

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

In the Matter of the Petition of Union Electric)
Company d/b/a Ameren Missouri for a)
Financing Order Authorizing the Issue of) **File No. EF-2024-0021**
Securitized Utility Tariff Bonds for Energy)
Transition Costs Related to Rush Island)
Energy Center)

**MOTION TO STRIKE PORTIONS OF THE SURREBUTTAL TESTIMONY OF
AMEREN MISSOURI WITNESS MATT MICHELS AND
MOTION FOR EXPEDITED TREATMENT**

COMES NOW Staff of the Missouri Public Service Commission and hereby moves for an order from the Commission striking a portion of the surrebuttal testimony of Ameren Missouri (“Ameren”) witness Matt Michels and moves for expedited treatment of its motion. In support thereof, Staff states as follows:

1. Commission Rule 20 CSR 4240-2.130(7) defines direct testimony as follows:

(A) Direct testimony shall include **all** testimony and exhibits asserting and explaining that party’s entire case-in-chief (emphasis added)

2. Although presented under the guise of surrebuttal testimony, Ameren witness Matt Michels’ surrebuttal testimony page 23 line 12 through page 28 line 10 and page 39 line 9 through page 44 line 4 could – and should – have been presented in direct testimony as asserting and explaining Ameren Missouri’s case-in-chief, as a review of that testimony reveals that to be its effect. Instead, Ameren waited until surrebuttal to drop this new analysis asserting and explaining its case-in-chief on the parties. Highlighting the problem created by Ameren’s actions, Mr. Michels’ workpapers in direct testimony consisted of 1 single Excel workbook, whereas his surrebuttal

workpapers are the entire set of 2023 IRP workpapers (2.9 GB) *and* new analysis (1.63GB, with 167 individual Excel workbooks).

3. Given the short amount of time remaining prior to the evidentiary hearing in this matter, allowing the opportunity for sur-surrebuttal to Mr. Michels' improper surrebuttal testimony asserting and explaining Ameren's case-in-chief would be an inadequate remedy due to the amount of material in his surrebuttal workpapers supporting that testimony. Staff simply does not have sufficient time and resources to review that amount of material in the time remaining. Therefore, Mr. Michels' surrebuttal testimony page 23 line 12 through page 28 line 10 and page 39 line 9 through page 44 line 4 should be stricken. The Commission's Rule, quoted above, required Mr. Michels to present **all** testimony and exhibits asserting and explaining Ameren's **entire** case-in-chief, not just some.

4. The Commission should act on this motion to strike as soon as possible, preferably no later than April 3, 2024, given that the hearing is currently scheduled to commence on April 15, 2024. This motion is being filed as soon as it could have been given recent staffing changes at the Commission. Granting this motion to strike will also avoid the harm inherent in what would otherwise amount to sanctioning Ameren Missouri's failure to comply with the Commission's rules if the motion to strike were not granted.

WHEREFORE Staff respectfully moves the Commission for an order striking page 23 line 12 through page 28 line 10 and page 39 line 9 through page 44 line 4 of the surrebuttal testimony of Ameren Missouri witness Matt Michels as soon as possible, preferably no later than April 3, 2024.

Respectfully submitted,

/s/ Jeffrey A. Keevil

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to counsel of record as reflected on the certified service list maintained by the Commission in its Electronic Filing Information System this 29th day of March 2024.

/s/ Jeffrey A. Keevil