

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 13th day of December, 2023.

In the Matter of the Application of Union Electric)
Company d/b/a Ameren Missouri for Permission)
and Approval and Certificates of Public)
Convenience and Necessity Authorizing It to)
Construct Renewable Generation Facilities)

File No. EA-2023-0286

ORDER AMENDING PROCEDURAL SCHEDULE

Issue Date: December 13, 2023

Effective Date: December 13, 2023

On August 8, 2023,¹ the Commission issued an *Order Setting a Procedural Schedule*. On November 1, the Commission amended the procedural schedule at the request of Union Electric Company d/b/a Ameren Missouri and with the consent of the other parties. On November 6, again with the consent of the other parties, the Commission granted Ameren Missouri's request to suspend the procedural schedule.

On December 7, Ameren Missouri filed its *Third Motion to Amend Procedural Schedule*, in which it proposed an amended procedural schedule agreed to by all parties except the Staff of the Commission (Staff). On December 8, the Commission shortened the deadline to respond to Ameren Missouri's motion to December 11. On that date, Staff filed a reply with a proposed procedural schedule that varied slightly from Ameren Missouri's proposed schedule by adding an additional day to each of the three post-hearing deadlines.²

¹ All dates refer to 2023, unless otherwise noted.

² In a November 30 e-mail to the other parties, Ameren Missouri originally proposed evidentiary hearing dates of February 12-14, 2024, and deadlines of March 6, 2024, and March 13, 2024, for initial post-

The Commission has reviewed Ameren Missouri’s motion and Staff’s reply and finds Staff’s proposed amended procedural schedule reasonable. The Commission will adopt Staff’s proposed amended procedural schedule as to revised deadline dates, leaving the other procedural requirements from the Commission’s August 8th order unchanged, unless no longer applicable.

THE COMMISSION ORDERS THAT:

1. The remaining procedural schedule in this matter is amended as follows:

December 15	Surrebuttal and Cross-Surrebuttal Testimony Due
December 22	Motions for Leave to File Sur-Surrebuttal Testimony Due
January 2, 2024	Responses to Motions for Leave to File Sur-Surrebuttal Testimony Due
January 26, 2024	List of Issues, List of Witnesses, and Order of Cross-Examination Due
February 2, 2024	Position Statements Due
February 2, 2024	Last Day to Request Discovery ³
February 13-15, 2024	Evidentiary Hearing
February 22, 2024	Expedited Transcripts Filed
March 7, 2024	Initial Post-Hearing Briefs Due
March 14, 2024	Reply Briefs Due

hearing briefs and reply briefs, respectively. Upon discovering that February 12 is a state government holiday, Ameren Missouri revised the proposed hearing dates to February 13-15, 2024, but made no changes to the deadlines for briefs.

³ No deposition may occur after this date and no Data Requests may be issued such that the response date falls after this date.

2. The Commission shall hold an evidentiary hearing on February 13-15, 2024, beginning at 9:00 a.m. on the first day.

3. The hearing shall be held at the Commission's office at the Governor Office Building, Room 310, 200 Madison Street, Jefferson City, Missouri. This building meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations to participate in this hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

4. The parties shall comply with the following procedural requirements:

(A) For written testimony, 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 Commission will view any issue not contained in this list of issues as not requiring resolution by the Commission.

(C) 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 prefiled testimony in support.

(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 part of 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 already 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. Confidential documents may be obtained from EFIS and so those documents do not need to be served via e-mail.
- (H) Counsel for each party shall receive electronically from all other parties serving a data request, an electronic copy of the text of the "description" of that data request contemporaneously with service of the data request. Data requests issued to or by Staff shall be submitted and responded to in EFIS, if feasible, or in electronic format on compact disc, or by other means agreed to by counsel, if infeasible. Also, regarding Staff-issued data requests, if the description contains highly confidential or proprietary 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. Data requests, objections to data requests, and notifications respecting the need for additional time to respond to data requests shall be sent by e-mail to counsel for the other parties. 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. Data request responses 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 rebuttal testimony is filed, the response time for all data requests shall be twelve (12) days, with three (3) business days to object or notify the requesting party that more than twelve (12) days will be needed to provide the requested information. From the date rebuttal testimony is filed until the date surrebuttal testimony is filed, the response time for all data requests shall be eight (8) days, with two (2) business days to object or notify the requesting party that more than eight (8) days will be needed to provide the requested information. From and after surrebuttal testimony is filed the response time for all data requests shall be five (5) days, with two (2) business days to object or notify the requesting party that more than five (5) days will be needed to provide the requested information. From and after the due date for rebuttal testimony, if a data request has been responded to, a party's request for a copy of the response shall be timely responded to without waiting the full response time allowed (except that, with the exception of responses to Staff, responses will not be needed for Ameren Missouri data request responses posted on Ameren Missouri's Caseworks Extranet site).
- (K) 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.
- (L) Workpapers prepared in the course of developing a testimony shall not be filed with the Commission, but shall be submitted to each party within two (2) business days following the filing of the testimony document, 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 Ameren Missouri Legal Regulatory File Sharing site, with an e-mail notification to counsel for the parties to be provided essentially concurrently with the posting of workpapers on the external site with instructions on how to

access. 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) Exhibit numbers are assigned in the following manner:

Ameren Missouri	1-99
Commission Staff	100-199
Office of the Public Counsel	200-299
Midwest Energy Consumers Group (MECG)	300-399
Sierra Club	400-499
Renew Missouri	500-599
Missouri Industrial Energy Consumers (MIEC)	600-699

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

(O) Each party shall prepare a list of its pre-filed, pre-marked exhibits and file a copy of that list in EFIS no later than two (2) business days prior to the start of the hearing. Exhibits 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.

4. This order is effective when issued.



BY THE COMMISSION

Nancy Dippell

Nancy Dippell
Secretary

Rupp, Chm., Coleman, Holsman, Kolkmeier
and Hahn CC., concur.

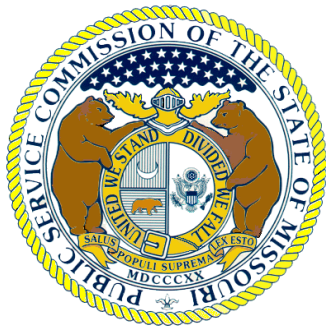
Seyer, Regulatory Law Judge

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 13th day of December 2023.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

December 13, 2023

File/Case No. EA-2023-0286

MO PSC Staff

Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

**Office of the Public Counsel
(OPC)**

Marc Poston
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opc@psc.mo.gov

**Midwest Energy Consumers
Group**

Tim Opitz
308 E. High Street, Suite B101
Jefferson City, MO 65101
tim.opitz@opitzlawfirm.com

**Missouri Industrial Energy
Consumers (MIEC)**

Diana Plescia
130 S. Bemiston, Suite 200
St. Louis, MO 63105
dplescia@chgolaw.com

MO PSC Staff

Paul Graham
200 Madison Street
Jefferson City, MO 65101
paul.graham@psc.mo.gov

Renew Missouri

Alissa Greenwald
1580 Lincoln Street, Suite 1105
Denver, CO 80203
agreenwald@keyesfox.com

Renew Missouri

Andrew Linhares
3115 South Grand Blvd
Suite 600
St. Louis, MO 63118
andrew@renewmo.org

Sierra Club

Ethan Thompson
319 N. Fourth St. Suite 800
St. Louis, MO 63102
ethompson@greatriverslaw.org

Union Electric Company

James Lowery
9020 S. Barry Road
Columbia, MO 65203
lowery@jblawllc.com

Union Electric Company

Wendy Tatro
1901 Chouteau Ave
St. Louis, MO 63103-6149
amerenmoservice@ameren.com

Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Nancy Dippell
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.