

Thus, the question was: “Why did the Staff change its mind?” The testimony to which STCG objects is the very testimony that responds to this question. The first part of Mr. Voight’s answer to this question – page 9, line 7, through page 10, line 21 – gave background regarding the Staff’s change of position. But the rationale for the change of position is only explained on page 10, lines 22-28. If those seven lines are stricken, the answer would not be responsive to the question.

The Staff believes that the reason why it changed its mind on this issue is relevant. If, as STCG contends, this is not relevant, then the question and all of the answer should be stricken, and the issue should not be addressed at the hearing.

The STCG also moved to strike most of line 25 and all of lines 26 and 27 on page 12 of Mr. Voight's Direct Testimony. The testimony to which STCG objects responds to this question: "Does the Staff agree with the Commission's comments [in the Final Order of Rulemaking]?" The testimony to which STCG objects is the very testimony that responds to this question. The first sentence of Mr. Voight's answer, on lines 23-25, told what Staff's position was on May 11, 2005. But the second and third sentences of this answer – the part to which STCG objects – actually tell whether the Staff does now agree with the Commission's comments.

The Staff believes that the question as to whether the Staff agrees with the Commission's comments is relevant. If, as STCG contends, this is not relevant, then the question and all of the answer should be stricken, and the issue should not be addressed at the hearing.

WHEREFORE, the Staff submits its Response to Motion to Strike for the Commission's consideration in this case.

Respectfully submitted,

/s/ Keith R. Krueger

Keith R. Krueger
Deputy General Counsel
Missouri Bar No. 23857

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-4140 (Telephone)
(573) 751-9285 (Fax)
keith.krueger@psc.mo.gov (e-mail)

Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile, or electronically mailed to all counsel of record this 14th day of April 2006.

/s/ Keith R. Krueger