

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

In the Matter of Union Electric Company d/b/a)
Ameren Missouri’s Filing to Implement Regulatory)
Changes in Furtherance of Energy Efficiency as) **Case No. EO-2012-0142**
Allowed by MEEIA.)

**AMEREN MISSOURI’S RESPONSE
TO THE OFFICE OF THE PUBLIC COUNSEL’S MOTIONS DATED
DECEMBER 31, 2014, JANUARY 12, 2015, AND JANUARY 14, 2015**

COMES NOW Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri” or “Company”), and in filing its Response to the Motions of the Office of the Public Counsel (OPC) states as follows:

1. On December 31, 2014, OPC filed a Motion to Accept Corrections to Office of Public Counsel Witness Dr. Geoff Marke’s Direct, Rebuttal, and Surrebuttal Testimony. The Motion sought to address what OPC believed were “inconsistencies” in the Evaluator and Auditor reports filed in this case.

2. On January 12, 2015, OPC brought forth a pleading styled “Public Counsel’s Motion to Accept Amended Corrections to Office of Public Counsel’s Witness Dr. Geoff Marke’s Direct, Rebuttal, and Surrebuttal Testimony.” This Motion sought approval for a substantial number of corrections concerning calculations and text within the Direct, Rebuttal, and Surrebuttal Testimony of Dr. Marke. The Motion contained a lengthy explanation of the factual basis for approximately 33 separate changes to testimony. The requested changes to pre-filed testimony reflect the results of newly revised calculations as well as substantive changes to written portions of the testimony.

3. On January 14, 2015, OPC filed another Motion seeking to make changes to the previously filed Motion dated January 12, 2015 to correct “...errors which do not accurately

reflect the changes to testimony.” (p.1) These corrections appear to revise the identification of changes to testimony, and to revise certain percentages and calculations as cited in the January 12, 2015 Motion.

4. The revisions, recalculations, and corrections set forth a substantial amount of material to be reviewed and verified. On its face, the Motion appears to describe what are plainly supplemental changes to testimony and substantive revisions to calculations used in testimony. Accordingly, the Motion is improperly styled as a Motion to “correct” testimony. Further, Ameren Missouri has only recently received what appear to be workpapers for review. This week, technical experts for Ameren Missouri have been engaged in a MEEIA rulemaking workshop held at the Commission in Jefferson City on Wednesday, January 14, 2015. Additionally, Ameren Missouri employees are attending a Technical Conference related to their 2nd MEEIA plan filing today, January 16, 2015, in Jefferson City. Ameren Missouri technical experts have not had a chance to fully review the changes proposed by OPC.

5. The hearing scheduled in this matter is set to begin in less than a month (February 9th and 10th). The Company has already completed discovery and depositions, including the deposition of Dr. Marke. Accordingly, it is highly irregular and prejudicial for OPC to now seek leave to make broad supplemental changes to the pre-filed testimony of Dr. Marke.

6. The Company generally has no objection to true “corrections” to testimony, as such changes are necessary to eliminate mistakes or rectify errant calculations. However, in this instance, the changes are material and substantive. Moreover, the revisions are pervasive throughout the entirety of Dr. Marke’s pre-filed testimony in this case.

7. Accordingly, the Company objects to OPC’s pending Motions, and requests that the Commission take under advisement any further revisions to Dr. Marke’s testimony. Any

revisions can be addressed upon OPC's motion to admit the testimony of Dr. Marke's after opportunity for cross examination at hearing has been afforded. Ameren Missouri reserves the right to object outright to the admission of any testimony containing pervasive and materially substantive changes, particularly those that have occurred after the completion of Dr. Marke's deposition.

WHEREFORE, Ameren Missouri respectfully requests that the Commission deny the above referenced Motions of OPC, take any further revisions or changes to Dr. Marke's pre-filed testimony under advisement, and grant any further such relief that it deems just and equitable.

Respectfully submitted,

UNION ELECTRIC COMPANY,
d/b/a Ameren Missouri

/s/ Matthew R. Tomc

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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered, transmitted by e-mail or mailed, First Class, postage prepaid, this 16th day of January, 2015, to counsel for all parties on the Commission's service list in this case.

/s/ Matthew R. Tomc