BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

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In the Matter of the Application of Union Electric Company for Authority to Continue The Transfer of Functional Control of Its Transmission System to the Midwest Independent Transmission System Operator, Inc.

File No. EO-2011-0128

STAFF'S RESPONSE TO PUBLIC COUNSEL'S MOTION TO CONTINUE HEARING AND REQUEST FOR EXPEDITED TREATMENT

COMES NOW, the Staff of the Missouri Public Service Commission ("Staff"), by and through the Staff Counsel Department of the Missouri Public Service Commission ("Commission") and submits *Staff's Response To Public Counsel's Motion To Continue Hearing And Request For Expedited Treatment*. The undersigned Staff counsel takes issue with many characterizations and representations in the Office of the Public Counsel's (Public Counsel) pleading but states that the Staff does not oppose the Public Counsel's Motion To Continue Hearing. Given the limited time for response, the Staff will file a very limited response. In response, the Staff states as follows:

1. On page 3, paragraph 6 of its pleading Public Counsel notes communications among parties and states it does so "[w]ithout revealing any privileged settlement discussions." Without revealing any privileged settlement discussions, the Staff states that the Commission should be aware that as early as November 10, 2011 Public Counsel was aware of the real possibility that the Staff would be a party to a settlement of File No. EO-2011-0128 with Union Electric Company, d/b/a Ameren Missouri ("Ameren Missouri"). Public Counsel was aware of this developing situation over the subsequent days. Public Counsel not addressing the matter of arranging with Ameren Missouri its own deposition of witness Maureen A. Borkowski as the Staff reached an agreement with Ameren Missouri was Public Counsel's own doing.

2. Time and, among other things, the fact that settlement discussions are privileged do not permit a point by point response to Public Counsel's pleading.

3. While Public Counsel castigates the Staff for using the Suggested Revised List Of Issues And Order Of Cross-Examination (a "redlined" version) for its filing, Public Counsel did not note that in its Position Statements Of The Office Of The Public Counsel, it changed its position on Issue 3 by "redlining."

4. The Staff also wishes to make the Commission and parties aware in this pleading that Staff is filing later today Staff Witness Adam C. McKinney's Second Supplemental Rebuttal Testimony and Testimony In Support Of Non-Unanimous Stipulation And Agreement. This document comprises only six (6) pages of testimony and copies of two (2) Midwest Independent Transmission System Operator, Inc. (Midwest ISO) responses to Staff Data Requests.

5. If necessary for scheduling purposes, Mr. McKinnie is not available the following dates:

November: 30

December: 5-16, 20-21

January: 11-12, 19, 25-26, 30-31

WHEREFORE, the Staff submits its response stating that it is not opposed to Public Counsel's Motion To Continue Hearing although Staff takes issue with many characterizations and representations made in Public Counsel's Motion.

Respectfully submitted,

/s/ Steven Dottheim

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing filing of *Staff's Response To Public Counsel's Motion To Continue Hearing And Request For Expedited Treatment* was served via e-mail on counsel for all parties of record on this 18th day of November, 2011.

<u>/s/ Steven Dottheim</u>