

**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 RENEW 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 Renew Missouri’s Motion To Strike, which seeks to attack the Counties’ list of additional witnesses only, by stating as follows:

1. Counties admit the facts in Para. 1 of Renew Missouri’s Motion To Strike.
2. Counties admit the facts in Para. 2 of Renew Missouri’s Motion To Strike.
3. Counties include their Responses to Ameren Missouri’s Motion to Strike additional witnesses to testify as part of this Response to Renew Missouri’s Motion To Strike which is limited to striking of witnesses, and requests the Commission to deny the limited Motion.
4. Counties point out that Para. 4 of Renew Missouri’s Motion To Strike is recitation of the Commission’s discretionary authority to strike “pre-filed testimony”, and Counties state that the Motion to Strike relates to “lists of additional witnesses and evidence”, not to pre-filed testimony.

5. Counties point out that Para. 5 of Renew Missouri's Motion To Strike is recitation of the Commission's rules related to pre-filed testimony and not to lists of additional witnesses. Further the question of prejudice to Renew Missouri is a conclusion based on no facts in the Renew Missouri's Motion To Strike Motion or the record to date. The pre-filed testimony and the testimony at the public hearing, and the Counties' Position Statement provide more than adequate information for Renew Missouri to prepare for and respond to any witnesses' testimony so that there is no disadvantage. The issues are set, and the subject issues are published for all parties to see and prepare, including Renew Missouri.

6. Further, the statements presented in Para. 6 of Renew Missouri's Motion to Strike are conclusions not based on any facts in the Motion or in the record to date, except as to reference to the Order. Renew Missouri has already admitted in Para. 4 of its Motion To Strike Motion that the Commission has discretion is handling Motions. The Commission is not mandated to grant such motion.

7. As to Para. 7 of Renew Missouri's Motion To Strike, there are no experts identified so any assertion of such is creating a false argument to bolster a deficient Motion. To the extent that the additional witnesses are able to present later information after the hearing "through the Commission's website" defeats Renew Missouri arguments that it will be prejudiced by allowing these witnesses to testify at the hearing where they can be cross-examined in person by Renew Missouri and other parties desiring to do so. There can be no prejudice to Renew Missouri when website comments can be added unilaterally.

8. As to Para. 8, the list of additional witnesses was filed in order to avoid a procedural argument during the hearing that might interfere with the advancement of the hearing

process and to avoid surprise and to avoid prejudice, since later filings set in the Order create the parameters of the hearing, with filings due on this very day.

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