

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

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)	File No. EA-2019-0181
Necessity Under 4 CSR 240-3.105.)	

MOTION FOR ADOPTION OF PROCEDURAL SCHEDULE

COMES NOW Union Electric Company d/b/a Ameren Missouri ("Company" or "Ameren Missouri"), and submits this Motion for Adoption of Procedural Schedule and, in support thereof, states as follows:

1. On this date, Ameren Missouri filed its verified Application (the "Application") in the above-captioned case and outlined the reasons it is concurrently submitting this Motion.
2. In its Application, Ameren Missouri requested that the Commission set a prehearing conference on May 28 or 29, 2019, that an intervention deadline of May 24, 2019, be established, and that the Commission enter an order approving the Application by October 10, 2019, for the reasons outlined therein.
3. It should be noted that the Company has filed its Application within just a few days after the execution of the Build Transfer Agreement ("BTA") under which the Project¹ that is the subject of the Application will be constructed. The Company has also previously met with the Missouri Public Service Commission Staff ("Staff") and the Office of the Public Counsel ("OPC") regarding the Application, and has provided information about the key contract documents that govern the terms of the project that is the subject of this Application. The Company will also

¹ The "Project" is the Outlaw wind facility project to be constructed in Atchison County, Missouri as described in the Application filed concurrently with the filing of this Motion.

provide its workpapers in a few business days, and is providing its direct testimony concurrently with its filing. Moreover, the project structure and most of the key terms of the Project are quite similar to the project structure and key terms of the High Prairie and Brickyard Hills projects for which the Commission has previously approved Certificates of Convenience and Necessity. Consequently, Staff, OPC, and other parties who might be expected to be intervenors in this case are familiar with the Project's structure, including a build transfer agreement for the High Prairie and Brickyard Hills projects which have many elements in common with the BTA submitted in this docket. Substantial discovery has occurred in the High Prairie and Brickyard Hills dockets which is relevant to this docket as well. Effectively, the filing of the prior two dockets over the past year has provided Staff and OPC and other likely parties with a substantial "head start" on reviewing and processing this filing. Finally, this proposed schedule was prepared and filed concurrently with the filing of the Company's Application.

4. Ameren Missouri also hereby indicates its willingness to serve objections to, or notifications of the need for additional time, for any Data Requests within three (3) business days of service thereof, and to respond to any Data Requests within twelve (12) days of service thereof, as set forth in the Proposed Procedural Requirements outlined below. Moreover, Ameren Missouri is willing to participate in technical conferences if needed and has proposed a formal settlement conference in the proposed procedural schedule to facilitate other parties' review of and discovery with respect to the filing.

5. For the foregoing reasons, Ameren Missouri respectfully submits that its Proposed Procedural Schedule and Proposed Procedural Requirements, as set forth below, are fair, reasonable and appropriate under the circumstances of this case and hereby respectfully request that they be adopted.

Proposed Procedural Schedule

Deadline for Intervention	May 24, 2019
Prehearing Conference	May 28 or 29, 2019
Rebuttal Testimony Due	July 15, 2019
Local Public Hearing	TBD ²
Settlement Conference	July 19, 2019
Surrebuttal and Cross-Surrebuttal Testimony Due	August 5, 2019
Last Day to Request Discovery ³	August 21, 2019
List of Issues, List of Witnesses, and Order of Cross-Examination Due	August 16, 2019
Position Statements Due	August 21, 2019
Evidentiary Hearing	August 28-30, 2019
Initial Post-Hearing Briefs Due	September 10, 2019
Reply Briefs Due	September 17, 2019
Requested Commission Order (with 10-day effective date)	On/before October 10, 2019 ⁴

6. Counsel for Staff and OPC have reviewed the above Proposed Procedural Schedule and have indicated that they do not oppose the Company's suggested dates.

² The Company recommends holding a local public hearing the week of July 22, 2019 and that it be held at the University of Missouri Extension Building, 201 Highway 136 East, Rockport, Missouri, if available. This is the location of the local public hearing held in the Brickyard Hills project docket which is a project located in the same county.

³ By issuing Data Requests or other written discovery requests or subpoenas.

⁴ This will provide four regular Commission Agenda days (typically Wednesday of each week) after the final brief is in to consider and issue an order.

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) 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 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 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.
- (j) The response time for all data requests shall be twelve (12) days, with three (3) business days to object or notify the requesting party that more than twelve (12) 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 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).
- (k) 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.
- (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) 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.
- (n) The Technical/Settlement conferences provided for in the Procedural Schedule may be postponed or cancelled by consensus among the parties.

WHEREFORE, Applicant Ameren Missouri respectfully prays that the Commission (a) immediately issue its order giving notice of this case; (b) immediately issue its order shortening the time for intervention, as contemplated by 4 CSR 240-2.075(1), and requiring that all applications for intervention be filed on or before May 24, 2019; (c) issue its order setting a Prehearing Conference on May 28 or 29, 2019, and (d) at or upon conclusion of the Prehearing Conference, issue its order adopting the procedural schedule and procedural requirements proposed herein.

Respectfully submitted,

/s/ Paula N. Johnson

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**ATTORNEYS FOR UNION ELECTRIC
COMPANY d/b/a AMEREN MISSOURI**

CERTIFICATE OF SERVICE

The undersigned certifies that true and correct copies of the foregoing was served on the Staff of the Missouri Public Service Commission and the Office of the Public Counsel via electronic mail (e-mail) on this 15th day of May, 2019.

/s/ Paula N. Johnson

Paula N. Johnson