

1                   BEFORE THE PUBLIC SERVICE COMMISSION

2                                 STATE OF MISSOURI

3                                 \_\_\_\_\_  
4                   TRANSCRIPT OF PROCEEDINGS

5                                 PREHEARING CONFERENCE

6                                 September 27, 2011

7                                 Jefferson City, Missouri

8                                 Volume 1  
9                                 \_\_\_\_\_

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11           In the Matter of the Application         )  
12           of Union Electric Company d/b/a         )  
13           Ameren Missouri for The Issuance         )  
14           of an Accounting Authority Order         ) File No. EU-2012-0027  
15           Relating To Its Electrical                 )  
16           Operations                                 )

17                                 \_\_\_\_\_  
18                   DANIEL JORDAN, presiding

19                                 SENIOR REGULATORY LAW JUDGE.

20                                 \_\_\_\_\_  
21           REPORTED BY:

22                   LISA M. BANKS, CCR

23                   TIGER COURT REPORTING  
24  
25

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## P R O C E E D I N G S

JUDGE JORDAN: The Commission will call File No. EU-2012-0027. This is a prehearing conference on the application of Ameren Missouri for an accounting authority order. I'm Daniel Jordan. I'm senior regulatory law judge assigned to this action. And we will begin by taking entries of appearance. We'll start with the applicant.

MR. BYRNE: Thank you, Your Honor. I'm Tom Byrne appearing on the behalf of Ameren Missouri. My address is 1901 Chouteau Avenue, St. Louis, Missouri 63103.

MR. LOWERY: Your Honor, thank you. My name is Jim Lowery with Smith Lewis LLP, 111 South 9th Street, Suite 200, Columbia, Missouri 65205 also appearing on behalf of Ameren Missouri.

JUDGE JORDAN: Does Ameren Missouri have any representatives of its clients here today?

MR. BYRNE: No, Your Honor.

MS. LOWERY: We do not.

JUDGE JORDAN: Okay. That's fine. We'll go next to Staff.

MR. DOTTHEIM: Steven Dottheim and Jennifer Hernandez appearing on behalf of the Staff of the Public Service Commission, Post Office Box 360, Jefferson City, Missouri 65102.

JUDGE JORDAN: And is Ms. Hernandez present

1 today?

2 MR. DOTTHEIM: No. No, she isn't.

3 JUDGE JORDAN: Okay. Thank you very much.

4 Do you have representatives of your client's  
5 staff here?

6 MR. DOTTHEIM: Yes. The representatives of  
7 Staff are Steven Rackers and Lena Mantle and Marg Oligschlaeger.  
8 We also have from the general counsel's office Goldie Tompkins,  
9 Amy Moore and John Borgmeyer.

10 JUDGE JORDAN: Okay. Thank you.

11 And for the Office of Public Counsel?

12 MR. MILLS: On behalf of the Office of Public  
13 Counsel and the public, my name is Lewis Mills. My address is  
14 Post Office Box 2230, Jefferson City, Missouri 65102.

15 JUDGE JORDAN: Thank you, counselor. Do you  
16 have any representatives of you clients --

17 MR. MILLS: I do not.

18 JUDGE JORDAN: -- present today? That's fine.

19 MR. MILLS: Although, technically almost all of  
20 them are clients.

21 MR. BYRNE: I'm a member of the general public.

22 MR. LOWERY: I don't support the relief Public  
23 Counsel's asking for.

24 JUDGE JORDAN: Thank you for that clarification.  
25 I'll rephrase my question. Are there any other representatives

1 of the Office of the Public Counsel --

2 MR. MILLS: There are not.

3 JUDGE JORDAN: -- present today?

4 MR. MILLS: Thank you.

5 JUDGE JORDAN: Thank you.

6 And now the intervenors, MIEC?

7 MR. ROME: Yes. It sounds like Diana Vuylsteke  
8 is here and also Brent Rome for MIEC from the law firm of Bryan  
9 Cave, 211 North Broadway, Suite 3600, St. Louis, Missouri  
10 63102.

11 JUDGE JORDAN: Thank you. Any other  
12 representatives of your client?

13 MR. ROME: No.

14 JUDGE JORDAN: Okay. And for Barnes Jewish  
15 Hospital?

16 MS. LANGENECKERT: Lisa Langeneckert of the law  
17 firm of Sandberg, Phoenix and von Gontard, 600 Washington  
18 Avenue, Suite 1500, St. Louis, Missouri 63101. And no  
19 representative of my clients are with me.

20 JUDGE JORDAN: Okay. Thank you very much. The  
21 purpose of --

22 MR. ROME: Let me revise. Two of our -- two of  
23 the people that we anticipate to call as witnesses for MIEC are  
24 here, and that's Morris Brubaker and Greg Meyer.

25 JUDGE JORDAN: Okay. Thank you -- thank you for

1       doing that. The purpose of our conference --

2                       Yes? Is there something else? Did I hear --  
3       anything from anyone online on the telephone?

4                       Do we still have everyone on the telephone who  
5       was on the telephone?

6                       MS. LANGENECKERT: Lisa's here.

7                       JUDGE JORDAN: Good.

8                       MS. VUYLSTEKE: Diana Vuylsteke's here.

9                       JUDGE JORDAN: Okay. I just heard a sound. It  
10       sounded like maybe someone had been disconnected.

11                      We're here to discuss the setting of a  
12       procedural schedule. This is the opportunity for the parties to  
13       set the schedule for this action including -- matters including  
14       discovery, dispositive motions, a hearing date, issues like  
15       that.

16                      We've had a little discussion off the record. I  
17       made it clear that the -- that this conference, though it  
18       includes -- may include the setting of a hearing date, does not  
19       telegraph any ruling on the pending motions to dismiss.

20                      And with experienced counsel present, I don't  
21       feel the need to go through the items that I ordinarily would  
22       for a pro se litigant since everyone here understands the nature  
23       of administrative procedure before this commission.

24                      That being said, do the parties have any  
25       questions for me on procedural matters?

1                   MR. DOTTHEIM: If any questions arise will you  
2 be in your office on the ninth floor if we feel the need to ask  
3 you for some guidance?

4                   JUDGE JORDAN: Yes. I'm in my office and  
5 available for the rest of this day.

6                   MR. DOTTHEIM: Okay. Thank you.

7                   JUDGE JORDAN: And anything else from the  
8 parties?

9                   MR. DOTTHEIM: Would you -- as far as looking  
10 for a schedule from us, would you be looking for that in a  
11 week's time or what -- what timeframe are you looking at? I  
12 don't recall offhand that there was anything in the order.  
13 Maybe I'm not recalling it correctly.

14                  JUDGE JORDAN: I think you're right about that.  
15 I haven't set a deadline for the filing of a procedural  
16 schedule. Here's what I would like to do: At the close of the  
17 day I would like Staff to file a report, a paragraph is all it  
18 need be, to summarize to the extent that it can, the progress  
19 made in the course of this prehearing conference. I'm not  
20 asking you to pry into any confidences or anything like that,  
21 but the subject should be procedural, procedural progress. And  
22 if that's filed tomorrow that'd be fine.

23                  MR. DOTTHEIM: Okay.

24                  JUDGE JORDAN: What else can I do for the  
25 parties while I'm still here and while we're on the record?

1                   MR. ROME: Do we want to just together here at  
2 the moment figure out some dates and --

3                   MR. BYRNE: Yes.

4                   MR. ROME: -- plotting out --

5                   MR. LOWERY: Yes.

6                   MR. ROME: -- some --

7                   JUDGE JORDAN: Yes. What I'll --

8                   MR. ROME: Okay.

9                   JUDGE JORDAN: -- do if there's nothing else is  
10 I'll go ahead and I will adjourn this portion of the conference.  
11 I'll leave the room so the parties can talk freely. We'll go  
12 off the record and this room is yours for the rest of the day --

13                  MR. ROME: Okay.

14                  JUDGE JORDAN: -- to discuss these matters.

15                  MR. BYRNE: Thank you, Judge.

16                  MR. ROME: Thanks, Judge.

17                  JUDGE JORDAN: You're entirely welcome. Since  
18 there's seems to be nothing else --

19                  MR. LOWERY: That's what we normally do.

20                  MR. ROME: Okay.

21                  JUDGE JORDAN: Since there seems to be nothing  
22 else from the parties, not seeing anything else, we'll adjourn  
23 this part of the prehearing conference and we'll go off the  
24 record.

25                         (Hearing adjourned.)



## C E R T I F I C A T E

STATE OF MISSOURI                    )  
  ) ss.  
COUNTY OF BOONE                    )

I, Lisa M. Banks, a Certified Court Reporter, C.C.R. No. 1081, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

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Lisa M. Banks, CCR