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VIDEO RECORDING

IN THE MATTER OF THE APPLICATION OF UNION
ELECTRIC COMPANY

CASE NUMBER: EA-2023-0286

DISCOVERY CONFERENCE

SEPTEMBER 8, 2023

(Due to the quality of the recorded media, portions were unable to be transcribed and include inaudible portions. The transcript may also include misinterpreted words and/or unidentified speakers. The transcriber was not present at the time of the recording; therefore, this transcript should not be considered verbatim.)

TRANSCRIBED BY: HEATHER FACTOR

1 JOHN CLARK: And we are on the record. So.
2 Good afternoon. Today's date is September 8th, 2023,
3 and it is currently 2 p.m. The Commission has set
4 aside this time for a Discovery Conference in the case
5 captioned as: In the Matter of the Application of
6 Union Electric Company doing business as Ameren
7 Missouri for Certificates of Convenience and Necessity
8 for Solar Facilities. And that is File Number
9 EA-2023-0286. My name is John Clark, I'm the
10 Regulatory Law Judge who is overseeing this Discovery
11 Conference today, although this particular case is
12 actually being overseen by Judge Ken Sayer. At this
13 time, I'm going to ask the parties to enter their
14 appearances for the record, starting with Staff.

15 PAUL GRAHAM: Paul Graham for the Staff. Jay
16 Lubbert also is here for Staff. My address, and for
17 that matter, his address, is on file with the
18 Commission.

19 JOHN CLARK: Okay, thank you. On behalf of
20 Ameren Missouri?

21 JIM LOWERY: Jim Lowery, on behalf of Ameren
22 Missouri. My information is also on file with the
23 Commission.

24 JOHN CLARK: Anyone from the Office of the Public
25 Counsel? I see none. Any interveners?

1 ALISSA GREENWALD: Good afternoon. Alissa
2 Greenwald, on behalf of Renew Missouri, and my address
3 is also on file.

4 JOHN CLARK: Thank you, Miss Greenwald.

5 JIM LOWERY: Judge? I'm sorry. Miss Martin is
6 on for the Office of the Public Counsel, but her
7 audio, I don't believe, is working, so.

8 JOHN CLARK: Ah, okay. Miss Martin, can you hear
9 me? Alright. You can hear me, that's great. I saw
10 that in the text box. Did you want to try an
11 alternative way of, of accessing, or do you just want
12 to listen for right now?

13 JIM LOWERY: It's happened to all of us.

14 JOHN CLARK: Yeah, we've all had to make we've
15 all had to make sacrifices for technology, which has
16 brought us the ability to work from home, or the park,
17 or wherever, but it's also okay. Well, if -- Miss
18 Martin, if you have something you want to say, if
19 you'll just use the put your hand up thing, and then
20 put it in the chat box, I'll translate it for
21 everybody, and I think that's probably the best we're
22 going to get. So, I'm going to start out with, why
23 don't I just, Mr. Graham, where are we at this point?
24 Are we still at the exact same spot?

25 PAUL GRAHAM: No. No, Your Honor, on the basis

1 of the conference that we had earlier in the week,
2 Staff promulgated Staff's Data Request 0030.3. That
3 question was, for each of the four projects, state how
4 it is economically feasible. The company did not
5 object to that question. The company has tendered a
6 response, has actually, I believe, filed the response.
7 In the context of the issue that was presented in the
8 Notice that I had earlier sent over to the Commission
9 that started these proceedings, that is to say, the
10 Notice that there is a Discovery dispute. I think
11 that that has been resolved. I think that we may
12 have, I'm not saying we do have, there might be issues
13 with the Response, there may be any number of issues,
14 but I do not think that they are before the Commission
15 this afternoon. I think that we promulgated, because
16 we promulgated this Data Request, and because the, the
17 company answered it, or tendered an answer, without
18 any objection, that, that, that we are done today.

19 JOHN CLARK: Okay. Mr. Lowery, is that your
20 understanding?

21 JIM LOWERY: Well, it is now, Your Honor. And
22 that's, that's fine with me, so.

23 JOHN CLARK: I'm, I'm going -- I wanted to see
24 where everybody was first and then I'm going to say
25 what I was going to say, which is, we ended our

1 Discovery Conference last time and I was very
2 disappointed with how I handled it and it was
3 partially because I was very thrown by the questions,
4 which are not usual Discovery questions, as I see
5 them. I'm sorry, that was my email going off.
6 Because normally I'm used to, you know, we, we don't
7 want to answer this because, and there's a reason
8 given. In this case, the company supplied an answer
9 and then said, we still have an objection because we
10 believe it calls for a legal conclusion, at least as
11 to DR-29. And so I walked away, I listened, you know,
12 I watched the recording again, and listened to my
13 somewhat incoherent ramblings, as well as, I did some
14 extensive research on, on this subject, so, I don't
15 know what I did, because like I said, I was relatively
16 disappointed with how I handled it, but I am glad that
17 you guys have managed to reach a resolution and I
18 don't see any reason for me to go further, if that's
19 the case.

20 JIM LOWERY: You must have handled it okay,
21 Judge, it's been resolved, so (indiscernible).

22 JOHN CLARK: Okay. Well, with that in mind, I'm
23 going to ask, because I, we had interveners last time,
24 we had, I believe Consumers Counsel, as well as Renew
25 Missouri, or no, I'm sorry, we had Sierra Club, as

1 well as Renew Missouri. Is there and, and I don't
2 even remember if I asked, is there any Discovery
3 dispute from Renew Missouri, or are you here just out
4 of out of interest?

5 ALISSA GREENWALD: No Discovery disputes from us,
6 we're just here out of interest, just trying to keep
7 apprised of what's going.

8 JOHN CLARK: Absolutely, and that's great. I'm
9 glad to have you. And from the Office of the Public
10 Counsel, you can nod or shake your head, do you have
11 any, anything that needs to be addressed at this
12 Discovery Conference? I'm going to go with no, so.
13 Well, everybody wants to know what research I did, but
14 that's not necessary at this point. Okay. Well, I, I
15 am, I, I cannot say that I'm more thrilled that you
16 guys resolved it, because honestly, even with all my
17 research and all my re-reading of the Data Requests,
18 and looking into past Commission decisions, I still
19 did not know what I was going to do today, so I'm glad
20 that you guys were able to resolve it. I will say my
21 final closing thing. Are there any other issues or
22 matters that need to be addressed by the Commission at
23 this time?

24 JIM LOWERY: None from the company.

25 PAUL GRAHAM: Not at this not at this time from

1 the Staff. If something comes up, with respect to the
2 response and so-forth, we'll, we'll do it right and
3 file appropriate pleadings.

4 JOHN CLARK: Okay. Alright, well then thank you
5 everyone for your time today. I appreciate it. I'm
6 sorry I made you show up on a subsequent Friday. Have
7 a good weekend and we will go off the --

8 JIM LOWERY: Thank you, Judge, you, too. Thank
9 you.

10 JOHN CLARK: (Indiscernible) this Discovery
11 Conference will go off the record.

12 PAUL GRAHAM: Thank you.

13 JOHN CLARK: See you.

14 (Audio ended.)

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1 CERTIFICATE OF REPORTER

2
3
4 I, Heather L. Factor, Transcriptionist, do
5 hereby certify that I was asked to prepare a
6 transcript of proceedings had in the above-mentioned
7 case, which proceedings were held with no court
8 reporter present utilizing an open microphone system
9 of preserving the record.

10 I further certify that the foregoing
11 pages constitute a true and accurate reproduction of
12 the proceedings as transcribed by me to the best of my
13 ability and may include inaudible sections or
14 misidentified speakers of said open microphone
15 recording.

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19 _____
20 Heather L. Factor

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23 Date: September 18, 2023
24
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