

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

In the Matter of Union Electric Company d/b/a )	<b><u>Case No. ER-2016-0179</u></b> Tariff No. YE-2017-0003
Ameren Missouri's Tariff to Increase Its )	
Revenues for Electric Service. )	

**JOINTLY PROPOSED PROCEDURAL SCHEDULE AND PROCEDURES**

**COME NOW** Union Electric Company d/b/a Ameren Missouri; Staff of the Missouri Public Service Commission (“Staff”); Office of the Public Counsel; Missouri Industrial Energy Consumers; Consumers Council of Missouri; Division of Energy; Brightergy, LLC; Earth Island Institute d/b/a Renew Missouri; Sierra Club; Natural Resources Defense Council; United for Missouri, Inc.; Midwest Energy Consumers Group<sup>1</sup>; and International Brotherhood of Electrical Workers Local Union 1439, AFL-CIO, and, as the Commission directed in its July 12, 2016, order, jointly propose the attached procedural schedule, which is based upon an agreed upon test year ended March 31, 2016, with a true-up cutoff date of December 31, 2016, except that the cutoff is January 1, 2017, for certain items where appropriate (see note \* to the proposed schedule). Additionally, the parties jointly propose the Commission impose the procedural requirements that follow in its order that sets the procedural schedule for this case:

- (a) All parties must comply with the requirements of Commission Rule 4 CSR 240-2.130 for prepared 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

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<sup>1</sup> Wal-Mart Stores, Inc.; Continental Cement Company, LLC; Buzzi Unicem USA; Missouri Ethanol LLC, d/b/a POET Biorefining – Laddonia; Cargill; Tyson Foods; Explorer Pipeline Company; Maritz Holdings, Inc.; Ameristar Casino St. Charles, LLC; PNK (River City), LLC; Schnuck Markets, Inc.; SSM Health Care Corporation; DeLong's Incorporation; and JC Penney Corporation, Inc.

shall agree upon and file a list of the 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 uncontested and 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 4 CSR 240-2.080. 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 remaining unresolved issues that are to be decided by the Commission.
- (e) If part of testimony or documents are prefiled and served upon the parties before a hearing, a party need only provide a copy of the testimony or document to the court reporter for marking as an exhibit. 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 exist in electronic format into electronic format for purposes of exchanging.
- (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 highly confidential documents may be obtained from EFIS and so agree not to serve those documents via email.
- (h) Counsel for each party shall receive electronically from each other party serving a data request, an electronic copy of the text of the "description" of that data request contemporaneously with service of the data request. 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 highly confidential or proprietary information in data requests. If highly confidential or proprietary information must be included in a data request, the highly confidential or proprietary information shall be appropriately designated as such pursuant to Commission Rule 4 CSR 240-2.135.
- (j) Until direct testimony is filed on December 9, 2016, the response time for all data requests shall be twenty (20) calendar days, with ten (10) calendar days to object or notify the requesting party that more than twenty (20) calendar days will be needed to provide the requested information. After December 9, 2016, until rebuttal testimony is filed on January 20, 2017, the response time for data requests shall be fifteen (15) calendar days to provide the requested information and eight (8) calendar days to object or notify the requesting party that more than fifteen (15) calendar days will be needed to provide the requested information. After rebuttal testimony is filed on January 20, 2017, the response time for data requests shall be five (5) business days to provide the requested information and three (3) business days to object or notify the requesting party that more than five (5) business days will be needed to provide the requested information. If a data request has been responded to, a party's request for a copy of the response shall be timely responded to, considering that the underlying data request has already been responded to (except that, with the exception of responses to Staff, responses will not be needed for Ameren Missouri's data request responses posted on Ameren Missouri's Caseworks Extranet site).
- (k) Workpapers prepared in the course of developing a witness' testimony (including schedules) and exhibits shall not be filed with the Commission, but shall be submitted to each party within two (2) business days following the filing of the particular testimony, unless a party has indicated that it does not want to receive some or all of the workpapers. Workpapers containing highly confidential or proprietary 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.

- (l) 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, if available in that original format, the party providing the workpaper or response shall provide this type of information in that original format with formulas intact. With the exception of workpapers provided to Staff, Ameren Missouri may provide workpapers by posting the same on its Caseworks Extranet site, with e-mail notification to counsel for the parties to be provided essentially concurrently with the posting of workpapers on the Extranet site. Ameren Missouri shall provide its workpapers to Staff in electronic format by e-mailing or by delivery of a compact disc or other electronic storage.
- (m) Discovery conferences will be held at the Commission's office at the Governor's Office Building, 200 Madison Street, Jefferson City, Missouri, in a room to be designated by the Commission. Each discovery conference will begin at 10:00 a.m.
- (n) Not less than two 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.
- (o) Discovery conferences shall be on the record and shall be transcribed by a court reporter.
- (p) Any pending written discovery motion may be taken up at a discovery conference and may be ruled upon by the presiding regulatory law judge either on the record, or in a written order.
- (q) Commission Rule 4 CSR 2.090's requirement that a party must seek a telephone conference with the presiding officer before filing a discovery motion is waived.
- (r) All data requests, subpoenas, or other discovery requests or notices shall be issued no later than February 17, 2017. With respect to deposing witnesses, depositions must be completed at least three (3) business days prior to the date that the witness will testify on the issue(s) in the evidentiary hearings, unless witness availability requires that a deposition be conducted within less than three days.
- (s) All motions to compel a response to any discovery request shall be filed no later than February 22, 2017.

(t) Data requests and responses thereto made by any party in the following Commission cases shall be treated as having been made in this case, Case No. ER-2016-0179, subject to objections as to admissibility in evidence in this case:

**Case Number**

**Case Style**

EA-2015-0273

In the Matter of the Application of Union Electric d/b/a Ameren Missouri for Permission and Approval and a Certificate Of Public Convenience and Necessity Authorizing it to Construct, Install, Own, Operate, Maintain and Otherwise Control And Manage Solar Generation Facilities In Montgomery County, Missouri

EA-2016-0207

In the Matter of the Application of Union Electric Company d/b/a Ameren Missouri for Permission and Approval and a Certificate of Public Convenience and Necessity Authorizing it to Offer a Pilot Subscriber Solar Program and File Associated Tariff

EA-2016-0208

In the Matter of the Application of Union Electric Company d/b/a Ameren Missouri for Permission and Approval and a Certificate of Public Convenience and Necessity Authorizing it to Offer a Pilot Distributed Solar Program and File Associated Tariff

EO-2016-0286

In the Matter of Union Electric Company, d/b/a Ameren Missouri's 2015 RES Compliance Report and its 2016-2018 RES Compliance Plan

**WHEREFORE**, the parties jointly propose the attached Procedural Schedule and request that the Commission impose the procedural requirements above in its order that sets the procedural schedule for this case.

Respectfully submitted,

**/s/ Jamie S. Myers**

Jamie S. Myers

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document was served via e-mail on all counsel of record this 1<sup>st</sup> day of August, 2016.

**/s/ Jamie S. Myers**

**AMEREN MISSOURI  
Case No. ER-2016-0179**

**PROPOSED PROCEDURAL SCHEDULE**

<b><u>EVENT</u></b>	<b><u>DATE</u></b>
Case Filed	July 1, 2017
Discovery Conference	October 13, 2016
Direct Testimony (Non-Ameren Missouri parties, revenue requirement)	December 9, 2016
Direct Testimony (Non-Ameren Missouri parties, class cost of service and rate design)	December 23, 2016
Local Public Hearings (subject to Commission Order)	January 2017
Discovery Conference	January 10, 2017
Preliminary Reconciliation (not to be filed – to be Provided to all parties)	January 11, 2017
Technical/Settlement Conference	January 12-13, 2017
Rebuttal Testimony (all parties, revenue requirement)	January 20, 2017
Rebuttal Testimony (all parties, class cost of service and rate design)	January 24, 2017
Preliminary Issue List (not to be filed – To be provided to all parties)	January 27, 2017
True-Up information to be provided by Ameren Missouri to all parties*	January 27, 2017
Discovery Conference	February 3, 2017
Surrebuttal Testimony (all parties)	February 10, 2017
Last Day to Request Discovery	February 17, 2017
List of Issues, Order of Witness, Order of Cross Examination Parties will provide valuation of their positions	February 21, 2017

To Staff for the Final Reconciliation	February 22, 2017
Last day to File Motion to Compel or Issue Subpoena	February 23, 2017
Statement of Position	February 24, 2017
Final Reconciliation (to be filed)	February 24, 2017
Evidentiary Hearings	February 27-28, 2017 March 1-3, 6-10, 2017 March 13-14, 2017
Initial Post Hearing Brief (all parties)	March 30, 2017
Reply/True-Up Briefs	April 7, 2017
Operation of Law Date	May 28, 2017

**\* True-Up and True-Up Information to be Provided to the Parties**

The last date that Ameren Missouri must provide Staff and all other parties auditable accounting information related to all items to be trued-up. The parties do not anticipate the need for additional true-up testimony or a true-up hearing. The Staff will take account of the Company's true-up data when it files its surrebuttal testimony. Anticipated true-up items include changes to plant-in-service, depreciation reserve, all other rate base items, revenues (all categories), customer growth, net base energy costs (per FAC tariff), Midcontinent Independent System Operator ("MISO") transmission revenues and expenses, refined coal project revenues and expenses, pensions and other post-retirement employee benefit costs, payroll (including changes in pay rates, number of employees), other employee benefits, payroll taxes, storm costs, vegetation management/infrastructure inspection expenditures, renewable energy standard costs, insurance expense, rate case expense<sup>2</sup>, depreciation expense, various amortizations, income taxes, property taxes, capital structure, capital costs and other significant<sup>3</sup> items that must be considered in order to maintain a proper relationship of revenues, expenses and rate base. No party is precluded from proposing an additional item for true-up that causes a significant increase or decrease in Ameren Missouri's cost of service, i.e., in its revenues, expenses or investment, or proposing that any item(s) listed above not be trued-up. Certain items that occur on January 1, 2017 shall be trued-up, including changes in contractual commodity coal costs and coal transportation costs, wage and salary increases, and MISO Schedule 26A transmission charges, as long

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<sup>2</sup> Rate case expense associated with Case No. ER-2016-0179 will be examined through the scheduled date for filing of reply briefs and adjustments may be proposed accordingly.

<sup>3</sup> Significant in this context will be measured by the smallest adjustment made during the true-up audit from the list of items indicated in the paragraph which further explains the true-up and true-up information to be provided to the parties.



as a proper relationship of all other revenues, expenses and rate base is maintained. Each true-up item must be known and measurable, recorded in Ameren Missouri's accounting system, and supported by documentation (including but not limited to invoices, inspections, general ledgers, operating reports, etc.) that demonstrate it has occurred; and, if the true-up item is rate based capital investment, that the investment is fully operational and used for service.

\*\* No party shall revise or change that party's methods or methodologies for true-up issues except in the event of an extraordinary or unusual occurrence and upon reasonable notice provided to all parties.