

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

In the Matter of the Joint Application)
of Entergy Arkansas, Inc., Mid South)
TransCo LLC, Transmission Company)
Arkansas, LLC and ITC Midsouth LLC)
for Approval of Transfer of Assets and) File No. EO-2013-0396
Certificate of Convenience and Necessity,)
and Merger and, in connection therewith,)
Certain Other Related Transactions)

ITC MIDSOUTH LLC’S OBJECTION TO AFFIDAVITS

COMES NOW ITC Midsouth LLC (“ITC Midsouth”), pursuant to 4 CSR 240-2.130 and 536.070 RSMo, and hereby objects to affidavits filed by the Intervenors herein, as follows:

1. ITC Midsouth specifically objects to admission into the record of Schedule BKW-2 to the Rebuttal Testimony of Bary K. Warren filed herein by The Empire District Electric Company. That Schedule purports to be the affidavit or testimony of Daniel E. Peaco. The Schedule constitutes hearsay, and appears to be unverified. It is not in the required form of prefiled testimony under the Commission’s rules of evidence. There is no foundation for its admission. It is incomplete, having various aspects redacted. Further, it is irrelevant, because it concerns substantially different facts regarding matters in Arkansas and purports to address a different legal standard than applies in this Missouri proceeding.

2. ITC Midsouth also generally objects to the admission into the record of any and all of the prefiled testimony submitted by Intervenor in affidavit form, unless and until the witnesses appear at hearing for cross examination.

WHEREFORE, ITC Midsouth LLC requests that the Commission exclude evidence pursuant to these objections.

Respectfully submitted,

/s/ Carl J. Lumley

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CERTIFICATE OF SERVICE

The undersigned does hereby certify that a copy of the foregoing has been served upon all parties of record by forwarding the same by electronic mail and/or first class mail, postage prepaid this 31st day of May, 2013 to the following:

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