

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

In the Matter of Ameren Missouri's Application )  
for Authorization to Suspend Payment of Solar )  
Rebates )

**File No. ET-2014-0085**  
Tariff No. YE-2014-0173

**STAFF'S RESPONSE AND RECOMMENDATIONS TO  
PROPOSED PROCEDURAL SCHEDULE**

**COMES NOW** Staff of the Missouri Public Service Commission ("Staff"), by and through the undersigned counsel, and files this Response and Recommendation with the Missouri Public Service Commission ("Commission") to state as follows:

1. On October 11, 2013,<sup>1</sup> Union Electric Company, d/b/a Ameren Missouri ("Ameren Missouri") filed its *Application For Authority To Suspend Payment Of Solar Rebates, Request For Variance And Motion For Expedited Treatment* ("Application"), direct testimony and revised tariff sheets assigned Tariff Tracking No. YE-2014-0173. Ameren Missouri proposed a procedural schedule for resolution of this matter within its *Application*.

2. On October 15, the Commission issued an *Order Establishing Time To Respond To Proposed Procedural Schedule* ("Order") directing any party wishing to respond to the *Application's* proposed schedule to do so no later than October 17. This filing complies with the Commission's *Order*.

3. In paragraph 18 of the *Application*, Ameren Missouri proposes certain dates for various filings, a settlement conference and evidentiary hearing. Staff recommends the Commission move the filing of the List of Issues, List of Witnesses,

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<sup>1</sup> All dates herein refer to calendar year 2013, unless otherwise specified.

Order of Cross-Examination and Order of Opening Statements to November 5 instead of November 4 as currently proposed. Staff recommends this change because the proposed schedule also has the settlement conference scheduled for November 4. Allowing the parties the opportunity for settlement discussions prior to the filing of issues may allow certain issues to settle and drop off the issue list, or at the very least, give the parties a better understanding of the remaining issues and allow the parties to present them more clearly to the Commission in the issue list.

4. Concerning the position statements, Staff recommends the Commission move the filing of such to November 6 instead of November 5 as currently proposed, regardless of whether the Commission adopts Staff's recommendation for the filing of the issue list. Often times developing a joint issue list can be a challenging and involved process. Allowing an additional day between the filing of the issue list and position statements will allow the parties adequate time to prepare and present their positions under the filed issue list.

5. Staff also makes the following recommendations regarding discovery procedures in paragraphs six (6) through thirteen (13) below. While Staff has incorporated paragraphs 20 and 21 of the *Application* in the procedures below, Staff recommends the Commission shorten the time for discovery responses throughout the entire case as explained below.

6. Due to the 60-day expedited decision process under Section 393.1030.3, RSMo, Staff believes a shorter response time than that recommended by Ameren Missouri will allow parties to conduct the necessary discovery to present a complete

case for the Commission's decision. Staff recommends the Commission modify the proposed data request response time throughout the entire case to allow parties five calendar days to answer a data request, and three calendar days to object or advise of a need for additional time to respond to a data request.

7. Additionally, due to the expedited process, Staff recommends the Commission allow not only pre-filed testimony, but the opportunity for the parties to present live testimony at the evidentiary hearing should it be necessary. An example of such necessity would be a party's discovery of certain information in a data request response that could not be incorporated into their testimony due to the very limited time allowed between the filing of direct, rebuttal and surrebuttal testimony (i.e., 7 calendar days or 5 business days as proposed between rebuttal and surrebuttal).

8. 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. All parties shall submit their responses to Staff data requests in the Commission's Electronic Filing Information System. If a data request has been responded to by Ameren Missouri through Ameren Missouri's Caseworks system, Ameren Missouri will provide another requesting party access to Caseworks for their review. 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. If a data request has not yet been responded to by Ameren Missouri, Ameren Missouri will provide another requesting party access to

Caseworks for their review when the response is provided to the party that issued the underlying data request.

9. 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 contemporaneously with the filing of such testimony, exhibits, or pleadings where the information is available in electronic format (.PDF, .DOC, .WPD, or .XLS). Parties are not required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.

10. 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

11. 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. Data requests served after 5:00 p.m. shall be considered served on the next calendar day. 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. Thus, if a party desires a copy of a response

by Ameren Missouri to a Staff-issued data request, the party should ask Ameren Missouri, not Staff, for a copy of the data request response unless there are appropriate reasons to direct the discovery to the party originally requesting the material. 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. Data request responses will be served on counsel for the requesting party 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.

12. Workpapers that were prepared in the course of developing a witness' direct, rebuttal, cross-rebuttal, surrebuttal, or cross-surrebuttal testimony shall not be filed with the Commission, but, without request, shall be submitted to each party on the same day the particular testimony is filed. 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. 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. Workpapers containing highly confidential or proprietary information shall be appropriately marked.

13. 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.

**WHEREFORE** Staff requests the Commission adopt the recommendations for the procedural schedule and discovery procedures set forth as described herein.

Respectfully submitted,

**STAFF OF THE MISSOURI  
PUBLIC SERVICE COMMISSION**

**/s/Jennifer Hernandez**

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**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing document has been emailed this 17<sup>th</sup> day of October 2013, to all counsel of record as listed in the Commission's Electronic Filing Information System.