

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

In the Matter of the Petition of Union)	
Electric Company d/b/a Ameren Missouri)	
For a Financing Order Authorizing the)	<u>File No. EF-2024-0021</u>
Issue of Securitized Utility Tariff Bonds for)	
Energy Transition Costs related to Rush)	
Island Energy Center)	

**STAFF’S SECOND RESPONSE TO AMEREN MISSOURI’S MOTION TO STRIKE,
OBJECTION TO AMEREN MISSOURI’S MOTION TO FILE SUR-SURREBUTTAL
TESTIMONY, AND OBJECTION TO ITS SUR-SURREBUTTAL TESTIMONY**

COMES NOW Staff of the Missouri Public Service Commission, and for this Second Response to Ameren Missouri’s Motion to Strike, Objection to Ameren Missouri’s Motion to File Sur-Surrebuttal Testimony, And Objection to Its Sur-Surrebuttal Testimony (“Second Response”) respectfully states as follows:

1. On March 27, 2024, Union Electric Company d/b/a Ameren Missouri filed its Motion to Strike Portions of the Surrebuttal Testimony of Staff Witnesses Claire M. Eubanks and Shawn Lange and of Office of the Public Counsel Witness David Murray, and Alternative Motion for Leave to File Sur-Surrebuttal Testimony, and Motion for Expedited Treatment (Ameren Missouri’s “Motion”). In its Motion, Ameren Missouri sought to strike page 1 line 22 through page 4 line 13 of the surrebuttal testimony of Staff witness Claire Eubanks (i.e., approximately two and one-half pages), and the entirety of Staff witness Shawn Lange’s surrebuttal testimony (which consists of four pages of testimony in its entirety).

2. On March 28, 2024, the Commission issued an order denominated Order Granting Leave to File Sur-Surrebuttal Testimony and Setting Time for Responses and Objections. In said Order, the Commission stated:

Because of the compressed time frame before the evidentiary hearing, the Commission will permit Ameren Missouri to file sur-surrebuttal testimony that is ***concise and narrowly tailored*** to respond to the surrebuttal testimony that was the subject of its motion to strike. The Commission will also set a time for other parties to file responses to the motion to strike, objections to Ameren Missouri's motion to file additional testimony, and any objections to Ameren Missouri's sur-surrebuttal testimony. **The Commission will not rule on Ameren Missouri's motion to strike or the admissibility of sur-surrebuttal testimony at this time.** (emphasis added)

3. The March 28 Order went on to order that "Ameren Missouri may file sur-surrebuttal testimony that is ***concise and narrowly tailored***" (emphasis added) and "responses to Ameren Missouri's motion to strike, objection's to Ameren Missouri's motion to file sur-surrebuttal testimony, or objections to its sur-surrebuttal testimony must be filed no later than April 8, 2024."

4. On March 29, 2024, Staff filed a Response to Ameren Missouri's Motion to Strike, in which Staff noted that it reserves the right to file a separate response once Ameren Missouri's sur-surrebuttal has been filed, given that the Commission had already conditionally granted Ameren Missouri the opportunity to file such, before other parties had a chance to respond to the Motion.

5. On April 4, 2024, Ameren Missouri filed the sur-surrebuttal testimony of Matt Michels and Mitchell Lansford. The sur-surrebuttal testimony filed by Mr. Michels – ordered to be "concise and narrowly tailored" – consists of 18 pages of testimony and a 31-page schedule purportedly in response to those portions of the testimony of Ms. Eubanks and Mr. Lange which Ameren Missouri sought to strike, which consisted of approximately 6 and one-half pages in their entirety.

6. At this time, Staff (1) re-asserts and re-affirms its Response filed on March 29, 2024, in which it responded and objected to Ameren Missouri's motion to strike or file sur-surrebuttal testimony and (2) objects to the **49 pages** of sur-surrebuttal testimony and schedules submitted by Mr. Michels **in purported response to the 6 ½ pages** of surrebuttal testimony of Ms. Eubanks and Mr. Lange. On its face, Mr. Michels' sur-surrebuttal testimony/schedules fails to comply with the Commission's conditional permission for Ameren Missouri to file sur-surrebuttal which required that such sur-surrebuttal testimony be **concise and narrowly tailored**, and seeks to get "another bite at the apple" after testimony for *all* parties was supposed to be complete.

WHEREFORE Staff respectfully requests the Commission deny Ameren Missouri's motion to strike or file sur-surrebuttal testimony (for all of the reasons set forth in Staff's Response filed on March 29, 2024) and reject the sur-surrebuttal testimony and schedules of Mr. Michels filed on April 4 for failure to comply with the Commission's Order issued March 28, 2024.

Respectfully submitted,

/s/ Jeffrey A. Keevil

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to counsel of record as reflected on the certified service list maintained by the Commission in its Electronic Filing Information System this 8th day of April 2024.

/s/ Jeffrey A. Keevil