

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

In the Matter of Union Electric Company d/b/a )  
Ameren Missouri’s 3<sup>rd</sup> Filing to Implement ) **File No. EO-2018-0211**  
Regulatory Changes in Furtherance of Energy )  
Efficiency as Allowed by MEEIA )

**ORDER ADOPTING PROCEDURAL SCHEDULE**

Issue Date: June 26, 2020

Effective Date: June 26, 2020

On May 13, 2020, Union Electric Company d/b/a Ameren Missouri (Ameren Missouri) filed an application to modify its Demand-Side Management Portfolio and Plan for years 2019-21 (MEEIA 2019-21 Plan) in order to extend the effective date through December 31, 2022. Ameren Missouri also asked for approval of variances from certain Commission rules, as well as approval of a proposed procedural schedule if an objection is made to the modified plan. The Commission directed that any objections be filed no later than June 12, 2020.

On June 4, 2020, Ameren Missouri, on behalf of itself, Staff of the Commission, and the Office of the Public Counsel, filed a motion for the adoption of a procedural schedule and other procedural requirements. On June 12, 2020, Staff and Public Counsel filed objections in order to preserve their rights to a hearing.

The Commission will adopt the proposed procedural schedule with the exception of the hearing dates, which are adjusted slightly. Additionally, the Commission adopts the other procedural requirements, except that the requirement of 20 CSR 4240-2.090(8), which provides that a party must seek a telephone conference with the presiding officer before filing a discovery motion, is not waived.

**THE COMMISSION ORDERS THAT:**

1. The following procedural schedule is established:

|   |   |   |
|---|---|---|
| Rebuttal Testimony  | - | July 13, 2020                             |
| Surrebuttal/Cross-Surrebuttal Testimony   | - | July 24, 2020                             |
| Last day to request discovery <sup>1</sup>  | - | July 31, 2020                             |
| List of Issues, Order of Witnesses, Order of Cross-Examination, Order of Opening Statements | - | July 31, 2020                             |
| Statements of Position  | - | August 4, 2020                            |
| Pre-marked Exhibit Lists  | - | August 7, 2020                            |
| Hearing   | - | August 11-12, 2020 beginning at 9:00 a.m. |
| Expedited Transcripts Due to Commission   | - | August 14, 2020                           |
| Initial Briefs  | - | August 21, 2020                           |
| Reply Briefs  | - | August 31, 2020                           |

2. The hearing shall be held at the Commission's office at the Governor Office Building, Room 310, 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. Due to the COVID-19 emergency, further accommodations for an electronic

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<sup>1</sup> Last day to request discovery by issuing data requests or other written discovery requests, subpoenas, or providing notice of a deposition.

hearing may be arranged closer to the hearing upon request of the parties or by the Commission on its own motion.

3. The parties shall comply with the following procedural requirements:
  - (A) For rebuttal and surrebuttal/cross-surrebuttal testimony, all parties must comply with the requirements of Commission Rule 20 CSR 4240-2.130 for prepared testimony, including the requirement that testimony be filed on line-numbered pages.
  - (B) Although not all parties may agree upon how each issue should be described or on whether a listed issue is in fact a proper issue in this case, the parties shall agree upon and 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 Commission will view any issue not contained in this list of issues as uncontested and not requiring resolution by the Commission.
  - (C) Each party shall file a simple and concise statement summarizing its position on each disputed issue. Position Statements shall track the list of issues. Any position statement shall set forth any order requested, cite any law authorizing that relief, and allege facts relevant under the law with citations to any pre-filed testimony in support.
  - (D) All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 20 CSR 4240-2.080. 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.
  - (E) If part of the testimony or documents are prefiled and served upon the parties before a hearing, a party need only provide a copy of the testimony or document to the court reporter to be marked as an exhibit at the hearing. If not prefiled and served upon the parties, then a party who has a document marked for use at the hearing shall have sufficient copies of the document to provide a copy not only to the court reporter, but also to each Commissioner, the presiding officer, and counsel for each other party.
  - (F) All parties shall provide copies of testimony (including schedules), exhibits, and pleadings to other counsel of record 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.

- (G) Public documents filed in the Commission's Electronic Filing and Information System (EFIS) shall be considered properly served by serving those documents on counsel of record for all other parties via e-mail. To provide additional security, confidential documents are considered served when filed in EFIS and shall not be served via e-mail.
- (H) With regard to data requests:
- i. Each party serving a data request shall send an electronic copy of the text of the "description" of that data request to counsel for each party contemporaneously with service of the data request.
  - ii. Data requests issued to or by Staff shall be submitted and responded to in EFIS if feasible. If infeasible, data requests issued to or by Staff shall be submitted and responded to in electronic format on compact disc or by other means agreed to by counsel. Additionally, if the description of a Staff-issued data request contains confidential information or is voluminous, a hyperlink to the EFIS record of that data request shall be considered a sufficient copy.
  - iii. If a party desires the response to a data request that has been served on another party, the party desiring a copy of the response must request a copy of the response from the party answering the data request.
  - iv. 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 the other 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.
  - v. 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, and shall be served electronically, if feasible and not voluminous as defined by Commission rule.
  - vi. Ameren Missouri shall post its data request responses on its Caseworks Extranet site; however, Ameren Missouri shall also submit the responses to Staff-issued data requests in EFIS, if feasible. If infeasible, those responses shall be submitted in electronic format on compact disc or by other means agreed to by Staff counsel.
  - vii. The parties shall make an effort to not include confidential information in data requests. If confidential information must be included in a data request, the confidential information shall be appropriately designated as such pursuant to Commission Rule 20 CSR 4240-2.135.

viii. The response time for all data requests shall be fifteen (15) calendar days, with five (5) business days to object or notify the requesting party that more than fifteen (15) days will be needed to provide the requested information. If a data request has been responded to, a party's request for a copy of the response shall be timely responded to without waiting the full response time allowed (except that, with the exception of responses to Staff, responses will not be needed for Ameren Missouri data request responses posted on Ameren Missouri's Caseworks Extranet site).

(I) With regard to workpapers:

i. Workpapers prepared in the course of developing a testimony shall not be filed with the Commission, but shall be submitted to each party within two (2) business days following the filing of the particular testimony, unless a party has indicated that it does not want to receive some or all of the workpapers.

ii. Workpapers containing confidential information shall be appropriately marked.

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 those workpapers.

iv. With the exception of workpapers provided to Staff, Ameren Missouri may provide workpapers by posting the same on its Caseworks Extranet site, with e-mail notification to counsel for the parties to be provided essentially concurrently with the posting of workpapers on the Extranet site. Ameren Missouri shall provide its workpapers to Staff in electronic format by e-mailing or by delivery of a compact disc or other electronic storage.

(J) 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, the party providing the workpaper or response shall provide this type of information in the original format, if available, with formulas intact.

(K) The technical conferences provided for above may be postponed or cancelled by consensus of the parties without further order of the Commission.

(L) Exhibit numbers are assigned in the following manner:

|                              |         |
|------------------------------|---------|
| Ameren Missouri              | 1-99    |
| Commission Staff             | 100-199 |
| Office of the Public Counsel | 200-299 |

Other parties will be assigned exhibit numbers if needed.

(M) Each party shall prepare a list of its pre-filed, pre-marked exhibits and submit a copy of that list to every other party and to the regulatory law judge as set out above. The lists shall not be filed in the EFIS case file. Exhibits that may be offered during cross-examination, but which have not been pre-filed, need not be included on the list. However, when those documents are offered during the hearing, they will be assigned a number from that party's number group.

5. This order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Nancy Dippell, Senior Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,  
on this 26th day of June, 2020.