

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

Earth Island Institute d/b/a	)	
Renew Missouri, et al.	)	
	)	
Complainants,	)	
	)	
v.	)	<u>File No. EC-2013-0377, et al.</u>
	)	
Union Electric Company d/b/a	)	
Ameren Missouri,	)	
	)	
Respondent.	)	

## ORDER ADOPTING PROCEDURAL SCHEDULE

Issue Date: April 9, 2013

Effective Date: April 9, 2013

On April 8, 2013, the Complainants, Union Electric Company d/b/a Ameren Missouri, The Empire District Electric Company, the Staff of the Commission, the Office of the Public Counsel, and Missouri Industrial Energy Consumers jointly filed a proposed procedural schedule that has been agreed upon by all parties. The parties have also agreed upon certain procedural provisions that the Commission will incorporate into this order.

### THE COMMISSION ORDERS THAT:

1. The following procedural schedule is established:

**Direct Testimony** - **May 28, 2013**

**Data request time changes to 15 calendar days to respond and 8 calendar days to object or notify parties additional time is necessary** - **May 28, 2013**

**Rebuttal Testimony** - **July 9, 2013**

<b>Data request time changes to 5 business days to respond and 3 business days to object or notify parties additional time is necessary</b>	-	<b>July 9, 2013</b>
<b>Deadline for parties to file dispositive motions</b>	-	<b>July 23, 2013</b>
<b>Answers to dispositive motions</b>	-	<b>August 9, 2013</b>
<b>Surrebuttal Testimony</b>	-	<b>August 30, 2013</b>
<b>List of issues, list of witnesses, order of cross, order of opening statements</b>	-	<b>September 12, 2013</b>
<b>Position Statements</b>	-	<b>September 16, 2013</b>
<b>Hearing</b>	-	<b>September 19, and 20, 2013, beginning each day at 8:30 a.m.</b>
<b>Initial Post-Hearing Briefs</b>	-	<b>October 18, 2013</b>
<b>Reply Post-Hearing Briefs</b>	-	<b>November 1, 2013</b>

2. The parties shall comply with the following procedural requirements:
  - (A) Testimony shall be prefiled as defined in Commission Rule 4 CSR 240-2.130.  
All parties must comply with this rule, including the requirement that testimony be filed on line-numbered pages.
  - (B) The parties shall agree upon and Staff shall 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) All parties shall bring an adequate number of copies of exhibits that they intend to offer into evidence at the hearing. If an exhibit has not been prefiled, the party offering it must bring, in addition to the copy for the court reporter, a copy for each Commissioner, the Presiding Judge, and all counsel.
- (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 it.
- (G) Each party serving a data request on another party shall provide an electronic copy of the text of the “description” of that data request to counsel

for all other parties contemporaneously with service of the data request. 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, except that all data request responses for all parties shall also be served on counsel for Staff, Public Counsel, Empire, and Ameren Missouri or Empire or Ameren Missouri's counsel's designee. 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 the service list for data requests. Any party that requests copies of answers to data requests shall assume responsibility for compliance with any restrictions related to confidentiality. 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 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. Except as provided herein, the Parties shall conduct discovery as prescribed by Rule 4 CSR 240-2.090. Until direct testimony is filed on May 28, 2013, the response time for all data requests shall be twenty calendar days, with ten calendar days to object or notify the requesting party

that more than twenty calendar days will be needed to provide the requested information. After May 28, 2013, until rebuttal testimony is filed on July 9, 2013, the response time for data requests shall be fifteen calendar days to provide the requested information and eight calendar days to object or notify the requesting party that more than fifteen calendar days will be needed to provide the requested information. After rebuttal testimony is filed on July 9, 2013, the response time for data requests shall be five business days to provide the requested information and three business days to object or notify the requesting party that more than five 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. All parties shall submit their responses to Staff data requests in EFIS. Ameren Missouri will provide its response to data requests of parties other than Staff on its Casework's extranet.

- (H) Workpapers prepared in the course of developing a witness' testimony shall not be filed with the Commission, but shall be submitted to each party within two business days after the particular testimony is filed without further request. If there are no workpapers associated with testimony, the party's attorney shall so notify the other parties within the time allowed for providing workpapers. Workpapers containing highly confidential or proprietary information shall 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 they are not interested in receiving workpapers or a complete set of workpapers. Counsel shall undertake to advise other counsel if the sponsored witness has no workpapers related to the round of testimony. Ameren Missouri will make its workpapers available on its Casework's extranet.

- (I) 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.
- (J) The parties shall make an effort to not include in data request 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 must be appropriately designated as such pursuant to 4 CSR 240.2.135.

3. 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.

4. This order shall become effective upon issuance.

**BY THE COMMISSION**



Joshua Harden  
Secretary

Morris L. Woodruff, Chief Regulatory Law  
Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 9<sup>th</sup> day of April, 2013.