

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 28<sup>th</sup> day of September, 2022.

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**  
Tracking No. YE-2023-0031

**ORDER SETTING PROCEDURAL SCHEDULE  
AND ADOPTING TEST YEAR**

Issue Date: September 28, 2022

Effective Date: September 28, 2022

On August 1, 2022, Union Electric Company d/b/a Ameren Missouri submitted a tariff revision intended to increase its revenues for electric service. The Commission has suspended that tariff revision until July 1, 2023. In its order giving notice of the filing, the Commission invited the parties to submit a proposed procedural schedule.

On September 20, 2022, the parties submitted a proposed procedural schedule that is acceptable to the Commission. The Commission will adopt that procedural schedule.

When Ameren Missouri filed its rate case it proposed to utilize a test year of the twelve months ending March 31, 2022, trued-up through December 31, 2022. The Commission offered the parties an opportunity to respond to the proposed test year. Only the Commission's Staff responded. In a response filed on September 13, 2022, Staff proposed to add a test year update period ending on June 30, 2022. No party has replied to Staff's response.<sup>1</sup> The Commission will adopt the test year proposed by Ameren Missouri, as modified by Staff.

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<sup>1</sup> Commission Rule 20 CSR 4240-2.080(13) allows parties ten days to respond to any pleading unless otherwise ordered by the Commission.

The Commission will address the scheduling of local public hearings in a subsequent order.

**THE COMMISSION ORDERS THAT:**

1. The following procedural schedule is established:

- |  |   |                                     |
|--|---|-------------------------------------|
| <b>Discovery Conference</b>  | - | <b>October 13, 2022</b>             |
| <b>Discovery Conference</b>  | - | <b>November 16, 2022</b>            |
| <b>Discovery Conference</b>  | - | <b>December 7, 2022</b>             |
| <b>Company and Staff agree on accounting/<br/>financial data requests to update with<br/>data through true-up<sup>2</sup></b>  | - | <b>December 22, 2022</b>            |
| <b>Direct (Revenue Requirement)<sup>3</sup><br/>(All parties except Ameren Missouri)<br/>(Response time for data requests<br/>changes to 15 calendar days and 8<br/>calendar days to object or notify of the<br/>need for additional time to respond</b> | - | <b>January 10, 2023</b>             |
| <b>Direct (Class Cost of Service &amp; Rate<br/>Design) (All parties except Ameren<br/>Missouri)</b>   | - | <b>January 24, 2023</b>             |
| <b>Local Public Hearings</b>   | - | <b>Week of January 30,<br/>2023</b> |
| <b>Company provides true-up information<br/>to the parties (not filed)<sup>4</sup></b>   | - | <b>January 31, 2023</b>             |

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<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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 (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 assessment, lease

<b>First Technical Conference</b>	-	<b>February 9, 2023</b>
<b>Rebuttal Testimony</b> (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)	-	<b>February 15, 2023</b>
<b>Discovery Conference</b>	-	<b>February 22, 2023</b>
<b>Settlement Conference<sup>5</sup></b>	-	<b>March 6-8, 2023</b>
<b>Surrebuttal and True-Up Direct Testimony<sup>6</sup></b>	-	<b>March 13, 2023</b>
<b>Parties Provide Issues List to Staff (not filed)</b>	-	<b>March 21, 2023</b>
<b>List of Issues, Order of Hearing, Stipulation of Facts</b>	-	<b>March 22, 2023</b>
<b>True-Up Rebuttal</b>	-	<b>March 24, 2023</b>
<b>Position Statements</b>	-	<b>March 24, 2023</b>
<b>Cutoff for Discovery</b>	-	<b>March 27, 2023</b>
<b>Parties Provide Issue Values to Staff</b>	-	<b>March 27, 2023</b>
<b>Reconciliation Filed</b>	-	<b>March 30, 2023</b>

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expense, capital structure, capital costs, depreciation expense, income taxes, non-income taxes, various amortization amounts (such as the pension and 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 trued-up. (Significant in this context will be measured by the smallest adjustment made during the true-up audit from the list of items indicated in this paragraph that further explains the true-up and true-up information to be provided to the parties.) Each true-up item must be known and measurable, recorded in Ameren Missouri's accounting system, and supported by documentation (including, but 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.

<sup>5</sup> Company and Staff to exchange preliminary true-up revenue requirements by February 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.

<sup>6</sup> No party shall revise or change that party's method or methodologies for true-up issues.

- Evidentiary Hearing** - **April 3 – April 14, 2023, beginning each day at 8:30 a.m.**<sup>7</sup>
- Initial Post-Hearing Briefs** - **May 5, 2023**
- Reply/True-up Briefs** - **May 15, 2023**

2. The parties shall comply with the following 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 Commission will view any issue not contained in this list of issues as not requiring resolution by the Commission.
  - (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

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<sup>7</sup> Hearing transcripts will be expedited.

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 p.m. 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<sup>8</sup> (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.

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<sup>8</sup> The term "testimony" shall include a report filed by a party's witnesses in lieu of prepared testimony being filed separately for each witness, as provided in 20 CSR 4240-2.130.



- (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 2:00 p.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 will be transcribed by a court reporter if requested by the parties.
- (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.

3. The test year ending March 31, 2022, as updated through June 30, 2022, and trued-up through December 31, 2022, is adopted.

4. The hearing shall be held at the Commission's office at the Governor Office Building, Room 310, 200 Madison Street, Jefferson City, Missouri. This building meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations to participate in this hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

5. This order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Silvey, Chm., Rupp, Coleman, Holsman, and  
Kolkmeier CC., concur.

Woodruff, Chief Regulatory Law Judge

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

**I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 28<sup>th</sup> day of September, 2022.**



  
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**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**September 28, 2022**

**File/Case No. ER-2022-0337**

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***Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).***

***Sincerely,***

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive style with a large, prominent "M" and "W".

**Morris L. Woodruff  
Secretary**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.