

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

In the Matter of the Application of)	
Union Electric Company d/b/a Ameren)	
Missouri for Permission and Approval)	
and a Certificate of Convenience and)	Case No. EA-2019-0371
Necessity Authorizing it to Construct)	
Solar Generation Facility(ies))	

RESPONSE TO THE MOTION TO DELAY PROCEDURAL SCHEDULE

COMES NOW the Office of the Public Counsel (“OPC”) and for its *Response to the Motion to Delay Procedural Schedule*, states as follows:

1. On December 12, 2019, Union Electric Company d/b/a Ameren Missouri (“Ameren”) filed its *Motion to Delay Procedural Schedule* in the above styled case seeking to suspend the current procedural schedule until after the resolution of Ameren’s ongoing general rate case (ER-2019-0335).

2. Ameren’s *Motion to Delay Procedural Schedule* correctly identified that the OPC had no objections to the delay, and the OPC is not objecting to Ameren’s motion now.

3. The OPC does, however, believe it is necessary to identify its expectations regarding the future proposed procedural schedule contemplated by Ameren’s motion.

4. As a preface for understanding why it considers this necessary, the OPC notes the following timeline of events regarding the present case:

1. Ameren filed its notice for the present case twenty-three days after filing notice for its rate case. Ameren further filed its application for this case two months after filing its application for the rate case and more than three months after filing its notice in this case.

2. Based on averments Ameren made regarding the necessity of receiving Commission approval by early January of 2020, the OPC agreed to a relatively short initial procedural schedule that aimed to have a Commission order issued on or before January 15, 2020.

3. Owing to a series of scheduling conflicts, this initial procedural schedule was later lengthened (which the OPC in no way opposed). However, shortly thereafter, Ameren filed leave to amend its original application. This amended application included entirely new testimony and was filed less than two weeks before the new scheduled date for non-company parties to file rebuttal testimony.

4. To help address concerns raised by the OPC (and others) regarding the timing of Ameren's newly filed testimony, the procedural schedule was changed yet a third time to provide an additional six days for discovery and development of rebuttal testimony. This also led to another technical conference being held prior to the deadline to file rebuttal.

5. Within twenty-four hours of rebuttal testimony being filed, Ameren contacted the OPC with its request to suspend the procedural schedule. This request was ultimately formalized in Ameren's *Motion to Delay Procedural Schedule*.

5. What should be immediately obvious, given this timeline of events, is that the difficulties surrounding the present case should have been avoidable. For example, Ameren filed this case knowing full well that it would overlap with the timing of its general rate case and the company clearly should have also known that a general rate case would consume a significant amount of time and resources. Further, the initial truncated procedural schedule for this case was adopted solely because of the perceived need to meet Ameren's self-imposed deadline (something

that could have been avoided if Ameren had filed its application earlier), which now no longer appears to be an issue. Finally, these problems were magnified when Ameren amended its application, including adding entirely new direct testimony, shortly before the deadline for rebuttal.

6. On their own, these issues would probably not warrant this filing. However, the OPC does consider it a problem that, despite all of these issues existing **before** rebuttal was filed, Ameren waited until **after** rebuttal was filed to move to suspend the procedural schedule.

7. This creates an obvious concern because it has the potential to severely limit the OPC's ability to respond to any new information or new data developed between now and the end of the delay (which the OPC anticipates could take up to four months). Moreover, there is good reason to believe that new information or data may well be developed given that Ameren's *Motion to Delay Procedural Schedule* makes clear that the company plans to continue engaging in technical discussions with the other parties in the interim.

8. Fortunately, the OPC believes that there is a simple solution to this issue, which is the availability of additional rounds of surrebuttal testimony as part of the future procedural schedule contemplated by Ameren's motion.

9. Therefore, the OPC is making this filing to place all parties on notice that the OPC intends to seek additional rounds of surrebuttal as part of any future proposed procedural schedule developed following the end of this delay.

10. Because Ameren's motion leaves the question of establishing the remaining procedural schedule in this case for determination after the end of its pending rate case (ER-2019-0335), the OPC is not seeking for the Commission to take any action with regard to this filing at this time. Again, this filing is meant solely to place all parties on notice of the OPC's position regarding the future procedural schedule.

WHEREFORE, the Office of the Public Counsel respectfully requests the Commission accept this *Response to the Motion to Delay Procedural Schedule*.

Respectfully submitted,
OFFICE OF THE PUBLIC
COUNSEL

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CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing have been mailed, emailed, or hand-delivered to all counsel of record this nineteenth day of December.

/s/ John Clizer