

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

In the Matter of the Tariff Filings of Union)	<u>Case No. ER-2010-0036</u>
Electric Company, d/b/a AmerenUE, to Increase)	Tariff No. Nos. YE-2010-0054
Its Revenues for Retail Electric Service.)	and YE-2010-0055

**JOINTLY PROPOSED PROCEDURAL SCHEDULE, RELATED PROCEDURAL
ITEMS, AND TEST YEAR TRUE-UP CUT-OFF DATE**

Come now Union Electric Company, d/b/a AmerenUE (“AmerenUE”), the Staff of the Missouri Public Service Commission (“Staff”), the Office of the Public Counsel (“Public Counsel”), the Missouri Department of Natural Resources (“MDNR”), Missouri Energy Group (“MEG”), Missouri Industrial Energy Consumers (“MIEC”), AARP, the International Brotherhood of Electrical Workers and International Union of Operating Engineers Locals (collectively “the Unions”), the Midwest Energy Users Association (“MEUA”), Consumers Council of Missouri, Laclede Gas Company (“Laclede”), the Missouri Joint Municipal Electric Utility Commission (“MJMEUC”), the Missouri Retailers Association (“MRA”), Charter Communications, Inc. (“Charter”), Missouri-ACORN, the City of University City, the City of Rock Hill and the St. Louis County Municipal League (“Municipal Group”)¹ and the Natural Resources Defense Council (“NRDC”) (collectively “the Proponents”) and for their jointly proposed procedural schedule, related procedural items, test year, true-up cut-off date and local public hearings, state as follows:

1. The Commission in its July 27, 2009 *Order Directing Notice, Suspending Tariff, Setting Hearings, And Directing Filings* scheduled an early prehearing conference for September 3, 2009, and directed the parties to file a proposed procedural schedule on or before September

¹ On September 3, 2009 the City of O’Fallon, the City of University City, the City of Rock Hill and the St. Louis County Municipal League jointly sought to intervene late in this case. The Commission has not yet ruled on their request, but no party has objected to their intervention in this case.

10, 2009. The Commission's July 27th Order also directed the parties to file a recommendation respecting local public hearings to be held in this case (also due September 10th), and directed Staff, Public Counsel, and any persons or entities requesting intervention to make filings respecting the test year and concerning a true-up (due August 27th).

2. The Proponents, with the exception of Laclede, MJMEUC, NRDC, and the Municipal Group appeared at the September 3, 2009 early prehearing conference and participated in the development of the jointly proposed procedural schedule which follows. All of the Proponents² have since reached agreement on the jointly proposed procedural schedule which is attached, and have reached agreement respecting the appropriate test year in this case—the twelve calendar months ended March 31, 2009, respecting a true-up in this case—a true-up cut-off date of January 31, 2010, and respecting certain other procedural matters set forth herein. Those agreements are reflected below, as well as the dates for evidentiary hearings previously set by the Commission pursuant to its July 27th order.

3. In addition to the testimony supporting their revenue requirement positions, the Proponents agree that the Friday, December 18, 2009 Direct Testimony filing by non-AmerenUE parties shall exclude testimony relating to customer class cost-of-service and rate design issues, but shall include all testimony relating to changes to AmerenUE's fuel adjustment clause,

² With its July 24, 2009 tariff filing, AmerenUE proposed a test year of the twelve calendar months ended March 31, 2009 trued-up through February 28, 2010. On August 27, 2009, the Staff, Public Counsel, MIEC, MEG and Laclede filed their responses to AmerenUE's proposals. Staff contingently agreed with AmerenUE's test year proposal and contingently recommended a true-up cutoff date of January 31, 2010. Public Counsel concurred in AmerenUE's proposed test year and in the Staff's contingently proposed true-up cutoff. MIEC did not oppose the test year AmerenUE proposed and objected to a true-up cutoff of February 28, 2010 proposing instead a January 1, 2010 true-up cutoff date. MEG did not object to the test year AmerenUE proposed and took no position on the necessity for a true-up. Laclede concurred in both the test year and true-up date AmerenUE proposed. On September 2, 2009 MJMEUC filed a pleading concurring with both the test year and the true-up cutoff AmerenUE proposed. As reflected in this joint filing, these parties now concur in the proposed twelve calendar months ended March 31, 2009 test year and a true-up cutoff date of January 31, 2010.

including the structure, terms,³ and continuation of the fuel adjustment clause, and to AmerenUE's request for an environmental cost recovery mechanism, including the structure, terms and establishment of an environmental cost recovery mechanism for AmerenUE.

4. The Proponents agree that true-up testimony should be limited to changes in quantification of new data from applying methodologies used by the party filing the true-up testimony when that party developed direct, rebuttal or surrebuttal testimony in this case, and shall not introduce changes in methodology. They agree the true-up shall include all major changes to revenue, expenses, rate base and capital structure occurring through the cut-off date of January 31, 2010 and that the following items are anticipated to be trued-up as of the true-up date of January 31, 2010: revenues (including customer usage), payroll, depreciation and amortization expense, fuel and transportation prices, purchased power prices, rate base excluding cash working capital lead/lag days, cost of bank lines of credit, expense levels in trackers that have been implemented as a result of prior Commission order, income tax expense as affected by other true-up items. The Proponents agree that no one is precluded from proposing such significant additional item(s) as a proper true-up item, but the other parties should be timely notified in writing of a party's decision to propose an additional item(s) as a proper true-up item(s). The inclusion of an item in the preceding list of anticipated true-up items shall not preclude or limit any party from objecting to a specific item or event as inappropriate for treatment as a true-up item or as inappropriate for inclusion in the Commission's determination of the revenue requirements in this case. Further, inclusion of an item in the preceding list of anticipated true-up items shall not preclude or limit any party's discovery rights in any way as to

³ This does not mean that if a party recommends a substantive change to the structure or terms of the Company's fuel adjustment clause or to the proposed environmental cost recovery mechanism that the party recommending the change must file exemplar tariff language to reflect the recommendation.

the listed items or any other items or matters involved in this case.

5. The proponents agree that to be included in the true-up, standard documentation must be available for inspection at the Company's offices in St. Louis for all true-up items (i.e., monthly operating reports, general and plant ledgers, including accumulated depreciation reserve, and supporting invoices) which assure that the item in fact has occurred or is in service, has been booked, payment has been recorded in the Company's accounting system and is auditable by the March 5, 2010 date specified for providing the true-up data.

6. All the Proponents also agree to the following procedures, and request the Commission to order compliance with these procedures as part of the Commission's Order setting the procedural schedule, establishing the test year, and establishing the true-up cut-off date for this case:

(a) All parties agree that they will provide copies of testimony (including schedules), exhibits and pleadings to other counsel by electronic means and in electronic form essentially contemporaneously with the filing of such testimony, exhibits or pleadings where the information is available in electronic format (.PDF, .DOC, .WPD, .XLS). Parties are not required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.

(b) An effort should be made to not include in data requests questions either highly confidential or proprietary information. If either highly confidential or proprietary information must be included in data request questions, the highly confidential or proprietary information should be appropriately designated as such pursuant to 4 CSR 240-2.135.

(c) Parties submitting data requests shall serve the data request electronically on the attorneys for all parties contemporaneously with when the data request is served on the party from whom the response is requested. Any party seeking a copy of the response to a data requested issued by another party shall serve that request on the party to whom the original request was directed. It is agreed that the Company may post data request responses on its Caseworks Extranet site in lieu of providing data request responses to the requesting party; provided that the Company will notify the requesting party and the requesting party's counsel when data request responses are posted on the Extranet site. The Company shall also continue to submit responses to Staff data requests in the Commission's

Electronic Filing and Information System (“EFIS”), if feasible.

(d) Until the December 18, 2009 filing of direct testimony, the response time for all data requests is 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 December 18, 2009 until the filing of rebuttal testimony on February 11, 2010, the response time for data requests becomes 15 calendar days to provide the requested information, and 8 calendar days to object or notify that more than 15 calendar days will be needed to provide the requested information. After the filing of rebuttal testimony on February 11, 2010, the response time for data requests becomes 5 business days to provide the requested information, and 3 business days to object or notify that more than 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 responses will not be needed for data request responses posted on the Company’s Caseworks Extranet site).

(e) Workpapers that were prepared in the course of developing a witness’ direct or rebuttal testimony should not be filed with the Commission but, without request, should be submitted to each party within 2 business days following the filing of the particular testimony and workpapers prepared in the course of developing a witness’ surrebuttal, true-up direct or true-up rebuttal testimony should not be filed with the Commission but should be submitted to each party simultaneously with 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 highly confidential or proprietary information should be appropriately marked. Since workpapers for certain parties may be voluminous and generally not all parties are interested in receiving workpapers or a complete set of workpapers, a party shall be relieved of providing workpapers to those parties indicating that they are not interested in receiving workpapers or a complete set of workpapers. If there are no workpapers associated with testimony, the party’s attorney should so notify the other parties within the time period for providing those workpapers.

(f) 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. The Company 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 Caseworks Extranet site.

(g) For purposes of this case, the parties request the Commission waive 4 CSR 240-2.045(2) and 2.080(11) with respect to prefiled testimony, and treat

prefiled testimony or other filings to be made in this case that are made in EFIS as timely filed if filed before midnight on the date the filing is due.

(h) Documents filed in EFIS shall be considered properly served by serving the same on counsel of record for all other parties via e-mail.

(i) The parties hereby request that the Commission provide for expedited transcripts of the evidentiary hearings.

WHEREFORE, in response to the Commission's July 27th Order, the Staff files, on behalf of itself and the parties identified above, this Jointly Proposed Procedural Schedule, Related Procedural Items and Test Year True-Up Cut-Off Date, and requests that the Commission adopt the proposed procedural schedule, related procedural items, test year, and true-up cut-off date.

Respectfully submitted,

/s/ Nathan Williams

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or emailed to all counsel of record this 11th day of September 2009.

/s/ Nathan Williams_____