BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of Union Electric)
Company d/b/a Ameren Missouri for Permission and)
Approval and a Certificate of Public)
Convenience and Necessity Authorizing)
it to Construct, Install, Own,) File No. EA-2012-0281
Operate, Maintain, and Otherwise Control and Manage)
A Utility Waste Landfill and Related Facilities at its)
Labadie Energy Center.)

<u>REPLY TO INTERVENORS' RESPONSE TO AMEREN MISSOURI'S MOTION TO</u> <u>STRIKE CROSS-SURREBUTTAL TESTIMONY</u>

COMES NOW Union Electric Company, d/b/a Ameren Missouri ("Ameren Missouri"), and for its Reply to Intervenors' above-referenced response states as follows:

1. Not once do Intervenors deny that they failed to file rebuttal testimony that

"explains why a party rejects, disagrees or proposes an alternative to the moving party's direct

case." 4 CSR 240-2.130(7)(C).

2. Not once do Intervenors claim that Ameren Missouri did not file direct testimony that addressed all of the elements required when seeking a certificate of public convenience and necessity ("CCN").

3. Not once do Intervenors claim that Ameren Missouri's Application did not comply with the Commission's rule respecting CCN Applications.

4. In the undersigned counsel's experience, it would be unprecedented for the Commission to refuse to strike surrebuttal or cross-surrebuttal testimony that so blatantly (and, according to paragraph 4 of Intervenors' response, intentionally) disregards a Commission rule, or to at least allow the party with the burden of proof to rebut it.

1

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served via e-mail to the

following on September 27, 2013:

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> /s/ James B. Lowery James B. Lowery