

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

Jerreld Fisher,	)	
	)	
Complainant,	)	
	)	
v.	)	<b><u>File No. EC-2017-0281</u></b>
	)	
Union Electric Company d/b/a Ameren Missouri,	)	
	)	
Respondent.	)	

**ORDER SETTING PROCEDURAL SCHEDULE AND OTHER  
PROCEDURAL REQUIREMENTS**

Issue Date: August 30, 2017

Effective Date: August 30, 2017

The Commission directed the Commission's Staff to file a joint proposed procedural schedule, and Staff complied with that order on August 24, 2017. The Commission will adopt the proposed procedural schedule with modifications to accommodate Commissioners' schedules and order additional procedural requirements. Because Commissioners will be attending the evidentiary hearing, the hearing will be held in the Commission's office in Jefferson City, Missouri, but Mr. Fisher will be permitted to appear and participate in the hearing by videoconference from the Commission's St. Louis office in the Wainwright State Office Building, 111 North 7<sup>th</sup> St., Suite 105, St. Louis, Missouri 63101. The Commission will make a post-hearing brief optional for both Mr. Fisher and the Commission's Staff.

**THE COMMISSION ORDERS THAT:**

1. The following procedural schedule is established:

<b>Date</b>	<b>Event</b>
Sept. 11, 2017	Last day to request discovery
Sept. 19, 2017	Joint list of issues, order of witnesses, order of parties for cross-examination, order of opening statements
Sept. 26, 2017	Evidentiary hearing
Oct. 12, 2017	Briefs (optional for Mr. Fisher and Staff)

2. The evidentiary hearing is scheduled for September 26, 2017, beginning at 9:00 a.m. The hearing will be held in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. The hearing will be held in a building that meets accessibility standards required by the Americans with Disabilities Act. Any person requiring additional accommodations to participate in the hearing shall call the Missouri Public Service Commission's Hotline at 800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

3. Mr. Fisher may appear and participate in the evidentiary hearing by videoconference from the Commission's St. Louis office in the Wainwright State Office Building, 111 North 7<sup>th</sup> St., Suite 105, St. Louis, Missouri 63101. If Mr. Fisher chooses to appear by videoconference, he shall be responsible for providing any exhibits he intends to offer into evidence at the hearing to counsel for all parties and the Presiding Judge no later than September 21, 2017. Mr. Fisher may provide such exhibits by either filing those exhibits in the Commission's Electronic Filing and Information System or by delivering one paper copy to counsel for each party and seven paper copies to the Presiding Judge by mail or otherwise.

4. The parties shall comply with the following additional procedural requirements:

- A. 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 shall not be required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.
- B. Public documents filed in the Commission's Electronic Filing and Information System (EFIS) shall be considered properly served by serving the same on counsel of record for all other parties via email. The parties shall obtain confidential documents from EFIS and shall not serve those documents via email.
- C. Whenever possible data request questions should not contain confidential information. If confidential information must be included in data request questions, the confidential information should be prominently marked and appropriately designated as such pursuant to 4 CSR 240-2.135.
- D. Counsel for each party shall receive electronically from each other party serving a data request, an electronic copy of the text of the "description" of that data request contemporaneously with service of the data request. Regarding Staff-issued data requests, if the description contains confidential information, or is voluminous, a hyperlink to the EFIS record of that data request shall be considered a sufficient copy. Data request responses shall be served electronically, if feasible and not voluminous as defined by Commission rule, on counsel for the requesting party or the pro se complainant, unless counsel for the requesting party or the pro se complainant requests otherwise in writing. Responses to Staff data requests must be submitted in EFIS, if feasible, or in electronic format on compact disc or by other means agreed to by Staff counsel, if infeasible. All data requests to Staff must be submitted in EFIS.
- E. Any party seeking the response to a data request that has been issued by another party shall request a copy of the response from the party answering the data request.
- F. Data requests, objections, or notifications respecting the need for additional time to respond shall be sent via e-mail to counsel for

the other parties. Counsel may designate other personnel to be added to the service list but shall assume responsibility for compliance with any restrictions on confidentiality.

- G. 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.
- H. The response time for all data requests shall be 10 calendar days, and 5 business days to object or notify that more than 10 calendar days will be needed to provide the requested information. Data requests issued after 5:00 pm will be considered served on the next business day.
- I. Workpapers that were prepared in the course of developing a witness' testimony (including schedules) and exhibits should not be filed with the Commission, but shall be submitted to each party within 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. Workpapers containing confidential information should be appropriately marked. 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.
- J. Where workpapers or data request responses include models or spreadsheets or similar information originally in a commonly available format where inputs or parameters may be changed to observe changes in inputs, if available in the original format, the party providing the workpaper or response shall provide this type of information in that original format with formulas intact. Workpapers shall be provided in electronic format by e-mailing or by delivery of a compact disc or other electronic storage media.
- K. All data requests, subpoenas, or other discovery requests or notices shall be issued no later than September 11, 2017.
- L. All filings made through the Commission's Electronic Filing and Information System (EFIS) will be timely filed if filed before midnight on the date the filing is due. Documents filed in EFIS are considered properly served by serving the same on counsel of record for all other parties via e-mail essentially contemporaneously with the EFIS filing.
- M. Testimony shall not be prefiled as defined in Commission Rule 4 CSR 240-2.130, but instead will be taken live at the evidentiary hearing.

- N. 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, the order of party cross-examination for each witness, and the order of opening statements. The list of issues shall be stated with particularity. If the parties are unable to agree to an issues list, each party shall file a separate issues list.
- O. 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 unresolved issues that the parties believe require decision by the Commission.
- P. All parties shall bring an adequate number of copies of exhibits that they intend to offer into evidence at the hearing. If testimony or documents are pre-filed and served on the parties before a hearing, a party need only provide a copy of the testimony or document to the court reporter as an exhibit at the evidentiary hearing. If an exhibit has not been prefiled, the party offering it must bring, in addition to the copy for the court reporter, copies for the five Commissioners, the Presiding Judge, and all counsel.
- Q. Exhibit numbers are assigned in the following manner:

Jerreld Fisher	1-99
Commission's Staff	100-199
Ameren Missouri	200-299

7. This order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Michael Bushmann, Senior Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,  
on this 30<sup>th</sup> day of August, 2017.

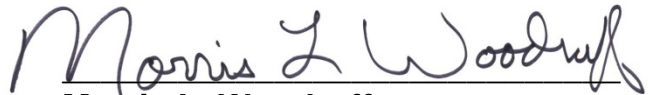
**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

**I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 30<sup>th</sup> day of August 2017.**



  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**August 30, 2017**

**File/Case No. EC-2017-0281**

**Missouri Public Service  
Commission**

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**Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).**

**Sincerely,**



**Morris L. Woodruff  
Secretary**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.