

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

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TRANSCRIPT OF PROCEEDINGS

Procedural Conference  
September 2, 2015  
Jefferson City, Missouri  
Volume 1

In the Matter of:  
The Application of Union )  
Electric Company d/b/a Ameren )  
Missouri for Permission and )  
Approval and a Certificate of ) File No. EA-2015-0273  
Public Convenience and )  
Necessity Authorizing it to )  
Construct, Install, Own, )  
Operate, Maintain and )  
Otherwise Control and Manage )  
Solar Generation Facilities )  
Montgomery County, Missouri )

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KIM S. BURTON, Presiding  
CHIEF REGULATORY LAW JUDGE

REPORTED BY:  
Shelley L. Mayer, CCR  
TIGER COURT REPORTING, LLC

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PROCEEDINGS

JUDGE BURTON: Let's go ahead and go on the record. I'm showing it's ten o'clock a.m. on September 2nd, 2015. This is the Missouri Public Service Commission; we're having a procedural conference in the matter of the Application of Union Electric Company doing business as Ameren Missouri for Permission and Approval and a Certificate of Public Convenience and Necessity Authorizing it to Construct, Install, Own, Operate, Maintain and Otherwise Control and Manage Solar Generation Facilities in Montgomery County, Missouri. This is File No. EA-2015-0273.

I am Kim Burton; I am the regulatory law judge assigned to this matter, and at this time I'm going to ask the parties to enter their appearance for the record. And we're going to begin with Union Electric Company d/b/a Ameren Missouri.

MR. LOWERY: Thank you, your Honor. James B. Lowery, Smith Lewis, LLP, P.O. Box 918, Columbia, Missouri 65205, appearing on behalf of Union Electric Company d/b/a Ameren Missouri.

JUDGE BURTON: Thank you. And then the Missouri Public Service Commission Staff?

MS. MUETH: Yes, your Honor. For the

1 Staff of the Missouri Public Service Commission,  
2 Marcie Mueth and Nathan Williams, P.O. Box 360,  
3 Jefferson City, Missouri 65102.

4 JUDGE BURTON: Thank you. And for the  
5 Office of the Public Counsel?

6 MR. OPITZ: For the Office of Public  
7 Counsel, I'm Tim Opitz, P.O. Box 2230, Jefferson  
8 City, Missouri 65102.

9 JUDGE BURTON: Thank you. For the  
10 Missouri Division of Energy?

11 MR. ANTAL: Yes, Alex Antal, Missouri  
12 Department of Economic Development, appearing on  
13 behalf of the Missouri Division of Energy.

14 JUDGE BURTON: Missouri Industrial Energy  
15 Consumers?

16 MR. DOWNEY: Good morning, Judge. Ed  
17 Downey on behalf of the MIEC. My address is 221  
18 Bolivar Street, Suite 101, Jefferson City,  
19 Missouri 65101.

20 JUDGE BURTON: Thank you. For the  
21 Missouri Solar Energy Industry Association?

22 All right. We'll hold off on that for  
23 now; we'll see if they make an appearance in a little  
24 bit.

25 United for Missouri?

1 MR. LINTON: Good morning. David  
2 Linton, 314 Romaine Spring View, Fenton,  
3 Missouri 63026 on behalf of United for Missouri.

4 JUDGE BURTON: All right. Is there any  
5 other party that I've missed?

6 And we do have a phone connection bridge  
7 set up. Is there anyone on the line? Okay. I don't  
8 hear anything.

9 At this time I would like to just check  
10 with Staff on a status report for their  
11 recommendation or their report.

12 MS. MUETH: Your Honor, Staff were hoping  
13 to hear what the other parties had to say about this  
14 application before determining whether a  
15 recommendation would be appropriate at this time. We  
16 have some outstanding data requests that we're still  
17 waiting on before we can recommend an informed  
18 recommendation. So we were kind of hoping to have  
19 some discussion today.

20 JUDGE BURTON: Okay. Now, the Office of  
21 Public Counsel and MIEC had requested this procedural  
22 conference, and I believe MIEC had indicated that  
23 there was a request for additional testimony from  
24 Ameren Missouri on their financial analysis. And I  
25 believe that no one as of yet has actually requested

1 a hearing in this matter.

2 Now, are the parties looking to actually  
3 set up a procedural schedule with the intention of  
4 having a hearing date reserved on the calendar? And  
5 I'm going to ask OPC and MIEC first if that was your  
6 intention.

7 MR. OPITZ: I think that we are going to  
8 need to see testimony and perhaps an additional round  
9 of testimony. And if that requires setting a date  
10 for a hearing, then I'm happy to request one.

11 JUDGE BURTON: All right. Were you just  
12 specifically seeking us to set a procedural schedule  
13 then for the filing of testimony, of direct testimony  
14 today? And anyone can speak up. I'm just confused  
15 as far as what exactly the parties are wanting to  
16 have occur today.

17 MR. WILLIAMS: I think the parties want  
18 to discuss and decide whether there's going to be a  
19 need for a hearing and procedural schedule at this  
20 point. I don't -- at least from Staff's perspective,  
21 I don't know that that's been determined.

22 MR. DOWNEY: That was my understanding  
23 from MIEC's perspective as well.

24 JUDGE BURTON: Okay. Just an opportunity  
25 for the parties to get together and discuss this?

1 MR. LOWRY: Yeah. Your Honor, from our  
2 perspective, we file the verified application, you  
3 know, in a lot of these cases, and that's -- that's  
4 what your Honor, you know, sort of anticipated  
5 initially at least, that Staff would just file a  
6 recommendation and often they're resolved without any  
7 further testimony or hearing.

8 And I believe that the Staff had filed a  
9 pleading a few weeks ago that suggested rather than  
10 us filing a recommendation, perhaps they wanted to do  
11 something else. It's not entirely clear to the  
12 Company exactly what Staff is thinking.

13 So we -- it would be our goal today to  
14 either come out with an understanding that they're  
15 going to go ahead and file a recommendation by a  
16 period of time and we may not need a hearing, or if  
17 that's not their stance, then we would probably want  
18 to get a procedural schedule in place so that we get  
19 a mechanism in place to get the case resolved in a  
20 timely fashion. But we haven't talked among the  
21 parties. So our assumption is that's what we were  
22 here to do today.

23 JUDGE BURTON: Well, how about this, I  
24 don't think we need to have this discussion on the  
25 record. Would ten minutes be sufficient do you think

1 to sort of have a coming to the meeting of minds of  
2 what exactly we want to have the Commission do today?

3 MR. DOWNEY: Judge, I might suggest at  
4 least a half hour.

5 JUDGE BURTON: Okay. Then that is  
6 perfectly fine. Why don't we go ahead and go off the  
7 record.

8 (Off the record at 10:06 a.m.)

9 JUDGE BURTON: It's 10:31; let's go ahead  
10 and back on the record in this procedural conference.  
11 And do the parties have anything?

12 MR. LOWERY: Your Honor, I think, and  
13 maybe I'm the spokesperson for what we accomplished  
14 or didn't accomplish; I think the consensus is that  
15 we are likely to need to have a procedural schedule  
16 and have an evidentiary hearing to get this case  
17 resolved. It's always possible once testimony's in,  
18 we can get it resolved and don't actually get to the  
19 hearing, but I -- indications are there's at least a  
20 decent chance that's where we're going to end up.

21 And so that we don't lose the time and we  
22 get the mechanism in place, we think we should just  
23 go ahead and put a procedural schedule in place.

24 JUDGE BURTON: Okay.

25 MR. LOWERY: Having said that, we've



1 discussed specific dates but we're not a hundred  
2 percent together yet, although we're not too far off.  
3 And honestly, I need to check with some folks. I had  
4 a straw man that I brought with me, but I need to  
5 check with some folks, so -- who are not available  
6 right now.

7 JUDGE BURTON: Okay.

8 MR. LOWERY: So if it would be okay with  
9 you, give us maybe a week and the parties will try to  
10 work a schedule out and try to get a jointly -- joint  
11 schedule filed a week from now for the Commission's  
12 consideration. We're looking at hearings in the  
13 middle of January. And I did check the Commission's  
14 calendar and it appears the Commission's wide open at  
15 that time.

16 JUDGE BURTON: Yeah. I'm not -- looking  
17 at the calendar right now, I'm not seeing anything  
18 and I don't believe that there's anything as far as  
19 any training or MARC NARUC conference that the  
20 commissioners are going to be going to. So that  
21 should be fine with me.

22 MR. WILLIAMS: And I think the utilities  
23 are wanting to have a decision by the first quarter  
24 of next year.

25 MR. LOWERY: Yeah. The idea is that this

1 schedule would allow briefing to be done by the  
2 third, fourth week of February and then the hope, and  
3 they'll be requesting of the Commission, it's up to  
4 them obviously, but we'd request the Commission to  
5 resolve the case by the end of March.

6 JUDGE BURTON: I don't see any problems  
7 with that. Okay. Then let's take a look then to --  
8 do we want to set a specific deadline for the  
9 proposed schedule to be submitted?

10 MR. LOWERY: How about you give us until  
11 the end of next week since we have a holiday weekend.  
12 In all likelihood we'll probably get it submitted  
13 sooner than that, but. If that's okay with you.

14 JUDGE BURTON: That's perfectly fine.  
15 Then let's go ahead and set a deadline of  
16 September 11th for the procedural schedule. And with  
17 this in mind, what is Staff's thought as far as  
18 status report or even filing a recommendation at some  
19 point? Do you believe that's even necessary?

20 MS. MUETH: Your Honor, I think if we  
21 proceed with this schedule, testimony probably would  
22 cover what we would need it to.

23 MR. WILLIAMS: Contested matters  
24 typically are done through testimony, and we present  
25 our recommendations there.

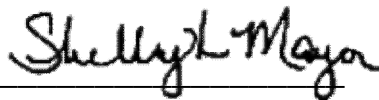
1 MS. MUETH: At this point I don't think  
2 that Staff would anticipate, if we proceeded in this  
3 manner, we would not anticipate doing a separate  
4 recommendation; it would just come out through  
5 testimony.

6 JUDGE BURTON: All right. Are there any  
7 other matters that need to be addressed while we're  
8 on the record? All right. Well, then thank you very  
9 much, everyone. And if I don't see you before then,  
10 which I probably won't, I hope you have a very nice  
11 Labor Day weekend. We'll go ahead and go off the  
12 record.

13 (Off the record at 10:34.)  
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CERTIFICATE

I, Shelley L. Mayer, a Certified Court Reporter, CCR No. 679, the officer before whom the foregoing hearing was taken, do hereby certify that the witness whose testimony appears in the foregoing hearing was duly sworn by me; that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.



Shelley L. Mayer, CCR



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