

**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 Adjust)
its Revenues for Electric Service) **File No. ER-2022-0337**

**STAFF’S MOTION TO STRIKE
OPC’S SURREBUTTAL TESTIMONY OF JOHN S. RILEY**

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, and for its *Motion to Strike Office of Public Counsel (“OPC”) Surrebuttal Testimony of John S. Riley*, states as follows:

1. On August 1, 2022, Union Electric Company d/b/a Ameren Missouri (“Company”) filed Direct Testimony in this matter. Staff of the Missouri Public Service Commission, as well as some OPC Staff, filed Direct Testimony on January 10, 2023. On February 15, 2023 and March 13, 2023, parties filed Rebuttal and Surrebuttal Testimony, respectively. The OPC Rebuttal and Surrebuttal Testimony of John S. Riley was included in the filings on February 15, 2023 and March 13, 2023.

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. OPC's Surrebuttal Testimony of John S. Riley filed on March 13, 2023, was not responsive to matters raised within another party's rebuttal testimony, but on issues that could have been addressed during rebuttal testimony and was not. Mr. Riley addressed the income tax lag used in Staff's Cash Working Capital calculation. In rebuttal testimony Staff did not change the income tax lag from what was used in Staff's direct testimony filed in the matter, and the Data Requests responses he addressed in the surrebuttal were provided approximately a month before direct testimony was filed and was never addressed in rebuttal, which would have been proper. OPC and Mr. Riley had plenty of opportunities to address these matters during rebuttal testimony, but chose not to.

4. Since OPC and Mr. Riley surrebuttal testimony failed to respond to matters that were raised within another party's rebuttal testimony, Staff moves the Commission to Strike Mr. John S. Rileys Surrebuttal Testimony as it is improper and detrimental or prejudicial to the Staff and the other parties if granted.

WHEREFORE, Staff hereby submits its *Motion to Strike OPC's Surrebuttal Testimony of John S. Riley* and respectfully requests the Commission to grant Staff's Motion.

Respectfully submitted,

/s/ J. Scott Stacey

J. Scott Stacey
Senior Staff Counsel
Missouri Bar No. 59027
Attorney for the Staff of the
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102
573-522-6279
573-751-9285 (Fax)
scott.stacey@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been transmitted by electronic mail to counsel of record this 17th day of March, 2023.

/s/ J. Scott Stacey