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BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

PROCEDURAL CONFERENCE

In the Matter of the Application)
of Union Electric Company, d/b/a)
Ameren Missouri for Approval)
of Efficient Electrification) File No. ET-2021-0020
Program)

THURSDAY, MAY 30, 2024
9:00 A.M.

Jefferson City, MO 65101
via WebEx

VOLUME I

JOHN CLARK, Presiding
SENIOR REGULATORY
LAW JUDGE

(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: MELISSA EICKEN

1 LAW JUDGE CLARK: Good morning. Today is
2 May 30th of 2024, and the current time is 9:02 a.m.
3 The commission has set aside time today for a
4 procedural conference in the case captioned as in the
5 matter of the application of Union Electric Company,
6 doing business as Ameren Missouri for approval of
7 efficient electrification program, and that is file
8 number ET-2021-0020. My name is John Clark. I'm the
9 regulatory judge overseeing this proceeding today.

10 At this time I'd ask that the parties enter
11 their appearance starting with Ameren Missouri.

12 MS. HERNANDEZ: Good morning, Judge.
13 Jennifer Hernandez appearing on behalf of Ameren
14 Missouri.

15 LAW JUDGE CLARK: On behalf of the
16 commission staff.

17 MR. PRINGLE: Thank you, Judge. Travis
18 Pringle appearing on behalf of staff.

19 LAW JUDGE CLARK: And Renew Missouri.

20 MR. LINHARES: Morning, Judge. Andrew
21 Linhares appearing on behalf of Renew Missouri
22 Advocates.

23 LAW JUDGE CLARK: Thank you, Mr. Linhares.
24 I called this procedural schedule because we seem to
25 be at a stopping point, and I want to try and figure

1 out how to proceed forward because the -- the company
2 filed a tariff, and then staff recommended rejection
3 of that tariff. I took the alternative and suspended
4 that tariff to see if the situation could be resolved.
5 It appeared that staff's first initial complaint was
6 that Ameren failed to file an end of program report, I
7 guess, as they were required to do. I think Ameren
8 asserted that that report was not due until after
9 the -- the program year was over. And their response,
10 and then a subsequent response -- well, subsequently,
11 staff filed another -- a -- a reply to that,
12 essentially, saying that they were sticking with their
13 recommendation to reject the tariff, and then Ameren
14 filed something saying, well, we know that the
15 tariff -- they've asked to reject the tariff, but go
16 ahead and approve it anyway. And that -- I believe
17 that accurately describes where we are; is that
18 correct?

19 MR. PRINGLE: That sounds about pretty spot
20 on to me, Judge.

21 LAW JUDGE CLARK: Okay.

22 MS. HERNANDEZ: I think so, Judge. I would
23 just -- I'm sorry. I would just add that we have
24 provided a draft report of the final report to staff.

25 LAW JUDGE CLARK: And I believe -- I

1 believe one of the filings that said that, so thank
2 you for -- for reminding me of that. So I guess the
3 question I have for the parties right now is, are you
4 absolutely stuck or is there a possibility that you're
5 going to reach a -- a solution to this? If -- if
6 you're absolutely stuck, then it would be my
7 preference to just have you guys put together a
8 procedural schedule. But if there's -- if there's an
9 opportunity to work this out, I don't want to start a
10 procedural schedule, and given how busy the
11 commission's been, essentially, fill time slots for
12 hearings that may not happen.

13 So staff, at this point what's your
14 position?

15 MR. PRINGLE: So currently, we're still
16 standing on rejecting the tariffs. Really, when it
17 comes to further steps, staff at this point believes
18 with the pleadings in front of the commission that
19 there's enough to make a ruling. But at the same time
20 if we would like to go to hearing, we think that
21 there -- you know, we're ready to. But at the same
22 time we haven't really spoken with Ameren since the
23 last response was filed, and my witnesses are
24 currently on vacation this week. So I'd have to check
25 in with them to see if there is maybe any interest in

1 seeing if we can't find a resolution.

2 LAW JUDGE CLARK: Okay. What do you mean
3 when you say you believe there's enough information
4 before the commission for it to make a ruling on this?

5 MR. PRINGLE: From the pleadings and our --
6 by our response to Ameren's response to our
7 recommendation, we made a -- a note in there that if
8 the -- if the commission weren't to dismiss based on
9 what they currently have, you know, we're happy to
10 respond more to Ameren in -- in testimony if a hearing
11 is scheduled, but also at the same time we're not
12 quite sure what more information there could be to
13 look at.

14 LAW JUDGE CLARK: Is your position that
15 there is enough -- is that there's enough there for
16 the commission to reject the tariff?

17 MR. PRINGLE: In staff's opinion, yes.

18 LAW JUDGE CLARK: Is it your opinion that
19 there is enough there for the commission to approve
20 the tariff?

21 MR. PRINGLE: Well, Judge, in my honest
22 opinion, honestly, I don't see anything really that
23 have been added to, to support it. As staff noted,
24 the final report we have received a draft from Ameren.
25 We were appreciative of being able to have a chance to

1 be able to look at that, but that's also not been
2 filed, and from the draft we saw, there's still just
3 nothing that staff believes is sufficient to support
4 an extension.

5 LAW JUDGE CLARK: And I believe part of
6 staff's argument is that they haven't done the things
7 that they said they were going to do to kind of almost
8 initiate the program; is that correct?

9 MR. PRINGLE: From staff's perspective,
10 yes. It's looking like Ameren is trying to begin the
11 program, not extend or --

12 LAW JUDGE CLARK: Then I have to ask if --
13 if they had trouble getting the program off the
14 ground, what's the harm in giving them an additional
15 2 years to get it up and running? If it's something
16 that staff initially agreed to and wanted to see?

17 MR. PRINGLE: I guess it's staff's time,
18 no -- based on my conversations of our witnesses, just
19 they don't think there's enough there to support an
20 extension at this time. That's pretty much where
21 staff's at.

22 MS. LANGE: Judge, this is Sarah Lange, if
23 I could suggest counsel check their chat window.
24 Sorry to interrupt.

25 LAW JUDGE CLARK: And just for everyone's

1 knowledge, these chats are not recorded. They're
2 not -- or the -- what would be the transcript of this.
3 We don't have a court reporter. I send these out. I
4 send the recording out to be transcribed, and then
5 it's filed in EFIS, just so everybody knows.

6 MR. PRINGLE: Yeah. Judge, after looking
7 at my chats, yeah, there's a -- since it's a pilot is
8 an expired pilot program. That's the big thing. The
9 pilot has -- has had its term to run, you know, not
10 all pilot programs succeed, and this one's expired,
11 and also, we believe it also currently conflicts with
12 the MEEIA program and that concern was not addressed
13 by Ameren.

14 LAW JUDGE CLARK: Okay. Ameren Missouri,
15 what's -- what's your position right now?

16 MS. HERNANDEZ: I think our position -- and
17 we put it in our pleadings that the commission does
18 have enough information to issue a ruling.
19 Essentially, we're just asking for an extension of
20 time. Nothing about the program is changing, nothing
21 about the budget, and there is no information to
22 provide staff yet because of the difficulties in
23 starting the program. We've just been able to get
24 partners last December to help us on the EFIS side,
25 so. When staff says there's nothing to provide, it's

1 sort of talking out -- in my opinion, talking out both
2 sides of the mouth, because we can't have anything to
3 provide if we can't, you know, try to start the
4 program now that we have the partners available to do
5 so.

6 LAW JUDGE CLARK: And Mr. Linhares, you're
7 new to this, but did you want to weigh in on behalf of
8 Renew?

9 MR. LINHARES: Judge, yes. As you say,
10 I'm -- I'm new to this case. Just entered my
11 appearance, but our position is, we'd love to see this
12 program continue and succeed. If there's no change in
13 budget, I -- we don't see the -- the problem with it.
14 I'll confess. I don't see the link between MEEIA or
15 the conflict there. But I'm happy to be educated.
16 I -- I would say we have our full support for
17 extension of this program.

18 LAW JUDGE CLARK: Okay. And -- and that's
19 honestly what I expected. I am not thrilled about the
20 idea of having an evidentiary hearing on this. And
21 not -- not because I -- I have anything against
22 evidentiary hearings, it just doesn't feel to me like
23 that kind of issue. If that's the direction that
24 needs to go, that's the direction that needs to go.
25 But it also -- it occurs to me that this is something

1 that the commission might be able to resolve based
2 upon briefs and stipulated facts. Would any party
3 have a problem with resolving it that way?

4 MR. PRINGLE: From staff's perspective,
5 Judge, like that one, I -- I don't think that would be
6 a problem for us. It does kind of seem like it is an
7 issue that doesn't really require a full on
8 evidentiary hearing.

9 LAW JUDGE CLARK: I mean, I'm happy to do
10 one. Just -- it's just -- I hate using the word feel,
11 but to describe -- describing it -- Ameren, what's
12 your position in regard to resolving this on a
13 stipulated facts and a brief?

14 MS. HERNANDEZ: We would be fine with that.
15 I -- I agree that -- I don't know what we would do at
16 an evidentiary hearing because, again, we haven't been
17 able -- unless, you know, we were essentially saying
18 we haven't been able to start the program and why, you
19 know, putting on more evidence as to that, but I
20 agree. I don't think it's to the level of needing an
21 evidentiary hearing.

22 LAW JUDGE CLARK: Okay. Do you think that
23 the parties can arrive at a -- can agree on the
24 stipulated facts?

25 MS. HERNANDEZ: I -- I think it would

1 involve both parties wanting to sit down and talk
2 about those facts which have seemed difficult, but
3 certainly, Ameren's willing to do so and try to come
4 to some type of agreement as to stipulated facts.

5 MR. PRINGLE: Yeah.

6 LAW JUDGE CLARK: You would have to.

7 MR. PRINGLE: Yeah. I -- I think we can
8 probably do that, Judge. I -- I think for the most
9 part beyond whatever happened -- whatever each side
10 thinks happened in that meeting, I think there's
11 plenty of facts we can agree to.

12 LAW JUDGE CLARK: Renew, since you've
13 entered in the case, I assume you want to participate
14 in the process, so.

15 MR. LINHARES: Yes. Yes. We'd be to happy
16 to sit down in that meeting.

17 LAW JUDGE CLARK: Great. All right. Well,
18 then let's discuss some deadlines because I don't want
19 to beat around the bush or waste time.

20 MR. CLIZER: Judge Clark --

21 LAW JUDGE CLARK: I'm sorry, did I hear
22 something? Did somebody else have something else to
23 say? Oh, I'm sorry, Mr. Clizer. OPC. I didn't even
24 ask you to enter your appearance. Mr. Clizer, would
25 you enter your appearance on behalf --

1 MR. CLIZER: I'm sorry, I'll wait for you
2 to finish speaking. Yeah. I'll enter my appearance.
3 John Clizer on behalf of OPC. You are, of course,
4 under no reason to. The OPC haven't taken an active
5 role in this case. We're just monitoring it. I just
6 wanted to speak up to say that to the extent that
7 there's going to be a stipulation of facts, the OPC
8 would like to be at least offered the opportunity to
9 review the facts being stipulated to just -- we just
10 want to be a part of that conversation. I'm not sure
11 that we would actually take an active role but wanted
12 to make sure we were still being included just in
13 case.

14 LAW JUDGE CLARK: I think since OPC is an
15 automatic party to any case that they want to be, I
16 believe unless they specifically exclude themselves
17 from it, I think as a party here, you're entitled to,
18 you know, participate and weigh in on the stipulation
19 of facts and file a brief, if you'd like. Again, I'm
20 terribly sorry I overlooked you. I just didn't see
21 your window up. So I -- I apologize for not getting
22 your entry of appearance timely.

23 But OPC doesn't have a -- a problem with
24 stipulations of fact and a brief?

25 MR. CLIZER: Absolutely not. No problem at

1 all. Thank you.

2 LAW JUDGE CLARK: Okay. How long -- let's
3 talk time tables. Let me pull up a calendar. It's
4 now May 30th. The problem is, is I -- this program
5 expired at the end of this month; correct?

6 MS. HERNANDEZ: Midnight tonight.

7 LAW JUDGE CLARK: Midnight tonight. When
8 do the parties believe they can have a stipulation of
9 facts by? Two weeks? The 14th? Or the 7th?

10 MR. PRINGLE: I think definitely by the
11 14th would work. What do you think, Jennifer?

12 MS. HERNANDEZ: I agree the 14th. To the
13 extent, you know, we could file it sooner, then --

14 MR. PRINGLE: Right.

15 MS. HERNANDEZ: -- I would say let's do
16 that, but.

17 LAW JUDGE CLARK: And -- and just for a
18 rough idea, how much time would the parties, if I'm
19 doing -- would the parties want one or two rounds of
20 briefs?

21 MS. HERNANDEZ: Maybe a short reply window.

22 LAW JUDGE CLARK: Okay. And I don't -- I
23 don't anticipate these briefs being 70-page briefs.

24 MR. PRINGLE: I'd be surprised if that
25 happened, Judge.

1 LAW JUDGE CLARK: Okay. How long -- how
2 long would the parties like for initial briefs on
3 this? Would two weeks be sufficient? Beyond that
4 14th date?

5 MS. HERNANDEZ: Yeah, I think so.

6 MR. PRINGLE: Yeah. From staff's
7 perspective, Judge --

8 LAW JUDGE CLARK: I think what would be
9 happening here is, essentially, you -- you would be
10 restarting the program but not really continuing the
11 program.

12 MS. HERNANDEZ: Right. Well, right. I
13 guess everything's sort of in a holding pattern.
14 We're going to do what the tariff, you know, allow --
15 well, it's not -- the program will be stopped as of
16 midnight tonight, but. There is essentially no ramp
17 backup time.

18 LAW JUDGE CLARK: Yeah. There's nothing
19 going on that would require any kind of reinitiation.

20 MS. HERNANDEZ: Correct. Unless there was
21 an extensive time period, you know, in between the end
22 and having to restart again.

23 LAW JUDGE CLARK: And I don't anticipate
24 that. I'm -- I'm seeing a -- I would like to see a
25 resolution on this before the end of July. At the

1 latest. Okay. Why don't we do -- and I will -- I
2 will kick out a written order. Why don't we do a
3 stipulation of -- of agreed upon facts by the parties
4 no later than the 14th and initial briefs on the 28th
5 which is a Friday. I know staff hates it when I put
6 things on Friday. Would you like me to put it on a
7 different day?

8 MR. PRINGLE: No. Judge, that works for
9 us. We'll -- we'll -- that works for us.

10 LAW JUDGE CLARK: Okay. Well -- and then
11 maybe one week for replies and do the replies on the
12 5th. Does that work?

13 MR. PRINGLE: There's a good chance of --

14 LAW JUDGE CLARK: Wait, wait, wait, wait.
15 There's a holiday there that's --

16 MR. PRINGLE: Yeah.

17 LAW JUDGE CLARK: I'm not accounting for.
18 Something important, I think. How about -- how about
19 the end of the day on the 8th? That's a Monday. If
20 that's a squeeze, I'm perfectly willing to do the 9th.

21 MR. PRINGLE: I probably would say the 9th,
22 Judge, if possible, just to give us a little time with
23 the holiday weekend and everything.

24 LAW JUDGE CLARK: Well, I appreciate you
25 all being willing to resolve this, this way rather

1 than through an evidentiary hearing. All right. I'll
2 kick out an order today to that effect. Is there
3 anything else that the parties wanted to address with
4 the commission at this time?

5 MS. HERNANDEZ: I guess, Judge, I was just
6 looking at our briefing schedule. The tariffs are
7 suspended until the 26th, I guess, so. If we're
8 submitting everything on the 9th, do you anticipate
9 having it on the agenda there sometime shortly after?

10 LAW JUDGE CLARK: Well, it didn't use up
11 all of my potential suspension time, so. I'm not
12 going to commit to that. I told you I'd like it to
13 resolve by the end of July, but I -- I don't know
14 what's going to come up within that, so I'm not going
15 to commit to that right now. If it's necessary to
16 suspend it further, I will, but hopefully, it won't
17 be.

18 MS. HERNANDEZ: All right. Thank you.

19 LAW JUDGE CLARK: Because let's see. Where
20 does it put it? I suspended it to the 26th; is that
21 correct?

22 MS. HERNANDEZ: That's what my recollection
23 is.

24 MR. PRINGLE: Yep. That's correct, Judge.

25 LAW JUDGE CLARK: Well, if -- if -- if it

1 appears that time is getting tight and -- and the
2 commission decides that they want to approve this,
3 what I would probably do is, set a date for a -- I
4 would probably, assuming I could, probably have the
5 commission approve it, but take effect when its
6 suspension ends and -- and extend that suspension as
7 is necessary to meet the -- the appellate courts'
8 requirements for a tariff issuance or approval.

9 All right. Is there anything else any
10 party wanted me to address at this time? Okay.

11 MR. PRINGLE: Nothing from staff, Judge.

12 LAW JUDGE CLARK: Okay. Thank you.

13 MS. HERNANDEZ: No.

14 LAW JUDGE CLARK: Okay. Thank you all. I
15 appreciate you being here, and I'm sorry I ran in
16 touch late. I will kick out an order today with the
17 14th, the 28th, and the 9th. And thank you. We'll go
18 off the record.

19 MR. PRINGLE: Thank you, Judge.

20 MR. LINHARES: Thank you, Judge.

21 (Audio ended.)
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CERTIFICATE OF REPORTER

I, Melissa J. Eicken, Certified Court Reporter of Missouri, Certified Shorthand Reporter of Illinois and Registered Professional Reporter, do hereby certify that I was asked to prepare a transcript of proceedings had in the above-mentioned case, which proceedings were held with no court reporter present utilizing an open microphone system of preserving the record.

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



Melissa J. Eicken, CCR, CSR, RPR

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