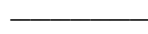


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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION



TRANSCRIPT OF PROCEEDINGS
Procedural Conference
June 8, 2018
Jefferson City, Missouri
Volume 1



In The Matter Of The Application)
Of Union Electric Company d/b/a) File No. EA-2018-0202
Ameren Missouri For Permission)
And Approval And A Certificate)
Of Public Convenience And)
Necessity Authorizing It To)
Construct A Wind Generation)
Facility)

MORRIS L. WOODRUFF, Presiding
CHIEF REGULATORY LAW JUDGE

REPORTED BY:
Beverly Jean Bentch, CCR No. 640
TIGER COURT REPORTING, LLC

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P R O C E E D I N G S

(June 8, 2018)

JUDGE WOODRUFF: We're here for a Procedural Conference regarding Ameren Missouri's Application for Permission and Approval and a Certificate of Public Convenience and Necessity Authorizing it to Construct a Wind Generation Facility. It's File No. EA-2018-0202.

We'll begin today by taking entries of appearance beginning with Ameren Missouri?

MR. LOWERY: James B. Lowery, Smith Lewis, LLP. The court reporter has my information appearing on behalf of Ameren Missouri.

JUDGE WOODRUFF: And for Staff?

MS. MERS: Nicole Mers appearing on behalf of the Staff, and the court reporter has my information.

JUDGE WOODRUFF: Office of Public Counsel?

MR. SMITH: Ryan Smith with OPC. The court reporter has my info.

JUDGE WOODRUFF: Anyone here from the Sierra Club? That's Henry, I believe.

MR. LOWERY: That's Henry, yes.

JUDGE WOODRUFF: Has anyone heard from him if he was planning on being here today?

Conservation Department?

MS. FRAZIER: Jennifer Frazier with the
Page

1 Department of Conservation.

2 JUDGE WOODRUFF: NRDC. That would be Henry
3 Robertson again.

4 Division of Energy?

5 MARC POSTON: Marc Poston for the Division of
6 Energy.

7 JUDGE WOODRUFF: MIEC?

8 MR. MILLS: Lewis Mills appearing on behalf of
9 the MIEC, and the court reporter has my information.

10 JUDGE WOODRUFF: The other party would be
11 Renew Missouri. Tim Opitz sent me an e-mail yesterday
12 indicating he would not be able to be here. I granted
13 him the excuse. Mr. Owen?

14 MR. OWEN: Yes. James Owen. While Mr. Opitz
15 is our attorney of record in this matter, James Owen,
16 Executive Director of Renew Missouri here for that
17 party, and the court reporter has our information.

18 JUDGE WOODRUFF: All right. Thank you. I
19 believe that's everyone. We have a couple intervention
20 requests that are pending out there that were filed
21 yesterday or the day before from the Sierra Club, from
22 the Conservation Department, from NRDC. Any party
23 object to those parties being allowed to intervene? I
24 will grant those intervention requests. Later today
25 I'll go ahead and issue a notice in the case indicating
Page

1 they have been granted.

2 We also have a motion for protective order
3 from Ameren Missouri seeking an extra level of
4 protection for certain information that they would be
5 disclosing in this case. Does any party have any
6 objection to granting that motion? Again, hearing
7 nothing.

8 MR. SMITH: No, Judge.

9 JUDGE WOODRUFF: All right. That motion will
10 also be granted, and I'll issue a written order on that
11 as well.

12 MR. LOWERY: Thank you, Judge.

13 JUDGE WOODRUFF: Then we get to the main point
14 of this proceeding today is establishment of a
15 procedural schedule. Again, Ameren Missouri filed a
16 proposed procedural schedule at the time they filed
17 their application leading to a hearing in October, I
18 believe. Anyone wish to be heard regarding that
19 proposed procedural schedule?

20 MR. LOWERY: Your Honor, I know that OPC and
21 Staff had no issue with the dates. We indicated that
22 before we filed it. Mr. Mills indicated that MIEC also
23 didn't. I hadn't had a chance to consult with everybody
24 else. I'm hoping that's unanimous and that the schedule
25 is okay as it is.

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1 MR. POSTON: Division of Energy has no problem
2 with that schedule.

3 MR. SMITH: In reviewing the procedural
4 schedule, I think the LPH or the local public hearing is
5 to be decided.

6 MR. LOWERY: Right.

7 MR. SMITH: So I guess there's no objection to
8 it being decided at a later time, but OPC's preference
9 would be that that would occur after rebuttal because
10 that's when the non-utility parties were first put
11 forward their position on the case.

12 JUDGE WOODRUFF: You're suggesting after
13 August 17 then?

14 MR. SMITH: Right.

15 JUDGE WOODRUFF: Anyone have a problem with
16 that?

17 MR. LOWERY: I don't think so probably, Your
18 Honor. We've done it both ways in these cases. I guess
19 I'd like to at least be able to ask my client what they
20 think of that, if they have any -- we don't have to set
21 that today, I would assume. That's not what we
22 contemplated. I'm guessing we don't have an issue with
23 that.

24 JUDGE WOODRUFF: We'll leave it this way then
25 that I'll, of course, issue a written order scheduling
Page

1 the local public hearing at a later date. If Ameren
2 believes that they do have a problem with doing it in
3 late August, let me know as soon as possible. Just file
4 a motion to that effect.

5 MR. LOWERY: We'll get together with OPC and
6 ask them what they're thinking, and I'll check with my
7 folks. We'll try to come to an agreement and just
8 recommend something.

9 JUDGE WOODRUFF: And the suggestion was to
10 have a local public hearing in Schuyler, I believe.

11 MR. LOWERY: Yeah, there's a community R-I
12 high school. Actually a local public hearing was held
13 in the first Mark Train Transmission CCN case there.
14 It's really quite close to every landowner that would be
15 impacted by this wind facility. Most of it is in
16 Schuyler. A little bit of the facility is in Adair but
17 that's right there on the border. So it seemed like a
18 very central place to have it. I know it accommodates a
19 local public hearing because we used it for that in Mark
20 Twain. It has a gym and worked pretty well. If you can
21 get it.

22 JUDGE WOODRUFF: If we can get it.

23 MR. LOWERY: Right.

24 JUDGE WOODRUFF: Summertime it may be harder
25 to get a school.

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1 MR. LOWERY: Yeah. Well, if it's after August
2 17, they'll be back. There's probably not as many
3 indoor sports going on maybe in the fall as there would
4 be like basketball season. So hopefully you can.

5 JUDGE WOODRUFF: We'll see.

6 Okay. Anything else we need to take up while
7 we're on the record?

8 MR. MILLS: Just briefly, Your Honor, and Mr.
9 Lowery and I talked about this briefly off the record.
10 The proposed procedural schedule includes an expedited
11 response to data requests, and I think given the fairly
12 ambitious schedule overall for the case I think that's
13 really going to be necessary for the case to be able to
14 to be processed in the amount of time that the applicant
15 proposes. I think, you know, I have every confidence
16 that Ameren will do its best to try to accommodate this
17 commitment to data request responses. I'm a little
18 concerned just given the sheer number of cases that
19 Ameren has pending or about to be pending, some of which
20 also have accelerated procedural schedules. I just
21 wanted to note on the record that I think part of the
22 reason that MIEC is willing to go along with this
23 expedited procedural schedule is the expedited discovery
24 response, and I think that's a critical part of the
25 whole package.

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1 MR. LOWERY: I guess what I'll say, Your
2 Honor, is we intend to honor the expedited discovery
3 response that we proposed. We, of course, have the
4 ability in an individual case to say we need more time
5 and we will do that if we have to. We're going to be
6 judicious about doing that to the maximum extent
7 possible.

8 As I told Mr. Mills, at least some aspects of
9 this case we're dealing with different people at Ameren
10 to a large extent than we are in some of these other
11 cases. So there's not complete overlap, and hopefully
12 that will help us, though. We're going to do our best.
13 We didn't just put it out there with the intention of
14 just disregarding it. We're going to do our best to
15 adhere to it.

16 JUDGE WOODRUFF: It looks like it will be a
17 busy summer for you.

18 MR. LOWERY: It's going to be a busy summer.

19 JUDGE WOODRUFF: Anything else we need to take
20 up while we're on the record? All right. Then I will
21 adjourn this on-the-record portion and leave you to your
22 discussions if you have any.

23 MR. LOWERY: Thank you.

24 (Off the record.)

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CERTIFICATE OF REPORTER

I, Beverly Jean Bentch, RPR, CCR No. 640, Certified Court Reporter with the firm of Tiger Court Reporting, LLC, within the State of Missouri, do hereby certify that I was personally present at the proceedings had in the above-entitled cause at the time and place set forth in the caption sheet thereof; that I then and there took down in Stenotype the proceedings had; and that the foregoing is a full, true and correct transcript of such Stenotype notes so made at such time and place.

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