## 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	)	Case no. EA-2018-0202
Necessity Authorizing it to Construct a Wind Generation	)	
Facility	)	

## OPC MOTION TO MODIFY PROCEDURAL SCHEDULE TO PERMIT SUPPLEMENTAL TESTIMONY

**COMES NOW**, the Office of the Public Counsel, (OPC) by and through counsel, and states as follows:

- 1. On August 17, 2018, Ameren Missouri filed a Stipulation and Agreement with the Staff of the Missouri Public Service Commission (Staff). This Stipulation and Agreement contained an Appendix A and an exemplar RESRAM Tariff sheet.
- 2. Despite a change in position associated with the Stipulation and Agreement relative to the prior filed testimony of Ameren Missouri witnesses Ajay Arora, Matt Michels, and Steven Wills, Ameren Missouri and the Staff did not file any affidavits in support of their Stipulation and Agreement.
- 3. In addition, OPC and the non-utility parties have not had time to develop supplemental testimony rebutting or supporting the new positions expressed through the non-unanimous Stipulation and Agreement. Supplemental testimony is permitted by Commission order or by order of the presiding officer. 4 CSR § 240-2.130(10). In other cases, the Commission granted parties leave to file supplemental testimony in favor or against stipulation and agreements. See, e.g., EO-2015-0055, In the Matter of Union Electric Company d/b/a/ Ameren Missouri's 2<sup>nd</sup> Filing to Implement Regulatory Changes in Furtherance of Energy Efficiency as Allowed by MEEIA, *Order Directing Filing*, July 8, 2015 (permitting supplemental direct testimony to be filed

July 9, 2015 in support of the July 7, 2015 stipulation and agreement and permitting supplemental

rebuttal testimony to be filed on July 15, 2015).

4. For these reasons and to make a full and a fair record, the OPC requests the

Commission to order as follows:

a. That within 7 or fewer days from the filing of a Commission order granting the

OPC's request, Staff or Ameren Missouri may provide affidavit(s) that would

constitute a factual basis as the foundation of their agreement. Such affidavit(s)

could not be filed, could be directive by pointing to other pre-filed testimony, or

could be supplemental in nature for any new positions, and in addition or in the

alternative;

b. That within 7 days of the filing of any Ameren Missouri affidavit(s) or Staff

affidavit(s), OPC and any other non-signatory party would be permitted to file

supplemental testimony in opposition or in support of the non-unanimous

Stipulation and Agreement and any accompanying affidavit(s).

WHEREFORE, the OPC request the Commission modify this procedural schedule with

the conditions set forth herein.

Respectfully,

OFFICE OF THE PUBLIC COUNSEL

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## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served, either electronically or by hand delivery or by First Class United States Mail, postage prepaid, on this 20<sup>th</sup> of August, 2018, with notice of the same being sent to all counsel of record.

/s/ Ryan Smith /s/ Caleb Hall