

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

In the Matter of Union Electric Company's	)	
(d/b/a Ameren Missouri) Gas Service Tariffs	)	
Removing Certain Provisions for Rebates	)	<b><u>File No. GT-2011-0410</u></b>
from its Missouri Energy Efficient Natural Gas	)	Tariff No. JG-2011-0620
Equipment and Building Shell Measure Rebate	)	
Program.	)	

**STAFF'S RESPONSE TO AMEREN MISSOURI'S MOTION TO STRIKE PORTIONS  
OF THE PREFILED SURREBUTTAL TESTIMONY OF DR. HENRY E. WARREN**

COMES NOW the Staff of the Missouri Public Service Commission ("Staff"), by and through Staff Counsel's Office, and respectfully requests the Commission deny Union Electric Company d/b/a Ameren Missouri's September 30 request to Strike a Portion of Dr. Henry Warren's Surrebuttal Testimony. In support of its request, Staff states the following:

1. Commission Rule 4 CSR 240-2.130(7)(D) provides, "Surrebuttal testimony shall be limited to material which is responsive to matters raised in another party's rebuttal testimony."

2. Page 6, lines 2 through 19 of Dr. Warren's testimony is responsive to the rebuttal testimony of Department of Natural Resources ("DNR") witness, Mr. John Buchanan, and is also responsive to the rebuttal testimony of Office of Public Counsel ("OPC") witness, Mr. Ryan Kind, and should not be stricken.

3. Dr. Warren's testimony is responsive to, and expounds upon DNR witness Mr. Buchanan's testimony that Ameren Missouri proposed to remove energy efficiency measures based on the Total Resource Cost ("TRC") test (p. 6. lines 7-12).

4. Dr. Warren's testimony is also responsive to later portions of Mr. Buchanan's testimony in which he discusses the shortcomings of Ameren Missouri's use of the TRC test,

specifically addressing the fact that Ameren Missouri's approach is inconsistent with the NAEPP guide (page 21, line 4, through page 24, line 3).

5. Furthermore, though not explicitly stated in testimony, Dr. Warren's testimony responds to OPC witness Mr. Ryan Kind's rebuttal testimony, specifically the portion regarding the issues Mr. Kind has with Ameren Missouri's use of the TRC analysis (page 16, line 6, through page 19, line 16).

6. Therefore, because Dr. Warren's testimony is responsive to issues raised in Mr. Buchanan's and Mr. Kind's respective rebuttal testimony, it should not be stricken.

7. Ameren Missouri's claim that Dr. Warren raises concerns with the TRC test calculations for the first time is inaccurate. Contrary to Ameren Missouri's argument that Staff did not raise concerns in its Rebuttal testimony, Mr. Stahlman raised numerous concerns with Ameren Missouri's use of the TRC. (*See Stahlman Rebuttal*, page 7, line 15 through page 14, line 27).

8. Page 4, line 16 through page 5, line 11 and page 7, lines 18 through 25 of Dr. Warren's testimony discuss the events that led up to, and immediately followed the GT-2011-0130 case, which was eventually consolidated into Ameren Missouri's last rate case. This testimony is relevant to the issues in this case, and should not be stricken.

9. Staff disagrees with Ameren Missouri that Dr. Warren's testimony pertaining to the GT-2011-0130 case is not relevant in this matter. This testimony is relevant and essential to show that Ameren Missouri agreed to and signed a Stipulation and Agreement acknowledging the intent and promising to offer energy efficiency programs to its customers, and within weeks of signing the Stipulation and Agreement is making, and has made in the past, efforts to cut those

programs off and/or diminish the value of the programs, to the point that they have no value to the customers.

10. For the reasons set forth above, Dr. Warren's testimony set forth on Page 4, line 16 through page 5, line 11 and page 7, lines 18 through 25, is relevant to this case, and should not be stricken.

**WHEREFORE,** Staff respectfully requests that the Commission deny Ameren Missouri's *Motion to Strike Portions of the Prefiled Surrebuttal Testimony of Dr. Henry E. Warren.*

Respectfully submitted,

**/s/ Meghan McClowry**

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 3rd day of October, 2011.

**/s/ Meghan McClowry**