

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

In the Matter of the Tariff Filings of Union	)	
Electric Company, d/b/a Ameren Missouri, to	)	Case No. ER-2011-0028
Increase Its Revenues for Retail Electric Service.	)	

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

Union Electric Company, d/b/a Ameren Missouri (the "Company" or "Ameren Missouri"), hereby responds to the "Opposition to Motion to Strike, or Otherwise Disallow, Portions of the Prepared Surrebuttal Testimony of Michael Walter," which was filed on May 5, 2011, by the International Brotherhood of Electrical Workers Locals 2, 309, 649, 702, 1439, and 1455, AFL-CIO, and the International Union of Operating Engineers Local 148, AFL-CIO, ("Union"). For its response, Ameren Missouri states as follows:

1. Paragraph 4 of the Union's pleading suggests that although Mr. Walter stated in his prepared direct testimony, filed on February 7, 2011, that he would submit specific recommendations at a later date, he was prevented from making those recommendations until April 15, 2011, the date when he filed his surrebuttal testimony, because "he had only recently received responses from the Company to the Unions' data requests, and anticipated receiving additional responses to complete the data." The Union's pleading goes on to assert that "[a]nswers 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."

2. The statements contained in paragraph 4 of the Union's pleading are misleading and/or demonstrably false. Over the course of this case, the Union submitted a total of 25 data requests to the Company. Ameren Missouri made timely objections to seven of those data requests, which the Union did

not contest. The Company submitted responses to 17 of the remaining data requests on or before January 3, 2011, and the responded to the final request on January 12, 2011.

3. The preceding paragraph shows that Ameren Missouri responded to all of the Union's data requests at least 25 days before Mr. Walter filed his prepared direct testimony in this case. Thus, there is no legitimate reason why Mr. Walter could not have included as part of that testimony the specific suggestions that are at issue in this motion. There also is no legitimate reason why he could not have filed the Union's recommendations in rebuttal testimony, which, according to the procedural order in this case, was due on March 25, 2011. Instead, Mr. Walter waited until April 15, 2011, to file the Union's recommendations; a date that is three and one-half months after the Union received a response to the last of its data requests. Ameren Missouri submits the Union's decision to delay the filing of its recommendations until that date was not made for any legitimate reason but was, instead, a strategic choice made to deprive the Company of any opportunity to respond to those recommendations.

4. Paragraph 5 of the Union's pleading also contains a material misstatement of fact. The Union contends that Mr. Walter' decision to attach to his surrebuttal testimony a copy of David Desmond's prepared direct testimony in Case No. ER-2008-0318 was intended as a "courtesy" because David Wakeman, in rebuttal testimony filed on behalf of the Company, invited the Commission to read that testimony. But Mr. Wakeman did no such thing. At pages 3-4 of his rebuttal testimony, Mr. Wakeman references *live testimony* given by Mr. Desmond in that prior case, and his footnote citation to the hearing transcript verifies that fact. Mr. Wakeman never referred to Mr. Desmond's prepared testimony in Case No. ER-2008-0318, and any statement or suggestion to the contrary that appears in the Union's pleading is in error.

WHEREFORE, for all the reasons stated herein, Ameren Missouri asks the Commission to reject the objections stated in the Union's pleading. In addition, the Company renews its request that the Commission enter an order that: (i) strikes, or otherwise disallows, the document entitled "Proposed Relief on Union Issues" that is appended to Mr. Walter's prepared surrebuttal testimony as an exhibit; (ii)

strikes, or otherwise disallows, that portion of Mr. Walter's surrebuttal testimony that relates to the "Proposed Relief on Union Issues" (*i.e.* testimony on page 2, beginning on line 42 and ending on line 45); (iii) strikes, or otherwise disallows, the direct testimony of David Desmond in Case No. ER-2008-0318, which is appended to Mr. Walter's prepared surrebuttal testimony as an exhibit; (iv) strikes, or otherwise disallows, that portion of Mr. Walter's surrebuttal testimony that relates to Mr. Desmond's testimony (*i.e.* testimony on page 1, beginning on line 30 and ending on line 34); and (v) grants the Company such other relief as the Commission deems reasonable. In addition, the Company renews its request for expedited treatment of its motion.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via e-mail, on the following parties on the 5<sup>th</sup> day of May, 2011:

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