

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

In the Matter of Ameren Missouri’s Application     )  
for Authorization to Suspend Payment of Solar     )  
Rebates   )     **Case No. ET-2014-0085**

**PUBLIC COUNSEL’S RESPONSE TO PROPOSED PROCEDURAL SCHEDULE**

COMES NOW the Office of the Public Counsel and for its Response to Proposed Procedural Schedule states as follows:

1. On October 11, 2013, Union Electric Company d/b/a Ameren Missouri filed an application seeking to cease making solar rebate payments. Along with that application, Ameren Missouri filed a proposed procedural schedule and proposed discovery response times. On October 15, the Commission issued an order setting October 17 as the deadline for responses to Ameren Missouri’s proposed schedule. Public Counsel files this response in conformance with that order.

2. Given the fact that the framework established by House Bill 142 only allows 60 days for the processing of this case, there are not very many ways to schedule the typical events of a Commission case (three rounds of pre-filed testimony, list of issues, etc.). As a result, Public Counsel does not have a lengthy set of changes to the schedule proposed by Ameren Missouri. There are, however, two changes that Public Counsel believes will be beneficial.

3. First, the amount of time between surrebuttal testimony and the evidentiary hearing is very short. This short time period, coupled with the proposed discovery response times, means that parties will not be able to submit data requests based upon surrebuttal testimony and receive responses before the hearing.<sup>1</sup> Public Counsel recommends a response time of three calendar days beginning on and after November 1, the filing date for surrebuttal testimony.

4. Second, the schedule proposed by Ameren Missouri does not allow for adequate time for briefing. Ameren Missouri proposes that briefs be filed and the case submitted on the 38<sup>th</sup> day after the application was filed. In the schedule approved by the Commission in Case No. ET-2014-0059, briefs were to have been filed on the 43<sup>rd</sup> day after the application was filed in that case, and approximately two weeks after the hearing. Public Counsel believes a similar timing would be appropriate in this case, and recommends that briefs be due on November 22 (the 42<sup>nd</sup> day after the application was filed, and two weeks after the hearing).

**WHEREFORE** Public Counsel respectfully submits this response and requests that the Commission adopt Public Counsel's recommendations for changes to the proposed discovery procedures and proposed procedural schedule.

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<sup>1</sup> Surrebuttal testimony is due on November 4, and will likely be filed late in the afternoon or into the evening. Common practice is to treat data requests submitted after 5:00 P.M. as having been submitted the following day, so any data requests submitted after receipt of surrebuttal testimony would be considered submitted on November 4, only four days before hearing.

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been emailed to parties of record this 17<sup>th</sup> day of October 2013.

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