

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION
COLE COUNTY, MISSOURI
JEFFERSON CITY

KEELEEE SWOPSHIRE)
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COMPLAINANT,)
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CASE NO. EC-2022-0148
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VS.)
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FORMAL COMPLAINT FILED: 12-02-2021
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UNION ELECTRIC COMPANY)
)
D/B/A AMEREN MISSOURI.)
)
LEGAL DEPARTMENT)
)
1901 Chouteau Avenue)
)
PO BOX 66149, Mail Code 1310)
)
St. Louis, MO 63166-6149)
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)
ATTORNEY REPRESENTED
)
)
AMEREN OF MISSOURI)
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PO BOX 88068)
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Chicago, IL 60680-1068)
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RESPONDENTS.)

**MOTION FOR ORDER DIRECTING THE MISSOURI COMMISSION OF PUBLIC
SERVICE’S STAFF AND RESPONDENT UNION ELECTRIC D/B/A AMEREN OF
MISSOURI ON PROPER ORDER OF CASE PRESENTATION
UNDER 20 CSR 4240.02.110.5(a)-(b).**

Motion Date: April 27, 2022

COMES NOW, Keelee Swopshire, Esq., Attorney-of-Record and Complainant (“Complainant”) in this matter, and files this motion requesting an Order from the Missouri Public Service Commission (“Commission”) directing the proper order of witnesses and which party shall present their case first at each hearing henceforth. Complainant filed her Proposed Procedural Schedule on April 21, 2022 requesting a change of scheduled dates from certain dates listed in the unauthorized *Joint Procedural Schedule* the Commission’s staff filed on the same date. Complainant requested July 18, 2022 as the last day for Briefs but the Commission scheduled that deadline according to the Commission’s staff

requested date of July 13, 2022 but ordered that the issues and witness lists be due by June 8, 2022 according to my request. I have no objections to the changes to the Proposed Procedural Scheduled dates.

I file this Motion requesting that the Commission review my Proposed Procedural Schedule filing submitted by Complainant on April 21, 2022 in which she requested that the Commission issue an order directing the parties on the proper order of case presentation by the parties as well as an order for the Procedural Schedule. The Commission issued its Order setting the dates for the Procedural Schedule on April 27, 2022 but failed to address paragraphs 6 and 7 that were in the Complainant's Proposed Procedural Schedule. Complainant requests the Commission review those points and issue an Order directing the Parties on the proper Order of case presentation and testimony of the witnesses.

The Relevant Paragraphs

6. With regard to the procedure in hearings and the order of testimony and case presentation, the Commission's Staff suggested the order of: Commission Staff, Complainant and Ameren in the presentations of Staff, Complainant and Ameren's cases. The Commission Staff insists on presenting its case before the Commission and requested that it present first followed by Complainant and then Ameren. The Commission Staff suggested the order of witnesses for each presentation and that it should follow the same basic order. Complainant disagreed with the order of the presentation of cases per 20 CSR 4240.02.110.5 (a)-(b), which states, "The order of procedure in hearings shall be as follows, unless otherwise agreed to by the parties or ordered by the presiding officer: In all cases except investigation cases, *the applicant or complainant shall open and close, with intervenors following the staff counsel, or his designee, and the public counsel in introducing evidence*; and in investigation cases, the staff counsel, or his designee, shall open and close."

7. Complainant is not being "investigated" for Utility Fraud or any other matter in this case. Complainant has brought its own complaint against Ameren. Therefore, Complainant by law should open and close the proceedings since Complainant is tasked with the burden of proof in this matter. Mr. Cosper pointed out that Complainant has the burden of proof but then also suggested that the Commission Staff open and close the proceedings. Complaint request that the Commission issue an Order directing the Commission Staff to follow the basic order set forth in 20 CSR 4240.2.110(5)(a)-(b) and be put on notice that Complainant has the burden of proof and shall open and close the hearing(s) proceedings.

WEBEX vs. CONFERENCE CALL

Complainant also requests the Commission reconsider its Order that the Hearing be held by telephone Webex rather than by visual Webex on the internet. Complainant needs to verify the identities of the parties involved, The Commission, and see evidence if necessary. Complainant sees no reason why the Hearing should be held via Telephone rather than online via Webex. Webex has an online capability and is usually used for that reason rather than a telephone conference call mechanism.

WHEREFORE, Complainant request that the Commission issue an Order directing the parties on the proper order of case presentation by the parties in this matter according to holds the burden of proof and also schedule the hearing set for June 29, 2022 to be conducted by WebEx online instead of via telephone for proper confirmation and verification of the witnesses and parties involved, including the Commission itself and its sitting members.

KEELEEE SWOPSHIRE, ESQ.

/s/ *Keelee Swopshire*
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CERTIFICATE OF SERVICE

I, Keelee T. Swopshire, Esq., hereby certify that a copy of Complainant’s motion has been served to Respondent’s counsel on file, Eric Banks of Banks Law LLC. at the address listed and Ameren Missouri/Union Electric Company's general counsel Jermaine Grubbs on this 27th Day of April 2022 by electronic mail to both addresses.

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