

**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 Public Convenience and)	<u>File No. EA-2019-0181</u>
Necessity Authorizing it to Construct a Wind)	
Generation Facility)	

JOINT PROPOSED PROCEDURAL SCHEDULE

COME NOW the Staff of the Missouri Public Service Commission ("Staff"), Union Electric Company d/b/a Ameren Missouri ("Company" or "Ameren Missouri"), the Office of the Public Counsel ("OPC"), Renew Missouri Advocates d/b/a Renew Missouri, Missouri Department of Conservation, Missouri Department of Economic Development – Division of Energy, Natural Resources Defense Council, Sierra Club, and Western Missouri & Kansas Laborers District Council ("Intervenors"), (collectively referred to hereafter as "Parties") to submit the following *Joint Proposed Procedural Schedule* and in support thereof state as follows:

1. On May 15, 2019, Company filed an Application with the Missouri Public Service Commission ("Commission") requesting a Certificate of Convenience and Necessity to construct, install, own, operate, maintain, and otherwise control and manage a wind generation facility in Atchison County pursuant to a Build Transfer Agreement with Enel Kansas, LLC, and for authority to merge the special-purpose entity that will complete construction into Ameren Missouri.

2. On May 15, 2019, the Commission issued an *Order Directing Notice, Setting Intervention Deadline, and Scheduling a Procedural Conference* allowing interested persons wishing to intervene until May 25, 2019, to file a motion to intervene in this matter. Applications to intervene were timely filed by Renew Missouri Advocates

d/b/a Renew Missouri, Missouri Department of Conservation, Missouri Department of Economic Development – Division of Energy, Natural Resources Defense Council, Sierra Club, and Western Missouri & Kansas Laborers District Council; those interventions were granted at the prehearing conference held on May 30, 2019.

3. The above-named Parties appeared at the May 30, 2019, prehearing conference and Staff was directed to file a proposed procedural schedule.

4. The above-named Parties discussed a proposed procedural schedule substantially similar to that proposed by Company in its May 15, 2019, *Motion for Adoption of Procedural Schedule* and as a result of that discussion have reached an agreement on a proposed procedural schedule, as follows:

Proposed Procedural Schedule

Rebuttal Testimony Due	July 15, 2019
Local Public Hearing	July 16 or 17, 2019 ¹
Settlement Conference	July 19, 2019
Surrebuttal and Cross-Surrebuttal Testimony Due	August 5, 2019
Last Day to Request Discovery ²	August 21, 2019
List of Issues, List of Witnesses, and Order of Cross-Examination Due	August 16, 2019
Position Statements Due	August 21, 2019
Evidentiary Hearing	August 26-28, 2019

¹ The Company previously recommended holding a local public hearing the week of July 22, 2019, but the Parties have agreed to recommend that the Commission hold the local public hearing before the proposed settlement conference. The Company also recommended that the local public hearing be held at the University of Missouri Extension Building, 201 Highway 136 East, Rockport, Missouri, if available. This is the location of the local public hearing held in the Brickyard Hills project docket which is a project located in the same county.

² By issuing Data Requests or other written discovery requests or subpoenas.

Initial Post-Hearing Briefs Due	September 13, 2019
Reply Briefs Due	September 20, 2019
Requested Commission Order (with 10-day effective date)	On/before October 10, 2019 ³

5. Additionally, on behalf of the Parties, Staff restates the Proposed Procedural Requirements set forth by Company in its May 15, 2019, *Motion for Adoption of Procedural Schedule*, as follows:

Proposed Procedural Requirements

- (a) All parties must comply with the requirements of Commission Rule 4 CSR 240-2.130 for prepared testimony, including the requirement that testimony be filed on line-numbered pages.
- (b) Although not all parties may agree upon how each issue should be described or on whether a listed issue is in fact a proper issue in this case, the parties shall agree upon and file a list of the issues to be heard, the witnesses to appear on each day of the hearing, the order in which they will be called, and the order of cross-examination for each witness. The list of issues should be detailed enough to inform the Commission of each issue that must be resolved. The Commission will view any issue not contained in this list of issues as uncontested and not requiring resolution by the Commission.
- (c) Each party shall file a simple and concise statement summarizing its position on each disputed issue.
- (d) All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 4 CSR 240-2.080. Briefs shall follow the same list of issues as filed in the case and must set forth and cite the proper portions of the record concerning the remaining unresolved issues that are to be decided by the Commission.
- (e) If part of testimony or documents are prefiled and served upon the parties before a hearing, a party need only provide a copy of the testimony or document to the court reporter for marking as an exhibit. If not prefiled and served upon the parties, then a party who has a document marked for use at the hearing shall have sufficient copies of the document to provide a copy not only to the court reporter, but also to each of the Commissioners, the presiding officer, and counsel for each other party.

³ The Presiding Officer indicated during the prehearing conference that the final brief needed to be filed on or before September 26, 2019.

- (f) All parties shall provide copies of testimony (including schedules), exhibits, and pleadings to other counsel by electronic means and in electronic form, essentially concurrently with the filing of such testimony, exhibits, or pleadings where the information is available in electronic format (.PDF, .DOC, .WPD, .XLS, etc.). Parties are not required to put information that does not already exist in electronic format into electronic format for purposes of exchanging.
- (g) Public documents filed in the Commission's Electronic Filing and Information System ("EFIS") shall be considered properly served by serving the same on counsel of record for all other parties via e-mail. The parties agree confidential documents may be obtained from EFIS and so agree not to serve those documents via e-mail.
- (h) Counsel for each party shall receive electronically from all other parties serving a data request, an electronic copy of the text of the "description" of that data request contemporaneously with service of the data request. Data requests issued to or by Staff shall be submitted and responded to in EFIS, if feasible, or in electronic format on compact disc, or by other means agreed to by counsel, if infeasible. Also regarding Staff-issued data requests, if the description contains highly confidential or proprietary information, or is voluminous, a hyperlink to the EFIS record of that data request shall be considered a sufficient copy. If a party desires the response to a data request that has been served on another party, the party desiring a copy of the response must request a copy of the response from the party answering the data request. Data requests, objections to data requests, and notifications respecting the need for additional time to respond to data requests shall be sent by e-mail to counsel for the other parties. Counsel may designate other personnel to be added to the service list for data requests, but shall assume responsibility for compliance with any restrictions on confidentiality. Data request responses shall be served on counsel for the requesting party, unless waived by counsel, and on the requesting party's employee or representative who submitted the data request, and shall be served electronically, if feasible and not voluminous as defined by Commission rule. In the case of Ameren Missouri data request responses, Ameren Missouri shall post its data request responses on its Caseworks Extranet site; however, in the case of responses to data requests Staff issues, Ameren Missouri shall also submit the responses to Staff data requests in EFIS, if feasible, or in electronic format on compact disc or by other means agreed to by Staff counsel, if infeasible.
- (i) The parties shall make an effort to not include confidential information in data requests. If confidential information must be included in a data request, the confidential information shall be appropriately designated as such pursuant to Commission Rule 4 CSR 240-2.135.
- (j) The response time for all data requests shall be twelve (12) days, with three (3) business days to object or notify the requesting party that more than twelve (12) days will be needed to provide the requested information. If a data request has been responded to, a party's request for a copy of the response shall be timely responded to without waiting the full response time allowed (except that, with the exception of

responses to Staff, responses will not be needed for Ameren Missouri data request responses posted on Ameren Missouri's Caseworks Extranet site).

- (k) Workpapers prepared in the course of developing a testimony shall not be filed with the Commission, but shall be submitted to each party within two (2) business days following the filing of the testimony document, unless a party has indicated that it does not want to receive some or all of the workpapers. Workpapers containing confidential information shall be appropriately marked. If there are no workpapers associated with testimony, the party's attorney shall so notify the other parties within the time allowed for providing those workpapers.
- (l) Where workpapers or data request responses include models or spreadsheets or similar information originally in a commonly available format where inputs or parameters may be changed to observe changes in inputs, if available in that original format, the party providing the workpaper or response shall provide this type of information in that original format with formulas intact. With the exception of workpapers provided to Staff, Ameren Missouri may provide workpapers by posting the same on its Caseworks Extranet site, with e-mail notification to counsel for the parties to be provided essentially concurrently with the posting of workpapers on the Extranet site. Ameren Missouri shall provide its workpapers to Staff in electronic format by e-mailing or by delivery of a compact disc or other electronic storage.
- (m) Commission Rule 4 CSR 2.090's requirement that a party must seek a telephone conference with the presiding officer before filing a discovery motion shall be waived.
- (n) The Technical/Settlement conferences provided for in the Procedural Schedule may be postponed or cancelled by consensus among the parties.

6. Staff Counsel circulated this proposed procedural schedule to the above-named Parties and received no objection to the filing of this proposed procedural schedule.

WHEREFORE, Staff respectfully submits this *Joint Proposed Procedural Schedule* on behalf of Staff, Company, OPC, and Intervenors for the Commission's information and consideration, and respectfully requests the Commission issue an order establishing a procedural schedule for this matter.

Respectfully submitted,

/s/ Alexandra L. Klaus

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile, or electronically mailed to all parties and/or counsel of record on this 5th day of June, 2019.

/s/ Alexandra L. Klaus