

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

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

**STAFF’S RESPONSE TO PUBLIC COUNSEL’S MOTION IN LIMINE OR TO
EXCLUDE PORTIONS OF THE TESTIMONY OF STAFF WITNESS JOHN ROGERS
AND AMEREN MISSOURI WITNESS RICHARD VOYTAS**

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, in opposition to *Public Counsel’s Motion In Limine Or To Exclude Portions Of The Testimony Of Staff Witness John Rogers And Ameren Missouri Witness Richard Voytas (“Motion In Limine”)* and states that Staff filed its direct, rebuttal, and surrebuttal testimony in support of the compromise joint position of Ameren Missouri and Staff in accordance with the Commission’s *Order Establishing Procedural Schedule to Consider the Program Year 2013 Change Requests* allowing the Staff and Ameren Missouri to continue to support its joint position¹. Further, *OPC’s Motion In Limine* identifies the same direct testimony of John Rogers that it had unsuccessfully sought to strike in its October 29th *Public Counsel’s Motion To Exclude Portions Of The Testimony Of Staff Witness John Rogers And Ameren Missouri Witness Richard Voytas*.

On November 12th the Commission issued its *Order Regarding Motions To Strike Testimony denying* Public Counsel’s October 29th motion to exclude testimony. Public Counsel tries again and in this attempt tacks on to its *Motion In Limine* the portions of

¹ In accordance with 4CSR 240-2.115(2)(D)

Mr. Rogers' rebuttal and surrebuttal testimony that refer to the same direct testimony that Public Counsel had previously sought to strike and was denied by the Commission.

WHEREFORE, for the reasons stated above, the Staff respectfully requests that the Commission deny *Public Counsel's Motion In Limine Or To Exclude Portions Of The Testimony Of Staff Witness John Rogers And Ameren Missouri Witness Richard Voytas*.

Respectfully submitted,

/s/ Robert S. Berlin

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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been electronically mailed this 2nd day of January, 2015 to all counsel of record in this proceeding.

/s/ Robert S. Berlin