

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 15th day  
of August, 2019.

In the Matter of Union Electric Company        )  
d/b/a Ameren Missouri's Tariffs to Decrease    )  
Its Revenues for Electric Service            )    **File No. ER-2019-0335**

**ORDER SETTING TEST YEAR AND  
ADOPTING PROCEDURAL SCHEDULE**

Issue Date: August 15, 2019

Effective Date: August 15, 2019

On July 3, 2019, Union Electric Company d/b/a Ameren Missouri (Ameren Missouri) filed tariff sheets designed to implement a general rate decrease for its electric service. The tariff sheets bore an effective date of August 2, 2019, but were suspended until May 30, 2020. A procedural conference was held on July 24, 2019. On August 1, 2019, Ameren Missouri, the Staff of the Missouri Public Service Commission (Staff), and the Missouri Department of Economic Development – Division of Energy jointly filed a proposed procedural schedule containing dates and procedures. Although not signatories to the joint proposal, the Office of the Public Counsel (Public Counsel), Renew Missouri Advocates, d/b/a Renew Missouri, Natural Resources Defense Council, and Sierra Club indicated they did not object to the proposed schedule.

In its application, Ameren Missouri proposed a test year that included the 12 months ending December 31, 2018, with a true-up period through December 31, 2019 and January 1, 2020, for certain items. Staff objected to the true-up period being a full year and suggested instead that the test year ending December 31, 2018, be updated through June 30, 2019, with a true-up period through December 31, 2019 (and January

1, 2020 for certain items). In their proposed procedural schedule, the signatory parties proposed the updated test year and true-up as Staff had suggested.

Public Counsel objected to the test year adjustment and true-up period. Public Counsel argued that no test year adjustment period was necessary since Ameren Missouri had not identified specific known or measurable cost drivers during the proposed true-up or adjustment period that would indicate any such adjustments are necessary to capture an accurate test year. Ameren Missouri replied to Public Counsel's objections citing the long history of the Commission ordering "a true-up of a basket of items similar to those agreed to with the Staff and others in this case . . . ." <sup>1</sup> Additionally, as Ameren Missouri pointed out in its reply, a true-up is an important ratemaking tool that assists in establishing expected earnings, expenses, and investments as close in time to when the rates will be effective as possible. Further, the signatory parties proposed a procedural schedule that incorporates a time for Ameren Missouri to provide the update and true-up information, allows adequate time for its review and response by the other parties, and allows time for consideration by the Commission. Thus, the Commission determines that a test year updated through June 30, 2019, and true-up for certain known and measurable earnings, expenses, and investments through December 31, 2019 (and January 1, 2020, in certain instances) will result in the most accurate rates.

The Missouri Industrial Energy Consumers (MIEC), Midwest Energy Consumers Group (MECG), and Consumers Council also filed a joint objection to the rate case expense procedure set out in paragraph (s) of the proposed procedural schedule. Proposed paragraph (s) states that rate case expenses will be examined and adjusted

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<sup>1</sup> *Ameren Missouri's Reply to Public Counsel's Response to Proposed Historical Test Year and Adjustment Period*, (filed August 1, 2019), para.6.

through the date reply briefs are filed. MIEC, MEECG, and Consumers Council argue that the proposal provides no procedure for putting this updated rate case expense into evidence or for the parties to examine the expenses and propose adjustments after the close of evidence. MIEC, MEECG, and Consumers Council argue that no special procedure for rate case expense is needed. They suggest that if rate case expense after the end of the true-up period is expected to be so significant that it merits inclusion, Ameren Missouri can propose an isolated adjustment.

Staff filed a reply to MIEC, MEECG, and Consumers Council on August 12, 2019. Staff suggested procedures allowing Ameren to provide updated rate case expense after the reply briefs are filed. However, this proposed procedure would allow additional evidence to be submitted after the traditional close of evidence, which is not a practical or desirable procedure. The Commission sets a test year and true-up period so that expenses and revenues can be considered as close as possible to when rates will become effective, but there must be a firm cutoff date. Further, that date should be early enough in the proceeding to give the parties and the Commission a reasonable opportunity to review it for accuracy and prudence before a final decision is issued.

With regard to the rate case expense, the Commission agrees with MIEC, MEECG, and Consumers Council. No special treatment of rate case expense needs to be set out in this procedural schedule. If Ameren Missouri's rate case expenses after the close of the true-up period are so significant as to warrant an isolated adjustment, that can be accomplished by Ameren Missouri proposing such an adjustment through the regular course of this case.

The Commission will adopt the proposed procedural schedule with some alterations.<sup>2</sup> The Commission will set the test year as proposed by Ameren Missouri and Staff as the 12 months ending December 31, 2018, updated through June 30, 2019, and trued-up through December 31, 2019 (and January 1, 2020 for certain items) as set out below. The Commission also adopts the other procedural requirements as proposed with some revision for clarity and with the exception of authorizing the adjustment of rate case expense through the date of the reply briefs as set out in paragraph (s) of the joint procedural schedule.

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>Updated information through June 30, 2019, to be provided by Ameren Missouri to all parties (not filed)</b>	<b>August 30, 2019</b>
<b>Discovery Conference</b>	<b>September 19, 2019</b>
<b>Discovery Conference</b>	<b>October 16, 2019</b>
<b>Discovery Conference</b>	<b>November 13, 2019</b>
<b>Non-Ameren Missouri Parties' Direct Testimony on Revenue Requirement<sup>3</sup> (Response time for Data Requests changes to 15 calendar days and 8 calendar days to object or notify of the need for additional time to respond.)</b>	<b>December 4, 2019</b>

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<sup>2</sup> Some of these alterations include changing the dates for the September Discovery Conference and the filing of Reply Briefs, and the exclusion of proposed paragraph (s) related to rate case expenses. Other changes and additions were made in the procedures to be followed as set out in the ordered paragraphs below.

<sup>3</sup> This includes testimony proposing substantive changes to the costs or revenues to be included in the fuel adjustment clause (FAC), substantive changes in its operation (e.g., sharing percentage, number of adjustments), and testimony opposing its continuation.

<b>Non-Ameren Missouri Parties' Direct Testimony Class Cost of Service and Rate Design</b>	<b>December 18, 2019</b>
<b>Discovery Conference</b>	<b>January 8, 2020</b>
<b>All Parties' Rebuttal Testimony</b>	<b>January 21, 2020</b>
<b>(Response time to Data Requests changes to 5 business days and 3 business days to object or notify of the need for additional time to respond.)</b>	
<b>True-Up information to be provided by Ameren Missouri to all parties<sup>4</sup> (not filed) (Ameren Missouri shall use its best efforts to provide true-up information as early as possible, and in any event, no later than January 27, 2020.)</b>	<b>January 22-27, 2020</b>
<b>Preliminary Issues List (not filed; provided to all parties)</b>	<b>January 31, 2020</b>
<b>Company and Staff preliminary true-up revenue requirement including true-up accounting schedules with supporting workpapers (not filed; provided to all parties)</b>	<b>January 31, 2020</b>
<b>Preliminary reconciliation from Staff (not filed; provided to all parties)</b>	<b>February 3, 2020</b>
<b>Settlement Conference (informal, not on the record)</b>	<b>February 3-4, 2020</b>
<b>Discovery Conference</b>	<b>February 5, 2020</b>
<b>All Parties' Surrebuttal and True-up Testimony (including final true-up accounting schedules which support a specific true-up revenue requirement)<sup>5</sup></b>	<b>February 14, 2020</b>

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<sup>4</sup> See paragraph 2(R) below.

<sup>5</sup> No party shall revise or change that party's methods or methodologies for true-up issues.

<b>List of Issues, Order of Witnesses, Order of Cross Examination</b>	<b>February 18, 2020</b>
<b>All parties provide valuation of their positions to Staff for the Final Reconciliation</b>	<b>February 18, 2020</b>
<b>Last Day to Request Discovery (issue a subpoena, notice a deposition, or issue data requests)</b>	<b>February 19, 2020</b>
<b>Statement of Position</b>	<b>February 24, 2020</b>
<b>List of Premarked Exhibits (not filed; email to Regulatory Law Judge)</b>	<b>February 24, 2020</b>
<b>Last Day to Take a Deposition or File a Motion to Compel</b>	<b>February 26, 2020</b>
<b>Final Reconciliation (to be filed)</b>	<b>February 27, 2020</b>
<b>Evidentiary Hearings beginning at 9:00 am on the first day</b>	<b>March 2 - 6, 2020 March 9-13, 2020</b>
<b>Initial Post Hearing Briefs</b>	<b>March 30, 2020</b>
<b>Reply/True-Up Briefs</b>	<b>April 7, 2020</b>

2. 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.

3. 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. Position statements shall track the list of issues. Any position statement shall set forth any order requested, cite any law authorizing that relief, and allege facts relevant under the law with citations to any pre-filed testimony in support.
- (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 the testimony or documents are prefiled and served upon the parties before the 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 Regulatory Law Judge, 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. 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 the Commission's Electronic Filing and Information System (EFIS) shall be considered properly served by serving them on counsel of record for all other parties by e-mail. To provide additional security, confidential documents are considered served when filed in EFIS and shall not be served via e-mail.
- (H) With regard to data requests:
  - i. Each party serving a data request shall send an electronic copy of the text of the "description" of that data request to counsel for each party contemporaneously with service of the data request.
  - ii. Data requests issued to or by Staff shall be submitted and responded to in EFIS if feasible. If infeasible, data requests issued to or by Staff shall be submitted and responded to in electronic format on compact disc or by other means agreed to by counsel. Additionally, if the description of a Staff-issued data request contains confidential information or is voluminous, a hyperlink to the EFIS record of that data request shall be considered a sufficient copy.



- iii. 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.
- iv. 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.
- v. 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.
- vi. Ameren Missouri shall post its data request responses on its Caseworks Extranet site; however, Ameren Missouri shall also submit the responses to Staff-issued data requests in EFIS, if feasible. If infeasible, those responses shall be submitted in electronic format on compact disc or by other means agreed to by Staff counsel.
- vii. The parties shall make an effort not to 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.
- viii. Until revenue requirement direct testimony is filed on December 4, 2019, the response time for all data requests shall be twenty (20) calendar

days, with ten (10) calendar days to object or notify the requesting party that more than twenty (20) calendar days will be needed to provide the requested information. After December 4, 2019, until rebuttal testimony is filed on January 21, 2020, the response time for data requests shall be fifteen (15) calendar days to provide the requested information and eight (8) calendar days to object or notify the requesting party that more than fifteen (15) calendar days will be needed to provide the requested information. After rebuttal testimony is filed on January 21, 2020, the response time for data requests shall be five (5) business days to provide the requested information and three (3) business days to object or notify the requesting party that more than five (5) 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 will not be needed for Ameren Missouri's data request responses posted on Ameren Missouri's Caseworks Extranet site).

ix. For all data requests submitted to Ameren Missouri seeking information on a monthly basis, Ameren Missouri will provide updates to those data requests for which an objection to providing the data or monthly data is not lodged (or not sustained if challenged) on a quarterly basis. Ameren Missouri will provide responses to such data requests through June 30, 2019, on or before August 30, 2019 (in addition to the June 30, 2019 update of the entire rate case). Ameren Missouri will provide

responses to such data requests through September 30, 2019, on or before October 31, 2019. Ameren Missouri will provide responses to such data requests through December 31, 2019, on or before January 27, 2019 (in addition to the true-up data). Staff and each party that has submitted data requests to Ameren Missouri seeking information on a monthly basis that requires updating will work with Ameren Missouri to develop a list for each quarterly update insofar as not all such data requests will need to be updated.

(l) With regard to workpapers:

i. Workpapers prepared in the course of developing testimony and exhibits (including any report prepared in lieu of testimony in accordance with 4 CSR 240-2.130) shall not be filed with the Commission, but shall be submitted to each party within two (2) business days following the filing of the particular testimony, unless a party has indicated that it does not want to receive some or all of the workpapers.

ii. Workpapers containing confidential information shall be appropriately marked.

iii. 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.

iv. 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.

v. Where workpapers or data request responses include models, spreadsheets, or similar information originally in a commonly available format where inputs or parameters may be changed to observe changes in inputs, the party providing the workpaper or response shall provide this type of information in the original format, if available, with formulas intact.

- (J) 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 10:00 a.m.
- (K) 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.
- (L) Discovery conferences shall be on the record and shall be transcribed by a court reporter.
- (M) 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.

- (N) 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.
- (O) The parties will take account of the Ameren Missouri's true-up data when filing surrebuttal testimony. Anticipated true-up items include changes to plant-in-service, depreciation reserve, all other rate base items, revenues (all categories), customer growth, net base energy costs (per FAC tariff), Midcontinent Independent System Operator ("MISO") transmission revenues and expenses, refined coal project revenues and expenses, pensions and other post-retirement employee benefit costs, payroll (including changes in pay rates, number of employees), other employee benefits, payroll taxes, storm costs, vegetation management/infrastructure inspection expenditures, renewable energy standard costs, insurance expense, depreciation expense, various amortizations, income taxes, property taxes, capital structure, capital costs and other significant<sup>6</sup> items that must be considered in order to maintain a proper relationship of revenues, expenses and rate base. No party is precluded from proposing an additional item for true-up that causes a significant increase or decrease in Ameren Missouri's cost of service, i.e., in its revenues, expenses or investment, or proposing that any item(s) listed above not be trued-up. Certain items that occur on January 1, 2020 shall be trued-up, including

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<sup>6</sup> Significant in this context means at least as large as the smallest adjustment made during the true-up audit from the items listed in this paragraph.

changes in contractual commodity coal costs and coal transportation costs, wage and salary increases, and MISO Schedule 26A transmission charges, as long as a proper relationship of all other revenues, expenses, and rate base is maintained. Each true-up item must be known and measurable, recorded in Ameren Missouri's accounting system, and supported by documentation (including but not limited to invoices, inspections, general ledgers, operating reports, etc.) that demonstrate it has occurred; and, if the true-up item is rate based capital investment, that the investment is fully operational and used for service.

(P) Exhibit numbers for the hearing are assigned in the following manner:

Ameren Missouri	1-99
Commission Staff	100-199
Office of the Public Counsel	200-299
Mo. Div. of Energy	300-349
Midwest Energy Consumers Group	350-399
Renew Missouri	400-449
Missouri Industrial Consumers Group	450-499
Natural Resources Defense Council	500-549
Sierra Club	550-599
Consumers Council	600-649

If any party requires additional exhibit numbers, it may add 1000 to its assigned numbers. For example, if Staff has exhibits in addition to exhibit number 199, its next exhibit numbers would be 1100, 1101, 1102, etc.

(Q) Each party shall prepare a list of its pre-filed, pre-marked exhibits and submit a copy of that list to every other party and to the regulatory law judge at: [nancy.dippell@psc.mo.gov](mailto:nancy.dippell@psc.mo.gov). The lists shall not be filed in the EFIS case file. Exhibits that may be offered during cross-examination, but which have not been pre-filed, need not be included on the list. However, when those documents are offered during the hearing, they will be assigned a number from that party's number group.

4. The transcripts of the evidentiary hearing shall be expedited to be available no later than the third business day following the close of the evidentiary 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

Silvey, Chm., Kenney, Hall, Rupp, and  
Coleman, CC., concur.

Dippell, Senior Regulatory Law Judge