

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

In the Matter of Union Electric Company d/b/a) **File No. EO-2017-0176**
Ameren Missouri's Cost Allocation Manual (CAM))

MOTION FOR ADOPTION OF PROCEDURAL SCHEDULE

COMES NOW the Staff of the Missouri Public Service Commission ("Staff"), Union Electric Company d/b/a Ameren Missouri ("Company" or "Ameren Missouri"), and the Office of the Public Counsel ("OPC"), being the parties to this docket, and hereby submit this Jointly Proposed Procedural Schedule as follows:

1. On December 10, 2018, the Commission ordered the parties to file a proposed procedural schedule to resolve this docket. The Commission's December 10, 2018 order followed the November 30, 2018 filing by the Staff and the Company of a Stipulation and Agreement ("Stipulation") and OPC's December 6, 2018 objection to that Stipulation.

2. The parties have conferred and have agreed upon a procedural schedule, as follows:¹

Proposed Procedural Schedule

Company/Staff Direct Testimony Supporting CAM Approval On Stipulation's Terms Due	June 14, 2019
OPC Rebuttal Testimony Due	August 9, 2019
Company/Staff Surrebuttal Testimony Due	September 27, 2019
List of Issues, List of Witnesses, and Order of Cross-Examination Due	October 11, 2019

¹ In developing this schedule, the parties have considered the other pending and expected cases at the Commission in which the parties are collectively involved as well as the parties' intention to continue discussions in an effort to narrow or perhaps eliminate the disputed issues in this case.

Discovery Cutoff	October 18, 2019
Position Statements Due	October 23, 2019
Evidentiary Hearing	October 29-30, 2019
Initial Post-Hearing Briefs Due	November 19, 2019
Reply Briefs Due	December 6, 2019

Proposed Procedural Requirements

- (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 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 already 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 confidential documents may be obtained from EFIS and so agree not to serve those documents via e-mail.
- (h) Until the filing of Rebuttal testimony, the response time for all data requests shall be 20 calendar days, and 10 calendar days to object or notify that more than 20 calendar days will be needed to provide the requested information. After the filing of Rebuttal testimony (August 9, 2019) and before the filing of Surrebuttal testimony (September 27, 2019), the response time for data requests shall be 10 calendar days to provide the requested information, and 5 business days to object or notify that more than 10 calendar days will be needed to provide the requested information. After the filing of Surrebuttal testimony (September 27, 2019), the response time for data requests shall be 5 calendar days to provide the requested information, and 2 business days to object or notify that more than 5 calendar days will be needed to provide the requested information. Data requests sent after 5:00 pm will be considered served on the next business day.
- (i) Counsel for each party shall receive electronically from all other parties serving a data request, an electronic copy of the text of the "description" of that data request contemporaneously with service of the data request. Data requests issued to or by Staff shall be submitted and responded to in EFIS, if feasible, or in electronic format on compact disc, or by other means agreed to by counsel, if infeasible. Also regarding Staff-issued data requests, if the description contains confidential 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.

- (j) All data requests, subpoenas duces tecum, or other discovery requests, such as requests for admission, shall be issued no later than October 18, 2019. With respect to deposing witnesses, depositions must be completed by October 18, 2019, unless witness availability requires that a deposition be conducted after that date.
- (k) The parties shall make an effort to not include confidential information in data requests. If confidential information must be included in a data request, the confidential information shall be appropriately designated as such pursuant to Commission Rule 4 CSR 240-2.135.
- (l) If a data request has been responded to, a party's request for a copy of the response shall be timely responded to without waiting the full response time allowed (except that, with the exception of responses to Staff, responses will not be needed for Ameren Missouri data request responses posted on Ameren Missouri's Caseworks Extranet site).
- (m) Workpapers prepared in the course of developing a testimony shall not be filed with the Commission, but shall be submitted to each party within two (2) business days following the filing of the testimony document, unless a party has indicated that it does not want to receive some or all of the workpapers. Workpapers containing confidential 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.
- (n) 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.
- (o) Commission Rule 4 CSR 240-2.090's requirement that a party must seek a telephone conference with the presiding officer before filing a discovery motion shall be waived.

WHEREFORE, the parties respectfully pray that the Commission adopt the procedural schedule and procedural requirements proposed herein.

Respectfully submitted,

/s/ Mark Johnson

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**Attorneys for the
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile, or electronically mailed to all counsel of record this 9th day of January, 2019.

/s/ Mark Johnson