

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held by telephone and internet audio conference on the 27th day of January, 2021.

In the Matter of the Application of Union)
Electric Company d/b/a Ameren Missouri)
for an Accounting Authority Order to) **File No. EU-2021-0027**
Record and Preserve Net Costs and)
Revenues Related to COVID-19)

In the Matter of the Application of Union)
Electric Company d/b/a Ameren Missouri)
for an Accounting Authority Order to) **File No. GU-2021-0112**
Record and Preserve Net Costs and)
Revenues Related to COVID-19.)

**ORDER ESTABLISHING PROCEDURAL SCHEDULE,
OTHER PROCEDURAL REQUIREMENTS**

Issue Date: January 27, 2021

Effective Date: January 27, 2021

On October 16, 2020, Union Electric Company d/b/a Ameren Missouri filed applications in both of the above referenced files for accounting authority orders permitting Ameren Missouri to track and defer in regulatory assets all incremental costs and other financial impacts including lost revenues related to the COVID-19 pandemic. The Commission denied Ameren Missouri's October 26, 2020, motion to consolidate the files. The parties filed proposed procedural schedules for both files. The proposed procedural schedules mirror each other and envision a combined evidentiary hearing.

The Commission's order denying consolidation of the files found that while Ameren Missouri's AAO requests shared some related law provisions, the two files were not sufficiently factually related because of differences between the two utility types. Nevertheless, holding a combined evidentiary hearing will allow for certain administrative

efficiencies without resulting in a confusing single order, as a consolidated case involving two different utility types would.

The parties have proposed procedural safeguards to separate the cases and evidence as much as possible to allow for a combined evidentiary hearing. The Commission will adopt the parties' proposed procedural schedule with the additional proposed procedural safeguards.

THE COMMISSION ORDERS THAT:

1. The following procedural schedule is established:

Company Direct Testimony	February 5, 2021
Non-Company Rebuttal Testimony	April 2, 2021
Surrebuttal and Cross-Surrebuttal Testimony	April 28, 2021
List of Issues, Order of Witnesses, Order of Cross-Examination, Order of Opening	April 30, 2021
Discovery Cutoff	May 5, 2021
Position Statements	May 5, 2021
Evidentiary Hearing	May 12-14, 2021
Initial Briefs	June 4, 2021
Reply Briefs	June 11, 2021

2. The parties shall appear for an evidentiary hearing at 9:00 a.m. on May 12, 2021, through May 14, 2021. The evidentiary hearing shall be held by video and teleconference via WebEx. Participants shall appear at the evidentiary hearing telephonically via WebEx video and telephone conference. The hearing will also be live-streamed via the Commission's website at www.psc.mo.gov. Interested persons who will

not be actively participating in the hearing should access the hearing via the live stream. The link and access code to participate in the hearing via WebEx conference call will be emailed to all parties.

3. Those who require additional accommodations to participate in this hearing may call the Public Service Commission's hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

4. All exhibits and presentations that any party intends to use at the hearing shall be emailed to the Regulatory Law Judge and counsel for each party no later than May 10, 2021.

5. The parties shall comply with the following additional procedural requirements:

- A. 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.
- B. 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.
- C. All parties shall provide copies of testimony including schedules, exhibits and pleadings to other counsel of record by electronic means and in electronic form 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 exchange.
- D. All data requests, subpoenas, or other discovery requests shall be issued no later than May 5, 2021.

- E. Testimony shall be pre-filed as defined in Commission Rule 20 CSR 4240-2.130. All parties must comply with this rule, including the requirement that testimony be filed on line-numbered pages.
- F. All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 20 CSR 4240-2.080. Briefs must set forth and cite the proper portions of the record in support of that party's position concerning the remaining unresolved issues that are to be decided by the Commission.
- G. Data requests issued to or by Staff shall be submitted and responded to in the Commission's EFIS. If this is not feasible, Staff shall be contacted to arrange an appropriate alternative. Counsel for each party shall receive electronically from each 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 Staff-issued data requests, 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 a copy of the responses to data requests served on another party, the party desiring a copy must request that copy from the party responding to that data request. Data requests shall be emailed to counsel for the other parties to this matter. Counsel may designate other personnel to be added to a service list for data requests, but shall assume the responsibility for enforcing such a request and ensuring the preservation of confidentiality. In the case of Ameren Missouri data request responses, Ameren Missouri shall post its data request responses on its Caseworks Extranet site and notify counsel for the requesting party of such posting electronically; 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.
- H. 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.
- I. Discovery disputes shall be handled in accordance with 20 CSR 4240-2.090.8. The parties commit to resolve discovery disputes without Commission intervention to the extent possible.
- J. Workpapers prepared in the course of developing a witness' testimony including schedules (whether filed separately or as part of a report) shall not be filed with the Commission but shall be provided

to each party within two business days following the filing of the relevant testimony. Workpapers containing confidential information should be marked in compliance with 20 CSR 4240 2.135. Counsel for each party shall undertake to advise other counsel if a sponsored witness has no workpapers associated with a specific piece of testimony. Where workpapers include models, spreadsheets or similar documents originally in a commonly available format, in which inputs or parameters may be changed to observe changes in inputs or outputs, if available in that original format, the party providing the workpaper shall provide this type of information in that original format with formulas intact.

K. Documents filed in EFIS shall be considered properly served by serving the same on counsel of record for all parties via email.

L. Exhibit numbers are assigned in the following manner:

	EU-2021-0027:	GU-2021-0112:
Staff	E1 – E100	G1 – G100
Ameren Missouri	E101 – E200	G101 – G200
Public Counsel	E201 – E300	G201 – G300
MIEC	E301 – E400	G501 – G600
MECG	E401 – E500	
Renew Missouri	E501 – E600	
CCM	E601 – E700	
MSBA		G701 – G800

If a party desires to offer a single exhibit in both cases such exhibit must be marked for identification with separate exhibit numbers and offered in each case. Counsel for any party in a case in which such an exhibit is offered shall be entitled to lodge objections to the exhibit's admission, which shall be ruled on separately in each case by the Presiding Officer.

If any party requires additional exhibit numbers, it may add a 1 to the beginning of its assigned numbers. For example, if Complainant has exhibits in addition to exhibit number 99, its next exhibit numbers would be 1001, 1002, 1003, etc.

Exhibits shall be marked as set forth in Commission Rule 20 CSR 4240-2.135(10)(C). For example, public exhibit two would be marked as Exhibit 2, whereas the confidential exhibit two would be marked as Exhibit 2C.

M. Each party shall prepare a list of its exhibits and submit a copy of that list to every other party and to the regulatory law judge no later than May 10, 2021. 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.

6. If a party is a party to both of these cases, that party shall give one opening statement that clearly delineates its position in each case.

7. Witnesses filing testimony in both cases shall file separate testimonies in each case and shall be cross-examined on their testimony in both cases when they take the witness stand. Counsel for all parties in both cases shall have the right to conduct cross-examination and to lodge objections during such examinations.

8. Witnesses filing testimony in one case only shall only be cross-examined by counsel for parties to that case, and only such counsel may lodge objections during such examinations.

9. Parties to both of these cases shall prepare one initial and reply brief and file the same in each case. The briefs shall clearly delineate any differences in a party's position on issues common to both cases, including a clear delineation of evidence regarding costs and savings that are the subject of the AAO applications between each case.

10. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Silvey, Chm., Kenney, Rupp, Coleman, and
Holsman CC., concur.

Clark, Senior Regulatory Law Judge