

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 28th day of
March, 2012.

In the Matter of Union Electric Company, d/b/a)	<u>File No. ER-2012-0166</u>
Ameren Missouri's Tariff to Increase Its Annual)	Tariff No. YE-2012-0370
Revenues for Electric Service)	

**ORDER ADOPTING PROCEDURAL SCHEDULE, ESTABLISHING TEST
YEAR, AND DELEGATING AUTHORITY**

Issue Date: March 28, 2012

Effective Date: March 28, 2012

On March 13, 2012, the Commission's Staff, acting on behalf of all the parties, 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 will adopt most of the procedural schedule proposed by the proponents, including the addition of four extra hearing days on October 9-12. However, the Commission prefers to issue its Report and Order resolving this rate case approximately thirty days before the operation of law date to allow time to deal with implementing tariffs and requests for rehearing. Since the operation of law date for this case is January 2, 2013, the Commission will need to issue its Report and Order during the first part of December. The proposed procedural schedule would have initial briefs filed on Monday, November 5, with reply briefs following on Friday November 16, leaving the Commission little time to deliberate, write, approve, and issue a report and order. To

remedy that situation, the Commission will slightly adjust the post-hearing schedule proposed by the parties.

The Commission will order a discovery schedule that establishes deadlines for the service of discovery requests and for the filing of motions to compel discovery. The Commission will also schedule periodic discovery conferences at which the parties may obtain prompt resolution of any discovery disputes. Ameren Missouri filed comments regarding a possible discovery order on March 13. The Commission will take those comments into account in this order, but has found a more structured discovery process to be helpful in previous cases. The Commission will establish such a process in this case.

To ensure that such discovery disputes can be promptly resolved, the Commission will exercise its authority under Section 386.240, RSMo 2000 by delegating its authority to the presiding regulatory law judge to rule on discovery disputes raised at the discovery conference and to rule on all motions to compel discovery. Ameren Missouri has proposed a test year of the twelve calendar months ended September 30, 2011, with a true-up cut-off date of July 31, 2012. Staff has concurred in that recommended test year and no party has objected to that proposal. The Commission will adopt the test year and true-up period proposed by Ameren Missouri.

Staff, on behalf of the parties, has filed recommendations regarding the scheduling of local public hearings. The Commission will address that matter in a subsequent order.

THE COMMISSION ORDERS THAT:

1. The test year for this case is the twelve months ending September 30, 2011, trued-up as of July 31, 2012.

2. The following procedural schedule is established:

Discovery Conference	-	May 10, 2012
Discovery Conference	-	June 21, 2012
Non-Ameren Missouri parties to file Direct Testimony on revenue requirement	-	July 6, 2012
Non-Ameren Missouri parties to file Direct Testimony on rate design	-	July 19, 2012
Discovery Conference	-	July 26, 2012
Local Public Hearings (locations and dates to be established by subsequent order)	-	July-August 2012
Technical/Settlement Conference (This is an informal conference among the parties and will not be on the record)	-	July 30 to August 3, 2012
All parties to file Rebuttal Testimony	-	August 14, 2012
Discovery Conference	-	August 30, 2012
All parties to file Surrebuttal or Cross-Surrebuttal Testimony	-	September 7, 2012
Late Settlement Conference (Informal Conference that is not on the record)	-	September 13, 2012
List of Issues, Order of Witnesses, Order of Cross-Examination, Order of Opening	-	September 14, 2012
Statements of Position	-	September 18, 2012
Reconciliation	-	September 19, 2012
Hearing	-	September 24 through September 28, October 1 through October 5, and October 9 through October 12, 2012,

**beginning each day at
8:30 a.m.**

- All parties to file True-Up Direct
Testimony** - **October 18, 2012**
- All parties to file True-Up Rebuttal
Testimony** - **October 22, 2012**
- True-Up Hearing** - **October 25, 2012,
beginning at 8:30 a.m.**
- All parties file Initial Post-Hearing Briefs** - **October 31, 2012**
- All parties file Reply/True-Up Briefs** - **November 14, 2012**

3. The Commission establishes the following provisions to guide discovery:

(A). Discovery Conferences will be held in Room 305 at the Commission's office at the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Each Discovery Conference will begin at 2:00 p.m.

(B). Not less than two business days before each discovery conference, any party that has a discovery disagreement or concern involving another party shall file a brief statement describing that disagreement or concern and identifying any other parties involved. Such statement does not need to be a formal motion to compel. Any party may attend a discovery conference, but only those parties involved in an identified discovery disagreement or concern must attend. If the parties do not identify any discovery disagreements or concerns before the scheduled conference, the presiding officer may cancel the conference.

(C). Discovery conferences shall be on the record and shall be transcribed by a court reporter.

D. Any pending written discovery motion may be taken up at a Discovery

Conference and may be ruled upon by the presiding regulatory law judge either on the record, or in a written order.

(E). Commission Rule 4 CSR 240-2.090's requirement that a party must seek a telephone conference with the presiding officer before filing a discovery motion is waived.

(F). All data requests, subpoenas, or other data requests shall be issued no later than September 13, 2012.

(G). All motions to compel a response to any discovery request shall be filed no later than September 18, 2012.

4. 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 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 the text of the “description” of that data request to counsel for all other parties contemporaneously with service of the data request. Regarding Staff-issued data requests, 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 shall request a copy of the response from the party answering the data request. 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 counsel for the other parties. 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. All data request responses from all parties shall also be served on counsel for Staff, Office of the Public Counsel, and Ameren Missouri, or company counsel’s designee. All data request responses from all parties shall also be served on counsel for Ameren Missouri or company counsel’s designee. All data request responses shall be served electronically, if feasible and not voluminous as defined by Commission rule. In the case of Ameren Missouri data request responses, Ameren Missouri shall post its data request responses on its Case Works Extranet site. However, in the case of responses to data requests Staff issues to it, Ameren Missouri shall also submit the response to

Staff data requests in EFIS, if feasible, or if submission of responses to Staff data request in EFIS is infeasible, then Ameren Missouri shall submit to Staff its response in electronic format or compact disc or by other means agreed to by Staff counsel.

- (I) Until direct testimony is filed on July 6, 2012, 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 July 6, 2012, until rebuttal testimony is filed on August 14, 2012, 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 August 14, 2012, 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 Ameren Missouri'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. Ameren Missouri 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. Ameren Missouri shall provide its work papers to Staff in electronic format by e-mailing or by delivery of a compact disk or other electronic storage media.

5. The transcripts of the evidentiary hearing shall be expedited.

6. 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.

7. This order shall become effective immediately upon issuance.

BY THE COMMISSION

(S E A L)



Steven C. Reed
Secretary

Gunn, Chm., Jarrett and Kenney, CC., concur.

Woodruff, Chief Regulatory
Law Judge