

**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 Furtherance of Energy Efficiency as)
Allowed by MEEIA.) **File No. EO-2012-0142**

JOINT PROPOSED PROCEDURAL SCHEDULE FOR CHANGE REQUEST

COMES NOW Staff of the Missouri Public Service Commission, by and through the undersigned counsel, and on behalf of Staff, the Office of the Public Counsel (“OPC”), and the Missouri Department of Economic Development—Division of Energy (“DE”), files this joint proposed procedural schedule with the Missouri Public Service Commission. In support, Staff states as follows:

1. On July 3, 2014, Staff and Ameren Missouri each filed a Change Request with the Commission seeking an Order directing certain changes to the impact evaluation portion of the Final EM&V Reports prepared by Ameren Missouri’s evaluators, The Cadmus Group, Inc. (“Cadmus”) and ADM Associates, Inc. (“ADM”).

2. Paragraph 11.b.iv. of *The Unanimous Stipulation and Agreement Resolving Ameren Missouri’s MEEIA Filing* (“*Stipulation*”), approved by Order of the Commission on August 1, 2012, provided certain procedural requirements for a Change Request and states in part:

Responses to a Change Request may be filed by any stakeholder group participant and are due 21 days after the Change Request is filed. The response should set forth all reasons and provide support for opposing or agreeing with the Change Request. Within two business days after the deadline for filing a Change Request (if a Change Request is filed), the Signatories agree that the stakeholder group participants will hold a conference call/meeting to agree upon a proposed procedural schedule that results in any evidentiary hearing that is necessary to resolve the Change Request to be completed within 60 days of the filing of the

Change Request, and which will recommend to the Commission that the Commission issue its Report and Order resolving the Change Request within 30 days after the conclusion of such a hearing...The Signatories will be parties to a Change Request resolution proceeding without the necessity of applying to intervene. The procedural schedule for such a Change Request proceeding will provide that data request objections must be lodged within 7 days and responses will be due within 10 days (notifications that additional time is required to respond will also be due within 7 days).

(emphasis added).

3. Pursuant to the *Stipulation*, a conference call was held on July 8, 2014, for stakeholders to develop a proposed procedural schedule to resolve the matter of the Change Requests. Staff, OPC, Ameren Missouri and DE participated in the conference call¹ to develop a schedule. As a result of discussions, Staff, OPC and DE recommend the Commission adopt the following schedule and related procedural items to comply with the Commission's July 10, 2014 Order to file a proposed procedural schedule by July 15, 2014²:

Any Stakeholder Response to a Change Request	August 4, 2014
Anticipated Commission Order	October 1, 2014
<u><i>If necessary</i></u> List of Issues, Order of Witnesses and Order of Cross Examination	August 19, 2014
Position Statements	August 22, 2014
Hearing	August 28-29, 2014

¹ All Signatories to the *Stipulation* were notified and invited to participate in the conference call.

² Although Ameren Missouri participated in the call to develop the procedural schedule, they did not respond to Staff's inquiry regarding the agreeability of the schedule.

Initial brief

September 11, 2014

Reply brief

September 19, 2014

- a. As cited above, the *Stipulation* provides that responses to a Change Request may be filed by any stakeholder group participant and are due 21 days after the Change Request is filed. Due to the necessity for additional time to respond to certain data requests, the Signatories to the *Stipulation*, as well as Laclede Gas Company, Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company,³ support an amendment to the *Stipulation* for good cause shown to allow the filing of responses on a date later than 21 days after the filing of a Change Request.
- b. Pursuant to the *Stipulation*, data request objections must be lodged within 7 days and responses will be due within 10 days (notifications that additional time is required to respond will also be due within 7 days);
- c. An effort should be made to not include in data request questions either highly confidential or proprietary information. If either highly confidential or proprietary information must be included in data request questions, the highly confidential or proprietary information should be appropriately designated as such pursuant to 4 CSR 240-2.135;

³ Laclede Gas Company, Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company were not signatories to the *Stipulation*. Laclede Gas Company did not participate in the settlement discussion that led to the *Stipulation*, but indicated that it did not object and waived its right to object to the *Stipulation* under the Commission's rules. Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company indicated that they did not oppose the *Stipulation*. Pursuant to the *Stipulation*, only Signatories to the *Stipulation* become automatic parties to a Change Request proceeding.

d. Counsel for each party shall receive electronically from each other party serving a data request, an electronic copy of the text of the “description” of that data request contemporaneously with service of the data request. Regarding Staff-issued data requests, if the description contains highly confidential or proprietary information, or is voluminous, a hyperlink to the Commission’s Electronic Filing and Information System (“EFIS”) record of that data request shall be considered a sufficient copy. If a party desires the response to a data request that has been served on another party, the party desiring a copy of the response must request a copy of the response from the party answering the data request. Data requests, objections to data requests, and notifications respecting the need for additional time to respond to data requests shall be sent by e-mail to counsel for the other parties. Counsel may designate other personnel to be added to the service list for data requests, but shall assume responsibility for compliance with any restrictions on confidentiality. If responding to a Staff data request, the responding party shall record the response in EFIS and send an email notification to Staff Counsel that such party has filed the response. For all other Parties, data request responses shall be served on counsel for the requesting party, unless waived by counsel, and on the requesting party’s employee or representative who submitted the data request, and shall be served electronically, if feasible and not voluminous as defined by Commission rule. If a data request has been responded to, a party’s request for a copy of the response shall be

- timely responded to, considering that the underlying data request has already been responded to;
- e. All parties shall provide copies of Change Request Responses, exhibits and pleadings to other counsel by electronic means and in electronic form essentially concurrently with the filing of such documents where the information is available in electronic format (.PDF, .DOC, .WPD, .XLS, etc.). Parties are not required to put information that does not exist in electronic format into electronic format for purposes of exchanging it;
 - f. Workpapers prepared in the course of developing a witness' Change Request responses or exhibits shall not be filed with the Commission, but shall be submitted to each party within 2 business days following the filing of the document, unless a party has indicated that it does not want to receive some or all of the workpapers. Workpapers containing highly confidential or proprietary information shall be appropriately marked. If there are no workpapers associated with responses or exhibits, the party's attorney should so notify the other parties within the time period for providing those workpapers;
 - g. Where workpapers or data request responses include models or spreadsheets or similar information originally in a commonly available format where inputs or parameters may be changed to observe changes in inputs, if available in that original format, the party providing the workpaper or data request response shall provide this type of information in that original format with formulas intact;

- h. Documents filed in EFIS shall be considered properly served by serving the same on counsel of record for all other parties via e-mail;
- i. Pursuant to 4 CSR 240-2.080 (9), the Commission treat filings to be made in this case as timely if filed in EFIS before midnight on the date the filing is due.

4. Also, pursuant to the *Stipulation*, the Signatories become automatic parties to a Change Request resolution proceeding without the necessity of applying to intervene before the Commission. The automatic parties that did not participate in the conference call are the Natural Resources Defense Council, Sierra Club, Earth Island Institute d/b/a Renew Missouri, the Missouri Industrial Energy Consumers and Barnes-Jewish Hospital.

5. Staff inquired of all parties to the Change Request proceeding, and other than those joint filing, Staff only received a response from Barnes Jewish saying they did not oppose the schedule or related procedural items therein.

6. KCPL and GMO are not automatic parties to the Change Request proceeding but are parties to the larger case, case no. EO-2012-0142.

7. Staff has not received the work papers of Ameren Missouri witness Richard Voytas despite Staff having made repeated requests for these work papers through email and requests to company counsel. Ameren Missouri filed Mr. Voytas' testimony supporting its Change Request on July 3, 2014. Staff believes this procedural schedule is based on the typical timely receipt of work papers. Staff will make every effort to meet the August 4, 2014 deadline for filing of responses to the Change Request; however, Staff may need to propose changes to the schedule if Ameren Missouri does not provide its full case to Staff immediately.

WHEREFORE, Staff files this joint proposed procedural schedule on its behalf and that of OPC and Division of Energy and respectfully requests the Commission issue an Order adopting the procedural schedule and related procedural items as requested herein, and approve an amendment to the *Stipulation* to allow the filing of responses on a date later than 21 days after the filing of a Change Request for good cause shown.

Respectfully submitted,

/s/ Jennifer Hernandez

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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been emailed this 15th day of July, 2014 to all parties of record in this proceeding.

/s/ Jennifer Hernandez