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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
Pre-Hearing Conference
April 23, 2018
Jefferson City, Missouri
Volume 1

In The Matter Of The Application)
Of Union Electric Company d/b/a) File No. ET-2018-0132
Ameren Missouri For Approval Of)
Efficient Electrification Program)

NANCY DIPPELL, Presiding
SENIOR REGULATORY LAW JUDGE

REPORTED BY:
Beverly Jean Bentch, CCR No. 640
TIGER COURT REPORTING, LLC

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(April 23, 2018)

JUDGE DIPPELL: Let's go ahead and go on the record.

This is Case No. ET-2018-0132, In the Matter of the Application of Union Electric Company d/b/a Ameren Missouri for Approval of an Efficient Electrification Program.

My name is Nancy Dippell. I'm the Regulatory Law Judge assigned to this matter, and it is April 23 and we have gathered for a Pre-Hearing Conference. We had a little bit of technical difficulties and we are getting started at 9:15.

So I want to begin by having everybody present make their entries of appearance, and I'll just start with the company, Union?

MR. LOWERY: Good morning, Judge. Jim Lowery, Smith Lewis LLP, P.O. Box 918, Columbia, Missouri, 65205, appearing on behalf of Ameren Missouri.

JUDGE DIPPELL: And the Commission Staff?

MS. FORCK: For the Staff of the Missouri Public Service Commission, I'm Marcie Forck, and my information has been provided to the court reporter.

JUDGE DIPPELL: Office of Public Counsel?

MR. WILLIAMS: Nathan Williams, Chief Deputy Public Counsel, and I provided my information to the
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1 court reporter as well.

2 JUDGE DIPPELL: Spire?

3 MR. PENDERGAST: Michael C. Pendergast
4 appearing on behalf of Spire Missouri, Inc. My business
5 address is 423 South Main Street, St. Charles, Missouri,
6 63301.

7 JUDGE DIPPELL: ChargePoint?

8 MR. COMLEY: Appearing for ChargePoint is Mark
9 W. Comley, Newman, Comley & Ruth PC. My business
10 address is 601 Monroe Street, Suite 301, Jefferson City,
11 Missouri.

12 JUDGE DIPPELL: Renew Missouri?

13 MR. OPITZ: For Renew Missouri Advocates, Tim
14 Opitz. I provided my address to the court reporter.

15 JUDGE DIPPELL: Is there anyone on the phone
16 from Kansas City Power & Light?

17 Anyone from MIEC?

18 National Resources Defense Council or Sierra
19 Club?

20 Is there any other intervenors? I know we
21 have another person listening in on the phone from
22 Lockheed Martin, but are there any other intervenors
23 present that I didn't call on?

24 MR. HYMAN: Division of Energy but Marc is not
25 here.

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1 JUDGE DIPPELL: Yes, and I failed to say that.
2 The Missouri Division of Energy, Marc Poston, asked me
3 if he could be excused. They do have someone available
4 in the room to discuss matters after we're off the
5 record. And I said that his participation was excused.
6 Okay. I think that's everyone present.

7 We basically are here today to figure out how
8 to go forward with this case. We have a pending Motion
9 to Dismiss from the Office of Public Counsel. And we've
10 suspended the tariffs for awhile but not for the
11 complete, you know, allowed time. I think that there's
12 been responses to the motion. I think everything is
13 pretty clear with regard to that.

14 Mr. Williams, would you like to say anything
15 else with regard to your Motion to Dismiss?

16 MR. WILLIAMS: I think it was clear enough
17 unless the Commission has questions.

18 JUDGE DIPPELL: Okay. I'm not -- I obviously
19 haven't brought that to the Commission yet for decision,
20 but what I'd like you all to do today is to consider
21 that the motion will be denied and figure out what kind
22 of procedural schedule and how you would go forward if
23 that's the case.

24 MR. LOWERY: Can I ask a clarifying question?

25 JUDGE DIPPELL: Yes.
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1 MR. LOWERY: We should also assume that the
2 Staff's recommendation that the one aspect of the case
3 be dismissed will also be denied?

4 JUDGE DIPPELL: I would like you to assume
5 that it's going to go forward, whatever that procedure
6 would be, worst-case scenario so to speak from my
7 perspective if we have to go forward and whether, you
8 know, whatever that looks like can be accomplished in
9 the amount of time that it has been suspended or if that
10 would have to be extended further.

11 There's no other pending motions. Oh, I know
12 I did want to ask Union Electric about that. So you all
13 extended the effective date of the one group of tariff
14 -- the one tariff sheet.

15 MR. LOWERY: The line extension?

16 JUDGE DIPPELL: Yeah.

17 MR. LOWERY: Okay. I do sort of recall that,
18 but I don't have it all completely in my head.

19 JUDGE DIPPELL: My question was going to be
20 why is that separate enough from the others that --

21 MR. LOWERY: I think we probably did that in
22 response to the Staff's recommendation. So we opposed
23 dismissing that aspect but we extended that tariff so we
24 could have additional time to discuss it because I don't
25 think Staff had generally, and Marcie can speak for the

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1 Staff, but I don't think generally there was substantive
2 disagreement with conceptually that aspect of the case
3 but they thought there was a legal reason why it
4 shouldn't be handled here, handled in a rate case. So I
5 think we decided, and I think they suggested this, that
6 we would extend that on the assumption that their
7 recommendation to dismiss would be overruled and we
8 would try to maybe -- let's put it this way. I think
9 that one probably has a greater likelihood of getting
10 resolved early than the other aspects of the case.

11 JUDGE DIPPELL: Okay. But it is still related
12 sufficiently --

13 MR. LOWERY: It is.

14 JUDGE DIPPELL: -- that it didn't need to have
15 been its own separate case?

16 MR. LOWERY: No, no, they all have
17 relationship in terms of more efficient use of the
18 system, but it is a more narrow, I think a simpler more
19 narrow proposal than the other two and so our
20 anticipation is if it's not dismissed, which we don't
21 think it will be and hope it isn't, that our differences
22 with the Staff, which I think might at that point become
23 technical, mostly technical, might be able to be worked
24 out but that might leave the other two aspects of the
25 case to be litigated.

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1 JUDGE DIPPELL: Okay. Did Staff want to
2 respond to anything about that particular tariff?

3 MS. FORCK: I don't think we have anything
4 else to add.

5 MR. WILLIAMS: If I may.

6 JUDGE DIPPELL: Yes.

7 MR. WILLIAMS: My recollection is that it is a
8 complete change in methodology. I'm not sure that that
9 may not be litigated. I'm not quite sure where Public
10 Counsel is on that. It may be more than just a legal
11 question.

12 JUDGE DIPPELL: Yeah. That's again with
13 regard to procedural schedule I would like you all to
14 consider if everything before you is going to be
15 litigated.

16 MR. LOWERY: Your Honor, for your information,
17 I basically have brought a schedule to discuss with the
18 parties this morning that assumed that. It would assume
19 full litigation of all three aspects of the case,
20 although obviously we hope we can avoid that but you
21 never know. If whatever further suspension would be
22 necessary to accomplish that schedule that we're going
23 to talk about, we obviously would have to do. So I sort
24 of anticipated that this is probably the road we were
25 going to go down this morning.

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JUDGE DIPPELL: Okay. All right. Then in that case, unless somebody else has something you need to bring before me, I will let you all discuss what you need to discuss. I didn't bring a copy of the Commission's calendar, but I can get you one if you need that.

MR. LOWERY: If the one online is up to date, I did take that into account. Do you think it's up to date?

JUDGE DIPPELL: It should be up to date.

MR. LOWERY: At least as of two or three days ago I looked.

JUDGE DIPPELL: Okay. Thank you all for coming, and again I apologize for setting it at 9:00 on Monday instead of at 10:00, which is kind of the normal time, but I hope your discussions are productive. We can go ahead and go off the record.

(Off the record.)

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CERTIFICATE OF REPORTER

I, Beverly Jean Bentch, RPR, CCR No. 640, Certified Court Reporter with the firm of Tiger Court Reporting, LLC, within the State of Missouri, do hereby certify that I was personally present at the proceedings had in the above-entitled cause at the time and place set forth in the caption sheet thereof; that I then and there took down in Stenotype the proceedings had; and that the foregoing is a full, true and correct transcript of such Stenotype notes so made at such time and place.

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