

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

In the Matter of the Application of )  
Union Electric Company for Authority )  
To Continue the Transfer of )  
Functional Control of Its Transmission )  
System to the Midwest Independent )  
Transmission System Operator, Inc. )

Case No. EO-2011-0128

**SUGGESTED REVISED LIST OF ISSUES AND ORDER OF CROSS-EXAMINATION**

COME NOW Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri”), the Staff of the Missouri Public Service Commission (“Staff”), the Midwest Independent Transmission System Operator, Inc. (“Midwest ISO”), and the Missouri Industrial Energy Consumers (collectively, the “Settling Parties”), all of whom are parties to the Non-Unanimous Stipulation and Agreement filed on November 17, 2011, and hereby suggest to the Commission that the List of Issues and Order of Cross-Examination filed on November 14, 2011 be revised in view of the agreements reached between the Settling Parties. In this regard, the Settling Parties state as follows:

**LIST OF ISSUES**

With respect to the List of Issues, the Settling Parties suggest that the List be revised as shown below:

1. *Is an extension of the term of the Commission’s permission for Ameren Missouri to transfer functional control of Ameren Missouri’s transmission system to the Midwest ISO, on the terms and conditions ~~outlined starting at page 19, line 16 through page 21, line 2 of the Surrebuttal Testimony of Ajay Arora filed in this docket on November 1, 2011 set out in the Non-unanimous Stipulation and Agreement filed in this docket on November 17, 2011~~, not detrimental to the public interest?*
2. *What constitutes proving “not detrimental to the public interest” in File No. EO-2011-0128?*
  - (a) *What “public” is the appropriate public?*
  - (b) *What “interest” is the appropriate interest?*
  - (c) *How is “not detrimental” measured?*

3. *May the Commission impose the conditions on such a transfer that are reflected at page 12, 7, lines 22 - 28~~15~~—22 of the Rebuttal Testimony of ~~Ryan Kind~~James R. Dauphinais (which is also supported by OPC)? If so, should the Commission do so?*

4. *May the Commission impose the conditions on such a transfer that are reflected at page 17, lines 1 – 3 of the Rebuttal Testimony of Ryan Kind? If so, should the Commission do so?*

~~5. Can the Commission condition Ameren Missouri's participation in MISO on the application of the existing terms and conditions applied to Ameren Missouri transmission assets (e.g., Section 5.3 of the Service Agreement and paragraphs (b) through (h) of the Ameren Missouri Verified Application in File No. EO-2011-0128) to any affiliate to which Ameren Missouri seeks to transfer transmission assets? If so, should the Commission do so as recommended at page 22, lines 3-27 of the Rebuttal Testimony of Adam C. McKinnie?~~

~~6. Is an affiliate of Ameren Missouri required to obtain a certificate of convenience and necessity (CCN) (as described in RSMo 393.170 and 393.190.1) from the Commission before constructing, owning, and operating certain transmission facilities in the state of Missouri as is the opinion of the Staff Counsel's Office as noted at page 21, lines 3-6 of the Rebuttal Testimony of Adam C. McKinnie? Can the Commission condition the granting of such a CCN on the application of the existing terms and conditions that are applied to Ameren Missouri transmission assets (e.g., Section 5.3 of the Service Agreement and paragraphs (b) through (h) of the Ameren Missouri Verified Application in File No. EO-2011-0128)? If so, should the Commission do so, as recommended at page 22, lines 3-8 of the Rebuttal Testimony of Adam C. McKinnie?~~

~~7.5. If the Commission agrees that such extension of the term for Ameren Missouri to transfer functional control of Ameren Missouri's transmission system to the Midwest ISO should be granted on the terms outlined at page 19, line 19 to page 21, line 2 of Ajay Arora's surrebuttal testimony, should the conditions as proposed by Marlin Vrbas in his testimony, pp. 13-16, be required of Ameren Missouri before any continued transfer of authority is granted? What continuing opportunities and mechanisms for re-examining Ameren Missouri's participation in MISO, if any, should be granted to the parties in this case?~~

With respect to the Order of Cross-Examination, the Settling Parties suggest that the following Order be utilized in view of the fact that the Settling Parties are no longer adverse to one another:<sup>1</sup>

**ORDER OF CROSS EXAMINATION**  
**(Least Adverse to Most Adverse)**

<b><u>Ameren Missouri's Witnesses</u></b>	<b><u>Staff's Witnesses</u></b>	<b><u>OPC's Witnesses</u></b>	<b><u>MIEC's Witnesses</u></b>	<b><u>MJMEUC's Witnesses</u></b>	<b><u>Empire's Witnesses</u></b>	<b><u>Midwest ISO's Witnesses</u></b>
Midwest ISO	Ameren Missouri	MJMEUC	Ameren Missouri	OPC	SPP	Ameren Missouri
Staff	MIEC	SPP	Midwest ISO	Staff	MJMEUC	MJMEUC
MIEC	Midwest ISO	Empire	Staff	MIEC	MIEC	MIEC
SPP	SPP	MIEC	SPP	SPP	OPC	Staff
Empire	Empire	Midwest ISO	Empire	Empire	Staff	OPC
MJMEUC	MJMEUC	Staff	MJMEUC	Midwest ISO	Ameren Missouri	Empire
OPC	OPC	Ameren Missouri	OPC	Ameren Missouri	Midwest ISO	SPP

---

<sup>1</sup> Ameren Missouri, MIEC, Midwest ISO and Staff do not intend to cross-examine each others' witnesses, but reserve the right to conduct re-cross of each others' witnesses based on questions from the bench.

Dated: November 17, 2011.

Respectfully submitted,

ATTORNEYS FOR UNION ELECTRIC  
COMPANY, d/b/a AMEREN MISSOURI

/s/ James B. Lowery

James B. Lowery, Mo. Bar #40503  
Smith Lewis, LLP  
Suite 200, City Centre Building  
111 South Ninth Street  
P.O. Box 918  
Columbia, MO 65205-0918  
(573) 443-3141 (Telephone)  
(573) 442-6686 (Fax)  
[lowery@smithlewis.com](mailto:lowery@smithlewis.com)

Thomas M. Byrne, Mo. Bar #33340  
Union Electric Company,  
d/b/a Ameren Missouri  
Managing Associate General Counsel  
1901 Chouteau Avenue, MC-1310  
P.O. Box 66149, MC-131  
St. Louis, Missouri 63101-6149  
(314) 554-2514 (Telephone)  
(314) 554-4014 (Fax)  
[tbyrne@ameren.com](mailto:tbyrne@ameren.com)

ATTORNEYS FOR MIDWEST  
INDEPENDENT TRANSMISSION  
SYSTEM OPERATOR, INC.

/s/ Karl Zobrist

Karl Zobrist, Mo. Bar #28325  
Lisa A. Gilbreath, Mo. Bar #62271  
SNR Denton US LLP  
4520 Main Street, Suite 1100  
Kansas City, MO 64111  
(816) 460-2400 (Telephone)  
(816) 531-7545 (Fax)  
[karl.zobrist@snrdenton.com](mailto:karl.zobrist@snrdenton.com)  
[lisa.gilbreath@snrdenton.com](mailto:lisa.gilbreath@snrdenton.com)

ATTORNEYS FOR THE STAFF OF THE  
MISSOURI PUBLIC SERVICE COMMISSION

/s/ Meghan E. McClowry

Meghan E. McClowry #63070  
Legal Counsel  
P.O. Box 360  
Jefferson City, MO 65102  
(573) 751-6651 (Telephone)  
(573) 751-9285 (Fax)  
[meghan.mcclowry@psc.mo.gov](mailto:meghan.mcclowry@psc.mo.gov)

Steven Dottheim, Mo. Bar #29149  
Chief Deputy Staff Counsel  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751-7489 (Telephone)  
(573) 751-9285 (Fax)  
[steve.dottheim@psc.mo.gov](mailto:steve.dottheim@psc.mo.gov)

ATTORNEY FOR THE MISSOURI  
INDUSTRIAL ENERGY CONSUMERS

/s/ Diana M. Vulsteke

Diana M. Vuylsteke, Mo. Bar #42419  
211 N. Broadway, Suite 3600  
St. Louis, MO 63102  
(314) 259-2543 (Telephone)  
(314) 259-2020 (Fax)  
[dmvuylsteke@bryancave.com](mailto:dmvuylsteke@bryancave.com)

### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served via e-mail on counsel for the parties of record to this case, on this 17th day of November, 2011.

/s/James B. Lowery  
James B. Lowery