

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

In the Matter of Union Electric Company)
d/b/a Ameren Missouri’s Tariffs to Increase)
its Annual Revenues for Electric Service) **File No. ER-2022-0337**

STAFF’S MOTION TO STRIKE
PORTIONS OF UNION ELECTRIC COMPANY D/B/A AMEREN MISSOURI
TRUE-UP REBUTTAL TESTIMONY OF NICHOLAS BOWDEN, Ph.D

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, and for its *Motion to Strike Portions of Union Electric Company d/b/a Ameren Missouri True-Up Rebuttal Testimony of Nicholas Bowden, Ph.D.*, states as follows:

1. On August 1, 2022, Union Electric Company d/b/a Ameren Missouri (“Company” or “Ameren”) filed Direct Testimony in this matter. Staff of the Missouri Public Service Commission, as well as other parties to the above-captioned case, filed Direct Testimony on January 10, 2023. On February 15, 2023, and March 13, 2023, parties filed Rebuttal, and Surrebuttal and True-Up Direct Testimony, respectively. On March 24, 2023, some parties filed True-Up Rebuttal Testimony.

2. Pre-filed testimony must meet specific requirements pursuant to 20 CSR 4240-2.130(7)(A)-(D), which states in relevant part:

- (7) For the purpose of filing prepared testimony, direct, rebuttal, and surrebuttal testimony are defined as follows:
 - (A) Direct testimony shall include all testimony and exhibits asserting and explaining that party’s case-in-chief;
 - (B) Where all parties file direct testimony, rebuttal testimony shall include all testimony which is responsive to the testimony and exhibits contained in any other party’s direct case. A party need not file direct testimony to be able to file rebuttal testimony;
 - (C) Where only the moving party files direct testimony, rebuttal testimony shall include all testimony which explains why a party rejects, disagrees or proposes an alternative to the moving party’s direct case; and

(D) Surrebuttal testimony shall be limited to material which is responsive to matters raised in another party's rebuttal testimony.

3. The Direct, Rebuttal, Surrebuttal and True-Up Direct Testimony of Staff witness Kim Cox was included in the filings on January 10, 2023, February 15, 2023, and March 13, 2023. Her Direct Testimony and workpapers addressed various issues, including, but not limited to the applicable growth adjustment and the rate switching adjustment. Her True-up Direct Testimony addressed customer growth, rate switching, community solar, and the Missouri Energy Efficiency Investment Act ("MEEIA").

4. Staff did not change its method for calculating its true-up adjustments in accordance with the Commission's *Order Setting Procedural Schedule and Adopting Test Year*, which stated, on page 3, footnote 6, "No party shall revise or change that party's method or methodologies for true-up issues."

5. The Direct, Rebuttal, Surrebuttal and True-Up Direct, and True-Up Rebuttal Testimony of Ameren witness Nicholas Bowden, Ph.D., was included in the filings on August 1, 2022, February 15, 2023, March 13, 2023, and March 24, 2023. His Rebuttal Testimony addressed various issues, none of which included the growth adjustment or the rate switching adjustment. His True-up Rebuttal testimony addressed various issues, including, but not limited to the growth adjustment and the non-residential switching adjustment. The methods Dr. Bowden disagrees with in his True-up Rebuttal testimony are the same methods Staff used in Direct testimony and therefore were required to be addressed, if at all, in Dr. Bowden's Rebuttal testimony.

6. The True-Up Rebuttal Testimony of Ameren witness Dr. Bowden, filed on March 24, 2023, was not responsive to matters raised within Staff witness Ms. Cox's

True-Up Direct testimony, but rather were responsive to adjustments raised in her Direct Testimony and that could have been addressed during Dr. Bowden's Rebuttal testimony but were not. Ameren and Dr. Bowden had an opportunity to address these matters during Rebuttal testimony, but chose not to do so.

7. Specifically, the following pages and lines of Dr. Bowden's True-Up Rebuttal Testimony should be stricken from the record:

- a. Page 3, lines 7 – 23; page 4, lines 1 – 23; and page 5, lines 1 – 8, relating to the growth adjustment; and
- b. Page 5, lines 18 – 23; and page 6, lines 1 – 14, relating to the non-residential switching adjustment.

8. Because Ameren witness Dr. Bowden's True-Up Rebuttal Testimony failed to respond to matters that were raised within another party's immediately preceding testimony, specifically, Staff witness Cox's True-Up Direct testimony, but instead responded to a party's Direct Testimony, Staff moves the Commission to Strike the enumerated portions of Dr. Bowden's True-Up Rebuttal Testimony, as set out in Paragraph 7, above, as the testimony is improper and detrimental or prejudicial to the Staff and the other parties.

WHEREFORE, Staff hereby submits its *Motion to Strike Portions of Union Electric Company d/b/a Ameren Missouri True-Up Rebuttal Testimony of Nicholas Bowden, Ph.D.* and respectfully requests the Commission to grant Staff's Motion.

Respectfully submitted,

/s/ Carolyn H. Kerr

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been transmitted by electronic mail to counsel of record this 28th day of March, 2023.

/s/ Carolyn H. Kerr