is filed in this case) so that discovery can continue, as needed. In order for all parties to have a full and fair opportunity to present their cases to the best of their ability, and to reduce or eliminate "discovery on the witness stand" (which creates unduly long and inefficient hearings), parties should be able to conduct the discovery they need to conduct prior to the hearings. It often takes time after testimony and workpapers are received for counsel to evaluate the testimony, confer with counsel's client and experts, and determine if

additional discovery is needed. In the procedural schedule agreed upon by the parties in this case, surrebuttal testimony is due by Midnight, Friday, September 7, 2012, with the first business day falling three days later. Evidentiary hearings are scheduled to start 17 days after surrebuttal testimony is due. For the foregoing reasons, and given these circumstances, the Company urges the Commission not to set any discovery deadlines any earlier than one week after surrebuttal testimony is filed, that is, no earlier than September 14, 2012.

b. The Company suggests that there is no need to hold on-the-record discovery conferences. Doing so creates unnecessary formality, and expense. Discovery conferences are, in effect, a substitute for the telephone conference contemplated by the Commission's discovery rule, and there has never been any demonstrated need to make such conferences "on-the-record." The purpose and efficacy of such conferences is fully served so long as counsel for the parties and the RLJ are able to discuss (and attempt to resolve) any discovery issues.

c. Finally, the Company would note that items such as those found in paragraph 6 (subparagraphs A to F) of the discovery order in the MAWC Case have already been dealt with in the Jointly Proposed Procedural Schedule filed today by the parties, and would not need to be duplicated in any discovery order that is issued in this case.

WHEREFORE, the Company hereby submits the foregoing comments.

Dated: March 13, 2012

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served on all parties of record via electronic mail (e-mail) on this 13th day of March, 2012.

/s/James B. Lowery
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