

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

In the Matter of the Union Electric Company d/b/a)
Ameren Missouri's Tariffs to Decrease Its) File No. ER-2019-0335
Revenues for Electric Service)

**PUBLIC COUNSEL'S STATEMENT OF DISCOVERY DISAGREEMENT OR
CONCERN**

The Office of the Public Counsel (OPC) provides its Statement of Discovery Disagreement as follows:

1. Paragraph 3(K) of the Commission's Order Setting Test Year and Adopting Procedural Schedule requires parties to file notices of discovery disagreement or concerns at least two business days before a scheduled discovery conference. The next scheduled discovery conference for this above captioned docket is February 10, 2020.

2. Union Electric d/b/a Ameren Missouri timely sent objections to two data requests (DR) on February 4, 2020. Given the coincidence of Ameren Missouri's objection with the upcoming discovery conference, the OPC believes it prudent to raise its discovery concerns and apprise parties of further discussion.

3. OPC DR 3072 asks for copies of Ameren Illinois' annual goodwill impairment tests in response to Ameren Missouri witness Darryl Sagel's discussion of said test. Ameren Missouri objects on the basis of relevancy and because the document is allegedly not within Ameren Missouri's control.

4. Without waiving its objection, Ameren Missouri does state that it will provide a response to OPC DR 3072. Nonetheless, the OPC remains concerned that the upcoming response will not be satisfactory, and maintains that OPC DR 3072 is relevant given Mr. Sagel's discussion of Ameren Illinois' goodwill impairment tests.

5. OPC DR 3083 requests credit rating agency reports for Ameren Corporation and its subsidiaries produced since the end of 2011. The DR seeks this information in response to Mr. Sagel’s discussion of how S&P performs a “family rating methodology” when evaluating Ameren Missouri, and because the relationship of Ameren Missouri’s debt capacity to Ameren Corporation and subsidiaries is central to the OPC’s position regarding capital structure and return on equity. Ameren Missouri objects on the basis of relevancy and for a search for the credit rating agency’s reports of Ameren Corporation’s subsidiaries being allegedly overbroad.

6. The OPC maintains that OPC DR 3083 is relevant precisely because Mr. Sagel testifies to how S&P performs credit ratings of Ameren Corporation and subsidiaries, and Ameren Missouri’s view of how Ameren Corporation’s credit allows it to leverage more debt than Ameren Missouri. Similarly, OPC does not view a search of credit rating agency reports to be overly broad given the time limited nature of the question, and Mr. Sagel’s testimony speaking directly to Ameren Corporation subsidiary credit ratings.

WHEREFORE, the OPC submits its Statement of Discovery Disagreement or Concern, and asks that its concerns be addressed by the Commission at the upcoming discovery conference.

Respectfully,

OFFICE OF THE PUBLIC COUNSEL

/s/ Caleb Hall
Caleb Hall, #68112
Senior Counsel
200 Madison Street, Suite 650
Jefferson City, MO 65102
P: (573) 751-4857
F: (573) 751-5562
Caleb.hall@opc.mo.gov

**Attorney for the Office of the Public
Counsel**

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 5th Day of February, 2020 with notice of the same being sent to all counsel of record.

/s/ Caleb Hall