

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

In the Matter of Union Electric Company d/b/a)
Ameren Missouri’s 2nd Filing to Implement)
Regulatory Changes in Furtherance of Energy)
Efficiency as Allowed by MEEIA)

File No. EO-2015-0055

**ORDER REGARDING RENEW MISSOURI’S
MOTION FOR PROTECTIVE ORDER**

Issue Date: July 16, 2015

Effective Date: July 16, 2015

On July 13, 2015,¹ Earth Island Institute d/b/a Renew Missouri (“Renew Missouri”) filed a Motion for Protective Order and Motion for Expedited Treatment. In those motions, Renew Missouri objects to a notice of deposition filed by Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri”). That notice states that Ameren Missouri would like to depose PJ Wilson on July 17. Renew Missouri asks for expedited treatment of its motion by requesting a Commission ruling no later than 3:00 p.m. July 16.

Renew Missouri argues that such a deposition would violate Missouri Rule of Civil Procedure 56.01(c).² That rule allows a party from whom discovery is sought to apply for a protective order to protect that party from annoyance, embarrassment, oppression, or undue burden or expense.

In support of its argument, Renew Missouri points out that PJ Wilson has not filed testimony or held himself out as an expert. Renew Missouri also states that Mr. Wilson is scheduled to be out-of state on July 17, and is also unavailable to participate by phone.

¹ Calendar references are to 2015.

² Commission Rule 4 CSR 240-2.090(1) states that discovery may be obtained as done in circuit court. It also states that sanctions for abuse of the discovery process shall be the same as allowed in circuit court.

Renew Missouri further argues that a less burdensome discovery method would be for Ameren Missouri to issue data requests.³

Ameren Missouri responded on July 15. Ameren Missouri states that as Director of Renew Missouri, Mr. Wilson is the best person from whom to seek a discovery. Ameren Missouri argues that it has made it clear that the deposition could be done by phone, should not take more than 45 minutes, and Renew Missouri is even free to substitute a different deponent as long as that person is authorized to speak for Renew Missouri. Ameren Missouri states that data requests are of no use to it, since responses to them would not arrive until after the hearing. Ameren Missouri states that it would have sent a notice of deposition earlier, but that it did not get the amended non-utility stipulation until July 7.

Ameren Missouri attached correspondence from its counsel to Renew Missouri's counsel to its July 15 pleading. That correspondence confirms Ameren Missouri's statement that the deposition could be done by phone, should not take more than 45 minutes, and that Renew Missouri is even free to substitute a different deponent as long as that person is authorized to speak for Renew Missouri.

Upon review of Renew Missouri's motion and Ameren Missouri's response, the Commission finds Renew Missouri has not shown sufficient cause to entirely block Ameren Missouri's ability to depose Mr. Wilson about the basis for Renew Missouri's position. The Commission will deny Renew Missouri's motion for a protective order preventing Mr. Wilson's deposition on July 17. However, such deposition shall be limited as agreed upon by Ameren Missouri.

³ On July 15, the Staff of the Commission concurred in OPC's motion.

THE COMMISSION ORDERS THAT:

1. The Motion for Expedited Treatment filed by Earth Island Institute d/b/a Renew Missouri is granted.
2. The Motion for Protective Order is granted in part and denied in part. Ameren Missouri's deposition of PJ Wilson, or another deponent, shall be done by phone, and shall not take more than 45 minutes.
3. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Ronald D. Pridgin, Deputy Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 16th day of July, 2015.