

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of Union Electric Company d/b/a )  
Ameren Missouri's Filing to Implement Regulatory ) **File No. EO-2012-0142**  
Changes in Furtherance of Energy Efficiency )  
as Allowed by MEEIA )

## ORDER ESTABLISHING PROCEDURAL SCHEDULE TO CONSIDER CHANGE REQUESTS

Issue Date: July 17, 2014

Effective Date: July 17, 2014

On July 3, 2014, the Commission's Staff and Union Electric Company, d/b/a Ameren Missouri, filed separate change requests asking the Commission to make certain changes to the impact evaluation portion of the final EM&V (evaluation, measurement, and verification) Reports prepared by Ameren Missouri's independent evaluators and filed in this case on June 12, 2014. A stipulation and agreement approved by the Commission in this case in 2012 establishes procedures for the consideration of such change requests. In particular, it provides that the Commission will establish a procedural schedule to complete a hearing on such requests within 60 days of their filing.

On July 10, the Commission directed stakeholder group participants to file a proposed procedural schedule no later than July 15. Staff, the Office of the Public Counsel, and the Missouri Department of Economic Development – Division of Energy filed a jointly proposed procedural schedule on July 15. No other stakeholder filed a proposed schedule.

The stipulation and agreement also provides that other stakeholders are to file responses to the change requests twenty-one days after they are filed. In this case, that would make those responses due by July 24. The proposed procedural schedule asks that

the date for those responses be moved back to August 4. That request is reasonable and will be granted.

Until those responses are filed on August 4, no one will know whether an evidentiary hearing will be needed. However, the proposed procedural schedule suggests that a hearing be set for August 28 and 29 in case it is needed. Again, that request is reasonable and will be granted. The Commission will also establish a date following the filing of stakeholder responses for any party to request that a hearing be held. If no party requests a hearing, the Commission may cancel the hearing.

There is some confusion about who is a party to this proceeding. The stipulation and agreement provides that the signatories to the stipulation and agreement are to be parties to these proceedings without having to apply to intervene. However, because the Commission is considering these change requests within the confines of an existing case in which both signatories and non-signatories to the stipulation and agreement are already parties, there is no need for any party to this case - EO-2012-0142 - to reapply for intervention.

On the hearing dates of August 28 and 29, Room 310, the Commission's main hearing room, is reserved for the last two days of the hearing in GR-2014-0086. Therefore, this hearing will be scheduled in Room 305.

**THE COMMISSION ORDERS THAT:**

1. The following procedural schedule is established:

<b>Stakeholder Response to Any Change Request Filed</b>	<b>- August 4, 2014</b>
<b>Request for Hearing filed</b>	<b>- August 7, 2014</b>
<b>List of Issues, Order of Witnesses, etc.</b>	<b>- August 19, 2014</b>

<b>Statements of Position</b>	-	<b>August 22, 2014</b>
<b>Hearing</b>	-	<b>August 28 and 29, 2014, beginning each day at 8:30 a.m.</b>
<b>Initial Briefs</b>	-	<b>September 11, 2014</b>
<b>Reply Briefs</b>	-	<b>September 18, 2014</b>
<b>Anticipated Decision</b>	-	<b>October 1, 2014</b>

2. The Commission establishes the following provisions to guide discovery:
  - (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 are not required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.
  - (B) The parties shall make an effort to not include highly confidential or proprietary information in data request questions. If highly confidential or proprietary information must be included in data request questions, the highly confidential or proprietary information shall be appropriately designated as such pursuant to Commission Rule 4 CSR 240-2.135.
  - (C) 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. Regarding Staff-issued data requests, if the description contains highly confidential or proprietary information, or is voluminous, a hyperlink to the EFIS record of that data request shall be considered a sufficient copy. If a party desires a copy of the response to a data request that has been served on another party, the party desiring a copy of the response shall request a copy of the response from the party answering the data request. 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. 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. If responding to a Staff data request, the responding party shall record the response in EFIS and send an e-mail notification to Staff Counsel that such party has filed the response. For all other parties, data

request responses shall be served on counsel for the requesting party, unless waived by counsel, and on the requesting party's employee or representative who submitted the data request. Data request responses shall be served electronically, if feasible and not voluminous as defined by Commission rule. 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.

- (D) The response time for all data requests shall be ten calendar days, with seven calendar days to object or notify the requesting party that more than ten calendar days will be needed to provide the requested information.
- (E) All parties shall provide copies of Change Request Responses, exhibits, and pleadings to other counsel by electronic means and in electronic form essentially concurrently with the filing of such documents where the information is available in electronic format (.PDF, .DOC, .WPD, .XLS, etc.).
- (F) Workpapers prepared in the course of developing a witness' change request responses or exhibits shall not be filed with the Commission, but shall be submitted to each party within two business days after the document is filed. Workpapers containing highly confidential or proprietary information shall 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.
- (G) Where workpapers or 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 workpapers or responses shall provide such information in original format with formulas intact, if available.

3. The parties shall comply with the following procedural requirements:

- (A) 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 cross-examination for each witness. The list of issues should be detailed enough to inform the Commission of each issue that must be resolved. The Commission will view any issue not contained in this list of issues as uncontested and not requiring resolution by the Commission.
- (B) Each party shall file a simple and concise statement summarizing its position on each disputed issue.
- (C) 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 remaining unresolved issues that are to be decided by the Commission.

- (D) 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, a copy for each Commissioner, the Presiding Judge, and all counsel.

4. The hearing shall be held at the Commission's office at the Governor Office Building, Room 305, 200 Madison Street, Jefferson City, Missouri. This building meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations to participate in this hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice), or Relay Missouri at 711, before the hearing.

5. This order shall become effective upon issuance.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff  
Secretary

Morris L. Woodruff, Chief Regulatory Law  
Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 17<sup>th</sup> day of July, 2014.