

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

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

ORDER ADOPTING PROCEDURAL SCHEDULE AND ESTABLISHING TEST YEAR

Issue Date: September 14, 2009

Effective Date: September 14, 2009

On September 11, 2009, all parties in Union Electric Company, d/b/a AmerenUE's general rate increase case jointly proposed a procedural schedule. Since all parties accept the proposed schedule, the Commission will adopt it.¹

AmerenUE's direct testimony utilized a test year ending March 31, 2009. The company proposed that the test year be true-up through February 28, 2010. No one objected to the proposed test year, but several parties argued that the true-up cutoff be moved to January 31, 2010, or January 1, 2010. The parties now agree that the true-up cutoff should be established as January 31, 2010. The Commission will accept the test year and true-up period agreed to by the parties.

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.

¹ The Commission will make one modification to the proposed schedule. The date for the parties to file reply/true-up briefs will be moved from May 5 to April 30 to allow the Commission more time to deliberate before issuing a report and order

(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, copies for the five Commissioners, the Presiding Judge, and all counsel.

The parties have agreed to the following additional procedures and ask the Commission to order the parties to comply with them. The parties shall comply with the following procedures:

(F) All parties shall 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, or .XLS). Parties are not

required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.

(G) The parties shall make an effort to not include highly confidential or proprietary information in data request questions. If highly confidential or proprietary information must be included in data request questions, the highly confidential or proprietary information shall be appropriately designated as such pursuant to Commission Rule 4 CSR 240-2.135.

(H) Each party serving a data request on another party shall provide an electronic copy of that data request to counsel for all other 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 request issued by another party shall serve that request on the party to whom the original request was directed. AmerenUE may post data request responses on its Caseworks Extranet site in lieu of providing data request responses to the requesting party: provided that AmerenUE will notify the requesting party and the requesting party's counsel when the data request responses are posted on the Extranet site. AmerenUE shall also continue to submit responses to Staff's data requests in the Commission's Electronic Filing and Information System (EFIS), if feasible.

(I) Until direct testimony is filed on December 18, 2009, 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 December 18, 2009, until rebuttal testimony is filed on February 11, 2010, 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 February 11, 2010, 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, considering that the underlying data request has already been responded to (except that responses shall not be needed for data request responses posted on AmerenUE's Caseworks Extranet site).

(J) Workpapers that were prepared in the course of developing a witness' direct or rebuttal testimony shall not be filed with the Commission, but, without request, shall be submitted to each party within two business days after the particular testimony is filed. Workpapers prepared in the course of developing a witness' surrebuttal, true-up direct, or true-up rebuttal testimony shall not be filed with the Commission, but shall be submitted to each party simultaneously with the filing of the particular testimony. Workpapers need not be submitted to a party that has indicated it does not want to receive some or all of the 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 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 shall so notify the other parties within the time allowed for providing those workpapers.

(K) 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. AmerenUE may provide workpapers by posting them 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.

(L) For purposes of this case, the Commission waives Commission Rules 4 CSR 240-2.045(2) and 2.080(11) so that filings made in EFIS are timely if filed before midnight on the date the filing is due.

(M) Documents filed in EFIS are properly served if provided to counsel of record for all other parties via e-mail.

As requested by the parties, the Commission will expedite the transcripts of the evidentiary hearing.

THE COMMISSION ORDERS THAT:

1. The test year for this case is the twelve months ending March 31, 2009, trued-up as of January 31, 2010.

2. The following procedural schedule is established:

Non-AmerenUE parties to file Direct Testimony on revenue requirement	-	December 18, 2009
Non-AmerenUE parties to file Direct Testimony on rate design	-	January 6, 2010
Preliminary Reconciliation to be circulated to the parties but not filed	-	January 8, 2010
Local Public Hearings (locations		

and dates to be established by subsequent order)	-	January 2010
Technical/Settlement Conference (This is an informal conference among the parties and will not be “on-the-record”)	-	January 11-15, 2010
Preliminary issues list circulated among the parties	-	January 20, 2010
All parties to file Rebuttal Testimony	-	February 11, 2010
Preliminary issues list circulated among the parties	-	February 23, 2010
All parties to file Surrebuttal or Cross-Surrebuttal Testimony	-	March 5, 2010
AmerenUE to provide, but not file, True-Up Data	-	March 5, 2010
List of Issues, Order of Witnesses, Order of Cross-Examination, Order of Opening	-	March 8, 2010
Reconciliation	-	March 9, 2010
Statements of Position	-	March 10, 2010
Hearing	-	March 15 to March 26, 2010, beginning at 8:30 a.m.
All parties to file True-Up Direct Testimony (if necessary)	-	April 1, 2010
All parties to file True-Up Rebuttal Testimony (if necessary)	-	April 8, 2010
True-Up Hearing (if necessary)	-	April 12-13, 2010, beginning at 8:30 a.m.
All parties file Initial Post-Hearing Briefs	-	April 23, 2010
All parties file Reply/True-Up Briefs	-	April 30, 2010

3. The parties shall comply with the procedural requirements set forth in the body of this order.

4. 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.

5. This order shall become effective immediately upon issuance.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

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 14th day of September, 2009.