

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

the Matter of the Application of Union Electric)	
Company d/b/a Ameren Missouri for Approval of a)	<u>File No. EA-2022-0245</u>
Subscription-Based Renewable Energy Program)	Tracking: YE-2023-0010

**STAFF'S OBJECTIONS TO AMEREN'S FIRST SET
OF DATA REQUESTS TO STAFF**

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through counsel, and objects to Ameren Missouri’s First Set of Data Request to Staff, stating further:

On January 5, 2023, Ameren Missouri propounded the following data request on Staff:

“1.1 Please reference J Luebbert’s rebuttal testimony at 6, ll. 9-12. Please list each and every reason that Staff believes that utilities “should be evaluating the move to more renewables as generation needs are identified.”

The cited testimony was as follows:

“Q. Is Staff generally opposed to additions of renewable resources to the generation fleets of Missouri investor-owned utilities?

A. No. Staff recognizes that the electric utilities that provide service in Missouri should be evaluating the move to more renewables as generation needs are identified; however, Staff is opposed to utilities continuing to add generating assets to rate base without proper justification.”

Missouri Supreme Court Rule 56.01 (b) states that parties may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending matter and states that the party seeking discovery shall bear the burden of establishing relevance.

Ameren Missouri ingeniously asks Staff to *argue* Ameren Missouri's case for it. Staff must object that Ameren Missouri's data request (a) does not call for *facts* which are relevant to any material issue of fact which the Commission must decide or which are reasonably calculated to lead to the discovery of such *facts*; (b) is an impermissible contention interrogatory calling for argument and privileged attorney mental work product; and (c) calls upon Staff not only to identify every policy and other reason which Staff can conceive of, but also every policy and other reason which anyone can conceive of, and, thus, calls for speculation, is overbroad, and unduly burdensome.

WHEREFORE, Staff requests the Commission's protective order that Staff not be required to answer or respond to Ameren Missouri's data request.

Respectfully submitted,

/s/ Paul T. Graham
Missouri Bar No. #30416
Senior Staff Counsel
Attorney for the Staff of the
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Mo 65102-0360
(573) 522-8459
Paul.graham@psc.mo.gov

CERTIFICATE OF SERVICE

The undersigned by his signature below certifies that the foregoing pleading was served upon all counsel of record on this January 6, 2023 by electronic filing in EFIS, electronic mail, hand-delivery, or U.S. postage prepaid.

/s/ Paul T. Graham