

IN THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of Union Electric Company d/b/a)
Ameren Missouri's 2nd Filing to Implement) **File No. EO-2015-0055**
Regulatory Changes in Furtherance of Energy)
Efficiency as Allowed by MEEIA)

**NATURAL RESOURCES DEFENSE COUNCIL'S MOTION FOR LEAVE FOR
WITNESS TO APPEAR BY PHONE OR VIDEO, AND MOTION FOR
EXPEDITED TREATMENT**

Comes now the Natural Resources Defense Council (NRDC) and, pursuant to 4 CSR 240-2.080, applies to allow its witness to appear remotely at the hearing scheduled for July 20–22, 2015.

1. NRDC's expert witness Philip Mosenthal of Optimal Energy resides and works in Vermont. For reasons of time, scheduling on short notice, and NRDC's budget, it would be far preferable for NRDC if he could attend by videoconference if it can be arranged, or alternatively by telephone.

2. At this point NRDC still does not know when Mr. Mosenthal will be scheduled to appear.

3. There is precedent for witnesses being allowed to appear by video: *In the Matter of Union Electric*, Case No. ER-2010-0036, 2010 WL 1178747, order of March 12, 2010; or telephone, *Smith v. Missouri Gas Energy*, GC-2004-0281, 2004 WL 1607059, order of July 16, 2004. The latter order suggests that any prejudice would accrue to NRDC itself in the form of opportunities to cross-examine that it might have to forego. NRDC accepts this risk.

MOTION FOR EXPEDITED TREATMENT

4. NRDC requests a ruling on this motion by Friday, July 17, 2015.

5. No harm should accrue to any party or the general public by granting this request. The issues in the case have been narrowed by the filing of two non-unanimous stipulations, to one of which NRDC is a signatory. NRDC will therefore not be alone in presenting its side of the case, nor will opposing parties be hampered in any significant way in cross-examination, as his testimony is already on file. He will not be filing supplemental testimony.

6. This motion could not have been filed earlier due to the uncertainty surrounding the filing of stipulations, the pending reception of supplemental testimony, and the schedule for the hearing. On July 13 the undersigned counsel asked the other parties if they would waive cross-examination of Mr. Mosenthal, but Staff refused.

WHEREFORE, NRDC respectfully requests the Public Service Commission to allow Mr. Mosenthal to appear at the hearing by videoconference if feasible or alternatively by telephone.

/s/ Henry B. Robertson
Henry B. Robertson (Mo. Bar No. 29502)
Great Rivers Environmental Law Center
319 N. Fourth Street, Suite 800
St. Louis, Missouri 63102
(314) 231-4181
(314) 231-4184 (facsimile)
hrobertson@greatriverslaw.org

Attorney for NRDC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct PDF version of the foregoing was filed on EFIS and sent by email on this 14th day of July, 2015, to all counsel of record.

/s/Henry B. Robertson
Henry B. Robertson