

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY  
April 13, 1999**

**CASE NO: EC-99-327**

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**Enclosed find certified copy of ORDER in the above-numbered case(s).**

**Sincerely,**



**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

**Uncertified Copy:**

**BEFORE THE PUBLIC SERVICE COMMISSION**  
**OF THE STATE OF MISSOURI**

Missouri Coalition for Fair Competition,	)	
	)	
Petitioner,	)	
	)	
v.	)	<u>Case No. EC-99-327</u>
	)	
Union Electric Company, doing business as	)	
AmerenUE,	)	
	)	
Respondent.	)	

**ORDER ESTABLISHING PROCEDURAL SCHEDULE**

On April 1, 1999, pursuant to Commission order, the parties filed a proposed procedural schedule. Having reviewed the schedule proposed by the parties, the Commission sets the following procedural schedule. The following conditions shall be applied to the schedule:

(A) The Commission will require the prefiling of testimony as defined in 4 CSR 240-2.130. All parties shall comply with this rule, including the requirement that testimony be filed on line-numbered pages. The practice of prefiling testimony is designed to give parties notice of the claims, contentions and evidence in issue and to avoid unnecessary objections and delays caused by allegations of unfair surprise at the hearing.

(B) The parties shall agree upon and the Staff shall file a list of the issues to be heard, the witnesses to appear on each day of the hearing and the order in which they shall be called, and the order of

8.

cross-examination for each witness. Any issue not contained in this list of issues will be viewed as uncontested and not requiring resolution by the Commission.

(C) Each party shall file a statement of its position on each disputed issue. Such statement shall be simple and concise, and shall not contain argument about why the party believes its position to be the correct one.

(D) The Commission's general policy provides for the filing of the transcript within two weeks after the hearing. If any party seeks to expedite the filing of the transcript, such request shall be tendered in writing to the presiding officer at least five days prior to the date of the hearing.

(E) All pleadings, briefs and amendments shall be filed in accordance with 4 CSR 240-2.080. The briefs to be submitted by the parties shall follow the same list of issues as filed in the case. The briefs must set forth and cite the proper portions of the record concerning the remaining unresolved issues that are to be decided by the Commission.

(F) All parties are required to bring an adequate number of copies of exhibits which they intend to offer into evidence at the hearing. If an exhibit has been prefiled, only three copies of the exhibit are necessary for the court reporter. If an exhibit has not been prefiled, the party offering it should bring, in addition to the three copies for the court reporter, copies for the five Commissioners, the regulatory law judge, and opposing counsel.

(G) Because this is a case of first impression, the parties are encouraged to address these issues in their evidentiary presentations and post-hearing briefs:

i. What number of bills and other items, alleged to be in violation of Sections 386.754 through 386.764, RSMo Supp. 1998 (the HVAC Act), were actually distributed?

ii. How many violations of the HVAC Act did AmerenUE's conduct constitute?

iii. What monetary loss, if any, to any member of Complainant Association, can be shown to have resulted from AmerenUE's alleged violation of the HVAC Act?

iv. What standard governs the award of a civil penalty under the HVAC Act?

v. What is the role of the Missouri Public Service Commission with respect to civil penalties under the HVAC Act?

**IT IS THEREFORE ORDERED:**

1. That the following procedural schedule is established for this case:

Statement of Issues	May 1, 1999 3:00 P.M.
Direct testimony of Complainant	June 1, 1999 3:00 P.M.
Rebuttal testimony of all parties	June 16, 1999 3:00 P.M.
Prehearing Conference	June 18, 1999 10:00 A.M.

List of issues, order  
of witnesses, order of  
cross-examination

June 23, 1999  
3:00 P.M.

Surrebuttal and  
Cross-surrebuttal

June 30, 1999  
3:00 P.M.

Positions of each party  
on all issues

July 15, 1999  
3:00 P.M.

Evidentiary hearing

July 22, 1999  
9:00 A.M.

The hearing will be held on the fifth floor of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Any person with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one of the following numbers: Consumer Services Hotline -- 1-800-392-4211, or TDD Hotline -- 1-800-829-7541.

2. That this order shall become effective on April 23, 1999.

BY THE COMMISSION



Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

(S E A L)

Kevin A. Thompson, Deputy Chief  
Regulatory Law Judge, by delegation  
of authority pursuant to 4 CSR  
240-2.120(1), (November 30, 1995)  
and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,  
on this 13th day of April, 1999.

ALJ/Sec'y: Thompson / Pope  
4-13-99 4-16  
Date Circulated Return by 3 p.m.

EC-99-327  
CASE NO.

at 10:00  
10:00  
10:00  
10:00

Lumpke, Chair  
Crumpton, Commissioner  
Murray, Commissioner  
Schemenauer, Commissioner  
Drainer, Vice-Chair

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 APRIL, 1999.

Dale Hardy Roberts  
Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge