

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
Procedural Conference
June 19, 2018
Jefferson City, Missouri
Volume 1

In The Matter Of Union Electric)
Company d/b/a Ameren Missouri's) File No. EO-2018-0211
3rd Filing To Implement)
Regulatory Changes In)
Furtherance Of Energy Efficiency)
As Allowed By MEEIA)

NANCY DIPPELL, Presiding,
SENIOR REGULATORY LAW JUDGE.

REPORTED BY:
Chevon D. McFadden, CVR, CCR NO. 1399
TIGER COURT REPORTING, LLC

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S

FOR THE OFFICE OF PUBLIC COUNCIL:

MR. HAMPTON WILLIAMS

Acting Public Counsel

Office of Public Counsel

200 Madison Street, Suite 650

Jefferson City, Missouri 65102

573.751.4857

opcservice@ded.mo.gov

and

MR. CALEB HALL

200 Madison Street, Suite 650

Jefferson City, Missouri 65102

573.751.4857

FOR RENEW MISSOURI:

MR. TIMOTHY OPITZ

Senior Counsel

Office of the Public Counsel

Governor Office Building, Suite 650

200 Madison Street

P.O. Box 2230

Jefferson City, Missouri 65102

573.751.5324

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S (cont.)

FOR UNION ELECTRIC COMPANY d/b/a AMEREN MISSOURI:

MS. PAULA N. JOHNSON
Senior Corporate Counsel
1901 Chouteau Avenue
St. Louis, Missouri 63103
314.554.3533
pjohnson4@ameren.com

FOR AMEREN MISSOURI:

L. RUSSELL MITTEN
Brydon, Swearingen & England, P.C.
312 East Capital Avenue
Jefferson City, Missouri 65102-0456
573.635.7166
rmitten@brydonlaw.com

FOR THE INTERVENOR CONSUMERS COUNCIL OF MISSOURI:

MR. JOHN COFFMAN (appearing via phone)
Consumers Council of Missouri
871 Tuxedo Boulevard
St. Louis, Missouri 63119
573.424.6779

1 A P P E A R A N C E S (cont.)

2 FOR NATURAL RESOURCES DEFENSE COUNCIL:

3 MR. HENRY ROBERTSON

4 Great Rivers Environmental Law Center

5 319 North 4th Street, Suite 800

6 St. Louis, Missouri 63102

7 314.231.4181

8 hrobertson@greatriverslaw.org

9

10 FOR SPIRE MISSOURI, INC.:

11 MR. MICHAEL C. PENDERGAST (appearing via phone)

12 423 South Main Street

13 St. Charles, Missouri 63301

14 314.288.8723

15 mcp2015law@icloud.com

16

17 FOR STAFF OF MISSOURI PUBLIC SERVICE COMMISSION:

18 MR. ROBERT S. BERLIN

19 Deputy Staff Counsel

20 Public Service Commission

21 Governor Office Building, Suite 800

22 200 Madison Street

23 Jefferson City, Missouri 65102

24 573.526.7779

25 bob.berlin@psc.mo.gov

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S (cont.)
FOR MISSOURI DIVISION OF ENERGY:
MR. MARC POSTON
Senior Counsel
301 West High Street
Jefferson City, Missouri 65102
573.751.5558
marc.poston@ded.mo.gov

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

P R O C E E D I N G S

JUDGE DIPPELL: Okay. I have 1:01 and so we're going to go ahead and get started. So we can go on the record.

This is Case No. EO-2018-0211, In The Matter Of Union Electric Company Doing Business As Ameren Missouri's Third Filing To Implement Regulatory Changes In Furtherance Of Energy Efficiency As Allowed By MEEIA, that's M-E-E-I-A.

Who just joined us on the phone?

MR. COFFMAN: This is John Coffman for the Consumers Council.

JUDGE DIPPELL: Thank you, Mr. Coffman.

All right. I am Nancy Dippell. I am the Regulatory Law Judge assigned to this case, and we've come here today for a prehearing conference or procedural conference. I think I called it both in the order. Same meaning.

So I granted some applications to intervene this morning and we have some others pending. I'm going to go ahead and start by having everyone make their entries of appearance, whether or not you've been granted intervention. So can we start with Union Electric?

MS. JOHNSON: Yes. Paula Johnson, Senior

1 Corporate Counsel for Union Electric Company doing
2 business as Ameren Missouri.

3 MR. MITTEN: And Russ Mitten, Brydon,
4 Swearengen & England, also for Ameren Missouri.

5 JUDGE DIPPELL: And Staff.

6 MR. BERLIN: Appearing on behalf of the Staff
7 of the Commission, Robert S. Berlin, P.O. Box 360,
8 Jefferson City, Missouri 65102.

9 JUDGE DIPPELL: Office of Public Counsel.

10 MR. WILLIAMS: Hampton Williams and Caleb
11 Hall, and our contact information has been provided to
12 the reporter.

13 JUDGE DIPPELL: Is there anyone for Kansas
14 City Power and Light or KCPL Greater Missouri?
15 Consumers Council?

16 MR. COFFMAN: Yes. This is John B. Coffman
17 on behalf of the Consumers Council of Missouri.

18 JUDGE DIPPELL: National Housing Trust.
19 Renew Missouri.

20 MR. OPITZ: Tim Opitz on behalf of Renew
21 Missouri Advocates doing business as Renew Missouri.

22 JUDGE DIPPELL: Tower Groove Neighborhood
23 Community Development Corporation.
24 Missouri Division of Energy.

25 MR. POSTON: Marc Poston appearing for the

1 Division of Energy.

2 JUDGE DIPPELL: Natural Resources Defense
3 Council.

4 MR. ROBERTSON: Henry Robertson, Great Rivers
5 Environmental Law Center, 319 North 4th Street, Suite
6 800, St. Louis, 63102.

7 JUDGE DIPPELL: And Midwest Energy Consumers
8 Group.

9 Is there any other -- oh, Spire. I'm sorry.

10 MR. PENDERGAST: Thank you, Your Honor.
11 Spire Missouri, Inc., Michael C. Pendergast. My
12 business address is 423 South Main Street, St. Charles,
13 Missouri 63301.

14 JUDGE DIPPELL: And is there any other
15 attorney that needs to make an entry of appearance for
16 a party or intervenor that I didn't call?

17 Okay. Like I said, I granted interventions
18 this morning to those that had been filed more than ten
19 days ago and didn't have any objections. I still have
20 pending intervention requests from Consumers Council,
21 Kansas City Power and Light and GMO, and National
22 Resources Defense Center, and Spire.

23 Would there be any objection to those parties
24 intervening?

25 MS. JOHNSON: We would not be objecting to

1 those objections.

2 JUDGE DIPPELL: Is there any other of you --
3 any other objections?

4 Seeing none. I'll go ahead and grant and put
5 out an order later today. I'll go ahead and grant the
6 intervention requests of Consumers Council, Kansas City
7 Power and Light, Kansas City Power and Light -- or KCPL
8 Greater Missouri Operations -- Operations -- I'll get
9 it out in a minute -- Natural Resources Defense
10 Council, and Spire.

11 Also, Ameren had proposed a procedural
12 schedule in their original filing. Have you all had an
13 opportunity to discuss that?

14 MR. BERLIN: We have discussed it among
15 the -- I say "nonutility parties" and to the extent
16 that I sent out a proposed alteration or modification
17 to what Ameren filed in its application. Here, I'll
18 have you look at this order. It will be a little
19 easier to see.

20 JUDGE DIPPELL: Okay. That answers my
21 questions that you had some changes that you all wanted
22 to make and the dates, so you weren't ready to take
23 that up right this minute or have that --

24 MR. BERLIN: Well, it takes the Ameren dates
25 that were submitted in its application and basically

1 extends out the dates about 30 days --

2 JUDGE DIPPELL: Okay.

3 MR. BERLIN: -- allowing about 180 days to
4 process the case, which is about the same amount of
5 time we had from MEEIA cycle two.

6 JUDGE DIPPELL: Okay. Is there anything else
7 that needs to be discussed on the record besides a
8 procedural schedule? Is there any issues that anyone
9 has to bring to me today?

10 Okay. I was trying to look at my calendar,
11 but I can't get into it so I could let you know if I
12 see something immediately wrong with this proposal.

13 MR. BERLIN: At the time I did it we took
14 into consideration the Commissions' calendar --

15 JUDGE DIPPELL: Yeah.

16 MR. BERLIN: -- and the other hearings
17 underway.

18 JUDGE DIPPELL: I will say that the proposed
19 rule reply briefs coming on November 9th, which sounds
20 dangerously close to the November 11th holiday and a
21 requested order coming out on the 30th, which would be
22 right after the Thanksgiving holiday. I'm not sure
23 that the Commission could get an order together quite
24 that quickly, but if that's the only issue that others
25 have with that schedule, then don't let that hold you

1 back from proposing it.

2 MS. JOHNSON: And I will state I hadn't had a
3 chance to respond to the email that has been
4 circulating yet. We had to text message our primary
5 person in China and wait for his response. But we are
6 okay with the -- with the changes to the schedule. We
7 do want to keep on track to be able to implement our
8 contracts in a timely period, but -- so if there is a
9 way we could make -- and I realize it is a lot to ask,
10 but if we can try to keep on track for a Commission
11 order in a timely matter, that will definitely help us
12 in that regard.

13 One thing I did want to pose and I hadn't had
14 a chance to pose this in response yet, is if -- since
15 we're extending a month out, and the initial testimony
16 won't be due quite as quickly, we had requested 15 days
17 to respond to data request and we didn't know if for
18 just the first couple of months, in particular, we
19 could extend that to 3 weeks, and then ramp it back
20 down to 15 days for the remain-- for the remainder. We
21 didn't know if parties would be amenable to -- to that
22 also.

23 JUDGE DIPPELL: Okay. Well, I'll let you
24 all -- unless somebody knows that they're going to
25 have --

1 MR. BERLIN: Well, there's an extensive
2 discovery underway, and I think that we would like to
3 maintain what was originally proposed, the 15 and 5 --

4 MS. JOHNSON: Okay.

5 MR. BERLIN: -- that was in the application.

6 MR. WILLIAMS: For Public Counsel, we would
7 also prefer to keep with the proposed data request
8 calendar.

9 JUDGE DIPPELL: Perhaps, Ms. Johnson, if
10 there's particular items that discovery is particularly
11 difficult to respond to in that time frame, you could
12 bring that immediately to their attention when it's
13 given to you, and if you know there's going to be an
14 issue then we would try to work that out amicably.

15 MS. JOHNSON: We can do that, so -- I mean, I
16 just figured it couldn't hurt to -- to try to take a
17 little pressure off. But if we need to keep the
18 pressure on to get this done, that is absolutely what
19 we'll do, so --

20 JUDGE DIPPELL: Now, is the -- is the
21 EO-2018-155 -- is that also an Ameren case?

22 MS. JOHNSON: That's correct. Yes.

23 JUDGE DIPPELL: I have that tentatively for
24 hearing on this date.

25 MR. WILLIAMS: The second?

1 JUDGE DIPPELL: The second.

2 MR. MITTEN: It's on the second --

3 JUDGE DIPPELL: Is that -- I get these two
4 cases confused, so -- since I have it tentatively, I'm
5 not sure if that's been ordered, that's the reason I'm
6 looking to you all.

7 MR. BERLIN: Is that the one that's on the
8 agenda calendar --

9 MR. WILLIAMS: Agenda tomorrow.

10 MR. BERLIN: -- for tomorrow? Is it?

11 MR. WILLIAMS: Yeah, I -- I -- I -- is that
12 accurate? I know -- I think I've been working with Jim
13 on that -- Lowery.

14 MS. JOHNSON: I don't think I've seen -- I've
15 don't think I've seen tomorrow's agenda.

16 JUDGE DIPPELL: No, that -- it's not on the
17 agenda tomorrow --

18 MR. WILLIAMS: Okay.

19 JUDGE DIPPELL: -- because it's my case.

20 MR. WILLIAMS: Oh, well, my mistake.

21 JUDGE DIPPELL: But I thought that was the
22 one that you all were perhaps going -- you thought
23 maybe you were going to work out.

24 MR. MITTEN: Is that the 01-- is it the 0155?

25 MR. WILLIAMS: Is it the --

1 JUDGE DIPPELL: Yes.

2 MR. POSTON: That's the disallowance.

3 MR. WILLIAMS: That's the disallowance case.

4 MS. JOHNSON: Yeah.

5 COURT REPORTER: One at a time, guys.

6 MR. POSTON: Prudence case.

7 JUDGE DIPPELL: Yeah, one at a time for our
8 court reporter, please. Sorry.

9 Well, just take that into consideration as
10 you finalize the dates on your proposed procedural
11 schedule.

12 MS. JOHNSON: Okay.

13 JUDGE DIPPELL: Is there anything else that
14 you wanted to bring up on the record?

15 All right. Seeing nothing else, then we can
16 end the on-the-record portion. I'll let you all
17 discuss procedural schedule and any settlement that --
18 that you want to.

19 We can go ahead and go off the record.

20 (Off the record.)

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE

I, Chevon D. McFadden, a Certified Verbatim Reporter, Certified Court Reporter, CCR No. 1399, the officer before whom the foregoing hearing was taken, do hereby certify that the foregoing hearing 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 proceeding 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.



Chevon D. McFadden, CVR, CCR No. 1399

<p style="text-align: center;">0</p> <hr/> <p>01-- 13:24 0155 13:24</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>11th 10:20 15 11:16,20 12:3 180 10:3 1:01 6:2</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3 11:19 30 10:1 30th 10:21 319 8:5 360 7:7</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>423 8:12 4th 8:5</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5 12:3</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>63102 8:6 63301 8:13 65102 7:8</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>800 8:6</p>	<p style="text-align: center;">9</p> <hr/> <p>9th 10:19</p> <hr/> <p style="text-align: center;">A</p> <hr/> <p>absolutely 12:18 accurate 13:12 address 8:12 Advocates 7:21 agenda 13:8,9,15,17 ahead 6:3,21 9:4,5 14:19 Allowed 6:8 allowing 10:3 alteration 9:16 amenable 11:21 Ameren 6:6 7:2,4 9:11,17,24 12:21 amicably 12:14 amount 10:4 answers 9:20 appearance 6:22 8:15 appearing 7:6,25 application 9:17,25 12:5 applications 6:19 assigned 6:15 attention 12:12 attorney 8:15</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>back 11:1,19 basically 9:25 behalf 7:6,17,20</p>	<p>Berlin 7:6,7 9:14,24 10:3,13,16 12:1,5 13:7,10 Box 7:7 briefs 10:19 bring 10:9 12:12 14:14 Brydon 7:3 business 6:6 7:2,21 8:12</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>Caleb 7:10 calendar 10:10,14 12:8 13:8 call 8:16 called 6:17 case 6:5,15 10:4 12:21 13:19 14:3,6 cases 13:4 Center 8:5,22 chance 11:3,14 Charles 8:12 China 11:5 circulating 11:4 City 7:8,14 8:21 9:6,7 close 10:20 Coffman 6:11,13 7:16 Commission 7:7 10:23 11:10 Commissions' 10:14 Community 7:23 Company 6:6 7:1 conference 6:16,17 confused 13:4 consideration 10:14 14:9</p>	<p>Consumers 6:12 7:15,17 8:7,20 9:6 contact 7:11 contracts 11:8 Corporate 7:1 Corporation 7:23 correct 12:22 Council 6:12 7:15,17 8:3,20 9:6,10 Counsel 7:1,9 12:6 couple 11:18 court 14:5,8 cycle 10:5</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>dangerously 10:20 data 11:17 12:7 date 12:24 dates 9:22,24 10:1 14:10 days 8:19 10:1,3 11:16,20 Defense 8:2,22 9:9 Development 7:23 difficult 12:11 Dippell 6:2,13,14 7:5, 9,13,18,22 8:2,7,14 9:2,20 10:2,6,15,18 11:23 12:9,20,23 13:1, 3,16,19,21 14:1,7,13 disallowance 14:2,3 discovery 12:2,10 discuss 9:13 14:17 discussed 9:14 10:7 Division 7:24 8:1 due 11:16</p>
--	---	--	---

E	Groove 7:22	John 6:11 7:16	Missouri 7:2,4,8,14, 17,19,21,24 8:11,13 9:8
easier 9:19	Group 8:8	Johnson 6:25 8:25 11:2 12:4,9,15,22 13:14 14:4,12	Missouri's 6:7
Efficiency 6:8	guys 14:5		mistake 13:20
Electric 6:6,24 7:1	H	joined 6:10	Mitten 7:3 13:2,24
email 11:3	Hall 7:11	Judge 6:2,13,15 7:5, 9,13,18,22 8:2,7,14 9:2,20 10:2,6,15,18 11:23 12:9,20,23 13:1, 3,16,19,21 14:1,7,13	modification 9:16
end 14:16	Hampton 7:10		month 11:15
Energy 6:8 7:24 8:1,7	hearing 12:24	K	months 11:18
England 7:4	hearings 10:16	Kansas 7:13 8:21 9:6, 7	morning 6:20 8:18
entries 6:22	Henry 8:4	KCPL 7:14 9:7	N
entry 8:15	hold 10:25		Nancy 6:14
Environmental 8:5	holiday 10:20,22	L	National 7:18 8:21
EO-2018-0211 6:5	Honor 8:10	Law 6:15 8:5	Natural 8:2 9:9
EO-2018-155 12:21	Housing 7:18	Light 7:14 8:21 9:7	Neighborhood 7:22
extend 11:19	hurt 12:16	lot 11:9	nonutility 9:15
extending 11:15	I	Louis 8:6	North 8:5
extends 10:1	immediately 10:12 12:12	Lowery 13:13	November 10:19,20
extensive 12:1	implement 6:7 11:7	M	O
extent 9:15	information 7:11	M-E-E-I-A 6:9	objecting 8:25
F	initial 11:15	Main 8:12	objection 8:23
figured 12:16	intervene 6:19	maintain 12:3	objections 8:19 9:1,3
filed 8:18 9:17	intervening 8:24	make 6:21 8:15 9:22 11:9	Office 7:9
filing 6:7 9:12	intervenor 8:16	Marc 7:25	on-the-record 14:16
finalize 14:10	intervention 6:23 8:20 9:6	matter 6:5 11:11	Operations 9:8
frame 12:11	interventions 8:17	meaning 6:18	Opitz 7:20
Furtherance 6:8	issue 10:24 12:14	MEEIA 6:9 10:5	opportunity 9:13
G	issues 10:8	message 11:4	order 6:18 9:5,18 10:21,23 11:11
GMO 8:21	items 12:10	Michael 8:11	ordered 13:5
grant 9:4,5	J	Midwest 8:7	original 9:12
granted 6:19,23 8:17	Jefferson 7:8	minute 9:9,23	originally 12:3
Great 8:4	Jim 13:12		
Greater 7:14 9:8			

P	R	South 8:12	Union 6:6,23 7:1
P.O. 7:7	ramp 11:19	Spire 8:9,11,22 9:10	W
parties 8:23 9:15 11:21	ready 9:22	St 8:6,12	wait 11:5
party 8:16	realize 11:9	Staff 7:5,6	wanted 9:21 14:14
Paula 6:25	reason 13:5	start 6:21,23	weeks 11:19
Pendergast 8:10,11	record 6:4 10:7 14:14,19,20	started 6:3	Williams 7:10 12:6,25 13:9,11,18,20,25 14:3
pending 6:20 8:20	regard 11:12	state 11:2	work 12:14 13:23
period 11:8	Regulatory 6:7,15	Street 8:5,12	working 13:12
person 11:5	remain-- 11:20	submitted 9:25	wrong 10:12
phone 6:10	remainder 11:20	T	
portion 14:16	Renew 7:19,20,21	takes 9:24	
pose 11:13,14	reply 10:19	ten 8:18	
Poston 7:25 14:2,6	reporter 7:12 14:5,8	tentatively 12:23 13:4	
Power 7:14 8:21 9:7	request 11:17 12:7	testimony 11:15	
prefer 12:7	requested 10:21 11:16	text 11:4	
prehearing 6:16	requests 8:20 9:6	Thanksgiving 10:22	
pressure 12:17,18	Resources 8:2,22 9:9	thing 11:13	
primary 11:4	respond 11:3,17 12:11	thought 13:21,22	
procedural 6:17 9:11 10:8 14:10,17	response 11:5,14	Tim 7:20	
process 10:4	Rivers 8:4	time 10:5,13 12:11 14:5,7	
proposal 10:12	Robert 7:7	timely 11:8,11	
proposed 9:11,16 10:18 12:3,7 14:10	Robertson 8:4	today 6:16 9:5 10:9	
proposing 11:1	rule 10:19	tomorrow 13:9,10,17	
provided 7:11	Russ 7:3	tomorrow's 13:15	
Prudence 14:6	S	Tower 7:22	
Public 7:9 12:6	schedule 9:12 10:8, 25 11:6 14:11,17	track 11:7,10	
put 9:4	Senior 6:25	Trust 7:18	
Q	settlement 14:17	U	
questions 9:21	sounds 10:19	underway 10:17 12:2	
quickly 10:24 11:16			