

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

In the Matter of Union Electric Company)
d/b/a Ameren Missouri’s Tariffs to Adjust)
its Revenues for Electric Service) **File No. ER-2022-0337**

JOINTLY PROPOSED PROCEDURAL SCHEDULE AND PROCEDURES

COME NOW Staff of the Missouri Public Service Commission (“Staff”); Union Electric Company d/b/a Ameren Missouri (“Company” or “Ameren Missouri”); the Office of the Public Counsel (“OPC”); Sierra Club (“Sierra Club”); Renew Missouri Advocates d/b/a Renew Missouri (“Renew Missouri”); Metropolitan Congregations United (“MCU”); the Missouri State Conference of the National Association for the Advancement of Colored People (“Missouri NAACP”); Consumers Council of Missouri (“Consumers Council” or “CCM”); the Midwest Energy Consumers Group (“MECG”); and the Missouri Industrial Energy Consumers (“MIEC”); and jointly propose the procedural schedule set forth below. Additionally, the parties jointly propose the Commission impose certain procedural requirements in its order that sets the procedural schedule for this case.

1. In developing the below procedural schedule, the parties endeavored to include all of the requirements set forth in the Commission’s *Order Giving Notice, Setting a Deadline to Intervene, Setting a Deadline to Respond to the Test Year, and Directing a Proposed Schedule* issued August 5, 2022 (“August 5 Order”). This includes the requirement contained in the August 5 Order that the proposed schedule provide for submission of a list of issues and order of hearing components, and position statements at least ten days in advance of the hearing.

2. However, in order to include all of the requirements set forth in the August 5 Order, as well as all other necessary and standard procedural dates for a general rate case such as this, it was necessary to provide in the below schedule for evidentiary hearings to begin on April 3, 2023, which is one week later than provided in the Commission’s *Order Suspending Tariff, Giving Notice of Contested Case Status, Delegating Authority, and Scheduling an Evidentiary Hearing* issued on August 10, 2022 (“August 10 Order”). The proposed schedule provides for evidentiary hearings April 3 -14, 2023, whereas the August 10 Order provided for evidentiary hearings March 27 – 31 and April 3 – 7, 2023. The proposed evidentiary hearing dates are necessary in order to avoid all parties other than the Company (i.e., Staff, OPC, and all intervenors) being required to prepare and file direct testimony over the Christmas and New Year’s holidays. As the Commission is undoubtedly aware, many people take time off over the holidays, which in turn can lead to staffing issues if testimony preparation and filing is required during this period. The proposed briefing dates still provide for submission of the case to the Commission well in advance of the operation of law date.¹

3. Based on the foregoing, the parties propose the following:

Proposed Schedule

<u>Event</u>	<u>Date</u>
Company Filing	8/1/2022
Discovery Conference	10/13/2022
Discovery Conference	11/16/2022
Discovery Conference	12/7/2022

¹ On average over the Company’s last three rate cases, final briefs were submitted 51 days before the operation of law date; here, the proposed schedule provides nearly the same number of days (48 here).

Company and Staff Agree on Acctg/Financial DRs to update with data through true-up ²	12/22/2022
Non-Company Direct (Revenue Requirement) ³⁴	1/10/2023
Non-Company Direct (CCOS and rate design)	1/24/2023
Local Public Hearings	1/30 – 2/3, 2023
Company Provides True-up Information ⁵	1/31/2023
First Technical Conference	2/9/2023
Rebuttal Testimony ⁶ (Revenue Requirement and Rate Design)	2/15/2023
Discovery Conference	2/22/2023
Settlement Conference ⁷	3/6-8, 2023

² If agreement is not reached by this date the parties agree to request a discovery conference to occur by January 6, 2023 for purposes of resolving the disagreement.

³ Response time for data requests changes to 15 calendar days and 8 calendar days to object or notify of the need for additional time to respond.

⁴ This includes testimony proposing substantive changes to the costs or revenues to be included in the FAC, substantive changes in its operation (e.g., sharing percentage, number of adjustments), and testimony opposing its continuation.

⁵ The true-up information is provided to the parties, but not filed. Anticipated true-up items include changes to plant-in-service, depreciation reserve, materials and supplies (including fuel inventories), Meramec Energy Center closure materials and supplies net write-offs, prepayments, cash working capital (excluding CWC factors), customer advances for construction, customer deposits, accumulated deferred income taxes, pension and other post-employment benefits ("OPEB"), tracked regulatory asset/liability balances, customer growth, net energy costs (as defined in Rider FAC), Midcontinent Independent System Operator, Inc. ("MISO") transmission revenues and expenses, payroll, employment levels, other employee benefits, Renewable Energy Standard ("RES") costs, bad debt expense, Callaway re-fueling expenses, steam plant maintenance, storm costs, software maintenance, cybersecurity expenses, Renewable Energy Standard Rate Adjustment Mechanism ("RESRAM") costs, insurance expenses, Pay as You Save ("PAYS") amounts, the Missouri Public Service Commission ("MPSC") assessment, lease expense, capital structure, capital costs, depreciation expense, income taxes, non-income taxes, various amortization amounts (such as the pension & OPEB tracker amortization), coal prices, MISO Schedule 26-A rates, wage increases and other significant* 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 true-up. 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. *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.

⁶ Response time to data requests changes to 5 business days and 3 business days to object or notify of the need for additional time to respond.

⁷ Company and Staff to exchange preliminary true-up revenue requirements by 2/28/2023, to include true-up accounting schedules and supporting workpapers. These dates are scheduled to encourage settlement discussions in an attempt to resolve the case or narrow the issues, but do not impose an obligation on any party to participate in settlement discussions.

Surrebuttal Testimony and True Up Direct ⁸	3/13/2023
Parties Provide Issues List to Staff	3/21/2023
List of Issues, Order of Hearing, Stip of Facts	3/22/2023
True Up Rebuttal	3/24/2023
Position Statements	3/24/2023
Cutoff for Discovery	3/27/2023
Parties Provide Issue Values to Staff	3/27/2023
Reconciliation Filed	3/30/2023
Evidentiary Hearings Begin (expedited transcripts)	4/3-14/2023
Initial Post Hearing Briefs	5/5/2023
Reply Briefs	5/15/2023
Operation of Law Date	7/1/2023

Proposed Procedures

(a) All parties must comply with the requirements of Commission Rule 20 CSR 4240-2.130 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 parties recognize that the Commission may view any issue not contained in this list of issues to be uncontested and not requiring resolution by the Commission.

⁸ No party shall revise or change that party's methods or methodologies for true-up issues.

(c) Each party shall file a simple and concise statement summarizing its position on each disputed issue, including citations to pre-filed testimony supporting its position.

(d) All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 20 CSR 4240-2.080. 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 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 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 email.

(h) Any data requests issued to or by Staff shall be submitted and responded to in the Commission's Electronic Filing and Information System (EFIS) pursuant to 20 CSR 4240-2.090(2)(H). All data requests other than those issued to or by Staff, as well as all objections to data requests, or notifications of the need for additional time to respond, shall be sent by e-mail to counsel for the other parties. Counsel for each party shall receive electronically, via either EFIS notification or e-mail from the 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 data requests issued via EFIS, 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, thereby providing the responding party the opportunity to object. 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. If any party responds to a data request in EFIS, the response is available in EFIS to all counsel on the certified service list. Data request responses, other than responses to data requests in EFIS, 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 20 CSR 4240-2.135.

(j) Until revenue requirement direct testimony is filed on January 10, 2023, 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 January 10, 2023, until rebuttal testimony is filed on February 15, 2023, 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 February 15, 2023, 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). Data requests sent or submitted after 5:00 pm on Monday-Friday, or on a weekend or state holiday, will be considered served on the next business day.

(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 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) Discovery conferences will be held either virtually via phone and/or computer or at the Commission's office at the Governor 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 three 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 20 CSR 4240-2.090's requirement that a party must seek a telephone conference with the presiding officer before filing a discovery motion is waived.

WHEREFORE the undersigned parties respectfully jointly propose the above procedural schedule and request that the Commission impose the procedural requirements also set out above in its order that sets the procedural schedule for this case.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to counsel of record as reflected on the certified service list maintained by the Commission in its Electronic Filing Information System on this 20th day of September 2022.

/s/ Jeffrey A. Keevil