

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

In the Matter of the Application of )  
Union Electric Company for Authority )  
To Continue the Transfer of )  
Functional Control of Its Transmission )  
System to the Midwest Independent )  
Transmission System Operator, Inc. )

Case No. EO-2011-0128

**SECOND REVISED LIST OF ISSUES AND ORDER OF CROSS-EXAMINATION  
AND FIRST REVISED WITNESS LIST AND ORDER OF OPENING STATEMENTS**

COME NOW Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri”), the Staff of the Missouri Public Service Commission (“Staff”), the Midwest Independent Transmission System Operator, Inc. (“Midwest ISO”), the Missouri Industrial Energy Consumers (“MIEC”), the Office of the Public Counsel (“OPC”), the Missouri Joint Municipal Electric Utility Commission (“MJMEUC”), The Empire District Electric Company (“Empire”), and the Southwest Power Pool (“SPP”) (collectively, the “Parties”), and in response to the Commission’s November 30, 2011 *Order Rescheduling Hearing*, hereby file a Second Revised List of Issues and Order of Cross-Examination and First Revised Witness List and Order of Opening Statements. In this regard, the Parties state as follows:

1. On November 14, 2011, the Parties filed a *Joint Issues and Witness List, Order of Opening Statements and Order of Cross-Examination*.
2. On November 17, 2011, the Staff, Ameren Missouri, Midwest ISO, and MIEC filed a *Non-Unanimous Stipulation and Agreement*. OPC and MJMEUC have objected to the *Non-Unanimous Stipulation and Agreement*.
3. On November 17, 2011, the Staff, Ameren Missouri, Midwest ISO, and MIEC filed a *Suggested Revised List of Issues and Order of Cross-Examination*.

4. The Parties, with the exception of OPC, agree that the Revised List of Issues filed on November 17, 2011 contain the issues that the Commission should resolve in this case. Those issues are reproduced below as Issues 1 through 4 and 6.

5. OPC agrees that Issues 1 through 4 and 6 should be resolved, but in addition, contends that the Commission should also resolve Issue 5, set forth below. Ameren Missouri, Staff, Midwest ISO, and MIEC, do not agree with OPC that Issue 5 should be an issue in this proceeding. MJMEUC, Empire, and SPP take no position on the inclusion or exclusion of Issue 5.

6. For the convenience of the Commission, the Parties also list below their agreed-upon Witness List, Order of Witnesses (subject to footnoted witness availability constraints), and Order of Opening Statements.

#### **LIST OF ISSUES**

1. *Is an extension of the term of the Commission's permission for Ameren Missouri to transfer functional control of Ameren Missouri's transmission system to the Midwest ISO, on the terms and conditions set out in the Non-unanimous Stipulation and Agreement filed in this docket on November 17, 2011, not detrimental to the public interest?*
2. *What constitutes proving "not detrimental to the public interest" in File No. EO-2011-0128?*
  - (a) *What "public" is the appropriate public?*
  - (b) *What "interest" is the appropriate interest?*
  - (c) *How is "not detrimental" measured?*
3. *May the Commission impose the conditions on such a transfer that are reflected at page 12, lines 22 - 28 of the Rebuttal Testimony of Ryan Kind? If so, should the Commission do so?*
4. *May the Commission impose the conditions on such a transfer that are reflected at page 17, lines 1- 3 of the Rebuttal Testimony of Ryan Kind? If so, should the Commission do so?*
5. *Can the Commission condition Ameren Missouri's participation in MISO on the application of the existing terms and conditions applied to Ameren Missouri transmission assets (e.g., Section 5.3 of the Service Agreement and paragraphs (b) through (h) at pages 9-14 of the Ameren Missouri Verified Application in File No.*

EO-2011-0128) to any affiliate to which Ameren Missouri seeks to transfer transmission assets? If so, should the Commission do so as recommended at page 22, lines 3-27 of the Rebuttal Testimony of Adam C. McKinnie?

6. If the Commission agrees that such extension of the term for Ameren Missouri to transfer functional control of Ameren Missouri's transmission system to the Midwest ISO should be granted on the terms outlined at page 19, line 19 to page 21, line 2 of Ajay Arora's Surrebuttal Testimony, should the conditions as proposed by Marlin Vrbas in his Rebuttal Testimony, pp. 13-16, be required of Ameren Missouri before any continued transfer of authority is granted? What continuing opportunities and mechanisms for re-examining Ameren Missouri's participation in MISO, if any, should be granted to the parties in this case?

**ORDER OF CROSS EXAMINATION**  
**(Least Adverse to Most Adverse)**

<b><u>Ameren Missouri's Witnesses</u></b>	<b><u>Staff's Witnesses</u></b>	<b><u>OPC's Witnesses</u></b>	<b><u>MIEC's Witnesses</u></b>	<b><u>MJMEUC's Witnesses</u></b>	<b><u>Empire's Witnesses</u></b>	<b><u>Midwest ISO's Witnesses</u></b>
Midwest ISO	Ameren Missouri	MJMEUC	Ameren Missouri	OPC	SPP	Ameren Missouri
Staff	MIEC	SPP	Midwest ISO	Staff	MJMEUC	MJMEUC
MIEC	Midwest ISO	Empire	Staff	MIEC	MIEC	MIEC
SPP	SPP	MIEC	SPP	SPP	OPC	Staff
Empire	Empire	Midwest ISO	Empire	Empire	Staff	SPP
MJMEUC	MJMEUC	Staff	MJMEUC	Midwest ISO	Ameren Missouri	OPC
OPC	OPC	Ameren Missouri	OPC	Ameren Missouri	Midwest ISO	Empire

**ORDER OF WITNESSES**

Ajay K. Arora (Ameren Missouri)  
Jaime Haro (Ameren Missouri)  
Maureen A. Borkowski (Ameren Missouri)<sup>1</sup>  
Adam C. McKinnie (Staff)  
James R. Dauphinais (MIEC)  
Richard Doying (Midwest ISO)<sup>2</sup>  
Marlin J. Vrbas (MJMEUC)<sup>3</sup>  
James F. Wilson (MJMEUC)<sup>4</sup>  
Ryan Kind (OPC)  
Bary K. Warren (Empire)<sup>5</sup>  
Lanny Nickell (Empire)<sup>6</sup>

**ORDER OF OPENING STATEMENTS**

Ameren Missouri  
Staff  
OPC  
MIEC  
MJMEUC  
Empire  
SPP  
Midwest ISO

Dated: January 25, 2012

Respectfully submitted,

ATTORNEYS FOR UNION ELECTRIC  
COMPANY, d/b/a AMEREN MISSOURI

ATTORNEYS FOR THE STAFF OF THE  
MISSOURI PUBLIC SERVICE COMMISSION

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<sup>1</sup> Ms. Borkowski is out-of-state on February 9, 2012, and will have to take the witness stand on February 10, 2012.

<sup>2</sup> Mr. Doying will be available to take the witness stand on February 10, 2012.

<sup>3</sup> Mr. Vrbas will be available to take the witness stand February 9, 2012.

<sup>4</sup> Mr. Wilson will be available to take the witness stand February 9, 2012.

<sup>5</sup> Mr. Warren will be available to take the witness stand after 1:00 p.m. on February 9, 2012 or on February 10, 2012.

<sup>6</sup> Mr. Nickell will be available to take the witness stand on February 10, 2012.

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served via e-mail on counsel for the parties of record to this case, on this 25th day of January, 2012.

**/s/ Steven Dottheim**