

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Union Electric Company                     )  
d/b/a Ameren Missouri's Voluntary Green                     )  
Program/Pure Power Program Tariff Filing                     )     **Case No. EO-2013-0307**

## **ORDER CANCELING PROCEDURAL CONFERENCE, DIRECTING NOTICE, SETTING INTERVENTION DEADLINE AND ESTABLISHING A PROCEDURAL SCHEDULE**

Issue Date: December 11, 2012

Effective Date: December 11, 2012

On November 20, 2012, the Commission's Staff filed a motion to open an investigation into tariff sheets filed by Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri") to implement its Voluntary Green Program/Pure Power Program. The tariff sheets were filed in relation to a Nonunanimous Stipulation and Agreement filed in ER-2012-0166. The tariff sheets bear an effective date of May 1, 2013.

On November 26, 2012, the Commission granted Staff's motion, set a procedural conference for December 12, 2012, and directed the filing of a proposed procedural schedule no later than January 2, 2012. On December 11, 2012, Ameren Missouri, the Office of the Public Counsel, and the Commission's Staff jointly requested that the Commission cancel the scheduled procedural conference, set an intervention deadline and adopt a proposed procedural schedule.

This order will address the parties' requests taking into consideration the expedited schedule in this manner. The parties will be directed to file proposed orders in lieu of post-hearing briefs and will be allowed an opportunity to file reply briefs. Other procedural matters are also delineated.

**THE COMMISSION ORDERS THAT:**

1. The procedural conference set for December 12, 2012 is canceled.
2. The Commission's Data Center shall provide notice of this order to the parties to Union Electric Company d/b/a Ameren Missouri's on-going rate case, File Number ER-2012-0166.
3. The Commission's Data Center shall provide notice and serve a copy of this order upon the county commission of each county within Ameren Missouri's service area and the corresponding governing body for the City of St. Louis.
4. The Commission's Public Information Office shall make notice of this order available to the media in the service area of Union Electric Company d/b/a Ameren Missouri and to the members of the General Assembly representing this service area.
5. Notice may be provided electronically.
6. Any person or entity wishing to intervene in this matter shall file an application no later than January 2, 2013 with:

Steven C. Reed, Secretary  
Missouri Public Service Commission  
Post Office Box 360  
Jefferson City, Missouri 65102

or by using the Commission's electronic filing and information service.

7. An evidentiary hearing is scheduled for March 6, 2013, beginning at 8:30 a.m. The hearing will be held in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri.
8. Discovery conferences may be requested at any time by contacting the Regulatory Law Judge and shall be requested without delay if a dispute occurs. If no discovery issues are raised with the presiding officer within 5 business days of receiving a

response or an objection to a discovery request, then the parties shall be deemed to have waived any claim or defense as to such response or objection. It is the parties' counsel's responsibility to stay informed of all communications between its experts and any other parties' experts in relation to responses to Data Requests or any other discovery device.

9. All hearings and conferences set in this order 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 any hearing shall call the Missouri Public Service Commission's Hotline at 800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

10. The following procedural schedule is established:

<b>Direct Testimony: Ameren Missouri</b>	<b>- January 18, 2013</b>
<b>Rebuttal Testimony</b>	<b>- February 5, 2013</b>
<b>Surrebuttal and Cross-Surrebuttal Testimony</b>	<b>- February 22, 2013</b>
<b>Settlement Conference (Conference Call)</b>	<b>- February 25, 2013</b>
<b>Issues List, Witnesses List, Order of Witnesses, Order of Cross-Examination, Order of Opening Statements</b>	<b>- February 26, 2013</b>
<b>Joint Stipulation of Non-Disputed Material Facts</b>	<b>- February 27, 2013</b>
<b>Position Statements</b>	<b>- February 28, 2013</b>
<b>Evidentiary Hearing</b>	<b>- March 6, 2013 beginning at 8:30 a.m.</b>
<b>Transcript Expedited</b>	<b>- March 8, 2013</b>
<b>Proposed Orders Including Proposed Findings</b>	

- **April 1, 2013**

- April 8, 2013

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

### A. Data Requests:

- i.) If a Party desires a copy of the response to a Data Request that has been served on another Party, the Party desiring such copy shall request a copy of the response from the responding Party.
- ii.) If a Data Request has been responded to, a copy of such response shall be provided to another requesting Party, unless the responding Party objects to providing the response to such requesting Party.
- iii.) If a Data Request has not yet been responded to, a copy of such response shall be provided to a requesting Party within the response time set for such underlying Data Request, unless the responding Party objects to providing the response to such requesting Party.
- iv.) Each Party serving a Data Request on another Party shall provide an electronic copy of the text of the “description” of that Data Request to counsel for all other Parties contemporaneously with service of the Data Request.
- v.) Data Requests served after 5:00 p.m. shall be considered served on the next business day.
- vi.) Data Requests, objections to Data Requests, and notifications respecting the need for additional time to respond to Data Requests shall be sent by e-mail to counsel for all Parties.
- vii.) Counsel may designate other personnel to be added to the service list for Data Requests, but shall assume responsibility for compliance with any restrictions on confidentiality.
- viii.) Data Request responses shall be served electronically, if feasible.

<sup>1</sup> All proposed findings of fact shall include appropriate citation to the record for the relevant evidence supporting that finding. Any proposed finding of fact without appropriate citation shall be disregarded.

- ix.) Data Requests following the filing of Direct Testimony shall be responded to within 5 business days of such request. Any objection to such data requests, and any notification of the need for additional time to respond to such data requests, shall be due within 3 business days of the request.
  - x.) If either highly confidential or proprietary information must be included in data request questions, the parties shall follow Commission Rule 4 CSR 240-2.135 for properly designating such information.
  - xi.) Where Data Request responses include models, spreadsheets, or similar information originally in a commonly available format where inputs or parameters may be changed to observe changes in inputs or outputs, the Party providing the responses shall provide such information in original format with formulas intact, if available.
- B. All parties shall provide copies of testimony (including schedules), exhibits and pleadings to other counsel by electronic means and in electronic form contemporaneously 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.
- C. Workpapers:
- i.) Workpapers that were prepared in the course of developing any witness' testimony shall not be filed with the Commission, but, without request, shall be submitted to each Party within two business days after the particular testimony is filed.
  - ii.) Workpapers, or a complete set of workpapers, need not be submitted to a Party that has indicated it does not want to receive workpapers, or a complete set of workpapers.
  - iii.) If there are no workpapers associated with testimony, the Party's attorney shall so notify the other Parties within the time allowed for providing workpapers.
  - iv.) Workpapers containing highly confidential or proprietary information shall be appropriately marked.
  - v.) Where workpapers responses include models, spreadsheets, or similar information originally in a commonly available format where inputs or parameters may be changed to observe changes in

inputs or outputs, the Party providing the workpapers shall provide such information in original format with formulas intact, if available.

- D. Documents filed in EFIS are considered properly served by serving the same on counsel of record for all other parties via e-mail contemporaneously with the EFIS filing.
- E. Testimony shall be prefiled as defined in Commission Rule 4 CSR 240-2.130. All parties must comply with this rule, including the requirement that testimony be filed on line-numbered pages.
- F. 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, and the order of party cross-examination for each witness. 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.
- G. Each party shall file a simple and concise statement summarizing its position on each disputed issue.
- H. 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. However, for purposes of this case, 4 CSR 240-2.080(11), with respect to pleadings and briefs, is waived.
- I. All parties shall bring an adequate number of copies of exhibits that they intend to offer into evidence at the 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.
- J. The parties shall pre-number their hearing exhibits sequentially with individual party designation as follows:
  - a.) Ameren Missouri Exhibit No. 1, Ameren Missouri Exhibit No. 2, etc.
  - b.) OPC Exhibit No. 1, OPC Exhibit No. 2, OPC Exhibit No. 3, etc.
  - c.) Staff Exhibit No. 1, Staff Exhibit No. 2, Staff Exhibit No. 3, etc.
- K. Each party shall prepare a comprehensive exhibit list before the evidentiary hearing with the listed exhibits numbered sequentially as directed in paragraph J. Copies of the exhibit lists shall be provided to

the Commissioners, the Regulatory Law Judge and the Court Reporter at the beginning of the hearing.

- L. In the event that the parties reach a settlement of all of the issues, such settlement shall not be grounds for a continuance of the hearing unless the agreement is final, has been submitted to the Commission in writing, and there are no objections to the agreement.

- 12. This order shall become effective immediately upon issuance.

**BY THE COMMISSION**



Steven C. Reed  
Secretary

( S E A L )

Harold Stearley, Senior Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 11<sup>th</sup> day of December, 2012.