

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 10<sup>th</sup> day of August, 2016.

In the Matter of Union Electric Company d/b/a )	
Ameren Missouri's Tariffs to Increase Its )	<b><u>File No. ER-2016-0179</u></b>
Revenues for Electric Service )	Tariff No. YE-2017-0003

**ORDER ADOPTING PROCEDURAL SCHEDULE AND DELEGATING  
AUTHORITY**

Issue Date: August 10, 2016

Effective Date: August 10, 2016

On August 1, 2016, the Commission's Staff, acting on behalf of all the parties, filed a proposed procedural schedule that has been agreed upon by all parties. The parties have also agreed upon certain procedural provisions that the Commission will incorporate into this order. The Commission will generally adopt the procedural schedule proposed by the proponents.<sup>1</sup>

The proposed discovery schedule includes deadlines for the service of discovery requests and for the filing of motions to compel discovery. The schedule also provides for periodic discovery conferences at which the parties may obtain prompt resolution of any discovery disputes.

To ensure that such discovery disputes can be promptly resolved, the Commission will exercise its authority under Section 386.240, RSMo 2000, by delegating its authority to the presiding regulatory law judge to rule on discovery disputes raised at the discovery conference and to rule on all motions to compel discovery.

---

<sup>1</sup> The Commission has changed the date for filing final position statements from February 24 to February 23 to ensure that such statements are filed in time to allow the Commission to review them before the hearing.

The Commission will address the scheduling of local public hearings in a subsequent order.

**THE COMMISSION ORDERS THAT:**

1. The following procedural schedule is established:

- |  |   |                            |
|--|---|----------------------------|
| <b>Discovery Conference</b>  | - | <b>October 13, 2016</b>    |
| <b>Non-Ameren Missouri parties to file Direct Testimony on revenue requirement. Response Times for DRs changes to 15 calendar days</b>           | - | <b>December 9, 2016</b>    |
| <b>Non-Ameren Missouri parties to file Direct Testimony on class cost of service and rate design</b>   | - | <b>December 23, 2016</b>   |
| <b>Local Public Hearings (locations and dates to be established by subsequent order)</b>   | - | <b>January 2017</b>        |
| <b>Discovery Conference</b>  | - | <b>January 10, 2017</b>    |
| <b>Preliminary Reconciliation (provided to all parties, but not filed)</b>   | - | <b>January 11, 2017</b>    |
| <b>Technical/Settlement Conference (This is an informal conference among the parties and will not be on the record)</b>                          | - | <b>January 12-13, 2017</b> |
| <b>All parties to file Rebuttal Testimony on revenue requirement issues,</b>   | - | <b>January 20, 2017</b>    |
| <b>All parties to file Rebuttal Testimony on class cost of service and rate design issues. Response times for DRs changes to 5 business days</b> | - | <b>January 24, 2017</b>    |
| <b>Preliminary Issues List to be provided To all parties (Not Filed)</b>   | - | <b>January 27, 2017</b>    |
| <b>True-Up Information to be provided to All Parties by Ameren Missouri (Not Filed)*</b>   | - | <b>January 27, 2017</b>    |

<b>Discovery Conference</b>	<b>—</b>	<b>February 3, 2017</b>
<b>All parties to file Surrebuttal Testimony</b>	<b>-</b>	<b>February 10, 2017</b>
<b>Last day to request discovery</b>	<b>-</b>	<b>February 17, 2017</b>
<b>List of Issues, Order of Witnesses, Order of Cross-Examination, Order of Opening (parties will provide valuation of their positions to Staff)</b>	<b>-</b>	<b>February 21, 2017</b>
<b>Last day to file motion to compel or issue subpoena</b>	<b>-</b>	<b>February 23, 2017</b>
<b>Statements of Position</b>	<b>-</b>	<b>February 23, 2017</b>
<b>Final Reconciliation to be filed</b>	<b>-</b>	<b>February 24, 2017</b>
<b>Hearing</b>	<b>-</b>	<b>February 27-28, 2017 March 1-3, 2017 March 6-10, 2017 March 13-14, 2017, beginning each day at 8:30 a.m.</b>
<b>All parties file Initial Post-Hearing Briefs</b>	<b>-</b>	<b>March 30, 2017</b>
<b>All parties file Reply/True-Up Briefs</b>	<b>-</b>	<b>April 7, 2017</b>
<b>Operation of Law Date</b>	<b>-</b>	<b>May 28, 2017</b>

2. The parties shall comply with the following procedural requirements:
  - (A) Testimony shall be prefiled as defined in Commission Rule 4 CSR 240-2.130. All parties must comply with this rule, 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 Staff shall 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 to be marked 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 Commissioner, the Presiding Officer, and counsel for each other party.
- (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, or .XLS etc.). Parties are not required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.

- (G) Public Documents filed in EFIS shall be considered properly served by serving them on counsel of record for all other parties by e-mail. Highly confidential documents may be obtained from EFIS and need not be served via e-mail
- (H) Each party serving a data request on another party shall provide an electronic copy of the text of the “description” of that data request to counsel for all other parties contemporaneously with service of the data request. 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 shall 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 by defined by Commission rule. In the case of Ameren Missouri data request responses, Ameren Missouri shall post its data request responses on its Case Works Extranet site. However, in the case of responses to data requests Staff issues to it, Ameren Missouri shall also submit the response to Staff data requests in EFIS, if feasible, or if submission of responses to Staff data request in EFIS is infeasible, then Ameren Missouri

shall submit to Staff its response in electronic format on compact disc or by other means agreed to by Staff counsel.

- (I) The parties shall make an effort to not include highly confidential or proprietary information in data request questions. If highly confidential or proprietary information must be included in data request questions, the highly confidential or proprietary information shall be appropriately designated as such pursuant to Commission Rule 4 CSR 240-2.135.
- (J) Until direct testimony is filed on December 9, 2016, the response time for all data requests shall be twenty calendar days, with ten calendar days to object or notify the requesting party that more than twenty calendar days will be needed to provide the requested information. After December 9, 2016, until rebuttal testimony is filed on January 20, 2017, the response time for data requests shall be fifteen calendar days to provide the requested information and eight calendar days to object or notify the requesting party that more than fifteen calendar days will be needed to provide the requested information. After rebuttal testimony is filed on January 20, 2017, the response time for data requests shall be five business days to provide the requested information and three business days to object or notify the requesting party that more than five business 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, considering that the underlying data request has already been responded to (except that, with the exception of responses to Staff, responses shall not be needed for Ameren Missouri's data request responses posted on Ameren Missouri's Caseworks Extranet site).

- (K) Workpapers prepared in the course of developing a witness' direct or rebuttal testimony shall not be filed with the Commission, but, without request, shall be submitted to each party within two business days after the particular testimony is filed, unless a party has indicated that it does not want to receive some or all of the workpapers. Workpapers containing highly confidential or proprietary 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. Except for workpapers provided to Staff, Ameren Missouri may provide workpapers by posting them 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 Caseworks Extranet site. Ameren Missouri shall provide its work papers to Staff in electronic format by e-mailing or by delivery of a compact disk or other electronic storage media.
- (M) Discovery Conferences will be held in Room 305 at the Commission's office at the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Each Discovery Conference will begin at 2:00 p.m.
- (N) Not less than two business days before each discovery conference, any party that has a discovery disagreement or concern involving another party shall file a brief statement describing that disagreement or concern and identifying any

other parties involved. Such statement does not need to be a formal motion to compel. Any party may attend a discovery conference, but only those parties involved in an identified discovery disagreement or concern must attend. If the parties do not identify any discovery disagreements or concerns before the scheduled conference, the presiding officer may cancel the conference.

- (O) Discovery conferences shall be on the record and shall be transcribed by a court reporter.
- (P) Any pending written discovery motion may be taken up at a Discovery Conference and may be ruled upon by the presiding regulatory law judge either on the record, or in a written order.
- (Q) Compliance with Commission Rule 4 CSR 240-2.090's requirement that a party must seek a telephone conference with the presiding officer before filing a discovery motion is waived for discovery disputes that are raised at a discovery conference.
- (R) All data requests, subpoenas duces tecum, or other discovery requests, such as requests for admission, shall be issued no later than February 17, 2017. With respect to deposing witnesses, depositions must be completed at least three business days before the date that the witness will testify on the issue(s) in the evidentiary hearings, unless witness availability requires that a deposition be conducted within less than three days.
- (S) All motions to compel a response to any discovery request shall be filed no later than February 22, 2017.
- (T) Data requests and responses thereto made by any party in the following Commission cases shall be treated as having been made in this case, subject to



objections as to admissibility in evidence in this case: EA-2015-0273; EA-2016-0207; EA-2016-0208; and EO-2016-0286.

3. The transcripts of the evidentiary hearing shall be expedited.

4. The hearing shall be held at the Commission's office at the Governor Office Building, Room 310, 200 Madison Street, Jefferson City, Missouri. This building meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations to participate in this hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

5. This order shall be effective when issued.

**BY THE COMMISSION**



A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff  
Secretary

Hall, Chm., Stoll, Kenney, and Rupp, CC., concur;  
Coleman, C., absent.

Woodruff, Chief Regulatory Law Judge

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

**I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 10<sup>th</sup> day of August 2016.**



  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**August 10, 2016**

**File/Case No. ER-2016-0179**

**Missouri Public Service Commission**

Staff Counsel Department  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
staffcounsel@psc.mo.gov

**Office of the Public Counsel**

James Owen  
200 Madison Street, Suite 650  
P.O. Box 2230  
Jefferson City, MO 65102  
opc@psc.mo.gov

**Brightergy, LLC**

Andrew Zellers  
1712 Main Street, 6th Floor  
Kansas City, MO 64108  
andyzellers@brightergy.com

**Consumers Council of Missouri**

John B Coffman  
871 Tuxedo Blvd.  
St. Louis, MO 63119-2044  
john@johncoffman.net

**IBEW Local Union 1439**

Sherrie Hall  
7730 Carondelet Ave., Ste. 200  
St. Louis, MO 63105  
sahall@hammondshinners.com

**IBEW Local Union 1439**

Emily Perez  
7730 Carondelet Ave., Suite 200  
St. Louis, MO 63105  
eperez@hammondshinners.com

**Midwest Energy Consumers Group**

David Woodsmall  
807 Winston Court  
Jefferson City, MO 65101  
david.woodsmall@woodsmalllaw.com

**Missouri Division of Energy**

Alexander Antal  
301 West High St.  
P.O. Box 1157  
Jefferson City, MO 65102  
Alexander.Antal@ded.mo.gov

**Missouri Industrial Energy Consumers (MIEC)**

Edward F Downey  
221 Bolivar Street, Suite 101  
Jefferson City, MO 65101  
efdowney@bryancave.com

**Missouri Industrial Energy Consumers (MIEC)**

Diana M Vuylsteke  
211 N. Broadway, Suite 3600  
St. Louis, MO 63102  
dmvuylsteke@bryancave.com

**Missouri Public Service Commission**

Kevin Thompson  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
Kevin.Thompson@psc.mo.gov

**Natural Resources Defense Council**

Henry B Robertson  
319 N. Fourth St., Suite 800  
St. Louis, MO 63102  
hrobertson@greatriverslaw.org

**Renew Missouri**

Andrew J Linhares  
1200 Rogers St, Ste B  
Columbia, MO 65201-4744  
Andrew@renewmo.org

**Sierra Club**

Henry B Robertson  
319 N. Fourth St., Suite 800  
St. Louis, MO 63102  
hrobertson@greatriverslaw.org

**Union Electric Company**

James B Lowery  
111 South Ninth St., Suite 200  
P.O. Box 918  
Columbia, MO 65205-0918  
lowery@smithlewis.com

**Union Electric Company**

Russ Mitten  
312 E. Capitol Ave  
P.O. Box 456  
Jefferson City, MO 65102  
rmitten@brydonlaw.com

**Union Electric Company**

Wendy Tatro  
1901 Chouteau Avenue  
St. Louis, MO 63103-6149  
AmerenMOService@ameren.com

**Union Electric Company**

Matthew R Tomc  
1901 Chouteau  
St. Louis, MO 63166  
AmerenMOService@ameren.com

**United for Missouri**  
David C Linton  
314 Romaine Spring View  
Fenton, MO 63026  
Jdlinton@reagan.com

***Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).***

***Sincerely,***

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive style with a large, stylized 'M' and 'W'.

**Morris L. Woodruff**  
**Secretary**

---

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.