

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION
COLE COUNTY, MISSOURI
JEFFERSON CITY

KEELEEE SWOPSHIRE)	
)	
COMPLAINANT,)	
)	
)	
VS.)	CASE NO. EC-2022-0148
)	
)	FORMAL COMPLAINT FILED: 12-02-2021
UNION ELECTRIC COMPANY)	
D/B/A AMEREN MISSOURI.)	
LEGAL DEPARTMENT)	
1901 Chouteau Avenue)	ATTORNEY REPRESENTED
PO BOX 66149, Mail Code 1310)	
St. Louis, MO 63166-6149)	
)	
AMEREN OF MISSOURI)	
PO BOX 88068)	
Chicago, IL 60680-1068)	
)	
RESPONDENTS.)	

Complainant’s Proposed Pre-Conference and Evidentiary Hearing Schedule

COMES NOW, Keelee Swopshire, Esq., Attorney-of-Record and Complainant (“Complainant”) in the above-captioned matter and files this *Proposed Procedural Schedule for Pre-Conference and Evidentiary Hearing* in this matter. The Missouri Public Service Commission’s Staff Investigators have filed its own *Proposed Schedule* on behalf of itself (“The Commission”) and Union Electric Company d/b/a Ameren of Missouri (“Ameren”). Complainant files this proposed schedule in accordance with 20 CSR 4240-2.090(3)-(7).

1. On April 4, 2022 the Commission issued an Order directing the parties to set a procedural schedule for matters going forth.
2. On April 8, 2022, the parties, Ameren and Complainant, agreed to the date of June 29, 2022 for the Evidentiary Hearing.

3. On April 19th and April 20th, 2022, Mr. Cospers, an employee of The Commission, Ameren, and Complainant held discussions regarding the proper format for a Joint Proposed Procedural Schedule filing. Complainant could not agree to the language Mr. Cospers insisted on using. Complainant informed Mr. Cospers that she would file her own Proposed Procedural Schedule rather than a Joint filing with The Commission and Ameren.
4. On April 21, 2022, Mr. Cospers filed a Joint Proposed Procedural Schedule on behalf of The Commission, Complainant and Ameren despite being told not to file on Complainant's behalf by the end of a two-day discussion.
5. Complainant files this Proposed Procedural Schedule on her own behalf and proposes the following:
 - a. Last Day to Request Discovery: May 20, 2022.
 - b. Issues and Witness Lists: June 8, 2022.
 - c. Evidentiary Hearing: June 29, 2022.
 - d. Briefs or Motions in Response (If Requested by Commission): July 18, 2022.
6. With regard to the procedure in hearings and the order of testimony and case presentation, The Commission's Staff suggested the order of: Commission Staff, Complainant and Ameren in the presentations of Staff, Complainant and Ameren's cases. The Commission Staff insists on presenting its case before the Commission and requested that it present first followed by Complainant and then Ameren. The Commission Staff suggested the order of witnesses for each presentation and that it should follow the same basic order. Complainant disagreed with the order of the presentation of cases per 20 CSR 4240.02.110.5 (a)-(b), which states, "The order of procedure in hearings shall be as follows, unless otherwise agreed to by the parties or ordered by the presiding officer: In all cases except investigation cases, *the applicant or complainant shall open and close, with intervenors following the staff counsel, or his designee, and the public counsel in introducing evidence*; and in investigation cases, the staff counsel, or his designee, shall open and close."
7. Complainant is not being "investigated" for Utility Fraud or any other matter in this case. Complainant has brought its own complaint against Ameren. Therefore, Complainant by law should open and close the proceedings since Complainant is tasked with the burden of proof in this matter. Mr. Cospers pointed out that Complainant has the burden of proof but then also suggested that the Commission Staff open and close the proceedings. Complaint request

that the Commission issue an Order directing the Commission Staff to follow the basic order set forth in 20 CSR 4240.2.110(5)(a)-(b) and be put on notice that Complainant has the burden of proof and shall open and close the hearing(s) proceedings.

WHEREFORE, Complainant, Keelee Swopshire, Esq., request the Commission issue an Order setting for Complainant's Proposed Procedural Schedule rather than the unauthorized Joint Proposed Procedural Schedule filed by Commission Staff and Ameren.

KEELEEE SWOPSHIRE, ESQ.

/s/ Keelee Swopshire

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CERTIFICATE OF SERVICE

I, Keelee T. Swopshire, Esq., hereby certify that a copy of this Proposed Procedural Schedule has been served to Respondent's Counsel on file, Eric Banks of Banks Law LLC. at the address listed and Ameren Missouri/Union Electric Company's general counsel Jermaine Grubbs on this 21st Day of April 2022 by electronic mail to both addresses.

ATTORNEY FOR COMPLAINANT

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