

**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                    )   Case File No.: EA-2019-0021  
Authorizing it to Construct a Wind Generation            )  
Facility.    )

**ATCHISON COUNTY, MISSOURI’S & INTERVENOR DEKALB COUNTY,  
MISSOURI’S RESPONSE TO AMEREN MISSOURI’S MOTION TO STRIKE**

**COMES NOW** Atchison County, Missouri and DeKalb County, Missouri (collectively referred to as “Counties”) by and through their counsel Ivan L. Schraeder, and hereby submits this Atchison County, Missouri’s and Intervenor DeKalb County, Missouri’s Response To Ameren Missouri’s Motion To Strike, by stating as follows:

1.       Counties admit the facts in Para. 1 of Ameren Missouri’s Motion To Strike.
2.       Counties admit the facts in Para. 2 of Ameren Missouri’s Motion To Strike.
3.       Ameren Missouri’s Motion to Strike in Para. 3 as to additional witnesses

identifies that certain of the witnesses on its list of additional witnesses are the same as witnesses identified in the filings by other parties for use at the hearing. If the same witnesses are in the record already as stated by Ameren, it is self-evident that prejudice cannot be shown because such witnesses are already identified and subject to cross examination during the hearing.

Additionally, such witnesses are able to present later information after the hearing “through the Commission’s website” defeating Ameren’s arguments that it will be prejudiced by allowing these witnesses to testify at the hearing where they can be cross-examined in person by Ameren and other parties desiring to do so. There can be no prejudice to Ameren when website

comments can be added unilaterally by such witnesses and the witnesses are also identified as witnesses for other parties in this matter.

4. As pointed out in Para. 4 of Ameren's Motion To Strike, these witnesses are subject to cross examination as listed witnesses by other parties. Thus, no prejudice is provided and because of the admission by Ameren of the Commission's discretionary authority related to motions and allowance for cross examination.

5. Claims of the violation of due process are without foundation given the events pre-dating the Motion and the filings that are due on this date setting out the issues to be decided, as well as subsequent record submissions noted earlier in this Response to Ameren's motion. Ameren's arguments as to "advantage" related to late submission of additional witnesses is not made by Ameren as noted in this paragraph.

6. With regard to Ameren's attempt to exclude issues in its presentation in Para. 7 and 8 of its Motion, these are also without merit. The identification of issues or positions as characterized by Ameren is admitted as possible for handling at the hearing if such are considered as part of Ameren's two issues (See Ameren examples in Para. 8 of its Motion). If the Commission accepts Ameren's argument, the additional issues that Respondents submitted shows there is no prejudice because all of the subject matter can be included in the response to the two (2) issues presented by Ameren. It seems somewhat insincere or disingenuous to challenge the form in which an issue or position is presented when such issues and positions can be presented in a different form in the same hearing. It should also be noted that the Position Statement of Respondents sets out exactly what Ameren seeks to strike in a way that Ameren asserts is proper. There can be no disadvantage or prejudice to Ameren when the format may be

incorrect, which is not admitted by Respondents, but the subject matter is proper when presented in a different format in the same proceeding.

**WHEREFORE**, Atchison County, Missouri and DeKalb County, Missouri submit their Response To Ameren Missouri's Motion To Strike and respectfully request the Commission to deny Ameren Missouri's Motion to Strike.

Respectfully submitted by:

/s/ Ivan L. Schraeder

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Dated: February 13, 2019

### **CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing has been e-mailed, this 13<sup>th</sup> day of February, 2019, to counsels for the parties of record.

/s/ Ivan L. Schraeder