

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Conference

January 3, 2006
Jefferson City, Missouri
Volume 1

In Re: Union Electric Company's)
2005 Utility Resource Filing) Case No. EO-2006-0240
Pursuant to 4 CSR 240 - Chapter 22)

MORRIS L. WOODRUFF, Presiding,
SENIOR REGULATORY LAW JUDGE.

REPORTED BY:

KELLENE K. FEDDERSEN, CSR, RPR, CCR
MIDWEST LITIGATION SERVICES

1 APPEARANCES:

2 THOMAS BYRNE, Attorney at Law
3 WENDY K. TATRO, Attorney at Law
4 P.O. Box 66149
1901 Chouteau Avenue
St. Louis, MO 63103
(314) 554-2237

5
6 FOR: Union Electric Company.

7 SHELLEY WOODS, Assistant Attorney General
8 P.O. Box 899
Supreme Court Building
Jefferson City, MO 65102
(573) 751-3321

9
10 FOR: Missouri Department of Natural
Resources.

11 HENRY ROBERTSON, Attorney at Law
12 705 Olive Street, Suite 614
St. Louis, MO 63101
(314) 231-4181

13
14 FOR: Sierra Club.
Missouri Coalition for the
Environment.
15 Mid-Mo Peaceworks.
ACORN.

16
17 LEWIS R. MILLS, JR., Public Counsel
P.O. Box 2230
200 Madison Street, Suite 650
18 Jefferson City, MO 65102-2230
(573) 751-4857

19
20 FOR: Office of the Public Counsel
and the Public.

21 STEVEN DOTTHEIM, Chief Deputy General Counsel
22 P.O. Box 360
200 Madison Street
Jefferson City, MO 65102
23 (573) 751-3234

24 FOR: Staff of the Missouri Public
Service Commission.
25

1 P R O C E E D I N G S

2 JUDGE WOODRUFF: Let's come to order,
3 please. Welcome, everyone, to the new year and to a new
4 morning. We're here for a prehearing conference in Case
5 No. EO-2006-0240, and we'll begin by taking entries of
6 appearance, beginning for AmerenUE.

7 MR. BYRNE: Thank you, your Honor. I'm
8 Thomas M. Byrne, and also here is Wendy K. Tatro,
9 attorneys for Union Electric Company, doing business as
10 AmerenUE. Our address is 1901 Chouteau Avenue, St. Louis,
11 Missouri 63103.

12 JUDGE WOODRUFF: Thank you. And for Staff?

13 MR. DOTTHEIM: Steven Dottheim, Post Office
14 Box 360, Jefferson City, Missouri 65102, appearing on
15 behalf of the Staff of the Missouri Public Service
16 Commission.

17 JUDGE WOODRUFF: And for Public Counsel?

18 MR. MILLS: Lewis R. Mills, Jr., appearing
19 on behalf of the Office of the Public Counsel and the
20 public. My address is Post Office Box 2230, Jefferson
21 City, Missouri, 65101.

22 JUDGE WOODRUFF: For Department of Natural
23 Resources?

24 MS. WOODS: Good morning. Shelley M.
25 Woods, Assistant Attorney General, Post Office Box 899,

1 Jefferson City, Missouri 65102, appearing on behalf of the
2 Department of Natural Resources.

3 JUDGE WOODRUFF: Thank you. And for the
4 Sierra Club, Missouri Coalition for the Environment,
5 Missouri Nuclear Education Fund, doing business -- or
6 operating as Mid-Missouri Peaceworks, and ACORN?

7 MR. ROBERTSON: Your Honor, Henry
8 Robertson, Great Rivers Environmental Law Center,
9 705 Olive Street, Suite 614, St. Louis, 63101.

10 JUDGE WOODRUFF: Thank you, Mr. Robertson.
11 All right. Before we get started on anything else today,
12 there's several pending motions out here involving both
13 Natural Resources as well as Mr. Robertson's clients,
14 their applications to intervene. They were just filed
15 last week. Before ruling on those, I'll ask if anyone has
16 any objection to their request to intervene.

17 MR. BYRNE: Your Honor, I think -- we
18 certainly don't object to the Department of Natural
19 Resources and the Sierra Club and the Missouri Coalition
20 for the Environment and ACORN, because the three latter
21 ones are all not-for-profit corporations.

22 I am somewhat concerned about Mid-Missouri
23 Peaceworks because my understanding is they're not a
24 separate not-for-profit corporation. And if that's the
25 case, if it's an association of people or entities, I

1 think under the Commission's rules they need to list the
2 people or entities they represent. So I guess I do have
3 an objection or request that they comply with the
4 Commission rules if they're not a separate corporation and
5 list their members.

6 JUDGE WOODRUFF: Mr. Robertson, do you have
7 any response to that?

8 MR. ROBERTSON: I have them listed in my
9 motion as a Missouri nonprofit corporation, your Honor.
10 Beyond that, I can't say. I've not verified that.

11 JUDGE WOODRUFF: Mr. Byrne, does that
12 satisfy your concerns?

13 MR. BYRNE: If they are a nonprofit
14 corporation, then I don't have the objection, but I am --
15 I was not as sure -- I was not sure if they were or not a
16 not-for-profit corporation.

17 MR. ROBERTSON: I can verify that with the
18 Secretary of State.

19 JUDGE WOODRUFF: Well, I'm going to ask --
20 obviously you're going to have a chance to discuss this
21 today, and I won't rule on the application to intervene of
22 Mid-Missouri Peaceworks at this time, then. If Ameren
23 continues to have an objection to it or requests that they
24 comply with the Commission rules as far as listing of
25 members and so forth, I'll ask you to file a separate

1 motion for that within the ten days allowed for response
2 to the application to intervene, which I believe was filed
3 on the 28th of December.

4 MR. BYRNE: Okay. We can do that.

5 JUDGE WOODRUFF: And then the Commission
6 will have to rule on that if there is an objection.

7 Since there was no objection to the
8 application to intervene of ACORN, Sierra Club and the
9 Missouri Coalition for the Environment, those applications
10 will be granted at this time.

11 MR. ROBERTSON: Thank you, your Honor.

12 MR. BYRNE: And we don't object to DNR.

13 JUDGE WOODRUFF: Excuse me. And DNR as
14 well. Thank you.

15 All right. Are there any other matters
16 that anyone wants to bring up while we're on the record?
17 All right.

18 MR. ROBERTSON: Your Honor, I would like to
19 bring up the matter of confidentiality. Ameren has filed
20 a blanket request for confidentiality, and I think -- I
21 don't see that there is a discovery process in this
22 resource planning rule. Under the rule, when we're
23 allowed to intervene, we're allowed to see the plan. And
24 I think it's Ameren's burden to specify with particularity
25 what parts of the plan are entitled to confidential

1 treatment.

2 JUDGE WOODRUFF: Mr. Byrne?

3 MR. BYRNE: Yes, your Honor. We filed
4 about, I believe it's 3,700 pages of documents that
5 constitutes our IRP filing. Essentially it's our 20-year
6 plan for -- 20-year business plan, our 20-year plan for
7 how we're going to access the electricity that we need for
8 our customers.

9 Although, you know, conceivably every
10 single word in the 3,700 pages is not confidential, we
11 believe that most of it is. We tried before we filed to
12 see if there were volumes or chunks of it that would not
13 qualify as confidential. There were not.

14 So I guess our concern is that it's largely
15 confidential, and it would be very burdensome to go
16 through 3,700 pages and try to blot out individual words
17 so that there could be a public version, which in any
18 event would probably be almost unreadable.

19 JUDGE WOODRUFF: Mr. Robertson, I assume at
20 this point you've not even seen the 3,700 pages; is that
21 correct?

22 MR. ROBERTSON: Mr. Byrne allowed me to see
23 a summary. I had to file a confidentiality agreement in
24 order to do that. I expect large portions of it contain
25 information that's in the public domain, however.

1 MR. BYRNE: I mean, Mr. Robertson as a
2 party does have access to the whole document. As an
3 attorney representing the party, he does have access to
4 all of it.

5 JUDGE WOODRUFF: Well, I'm not going to
6 make any ruling on any sort of motion on this today.
7 After you've had your discussions today, if you find that
8 there is a need for the Commission to take any action on
9 this, please file a written motion and I'll take.

10 MR. ROBERTSON: I'll do that, your Honor.

11 JUDGE WOODRUFF: All right. Thank you.
12 Well, the rule involving these IRPs indicates that the
13 parties are supposed to file reports, objections within
14 120 days, which would be April 4th of 2006, and that also
15 requires -- required that we schedule this prehearing
16 conference for today.

17 The purpose of you-all being here today is
18 simply to discuss this matter and hopefully resolve any
19 questions you have and get you talking. And with that,
20 unless there's something else -- yes, Mr. Dottheim?

21 MR. DOTTHEIM: Yes, Judge Woodruff. The
22 Staff has submitted some Data Requests to AmerenUE,
23 amongst other things asking for work papers, and I think
24 the rule indicates that the work papers are to be
25 available. I think a fair reading of the Commission's

1 rules that the work papers are to be available at the time
2 of the filing, which they were not. At least some of them
3 are not, and the Staff has been told that the work papers
4 are not available until January 13th.

5 As a consequence, there is provision in the
6 Commission's rule for variances. The Staff is very
7 mindful of that 120 days, but because of the availability
8 of information, one of the things that the Staff wants to
9 discuss, amongst other things, is when information will be
10 available and if at some further date the Staff may make a
11 filing with the Commission requesting that that April 4
12 120-day date be moved because of discovery matters and the
13 unavailability of information.

14 So I just thought I'd mention that since
15 you had rather notably indicated the 120 days and the
16 April 4th date. I just wanted to bring that to your
17 attention as soon as possible.

18 JUDGE WOODRUFF: I appreciate that, and
19 certainly the Commission will look at any motions that are
20 filed at the time they're filed. It's my understanding
21 from this that there is no firm final deadline for the
22 Commission to approve or reject this plan.

23 MR. DOTTHEIM: No. That is correct.

24 JUDGE WOODRUFF: All right. Anything else
25 anyone wants to bring up while we're on the record?

1 All right. Then with that, I'll leave you
2 to your discussions. Thank you.

3 WHEREUPON, the recorded portion of the
4 conference was concluded.

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