

about the changes proposed by Public Counsel and is concerned that the revisions are supplemental rather than merely corrections. Rather than reject the revised testimony, Ameren Missouri urges the Commission to take the proposed corrections under advisement and delay ruling on the admission of the corrected testimony until Dr. Marke has been cross-examined at the hearing. Public Counsel replied to both Staff and Ameren Missouri on January 26.

There has certainly been a great deal of confusion among the parties about the proposed corrections to the content of the prefiled testimony of Dr. Marke. Similarly, there is confusion about the status of the proposed corrections to that testimony and about what the Commission can do in response to Public Counsel's motions.

The motions ask the Commission to "accept" the proposed corrections. What does it mean for the Commission to "accept" the corrections? In this context, "accepting" the corrections has little, if any meaning. Clearly, "accepting" the corrected testimony does not mean that that the corrected testimony has been admitted into evidence. Public Counsel has not yet offered that testimony into evidence and the Commission will not rule on its admissibility until it is offered into evidence at the upcoming hearing. Similarly, the Commission cannot rule on the appropriateness of the corrections to that testimony until the testimony has been offered into evidence. At most, "accepting" the testimony means the Commission finds that the testimony can be filed in EFIS, and it is not clear that the Commission even needs to make such a finding as the parties are free to make filings in EFIS as they wish.

That Public Counsel's motions may have little practical effect is not a criticism of Public Counsel's decision to file the motions. On the contrary, filing the motions and the corrected testimony as early as possible before the start of the evidentiary hearing brings

the corrections to the immediate attention of the other parties and allows the Commission to give the matter its informed consideration when the testimony is actually offered into evidence at the hearing.

The Commission will accept the revised testimony and accompanying motions. Any questions about the admissibility of that testimony, including the appropriateness of the corrections to that testimony, will be addressed when that testimony is offered into evidence at the evidentiary hearing.

THE COMMISSION ORDERS THAT:

1. Public Counsel's Amended Corrections to Dr. Geoff Marke's Prefiled Direct, Rebuttal, and Surrebuttal Testimony are accepted.
2. Public Counsel's Motion to Correct Cover Pleading is accepted.
3. This order shall be effective when issued.

BY THE COMMISSION



Morris L. Woodruff

Morris L. Woodruff
Secretary

Morris L. Woodruff, Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 27th day of January, 2015.