

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

Craig Mershon,)	
Complainant,)	
)	
vs.)	Case No: EC-2013-0521
)	
Union Electric Company, d/b/a)	
Ameren Missouri,)	
Respondent.)	

**AMEREN MISSOURI'S
THIRD PROPOSED PROCEDURAL SCHEDULE**

1. On May 7, 2012, Complainant filed Complaint EC-2012-0365.
2. On April 17, 2013, that complaint was dismissed because two prehearing conferences were cancelled and because two 90-day periods expired without Complainant effectively participating in the Complaint process.
3. On June 13, 2013, Complainant filed this Complaint, re-raising the issues raised in the earlier complaint.
4. In this course of this Complaint, Ameren Missouri has answered the original Complaint and a subsequent Petition, Staff has filed its Report, and the parties have participated in three prehearing conferences attempting to move this Complaint towards an evidentiary hearing and a determination on the merits. In addition, Ameren Missouri filed a proposed procedural schedule, and Ameren Missouri and Staff jointly filed a subsequent procedural schedule. An initial hearing date, December 16, 2013, was set but was cancelled at Complainant's request.
5. The latest hearing date, January 16, 2014, was the date specifically requested *by Complainant*. Yet on January 10, 2014, Complainant telephoned the regulatory law judge and made an oral, ex parte request to continue the January 16, 2014 evidentiary hearing, and without notice to Ameren Missouri or opportunity to be heard, the Commission granted Complainant's request.
6. The Commission's January 10, 2014 order advises that in support of his motion, Complainant stated "his discovery is incomplete" and he will be "seeking enforcement as to certain items." In response, Ameren Missouri expressly denies the implication that it has failed

to respond to any discovery propounded by Complainant or that there is any outstanding discovery to “enforce.”

7. Six weeks ago, on December 2, 2013, in the motion where Complainant proposed January 16, 2014 as the date for the evidentiary hearing, Complainant assured the Commission that by that date, “most of the entire discovery will be completed, depending on how swiftly documents will arrive and questions answered.” In fact, at no time during these proceedings, from the filing of the prior complaint on May 7, 2012 or even during the most recent six weeks, has Complainant conducted *any* discovery, whether orally, in writing, pursuant to the civil rules, or pursuant to the Commission’s rules. Given Complainant’s failure to conduct discovery during the period requested by him for that particular purpose, Ameren Missouri believes that Complainant is not entitled to another extended discovery period that will only serve to further delay resolution of this Complaint on the merits.

8. In the January 10, 2014 Order, the Commission cancelled the evidentiary hearing set for January 16, 2014, but did not set forth a procedural schedule or set a new hearing date.

9. After consultation with Staff and in consideration of Staff counsel’s conflict dates related to his involvement in the Missouri Gas Energy rate case, Ameren Missouri proposes the following schedule:

Event	Date
Deadline to Serve Discovery	January 20, 2014
Deadline to Respond or Object to Discovery Served	January 24, 2014
Final Pre-hearing Conference to Address Discovery Disputes or other Pre-hearing Matters	January 28, 2014
Evidentiary Hearing beginning at 10:30 a.m. (to permit morning travel by Staff and Ameren Missouri from mid-Missouri to St. Louis)	February 3, 2014 February 4, 2014, February 27, 2014, or February 28, 2014
Close of Time to File Optional Post-Hearing Briefs	two weeks after evidentiary hearing date

WHEREFORE, Ameren Missouri files this Third Proposed Procedural Schedule for the Commission’s information and consideration, and requests that the Commission adopt it so that this Complaint, originally filed May 7, 2012 and re-filed June 13, 2013, can be processed in the

timeliest manner possible, consistent with 4 CSR 240-2.070(15)(C) regarding small formal complaint cases.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Ameren Missouri's Third Proposed Procedural Schedule was served on the following parties via electronic mail (e-mail) and via regular mail on this 13th day of January, 2014.

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