

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

In the Matter of the Tariff Filing of Aquila, Inc.,)	
to Implement a General Rate Increase for Retail)	<u>Case No. ER-2005-0436</u>
Electric Service Provided to Customers in its)	
MPS and L&P Missouri Service Areas.)	

RESPONSE TO MOTION TO STRIKE REBUTTAL TESTIMONY

COMES NOW the Office of the Public Counsel and for its response states as follows:

1. On November 23, 2005, the Industrial Intervenors'¹ filed a pleading entitled "SIEUA, AGP AND FEDERAL EXECUTIVE AGENCIES MOTION TO STRIKE OPC REBUTTAL TESTIMONY OF BARB MEISENHEIMER ON CLASS COST OF SERVICE IN ER-2005-0436."

2. Beyond an unsupported and unexplained statement that revisions to Public Counsel witnesses Meisenheimer's testimony should have been filed in EO-2002-384 rather than in this case, the Industrial Intervenors advance no arguments in support of the motion to strike (other than referring to their earlier pleading, to which Public Counsel, Staff, and AARP, Inc. have already replied).

3. Public Counsel's response to the Industrial Intervenors' first motion to strike is applicable to the second motion as well, and Public Counsel will not repeat it here but simply refers the Commission to the response filed on November 18, 2005.

¹ Sedalia Industrial Energy Users' Association, AG Processing, and the Federal Executive Agencies

WHEREFORE, Public Counsel respectfully requests that the Commission deny the motion to strike filed on November 23, 2005.

Respectfully submitted,

OFFICE OF THE Public Counsel

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By: _____

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 2nd day of December 2005:

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