**BEFORE THE PUBLIC SERVICE COMMISSION**

**OF THE STATE OF MISSOURI**

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| **In the Matter of a Working Case to Consider Policies to Improve Electric Utility Regulation** | **)**  **)** | **File No. EW-2016-0313** |

**Joint Motion for Order Directing Filing and For Expedited Treatment**

COME NOW the Office of Public Counsel, the Consumers Council of Missouri, the Midwest Energy Consumers Group and the Missouri Industrial Energy Consumers (hereafter collectively referred to as the "Joint Movants") and for their Motion for Order Directing Filing, state as follows:

1. On June 8, 2016, the Commission issued its Order establishing this case to facilitate stakeholder discussions about improving the way in which the Commission regulates Missouri's investor-owned electric utilities. The Order (1) invited interested stakeholders to file detailed suggestions for policy changes, including documentation; (2) directed the Commission Staff to submit a written report by October 17, 2016 with its recommendations for actions to be taken by the Commission; (3) directed that the file in this case serve as a repository for information; and (4) stated that the Commission would offer information collected in this case as a resource for the Senate Interim Committee on Utility Regulation and Infrastructure Investment.

2. On August 25, 2016, the Commission Staff filed its *Motion for Order Directing Filing and For Expedited Treatment* ("Staff Motion"). The Staff Motion prays that the Commission require Missouri's regulated electric utilities to file responses to two questions in this case, indicating whether the responses may be shared with the Senate Interim Committee:

1. What investments are you not able to make under the current regulatory environment that you would be able to make if there was a change in ratemaking practices?
2. If the decision to make investment depends on the extent of the regulatory change, please provide information as to the investments that will be made under various regulatory environments (i.e., performance-based rates, shortened rate cases, an electric ISRS, construction accounting/plant-in-service, trackers/riders, projected/partially projected test year, interim rates, CWIP in rate base, etc).

3. Prior to the Staff Motion, and on July 8, 2016, the Office of Public Counsel filed written comments suggesting that the Commission direct the utilities to file information in this case responding to the following six requests:

1. Provide a listing of all capital projects that have been abandoned due to regulatory lag.
2. Provide the source of information upon which you rely to show that regulatory lag impacts your ROE.
3. Please explain why regulatory lag cannot be reduced within the current statutory framework that governs the Commission.
4. Would you support changes in the Commission rules requiring mandated data requests be provided at the time a rate change application is filed?
5. Would you support changes in the Commission rules requiring shortened discovery response periods to expedite the review process?
6. Would you support changes to the Commission’s rules on requiring travel to view highly confidential and proprietary information?

4. Also prior to the Staff Motion on August 8, 2016, the Missouri Industrial Energy Consumers filed reply comments endorsing the Office of Public Counsel's six requests, and adding one additional request as follows:

Provide your comprehensive long-range investment plan detailing the categories of investments that should be made. Provide economic and reliability-based justifications for the plan and project annual investment amounts by category.

5. The Joint Movants support the Staff's Motion, and move that the Commission issue an order requiring the utilities to file complete information responding to the two questions presented by Staff's Motion set forth in paragraph 2 above, the six questions presented by OPC's initial comments set forth in paragraph 3 above, and the one additional question presented in MIEC's reply comments set forth in paragraph 4 above.

6. Granting this motion is necessary to serve the public interest. The Commission has initiated these proceedings due to the great economic importance of the issues set forth in the Commission's order. The General Assembly has likewise initiated proceedings regarding these issues, and the Commission's order states the Commission's intent to coordinate and provide information in those proceedings. These proceedings will have little value without the requested information, which is necessary to define the scope of the issues that this workshop and the Senate Interim Committee are charged with addressing.

7. Only the utilities possess the data needed for evaluation of these issues, and only this Commission can effectively require that this data be produced and validated. One of the Commission's most important functions is to obtain information from Missouri utilities in order to assist the General Assembly and the public. Utility consumers fund the Commission through their utility rates in large part for this purpose. Yet utility consumers have expended substantial sums in recent years on protracted negotiations in a quest to obtain information regarding the utilities' claims that they either cannot or will not make certain infrastructure investments without fundamental changes in Missouri law controlling rate increases. This quest has cost Missourians money that could have been invested in their homes and businesses, but the cost of changing the law in the absence of this basic information would be far greater. By granting this motion, the Commission will ensure that the present expenditure of ratepayer and taxpayer money results in meaningful and informed recommendations and actions to solve identified problems, rather than mere extension of a lengthy and costly hypothetical policy debate based on unsupported assertions.

WHEREFORE, the Joint Movants respectfully request that the Commission issue its order directing the utilities to file information responding to the questions and requests set forth in paragraphs 2 through 4 above, and as previously set forth in the Staff Motion and the written comments of Office of Public Counsel and the Missouri Industrial Energy Consumers.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing document has been emailed this 26th day of August, 2016, to all parties on the Commission’s service list in this case.

\_\_/s/ Diana Vuylsteke\_\_\_\_\_\_\_\_\_\_\_\_\_