

In the Matter of:

The Application of Union Electric Company d/b/a Ameren Missouri

EA-2019-0181 VOL. I

May 30, 2019



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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Procedural Conference

May 30, 2019

Jefferson City, Missouri

Volume 1

In The Matter Of The Application)
Of Union Electric Company d/b/a) File No. EA-2019-0181
Ameren Missouri For Permission)
And Approval And A Certificate)
Of Public Convenience And)
Necessity Under 4 CSR 240-3.105.)

CHARLES HATCHER, Presiding,
REGULATORY LAW JUDGE.

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P R O C E E D I N G S

JUDGE HATCHER: Let's bring the proceeding to order and go on the record.

Good morning. Today is May 30, 2019, at 10:00 a.m. The Commission has set this time for a prehearing conference regarding the file In The Matter Of The Application Of United Electric Company d/b/a Ameren Missouri For Permission And Approval And A Certificate Of Public Convenience And Necessity Under 4 CSR 240-3.105. This is File No. EA-2019-0181.

My name is Charles Hatcher. I am the Regulatory Law Judge assigned to this case. Let's go ahead and have counsel for the parties and the prospective intervenors make their entry of appearance.

Ameren, please go ahead.

MR. LOWERY: James B. Lowery, Smith Lewis, LLP. P.O. Box 918, Columbia, Missouri 65205 on behalf of Ameren Missouri.

MS. JOHNSON: Paula N. Johnson, 1901 Chouteau, Saint Louis, Missouri 63128 on behalf of Ameren Missouri.

JUDGE HATCHER: Staff for the Counsel, please.

MS. KLAUS: Alexandra Klaus on behalf of Staff, and my information has been provided to the

1 court reporter.

2 JUDGE HATCHER: And Office of Public Counsel?

3 MR. WILLIAMS: Nathan Williams, and I've also
4 provided my information to the court reporter.

5 JUDGE HATCHER: Renew Missouri?

6 MR. OPITZ: Thank you, Judge. Tim Opitz on
7 behalf of Renew Missouri Advocates, and I've provided
8 my contact information to the court reporter.

9 JUDGE HATCHER: Missouri Department of
10 Conservation?

11 MS. BELL: Yes, Your Honor. Stephanie Bell
12 with Ellinger & Associates and I have provided my
13 information to the court reporter.

14 JUDGE HATCHER: Missouri Division of Energy?

15 MS. KREMER: Judge, DE does not have a
16 counsel present today, but we do have a staff member
17 here.

18 JUDGE HATCHER: Okay. Can you --

19 COURT REPORTER: I'll get your information at
20 the end.

21 MS. KREMER: Okay, ma'am. Thank you.

22 JUDGE HATCHER: Missouri Resources Defense
23 Council -- Natural Resources Defense Council? I'm
24 sorry.

25 MR. ROBERTSON: Can you hear me?

1 JUDGE HATCHER: Yes.

2 MR. ROBERTSON: All right. This is Henry
3 Robertson for NRDC and Sierra Club, Great Rivers
4 Environmental Law Centers, 319 North Fourth Street,
5 Suite 800, Saint Louis, 63102.

6 JUDGE HATCHER: Thank you. And Laborers
7 International Union of North America?

8 MR. COFFMAN: Yes. John B. Coffman appearing
9 on behalf of the Western Missouri and Kansas Laborers
10 District Council, 871 Tuxedo Boulevard, Saint Louis,
11 Missouri 63119.

12 JUDGE HATCHER: All right. By my list that
13 covers everyone. Is anyone aware of any party that is
14 not present?

15 Seeing none.

16 4 CSR 240-2.090(6) provides that procedural
17 and substantive matters may be considered at the
18 prehearing conference. Are there any pending motions
19 or matters to take up? The Judge, myself, has a
20 couple.

21 MR. LOWERY: Your Honor, the only ones that
22 I'm aware of are the motion for protective order that
23 the company filed, and, then, the motion for adoption
24 of procedural schedule that we also filed. The
25 protective order motion is, in all respects, identical

1 to the one that was filed in the prior to RES
2 compliance cla-- RES compliance cases, win cases that
3 the company has already concluded and the Commission's
4 approved.

5 In the procedural schedule motion, Staff and
6 OPC had indicated that they -- that they were not
7 opposed to it before we filed it. I haven't talked to
8 the other parties and we typically, you know, will have
9 a discussion about that after the formal part of the
10 proceeding.

11 JUDGE HATCHER: Perfect. Those are on my
12 list, too.

13 First, I want to get to the motions for
14 intervention. There are six separate motions for
15 intervention. Those are the last six parties that I
16 just called. Does anyone have any objections to any of
17 the parties' applications or motions to intervene?

18 MR. LOWERY: Company does not.

19 JUDGE HATCHER: Hearing no objections, the
20 Commission hereby grants all six motions for
21 intervention. Thus designating the following as
22 parties to this file number: Laborers International
23 Union of North America; Sierra Club; Natural Resources
24 Defense Council; Missouri Division of Energy; Missouri
25 Department of Conservation; and Renew Missouri.

1 The Commission will issue an order later
2 today noting the interventions so that the data center
3 can appropriate list -- appropriately list the
4 interveners as parties.

5 Let's take up Ameren's motion for protective
6 order. Does any party have any objections to Ameren's
7 motion for protective order?

8 All right. Hearing none. The motion is
9 hereby granted without objection.

10 Just a reminder, confidentiality forms will
11 need to be submitted by all parties and whomever they
12 wish to have review Ameren's application and paperwork
13 as it was filed both in part confidential and highly
14 confidential.

15 Which brings us to Ameren's Exhibit A and B
16 on their motion, which was the disclosure forms that
17 they'd like to use for all the parties. Does anyone
18 have any objections to using Ameren's Exhibits A and B
19 for the confidentiality and highly confidentiality --
20 that's going to look really weird in the transcript --
21 paperwork? Any objections of those?

22 Okay. Hearing no objections, those are going
23 to be used as our confidentiality forms.

24 As to the schedule submitted by Ameren, I'm
25 not going to rule on that today because, obviously,

1 that's what this meeting is for. But I did note that
2 the local public hearing was listed as an option on
3 that. Does any party know today if they would like to
4 have a local public hearing?

5 Okay. I'll let you guys discuss that at your
6 meeting.

7 The purpose of this prehearing conference is
8 to bring the parties together, so the Commissions knows
9 that, A, they have met at least once to discuss
10 settlement, and, B, to set a procedural schedule.

11 As we just discussed, Ameren has filed the
12 motion for adoption of the procedural schedule, which
13 is a good place to start the discussions. The
14 Commission does appreciate the extra time for
15 Commission discussion on that. I do ask that all
16 parties work together to produce an agreed-upon
17 proposed procedural schedule, and I ask that Staff take
18 on the responsibility of filing that proposed schedule
19 in EFIS.

20 Staff, would you care to suggest a day
21 certain we can expect a filing?

22 MS. KLAUS: Well, having all of the parties
23 on the line I hope we can utilize some time after this
24 on-the-record portion to -- to discuss, and if that
25 happens, we could probably have that within a week or

1 so.

2 JUDGE HATCHER: Sounds good.

3 MR. LOWERY: Judge, if I could ask a
4 clarifying question?

5 In the event that they're really -- there is
6 just agreement to what we already filed, would it be
7 acceptable just to let the -- let the Commission know
8 that, and you could just sustain the motion, I assume?

9 JUDGE HATCHER: Absolutely. I would note
10 that your motion contains two parts, a procedural
11 schedule, and the procedural requirements.

12 MR. LOWERY: Right.

13 JUDGE HATCHER: So just to let all the
14 parties know, if you agree to -- to one or both.

15 MR. LOWERY: Right.

16 JUDGE HATCHER: I have printed off a calendar
17 of the Commission's hearing schedule for the next few
18 months. The only request the Commission has is the
19 last date post-hearing briefs, that would be the reply
20 briefs, no later than Thursday, September 26th, which
21 is after your proposed schedule. So I just wanted to
22 throw that out there just in case things get jostled
23 around.

24 MR. LOWERY: Okay.

25 JUDGE HATCHER: You have the phone until noon

1 and the room all day. Please, leave the room in a
2 better order than you found it. And I'm available on
3 the ninth floor if you need anything.

4 Are there any other issues or matters I have
5 not mentioned that anyone wants to raise?

6 Okay. Hearing stunned silenced. We will go
7 off the record. Thank you.

8 MR. LOWERY: Thank you, Judge.

9 MS. KLAUS: Thank you.

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13 (Hearing was adjourned at 10:10 a.m.)

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CERTIFICATE

I, Chevon D. McFadden, a Certified Verbatim Reporter, Certified Court Reporter, CCR No. 1399, the officer before whom the foregoing hearing was taken, do hereby certify that the foregoing hearing was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Chevon D McFadden

Chevon D. McFadden, CVR, CCR No. 1399

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