

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 2nd day of
April, 2014.

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 Necessity) **File No. EA-2014-0136**
Authorizing It to Construct, Install, Own, Operate, Maintain,)
and Otherwise Control and Manage Solar Generation)
Facilities in O'Fallon Missouri.)

**ORDER GRANTING MOTION TO COMPEL
AND MOTION FOR EXPEDITED TREATMENT**

Issue Date: April 2, 2014

Effective Date: April 2, 2014

On January 13, 2014¹, Union Electric Company, d/b/a Ameren Missouri ("Ameren Missouri"), applied to the Missouri Public Service Commission for a certificate of convenience and necessity to build solar generation facilities in O'Fallon, Missouri. On April 1, Ameren Missouri filed a motion to compel and a motion for expedited treatment.

Ameren Missouri asks the Commission to compel Renew Missouri to answer data request DR-009. Renew Missouri objects on the grounds that Ameren Missouri has not met its burden of establishing relevance of the requested information. Renew Missouri further requests a protective order, claiming that the discovery request is abusive.

Commission Rule 4 CSR 240-2.090(1) states that discovery may be obtained by the same means and under the same conditions as in civil actions in the circuit court. Missouri Rule of Civil Procedure 56.01(b) states that parties may obtain discovery regarding any

¹ Calendar references are to 2014 unless otherwise indicated.

matter, not privileged, that is relevant to the subject matter involved in the pending action, including the existence, description, nature, custody, condition and location of any books, documents or other tangible things and the identity and location of persons having knowledge of any discoverable matter. Parties may inquire into any matter that is reasonably calculated to lead to admissible evidence.²

Ameren Missouri DR-009 asks for “any and all written communications, including but not limited to e-mails or letters, received from officers, members of the governing body and/or members of MOSEIA regarding Ameren Missouri’s Solar Certificate Application”. According to Ameren Missouri’s motion, MOSEIA refers to Missouri Solar Energy Industry Association, a solar trade industry association. A request for written communications from such an industry group, especially a request limited to this pending application filed only earlier this year, appears reasonably calculated to lead to admissible evidence. For example, those communications may guide Ameren Missouri’s strategy on how to cross-examine Renew Missouri’s witness. Thus, the Commission will grant the motion.

Commission Rule 4 CSR 240-2.090(1) states that sanctions for failure to comply with commission orders regarding discovery shall be the same as those provided for in the rules of civil procedure. Missouri Rule of Civil Procedure 61.01(b) allows the court to make such orders in regard to failure as are just and among others, orders that strike pleadings, dismiss the action, or render a judgment by default against the disobedient party.

THE COMMISSION ORDERS THAT:

1. The Motion for Expedited Treatment filed by Union Electric Company d/b/a Ameren Missouri is granted.

² *State ex. rel. Martel v. Gallagher*, 797 S.W.2d 730 (Mo. App. E.D. 1990).

2. The Motion to Compel filed by Union Electric Company d/b/a Ameren Missouri is granted.

3. All other requests for relief are denied.

4. Earth Island Institute d/b/a Renew Missouri is ordered to fully respond to data request DR-009 no later than noon, April 3, 2014.

5. This order shall become effective on April 2, 2014.



BY THE COMMISSION

A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

R. Kenney, Chm., Stoll, and
W. Kenney, CC., concur.
Hall, C., dissents.

Pridgin, Deputy Chief Regulatory Law Judge