

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

In the Matter of Union Electric Company d/b/a)
Ameren Missouri’s 2nd Filing to Implement) Case No. EO-2015-0055
Regulatory Changes in Furtherance of Energy)
Efficiency as Allowed by MEEIA.)

**RENEW MISSOURI’S MOTION FOR PROTECTIVE
ORDER AND MOTION FOREXPEDITED TREATMENT**

COMES NOW Earth Island Institute d//b/a Renew Missouri (“Renew Missouri”), in response to the Notice of Deposition served by Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri”) on July 10, 2015 and pursuant to Rule 56.01(c) of the Missouri Rules of Civil Procedure, moves for a protective order and expedited treatment, as follows:

BACKGROUND

1. On July 10, 2015, Ameren Missouri served its Notice of Deposition requesting to take a deposition of PJ Wilson at 9 a.m. on Friday July 17, 2015, at the offices of Renew Missouri.
2. PJ Wilson is the Director of Renew Missouri, a non-profit energy policy group which advocates for best-practices energy efficiency and renewable energy policy in the State of Missouri. Mr. Wilson has not submitted testimony in the above case and has not held himself out as an expert for Renew Missouri or for any other party. Mr. Wilson has not been involved in negotiations or substantive communications of any kind with Ameren Missouri concerning its 2016-2018 energy efficiency plan under the Missouri Energy Efficiency Investment Act (“MEEIA”).

MOTION FOR PROTECTIVE ORDER

3. The Missouri Rules of Civil Procedure provide: “Upon motion by a party or by the person from whom discovery is sought, and for good cause shown, the court may make any

order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense..." Mo. R. Civ. P. 56.01(c). A protective order, among other remedies, may state that the discovery not be had. Mo. R. Civ. P. 56.01(c)(1).

4. In this case, Ameren Missouri's deposition of Mr. Wilson is unnecessary and unreasonable. As stated above, Mr. Wilson has not filed testimony in this case, has not held himself out as an expert for Renew Missouri or any other party, and has not been directly involved in the proceedings of this case or in any technical conferences or settlement negotiations.

5. It is difficult to imagine that a deposition held one business day before hearing would yield any information that would assist Ameren Missouri in its case before the Commission, particularly when the individual being deposed has been largely a non-participant in this case thus far. One must conclude that Ameren's primary motivation for wishing to depose Mr. Wilson is to annoy, oppress or retaliate against Renew Missouri for opposing the Company's Stipulation and Agreement, as well as to cause additional work for Renew Missouri prior to hearing. Thus, a protective order is proper.

6. Furthermore, a protective order is necessary in order to prevent Renew Missouri from experiencing undue burden or expense. Mr. Wilson is out-of-state on Friday, July 17 for a previously scheduled engagement, nor is he available to participate in a deposition by phone. Both the time and place of the deposition are not acceptable to Renew Missouri. Requiring Mr. Wilson's presence at a deposition would cause Renew Missouri or Mr. Wilson to incur substantial expense, and at the very least would require him to break his prior engagement.

7. Counsel for Renew Missouri was not given a fair opportunity to schedule a time for the deposition, and given the impending hearing there is no reasonable time to reschedule the

deposition. Renew Missouri appreciates that time is of the essence; however Renew Missouri's positions in this case have not changed sufficiently in recent weeks to merit the immediate need for a deposition. In fact, Renew Missouri's positions remain largely the same as when it filed its Position Statement on May 11, 2015, yet Ameren Missouri has not used the intervening time to request a deposition.

8. If Ameren Missouri wishes to discover "information or facts known to Renew Missouri with respect to Energy Efficiency potential in Ameren Missouri's service territory; and the perspectives of Renew Missouri on the value of energy efficiency programs generally..." or any of Renew Missouri's positions or opinions on the stipulations filed in this case, Ameren Missouri may seek that information as data requests pursuant to 4 CSR 240-2.090, or it may simply refer to Renew Missouri's filings in the case.

9. Ameren Missouri's Notice of Deposition for Mr. Wilson is unnecessary, imprudent, and clearly designed for reasons other than elucidating information that may be useful at hearing. Those reasons very likely include Ameren Missouri's desire to annoy, oppress, and cause undue burden or expense to Renew Missouri because of its opposition to Ameren Missouri's Stipulation and Agreement in this case. As such, for the good cause shown above, justice requires that the Commission issue a protective order preventing the deposition of PJ Wilson on Friday, July 17, 2015.

MOTION FOR EXPEDITED TREATMENT

10. Renew Missouri requests the Commission issue this protective order by Thursday, July 16, 2015 at 3:00 pm along with the Office of Public Counsel's ("OPC") similar Motion, so that parties will have a determination prior to the depositions scheduled for Friday morning. Expedited treatment will have no negative effect on any party, and is necessary for an order prior

to the date of the deposition. This motion has been filed as soon as reasonably practical after the Notice of Deposition notice was served.

WHEREFORE, Renew Missouri moves that the Commission issue a protective order on an expedited basis stating that the deposition not be had.

Respectfully Submitted,

/s/ Andrew J. Linhares
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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been electronically mailed this 13th day of July, 2015 to all counsel of record in this proceeding.

/s/ Andrew J. Linhares
Andrew J. Linhares