

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 14th day of
January, 2015.

In the Matter of Union Electric Company d/b/a)
Ameren Missouri's Filing to Implement Regulatory)
Changes in Furtherance of Energy Efficiency)
as Allowed by MEEIA)
File No. EO-2012-0142

ORDER DENYING PUBLIC COUNSEL'S MOTION IN LIMINE

Issue Date: January 14, 2015

Effective Date: January 14, 2015

On December 30, 2014, the Office of the Public Counsel filed a motion asking the Commission to exclude portions of the prefiled direct, rebuttal, and surrebuttal testimony offered by Staff witness John Rogers and the prefiled direct and surrebuttal testimony offered by Ameren Missouri witness Richard Voytas. In response to that motion, the Commission directed any party wishing to respond to do so by January 2, 2015. Staff and Ameren Missouri filed responses on that date.

Public Counsel's motion asks the Commission to exclude the portions of Staff's and Ameren Missouri's testimony that address and explain the revised positions taken by Staff and Ameren Missouri in their non-unanimous stipulation and agreement to which Public Counsel made a timely objection. Public Counsel argues that because the Commission cannot approve the objected-to stipulation and agreement, it should exclude as irrelevant any testimony offered in support of the positions described in that stipulation and agreement.

This is not the first time Public Counsel has asked the Commission to exclude portions of the testimony offered by Ameren Missouri and Staff as irrelevant. The Commission denied a very similar motion in an order issued on November 12. In that order, the Commission said:

As the Commission has explained several times, once an objection is made to that stipulation and agreement, the Commission cannot approve it. It is merely a revised position of the signatory parties, to which they are not bound. However, the signatory parties may offer testimony and other evidence to explain why their revised positions are appropriate. Similarly, the parties that disagree with those positions may offer testimony and other evidence to explain why those positions are not appropriate and, if they wish, to support alternative positions. That is why the Commission has established a full procedural schedule and will conduct an evidentiary hearing in this case.

That statement still applies and Public Counsel has not established a basis for striking the challenged testimony. Its motion will be denied.

THE COMMISSION ORDERS THAT:

1. Public Counsel's Motion in Limine or to Exclude Portions of the Testimony of Staff Witness John Rogers and Ameren Missouri Witness Richard Voytas is denied.
2. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

R. Kenney, Chm., Stoll, W. Kenney,
Hall, and Rupp, CC., concur.

Woodruff, Chief Regulatory Law Judge