

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

In the Matter of Ameren Missouri's)
Application for Authorization to) File No. ET-2014-0085
Suspend Payment of Solar Rebates.)

RESPONSE TO PROCEDURAL SCHEDULE COMMENTS

COMES NOW Union Electric Company d/b/a Ameren Missouri (Ameren Missouri or the Company) and hereby provides its response to the comments filed by the Missouri Public Service Commission Staff (Staff) and the Office of the Public Counsel (OPC) to Ameren Missouri's proposed procedural schedule.

1. On October 17, 2013, Staff filed a pleading titled, *Staff's Response and Recommendations to Proposed Procedural Schedule*.

2. Ameren Missouri does not object to the modifications proposed by Staff with one exception. In paragraph seven (7) of Staff's Response, Staff states as follows: "Staff recommends the Commission allow not only pre-filed testimony, but the opportunity for the parties to present live testimony at the evidentiary hearing should it be necessary." Staff's pleading goes on to cite an example of a data request response being received after pre-filed testimony was filed, which could create a situation where Staff would have provided pre-filed testimony regarding the information in the data request response had it been received before pre-filed testimony was due.

3. Ameren Missouri objects to Staff's request as unnecessary. The Commission does not need to make a ruling, now, that additional live direct testimony can be adduced at the evidentiary hearings "if necessary." It may be that Staff or another party; indeed Ameren Missouri itself, will have a legitimate reason to request leave to adduce additional testimony from one or more of the party's witnesses because of

information that may arise shortly before the hearing and after it could have been addressed in pre-filed testimony. However, no party, including Staff or Ameren Missouri, knows today if that will be the case and neither does the Commission.

4. If such a situation arises, the proper procedure would be for the party desiring to present additional evidence on a particular issue via live questioning on direct to see if the other parties will consent to such testimony. The parties may agree that additional live direct testimony is “necessary.” If the other parties do not consent then leave of the Commission can be sought.¹ But, all parties should have to justify a departure from the Commission’s rules and its normal processes based upon a particular circumstance then known to the parties in advance. There is no way to know today, hypothetically, whether such testimony will in fact be necessary. An order now that would allow such testimony “if necessary” changes nothing and simply would beg the question later: is it in fact necessary given the circumstances that later arose?

5. On October 17, 2013, OPC filed a pleading titled, *Public Counsel's Response to Proposed Procedural Schedule*.

6. Ameren Missouri does not object to either of the two changes proposed by OPC.

7. No other party filed comments on Ameren Missouri's proposed procedural schedule.

WHEREFORE, the Company submits this *Response to Procedural Schedule Comments* and requests that the Commission promptly issue an order approving its proposed procedural schedule so that this case can be resolved within the statutory 60-

¹ Under 4 CSR 240-2.130(9) the Presiding Officer can allow live testimony. If a prompt ruling is needed the requesting party can arrange for a conference with the Presiding Officer to address such a request.

day timeframe, with the amendments proposed by the responses filed by Staff and OPC, with the exception of Staff's request for a ruling now that additional live direct testimony could be adduced "if necessary."

Respectfully submitted,

UNION ELECTRIC COMPANY,
d/b/a Ameren Missouri

/s/ Wendy K. Tatro

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Notice was served on the parties of record in this case via electronic mail (e-mail) on this 18th day of October, 2013.

/s/ Wendy K. Tatro

Wendy K. Tatro