

THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Prehearing Conference
January 25, 2017
Jefferson City, Missouri
Volume 1

In the Matter of the Second)	
Prudence Review of Union)	
Electric Company d/b/a)	
Ameren Missouri's)	
Implementation of Energy)	File No. EO-2017-0023
Efficiency Programs in)	
Furtherance of the Missouri)	
Energy Efficiency Investment)	
Act (MEEIA))	

KIM S. BURTON, Presiding
SENIOR REGULATORY LAW JUDGE

REPORTED BY:
Angie D. Threlkeld, CCR
TIGER COURT REPORTING, LLC

A P P E A R A N C E S

PAULA N. JOHNSON, Senior Corporate Counsel (by phone)
1901 Chouteau Avenue, MC 1310
St. Louis, Missouri 63166
314.554.3533

FOR: Ameren Missouri

ROBERT S. BERLIN, Deputy Counsel
Governor Office Building
200 Madison Street
Suite 800
PO Box 360
Jefferson City, Missouri 65102
573.526.7779

FOR: Staff of the Missouri Public Service Commission

TIMOTHY OPITZ, Senior Counsel
Governor Office Building
200 Madison Street
Suite 650
PO Box 2230
Jefferson City, Missouri 65102
573.751.5324

FOR: Office of the Public Counsel

ALEXANDER ANTAL, Associate General Counsel
PO Box 1157
Jefferson City, Missouri 65102
573.522.3304

FOR: Department of Economic Development

1 JUDGE BURTON: Let's go ahead and go on the
2 record in File Number E0-2017-0023 in the Matter of the
3 Second Prudence Review of Union Electric Company d/b/a
4 Ameren Missouri's Implementation of Energy Efficiency
5 Programs in Furtherance of Missouri Energy Efficiency
6 Investment Act.

7 At this time -- the Commission has set this
8 date and this time for a prehearing conference at the
9 request of Ameren Missouri.

10 I will ask the parties to enter their
11 appearance for the record.

12 I will start with you, Ms. Johnson.

13 MS. JOHNSON: Thank you, Your Honor. Paula
14 Johnson, Senior Corporate Counsel, appearing on behalf of
15 Ameren Missouri 1901 Chouteau Avenue, St. Louis, Missouri
16 63103.

17 JUDGE BURTON: On behalf of the staff of the
18 Missouri Public Service Commission?

19 MR. BERLIN: Bob Berlin, appearing on behalf
20 of the staff of the Missouri Public Service Commission.
21 The Commission's office is at 200 Madison Street,
22 Jefferson City, Missouri 65102.

23 JUDGE BURTON: Mr. Opitz.

24 MR. OPITZ: Thank you, Judge. Tim Opitz for
25 the Office of Public Counsel, PO Box 2230, Jefferson

1 City, Missouri 65102.

2 JUDGE BURTON: Mr. Antal.

3 MR. ANTAL: Thank you, Judge. Alex Antal for
4 the Missouri Division of Energy, 301 West High Street,
5 Jefferson City, Missouri 65102.

6 JUDGE BURTON: Okay. I do not see any other
7 attorneys present. I don't believe that there's anyone
8 else who's participating over the phone, but I will give
9 them an opportunity to speak now or forever hold your
10 peace if you are.

11 All right. Hearing none, I'll go ahead and
12 proceed with you, Ms. Johnson. You requested the
13 prehearing conference. And I was able to resolve some
14 issues with my computer, so I can at least look at dates.
15 And just so the record can reflect, Ms. Johnson is
16 participating telephonically in this hearing.

17 What sort of time frame are the parties
18 considering?

19 MS. JOHNSON: Thank you, Your Honor. I'm
20 going to admit that just because of timing and my
21 obligation at other places, I haven't had a chance to run
22 this past everyone else yet.

23 JUDGE BURTON: Okay.

24 MS. JOHNSON: I think just because of the
25 rate case hearing and the fact that we would like to try

1 to continue to work with the parties to -- towards
2 resolution to ultimately avoid a hearing, I think we'd
3 like to suggest a hearing date probably in late May.
4 That will get us past the obligation I know we all have
5 with regard to a lot of rate cases going on, and
6 hopefully it will give us time to sit down and just try
7 to work through things so that we can avoid a hearing
8 altogether.

9 JUDGE BURTON: All right. Any thoughts from
10 the other parties on that?

11 I'm sure you can hear the shaking of the
12 head, Ms. Johnson.

13 MS. JOHNSON: I could. So we're going to
14 attach those to people for future hearings, if that's all
15 right with -- all right with everyone.

16 JUDGE BURTON: I don't -- I'm looking at the
17 calendar for the Commission and the hearing schedule.
18 Right now I don't see anything that's going to be a
19 conflict for the last few weeks of May.

20 What I would ask, though, is if the parties
21 are going to get together for a proposed procedural
22 schedule, also incorporate the first week or two of June,
23 since I know conflicts will certainly arise with the
24 commissioners' schedules around the holidays and with the
25 parties. So please include that, if you're going to be

1 submitting available dates for the Commission.

2 And I'm assuming that we're just looking at
3 one day for a hearing?

4 MS. JOHNSON: I personally think it would
5 take one day for a hearing, Your Honor, yes.

6 JUDGE BURTON: Okay. Are we thinking we will
7 need a full round for submitting testimony as well?
8 Because obviously we're looking at what, the end of
9 February, beginning of March, for the actual general rate
10 hearing, which might push those out to the end of March,
11 beginning of April.

12 MS. JOHNSON: Your Honor, if the other
13 parties are agreeable to it, I think a simultaneous round
14 of direct and a simultaneous round of rebuttal should be
15 sufficient to develop the record that we need to develop
16 for this.

17 MR. BERLIN: Staff has no objection to that.

18 JUDGE BURTON: Okay. Then let's look at a
19 round of direct and rebuttal for all parties. Do we also
20 think we need to include some dates for discovery
21 conferences?

22 MS. JOHNSON: Probably couldn't hurt to
23 reserve one just in case. But I do know we've already
24 done a fair amount of discovery just getting to this
25 point. So I'm hopeful just one conference towards --

1 kind of getting towards the hearing date would be
2 sufficient. But I am very much open to suggestion from
3 the other parties on that.

4 JUDGE BURTON: Mr. Berlin is conferring.

5 MR. BERLIN: Well, Judge, this is the first
6 time we've gone down this road with regard to a MEEIA
7 prudence hearing. We've already submitted a verified
8 report, and so staff is of the opinion that could
9 constitute as its direct case.

10 JUDGE BURTON: What I would suggest in that
11 situation -- we're still going to be looking at a time
12 frame for testimony from Ameren Missouri -- if they want
13 to, we can consider that rebuttal testimony and then just
14 have a round of surrebuttal.

15 MR. BERLIN: I think that's preferable.

16 JUDGE BURTON: Ms. Johnson, what are your
17 thoughts on that?

18 MS. JOHNSON: I think we -- I think we would
19 be all right with that. I do understand, since it is
20 staff's report and ultimately in their bailiwick with
21 that, I think we can agree to that.

22 JUDGE BURTON: Okay. And are the current
23 data request response times sufficient? Obviously we're
24 looking at something that's not going to run till May or
25 so and that some of these issues might have already been

1 addressed as far as staff's report. I didn't know if you
2 need to limit the time for data requests as we get closer
3 to May. But if the parties think that the standard time
4 frame is fine, we can keep that.

5 MS. JOHNSON: Your Honor, I think that the
6 standard would be just fine. As we got like within a
7 couple of weeks of the hearing, maybe we'll shorten it at
8 that time. But, otherwise, we see no reason to shorten
9 it from the onset.

10 JUDGE BURTON: Okay. I would suggest, if
11 we're trying to look tentatively for the time frame of
12 sometime in the week of the 22nd through the 26th of
13 May -- I'm merely just throwing this out as a proposed
14 date just to give the parties an idea -- I would like to
15 have a list of issues and position statements far enough
16 in advance that the Commission and the judge will have an
17 opportunity to review and assess before the hearing.

18 So, for instance, in this situation allowing
19 time for the commissioners to evaluate it before an
20 agenda, I would say let's try to get the list of issues
21 and position statements out at least two weeks before any
22 hearing date. Because I would have the parties work on a
23 proposed procedural schedule, so please bear that in
24 mind.

25 MS. JOHNSON: Okay. That sounds reasonable,

1 Your Honor.

2 JUDGE BURTON: All right. The rest I'm
3 assuming can be handled without my presence. But is
4 there anything else that needs to be addressed while we
5 are still on the record or any kind of discussions that
6 need to occur when we're evaluating the Commission's
7 calendar and schedules?

8 MS. JOHNSON: I don't believe so, Your Honor,
9 not from our end.

10 JUDGE BURTON: Okay. Nothing from staff?

11 MR. BERLIN: Nothing, Judge. Thank you.

12 MR. OPITZ: Nothing from Public Counsel,
13 Judge.

14 JUDGE BURTON: I saw you looking, Opitz, as
15 if you were thinking something. So...

16 Okay. And, Mr. Antal, sitting in the back
17 pondering but without a comment.

18 MR. ANTAL: Nothing from DEED.

19 JUDGE BURTON: Nothing from DEED. Okay then.

20 All right. How about, looking at today, do
21 you think it would be possible to go ahead and just give
22 me a proposed procedural schedule in a week,
23 February 1st? This isn't an adamant time frame in my
24 mind. I just wanted to kind of get an idea of when to
25 expect it.

1 MS. JOHNSON: Your Honor, I don't think that
2 should be an issue. So I think we should be able to do
3 that.

4 JUDGE BURTON: Okay. Mr. Berlin?

5 MR. BERLIN: Are we talking about
6 February 1st, Judge?

7 JUDGE BURTON: Yes.

8 MR. BERLIN: I would suggest -- I would
9 suggest, you know, February 3rd.

10 JUDGE BURTON: That's fine.

11 Okay. Then I will be looking forward to what
12 will hopefully be a joint proposed procedural schedule by
13 February 3rd.

14 And unless I hear otherwise, that will
15 conclude today's prehearing conference.

16 And, Ms. Johnson, we will keep the line open
17 for any discussions.

18 And we are now off the record.

19 (Off the record.)
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CERTIFICATE OF REPORTER

I, Angie D. Threlkeld, a Certified Court Reporter, CCR No. 1382, 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 hearing 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.

Angie D. Threlkeld

Angie D. Threlkeld, CCR



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