

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

In the Matter of Union Electric Company)		
d/b/a AmerenUE for Authority to File)		
Tariffs Increasing Rates for Electric)	Case No.	ER-2011-0028
Service Provided to Customers in the)		
Company's Missouri Service Area.)		

**OPPOSITION TO MOTION TO STRIKE, OR OTHERWISE DISALLOW,
PORTIONS OF THE PREPARED SURREBUTTAL TESTIMONY OF
MICHAEL WALTER**

COME NOW International Brotherhood of Electrical Workers Locals 2, 309, 649, 702, 1439, 1455, AFL-CIO and International Union of Operating Engineers Local 148, AFL-CIO (“Unions”), by counsel, and in opposition to the motion of Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri” or the “Company”)¹ to strike portions of the testimony submitted by union witness Michael Walter state:

1. The Unions timely filed the surrebuttal testimony of Michael Walter on Friday, April 15, 2011, serving copies of that testimony on all of the parties, including Ameren Missouri. On Monday, April 18, 2011, the Unions discovered the filed testimony included a typographical error (referring to an Ameren Missouri contractor as “ABD” rather than “ADB”) and inadvertently failed to contain one of the marked exhibits, the 2008 testimony of David Desmond that was misleadingly referred to by Ameren Missouri witness David Wakeman in his rebuttal testimony. The Unions immediately filed a corrected version of Mr. Walter’s testimony. Due to the ministerial nature of the two corrections, the Unions did not believe it was necessary to file a motion

¹ The Staff subsequently joined in the motion.

for leave to make the corrections. **As with all other filings, the Unions served the corrected testimony on all parties to this proceeding.**

2. Ameren Missouri did not file its motion to strike until May 5, 2011, twenty days after the Union testimony was filed and two business days before Mr. Walter is scheduled to testify. Ameren did not offer any justification for its delayed filing.

3. The Company objects to the inclusion in Mr. Walter's surrebuttal of two exhibits, Mr. Walter's proposed relief on union issues, and Mr. Desmond's testimony from a prior rate case brought by the Company.

4. Mr. Walter made general recommendations in his direct testimony (timely filed on February 7, 2011). At that time, in response to a request made in the process of the most recent prior Ameren rate case, Mr. Walter advised the parties that he would submit more specific recommendations at a later date. Mr. Walter needed additional time to put together his specific recommendations because he had only recently received responses from the Company to the Unions' data requests, and anticipated receiving additional responses to complete the data. Answers to the Unions' data requests were relevant to this process because the Unions requested, *inter alia*, information relating to anticipated retirements, anticipated labor needs, the amount and costs of training of new hires, the age of equipment and additional equipment needs. Significantly, neither the Company nor the Staff objected at the time to Mr. Walter's statement that he would make a more specific recommendation at a later date.

5. Mr. Walter presented his specific recommendations in the form of an exhibit to his surrebuttal testimony solely for the purpose of highlighting it for the parties and the Commission.

6. Mr. Walter's inclusion in his surrebuttal testimony of a courtesy copy of Mr. Desmond's testimony from the Ameren rate case ER-2008-0318 was a direct response to the March 25, 2011 rebuttal testimony of David Wakeman, who "invite[d]" the Commissioners to read Mr. Desmond's testimony and then went on to mislead the Commission about Mr. Desmond's conclusions. (Wakeman Rebuttal at p. 4, l. 21—p. 5, l. 6) Since it is in response to an issue raised by Ameren Missouri in rebuttal, Mr. Desmond's testimony is a proper subject of Mr. Walter's surrebuttal. Moreover, Mr. Desmond testified in person before the Commission in Case No. ER-2008-0318, at which time the Company (and the Staff) had full opportunity to cross-examine him.

WHEREFORE, the Unions respectfully ask the Commission to deny Ameren Missouri's motion to strike portions of the Surrebuttal Testimony of Michael Walter.

Respectfully submitted,

/s/ Sherrie A. Schroder
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Certificate of Service

The undersigned certifies that a true and correct copy of the foregoing was served on May 5, 2011, by United States mail, hand-delivery, email, or facsimile upon all parties by their attorneys of record as disclosed by the pleadings and orders herein.

/s/ Sherrie A. Schroder