

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

In the Matter of Union Electric Company)
d/b/a Ameren Missouri’s Tariffs to Adjust)
its Revenues for Electric Service) **File No. ER-2021-0240**

JOINTLY PROPOSED PROCEDURAL SCHEDULE AND PROCEDURES

COME NOW Union Electric Company d/b/a Ameren Missouri; Staff of the Missouri Public Service Commission (“Staff”); The Office of the Public Counsel (“OPC”); the Consumers Council of Missouri (“CCM”); Legal Services of Eastern Missouri, Inc. (“LSEM”); the Midwest Energy Consumers Group (“MECG”); the Missouri Industrial Energy Consumers (“MIEC”); the Natural Resources Defense Council (“NRDC”); Sierra Club; and Renew Missouri Advocates d/b/a Renew Missouri (“Renew Missouri”); and jointly propose a procedural schedule¹, which is based upon an agreed upon test year ended December 31, 2020 and a true-up cutoff date of September 30, 2021.² Additionally, the parties jointly propose the Commission impose certain procedural requirements in its order that sets the procedural schedule for this case:

¹ An identical proposed procedural schedule is being filed concurrently in Ameren Missouri’s pending natural gas rate case, Case No. GR-2021-0241. Although the proposed schedules are the same in both cases, the intervening parties to the cases are not identical; therefore, separate pleadings are being filed.

² As discussed below, the parties request that the Commission adopt the procedural schedule proposed herein, including the evidentiary hearing dates proposed herein, in lieu of the evidentiary hearing dates established in *Order Suspending Tariff, Giving Notice of Contested Case Status, Delegating Authority, and Scheduling an Evidentiary Hearing*. Those hearing dates would not accommodate the proposed true-up period, which falls approximately five months prior to the operation of law date, consistent with each of Ameren Missouri’s prior six electric rate cases.

Procedural Schedule

<u>EVENT</u>	<u>DATE</u>
Case Filed	March 31, 2021
Discovery Conference	June 15, 2021
Discovery Conference	July 13, 2021
Discovery Conference	August 17, 2021
Direct Testimony ³ (Non-Ameren Missouri parties, revenue requirement. Response time for DRs changes to 15 calendar days and 8 calendar days to object or notify of the need for additional time to respond)	September 3, 2021
Direct Testimony (Non-Ameren Missouri parties, class cost of service and rate design)	September 17, 2021
Local Public Hearings (subject to Commission Order)	October 2021
Rebuttal Testimony (All parties. Response time to DRs changes to 5 business days and 3 business days to object or notify of the need for additional time to respond)	October 15, 2021
Discovery Conference	October 19, 2021

³ This includes testimony proposing substantive changes to the costs or revenues to be included in the FAC, substantive changes in its operation (e.g., sharing percentage, number of adjustments), and testimony opposing its continuation.

True-up information to be provided by Ameren Missouri to all parties (not filed) ⁴ (Ameren Missouri will use its best efforts to provide True-up information as early as possible, and in any event, no later than October 26)	October 20 through 26, 2021
Company Preliminary True-up Revenue Requirement (not to be filed – to be provided to all Parties) ⁵	November 8, 2021
Surrebuttal and True-up Testimony (all parties) (including final true-up accounting schedules which support a specific true-up revenue requirement) ⁶	November 9, 2021

⁴ The last date that Ameren Missouri must provide Staff and all other parties auditable accounting information related to all items to be trued-up. The parties do not anticipate the need for additional true-up testimony or a true-up hearing. The parties will take account of the Company’s true-up data when filing surrebuttal testimony. Anticipated true-up items include changes to plant-in-service, depreciation reserve, all other rate base items, revenues (all categories), customer growth, net base energy costs (per FAC tariff), Midcontinent Independent System Operator (“MISO”) transmission revenues and expenses, pensions and other post-retirement employee benefit costs, payroll (including changes in pay rates, number of employees), other employee benefits, payroll taxes, storm costs, vegetation management/infrastructure inspection expenditures, renewable energy standard costs, insurance expense, depreciation expense, Company Owned Life Insurance investment gains and losses, Callaway re-fueling expenses, Callaway unplanned outage expenses, various amortizations, income taxes, property taxes, capital structure, capital costs, equity issuance costs, and other significant* items that must be considered in order to maintain a proper relationship of revenues, expenses and rate base. No party is precluded from proposing an additional item for true-up that causes a significant increase or decrease in Ameren Missouri’s cost of service, i.e., in its revenues, expenses or investment, or proposing that any item(s) listed above not be trued-up. Each true-up item must be known and measurable, recorded in Ameren Missouri’s accounting system, and supported by documentation (including but not limited to invoices, inspections, general ledgers, operating reports, etc.) that demonstrate it has occurred; and, if the true-up item is rate based capital investment, that the investment is fully operational and used for service. *Significant in this context will be measured by the smallest adjustment made during the true-up audit from the list of items indicated in the paragraph which further explains the true-up and true-up information to be provided to the parties.

⁵ To include true-up accounting schedules with supporting workpapers.

⁶ No party shall revise or change that party’s methods or methodologies for true-up issues.

Preliminary Reconciliation from Staff (not to be filed – to be provided to all Parties)	November 12, 2021
Settlement Conference (informal – not on the record)	November 12 and 15, 2021
Last Day to Request Discovery (issue a subpoena, notice a deposition, issue data requests)	November 15, 2021
Discovery Conference	November 16, 2021
List of Issues, Order of Witnesses, Order of Cross Examination	November 17, 2021
Parties provide valuation of their positions to Staff for the Final Reconciliation	November 17, 2021
Last day to take a deposition or file Motion to Compel	November 22, 2021
Statement of Position	November 24, 2021
Final Reconciliation (to be filed)	December 1, 2021
Evidentiary Hearings	December 1-3, 6-10, 13-14, 2021 ⁷
Initial Post-Hearing Brief (all parties)	January 4, 2022 ⁸
Reply/True-Up Briefs	January 14, 2022 ⁹
Operation of Law Date	February 28, 2022

⁷ Reserve December 15-17 as possible hearing dates, if needed.

⁸ Ameren Missouri agrees to arrange and pay for expedited transcripts so that all hearing transcripts are available for the parties to use for briefing within 48 hours after conclusion of the evidentiary hearings.

⁹ The final brief deadline is 289 days after the case filing date, which is four days later than the average final brief deadline (285 days after the case filing date) in Ameren Missouri's last six electric rate cases, and a day earlier than in two of Ameren Missouri's last six electric rate cases, when final briefs were due on day 290. The parties respectfully suggest that these dates will allow the Commission to begin its deliberations at the January 5 and/or 12, 2022 regular Agendas after submission of initial briefs and will provide for three additional regular Agendas (January 19, 26, and February 2, 2022) after submission of final briefs, with a targeted issuance of a Report and Order by February 2, 2022.

Proposed Procedures

- (a) 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 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.
- (c) Each party shall file a simple and concise statement summarizing its position on each disputed issue, including citations to pre-filed testimony supporting its position.
- (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 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 for marking as an exhibit. 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 of the Commissioners, 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 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 (.PDF, .DOC, .WPD, .XLS, etc.). Parties are not required to put information that does not exist in electronic format into electronic format for purposes of exchanging.
- (g) Public documents filed in the Commission's Electronic Filing and Information System ("EFIS") shall be considered properly served by serving the same on counsel of record for all other parties via e-mail. The parties agree confidential documents may be obtained from EFIS and so agree not to serve those documents via email.
- (h) Any data requests issued to or by Staff shall be submitted and responded to in the Commission's Electronic Filing and Information System (EFIS) pursuant to 20 CSR 4240-2.090(2)(H). All data requests other than those issued to or by Staff, as well as all objections to data requests, or notifications of the need for additional time to respond, shall be sent by e-mail to counsel for the other parties. Counsel for each party shall receive electronically, via either EFIS notification or e-mail from the party serving a data request, an electronic copy of the text of the "description" of that data request

contemporaneously with service of the data request. Regarding data requests issued via EFIS, if the description contains confidential information, or is voluminous, a hyperlink to the EFIS record of that data request shall be considered a sufficient copy. 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, thereby providing the responding party the opportunity to object. 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 any party responds to a data request in EFIS, the response is available in EFIS to all counsel on the certified service list. Data request responses, other than responses to data requests in EFIS, 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. In the case of Ameren Missouri data request responses, Ameren Missouri shall post its data request responses on its Caseworks Extranet site; however, in the case of responses to data requests Staff issues, Ameren Missouri shall also submit the responses to Staff data requests in EFIS, if feasible, or in electronic format on compact disc or by other means agreed to by Staff counsel, if infeasible.

- (i) 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.
- (j) Until revenue requirement direct testimony is filed on September 3, 2021, the response time for all data requests shall be twenty (20) calendar days, with ten (10) calendar days to object or notify the requesting party that more than twenty (20) calendar days will be needed to provide the requested information. After September 3, 2021, until rebuttal testimony is filed on October 15, 2021, the response time for data requests shall be fifteen (15) calendar days to provide the requested information and eight (8) calendar days to object or notify the requesting party that more than fifteen (15) calendar days will be needed to provide the requested information. After rebuttal testimony is filed on October 15, 2021, the response time for data requests shall be five (5) business days to provide the requested information and three (3) business days to object or notify the requesting party that more than five (5) business 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, considering that the underlying data request has already been responded to (except that, with the exception of responses to Staff, responses will not be needed for Ameren Missouri's data request responses posted on Ameren Missouri's Caseworks Extranet site).
- (k) For all data requests submitted to Ameren Missouri seeking information on a monthly or periodic (e.g., quarterly) basis ("Periodic DRs"), Ameren Missouri agrees that an agreed-upon subset of the Periodic DRs will be updated at two points in the case, as follows: (1) Prior to the filing of revenue requirement direct testimony (the "First Update"), and (2) Prior to filing of surrebuttal/true-up testimony (the "Second Update"). Ameren Missouri will provide responses to the agreed upon

list for the First Update with data through June 30, 2021 on or before August 15, 2021, and responses to the agreed upon list for the Second Update with data through September 30, 2021 by October 26, 2021 (in addition to the true-up data). Staff and each party that has submitted Periodic DRs to Ameren Missouri will work with Ameren Missouri to develop a list for each of the First and Second Updates insofar as not all such data requests will need to be updated. Should a party desiring to receive updates of Periodic DRS be unable to reach agreement with Ameren Missouri on the list for the First Update by July 1, 2021, the question of whether Periodic DRs upon which agreement could not be reached must be updated shall be brought to the Presiding Officer's attention as a discovery dispute for resolution at the July 13, 2021 Discovery Conference. Should a party desiring to receive updates of Periodic DRS be unable to reach agreement with Ameren Missouri on the list for the Second Update by October 15, 2021, the question of whether Periodic DRs upon which agreement could not be reached must be updated shall be brought to the Presiding Officer's attention as a discovery dispute for resolution at the October 19, 2021 Discovery Conference.

- (l) Workpapers prepared in the course of developing a witness' testimony¹⁰ (including schedules) and exhibits 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. Workpapers containing confidential 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.
- (m) Where workpapers or data request responses include models or spreadsheets or similar information originally in a commonly available format where inputs or parameters may be changed to observe changes in inputs, if available in that original format, the party providing the workpaper or response shall provide this type of information in that original format with formulas intact. 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.
- (n) Discovery conferences will be held either virtually via phone and/or computer or at the Commission's office at the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, in a room to be designated by the Commission. Each discovery conference will begin at 10:00 a.m.
- (o) Not less than two business days before each discovery conference, any party that has a discovery disagreement or concern involving another party shall file a brief statement describing that disagreement or concern and identifying any other parties involved.

¹⁰ The term "testimony" shall include a report filed by a party's witnesses in lieu of prepared testimony being filed separately for each witness, as provided in 20 CSR 4240-2.130.

Such statement does not need to be a formal motion to compel. Any party may attend a discovery conference, but only those parties involved in an identified discovery disagreement must attend. If the parties do not identify any discovery disagreements or concerns as described herein, the presiding officer may cancel the conference.

- (p) Discovery conferences shall be on the record and shall be transcribed by a court reporter.
- (q) Any pending written discovery motion may be taken up at a discovery conference and may be ruled upon by the presiding regulatory law judge either on the record, or in a written order.
- (r) Commission Rule 20 CSR 4240-2.090's requirement that a party must seek a telephone conference with the presiding officer before filing a discovery motion is waived.
- (s) Rate case expense associated with Case Nos. ER-2021-0240 and GR-2021-0241 may be examined through the scheduled date for filing of reply briefs and adjustments may be proposed accordingly.

WHEREFORE, the undersigned parties respectfully jointly propose the above Procedural Schedule and request that the Commission impose the procedural requirements also set out above in its order that sets the procedural schedule for this case.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to counsel of record as reflected on the certified service list maintained by the Commission in its Electronic Filing Information System this 13th day of May, 2021.

/s/ Jeffrey A. Keevil