

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 24th day of July, 2024.

In the Matter of the Application of Union Electric)
Company d/b/a Ameren Missouri for Permission)
and Approval and Certificates of Public) **File No. EA-2024-0237**
Convenience and Necessity Authorizing it to)
Construct a Simple Cycle Natural Gas)
Generation Facility)

**ORDER SETTING PROCEDURAL SCHEDULE
AND DELEGATING AUTHORITY**

Issue Date: July 24, 2024

Effective Date: July 24, 2024

On July 1, 2024, the Commission ordered the Staff of the Commission (Staff) to file a joint proposed procedural schedule on behalf of all of the parties. Staff filed the *Jointly Proposed Procedural Schedule* on July 15, 2024.¹

The Commission has reviewed the proposed procedural schedule and will adopt it with some modifications. The Commission will set a virtual local public hearing. Additionally, The Commission may delegate any adjudicative authority to the regulatory law judge assigned to this action.² To ensure that all procedural and discovery disputes are ruled upon expeditiously, the Commission will delegate its authority to the regulatory law judge assigned to this action to rule on procedural disputes, discovery disputes, and motions to compel discovery, and may make any discovery ruling at the discovery

¹ The *Jointly Proposed Procedural Schedule* was signed by Staff and Ameren Missouri. The Commission shortened the other parties' response time to July 19.

² Section 386.240, RSMo.

conferences. The Commission will set forth further provisions for procedures and discovery by separate order when setting a full procedural schedule.

THE COMMISSION ORDERS THAT:

1. The following procedural schedule is established:

Discovery Conference	-	August 15, 2024
Virtual Local Public Hearing	-	August 22, 2024
Rebuttal Testimony	-	September 13, 2024
Settlement Conference	-	September 20, 2024
Discovery Conference	-	September 26, 2024
Surrebuttal/Cross-Surrebuttal Testimony	-	October 11, 2024
List of Issues and Witnesses, Order Openings, Witness Testimony, and Cross-Examination	-	October 18, 2024
Last Day to Request Discovery	-	October 18, 2024
List of Exhibits	-	October 19, 2024
Position Statements	-	October 23, 2024
Evidentiary Hearing	-	October 29 – November 1, 2024, beginning the first day at 9:00 a.m.
Initial Briefs	-	November 22, 2024
Reply Briefs	-	December 6, 2024

2. Discovery conferences will convene at 2:00 p.m. in Room 305 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri 65102. The building meets accessibility standards required by the Americans with Disabilities Act.

3. The evidentiary hearing is scheduled for October 29 – November 1, 2024, beginning at 9:00 a.m. 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 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 regulatory law judge assigned to this action shall have full authority to rule on any procedural or discovery dispute, including any motion to compel, and may make any discovery ruling at a discovery conference.

5. The parties shall comply with the following additional procedural requirements:

- A. All parties must comply with Commission Rule 20 CSR 4240-2.130. for required 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 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 list of issues should be detailed enough to inform the Commission of each issue that must be resolved. 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.
- 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 unresolved issues that are to be decided by the Commission.

- E. Copies of prefiled testimony and documents served upon the parties before a hearing need not be provided the court reporter for marking as exhibits where the record clearly identifies the prefiled testimony and documents that are made hearing exhibits. 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.
- 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. The parties agree confidential documents may be obtained from EFIS and so agree not to serve those documents 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 or highly 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. If highly confidential information must be included in a data request, the highly confidential information shall be appropriately designated as such pursuant to the Commission's July 12, 2024, protective order.
- 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 since Ameren Missouri will allow parties who have requested copies of Ameren Missouri's responses to other parties' data requests to access them through its Caseworks Extranet site).
- K. Discovery conferences will be held either virtually via phone and/or computer or at the Commission's office at the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, in a room to be designated by the Commission. Each discovery conference will begin at 2:00 p.m. unless otherwise ordered.

- L. Not less than three business days before each discovery conference, any party that has a discovery disagreement or concern involving another party shall file a brief statement describing that disagreement or concern and identifying any other parties involved. Such statement does not need to be a formal motion to compel. Any party may attend a discovery conference, but only those parties involved in an identified discovery disagreement must attend. If the parties do not identify any discovery disagreements or concerns as described herein, the presiding officer may cancel the conference.
- M. Discovery conferences shall be on the record and will be transcribed by a court reporter if requested by the parties.
- N. Any pending written discovery motion may be taken up at a discovery conference and may be ruled upon by the presiding officer either on the record, or in a written order.
- O. 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.
- P. 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.
- Q. 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 or outputs, if available in that original format, the party providing the workpaper or response shall provide this type of information in electronic format by e-mailing or by delivery of a compact disc or other electronic storage media.
- R. Exhibit numbers are assigned in the following manner:

Ameren Missouri	1-99
Commission Staff	100-199
Office of the Public Counsel	200-299
Renew Missouri	300-399
Midwest Energy Consumers Group	400-499

If any party requires additional exhibit numbers, it may add a 1 to the beginning of its assigned numbers. For example, if Ameren Missouri has exhibits in addition to exhibit number 99, its next exhibit numbers would be 1001, 1002, 1003, etc.

- S. Each party shall prepare a list of its pre-filed, pre-marked exhibits and file the list in EFIS no later than October 19, 2024. The lists shall not be filed in the EFIS case file. Exhibits that may be 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.

6. The virtual local public hearing is scheduled for **12:00 p.m. on Thursday, August 22, 2024.**

a. To attend the virtual local public hearing **by telephone**, at the time of the hearing call toll free 1-650-479-3207, listen to the prompt and enter the meeting number/access code 2633 310 0796, followed by # (pound/hashtag symbol). If prompted for a password, enter 0237.

b. To attend a virtual local public hearing **by video/internet** visit the website at www.webex.com or download the Cisco WebEx Meetings application. At hearing time, enter the meeting number/access code 2633 310 0796 and password 0237.

7. The public hearing will begin with a question-and-answer session and formal public comments to the Commission will begin immediately following the conclusion of the question-and-answer session.

8. No later than ten days before the local public hearing, Ameren Missouri shall provide notice of the public hearing to each of its customers, and shall file a status report with the Commission detailing the notice, and how and when it was delivered.

9. The Commission's Public Policy and Outreach Department shall make an informal presentation and conduct a question-and-answer session for the public at the beginning of the local public hearing.

10. Any person who needs an accommodation to participate in the hearing should call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

11. Written comments may be submitted to the Commission in writing by mailing the comment to the Missouri Public Service Commission, P.O. Box 360, Jefferson City, Missouri 65102, or electronically using the Commission's electronic filing system at https://psc.mo.gov/General/Submit_Comments. When submitting comments please reference File No. EA-2024-0237.

12. The Commission's Data Center shall serve a copy of this order upon the county commission for St. Louis County.

13. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Nancy Dippell".

Nancy Dippell
Secretary

Hahn, Ch., Coleman, Holsman
Kolkmeier, and Mitchell CC., concur.

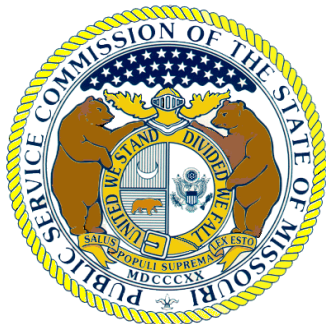
Fewell, Regulatory Law Judge

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 24th day of July 2024.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

July 24, 2024

File/Case No. EA-2024-0237

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

Sincerely,

A handwritten signature in black ink that reads "Nancy Dippell". The signature is written in a cursive, flowing style.

**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.