

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 30<sup>th</sup> day of May, 2024.

In the Matter of Union Electric Company )  
d/b/a Ameren Missouri's 4<sup>th</sup> Filing to )  
Implement Regulatory Changes in )  
Furtherance of Energy Efficiency as )  
Allowed by MEEIA )

**File No. EO-2023-0136**

**ORDER REGARDING MOTION TO STRIKE**

Issue Date: May 30, 2024

Effective Date: May 30, 2024

On May 16, 2024, Union Electric Company d/b/a Ameren Missouri filed a *Motion to Strike Portions of the Rebuttal Testimony of Staff Witnesses Brad Fortson and Mark Kiesling, and Motion for Expedited Treatment* (Motion). Ameren Missouri alleges the aforementioned testimony violates the Commission's rules because the rebuttal testimony is unresponsive to direct testimony.<sup>1</sup> Because surrebuttal testimony is due to be filed on May 30, 2024, Ameren Missouri asks for expedited treatment of its motion.

The Staff of the Commission (Staff) responded on May 23, 2024. Staff argues that a phrase in the rebuttal testimony that states that the testimony "builds off its direct testimony" does not make the rebuttal testimony improper. Staff further argues that Ameren Missouri references past MEEIA cases in its direct, making Mr. Fortson's testimony on those cases proper rebuttal testimony.

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<sup>1</sup> Commission Rule 20 CSR 4240-2.130(7)

Staff further discusses Ameren Missouri's argument that Mr. Kiesling's rebuttal testimony mentions information learned from an Ameren Missouri customer and, thus, is hearsay. Staff argues that the Commission needs customer feedback to exercise its regulatory functions. Further, Staff has given Ameren Missouri customer information should Ameren Missouri wish to contact the customer, and respond in its surrebuttal.

Staff has filed direct testimony in this case. Commission Rule 20 CSR 4240-2.130(7)(B) states in pertinent part:

“Where all parties file direct testimony, rebuttal testimony shall include all testimony which is responsive to the testimony and exhibits contained in any other party's direct case.”

The Commission is persuaded that a phrase in the rebuttal testimony stating that the rebuttal “builds of its direct testimony” does not make the rebuttal testimony unresponsive. Further, the Commission agrees with Staff that getting information from utility customers is an important part of its regulatory functions. Ameren Missouri has information about the customer Mr. Kiesling refers to in his rebuttal, and Ameren Missouri may respond in surrebuttal if it wishes. In addition, the technical rules of evidence, such as excluding hearsay, do not apply at the Commission.<sup>2</sup>

The Commission will grant Ameren Missouri's Motion for Expedited Treatment, and will deny its *Motion to Strike Portions of the Rebuttal Testimony of Staff Witnesses Brad Fortson and Mark Kiesling*.

**THE COMMISSION ORDERS THAT:**

1. The Motion for Expedited Treatment is granted.

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<sup>2</sup> Section 386.410, RSMo.

2. *The Motion to Strike Portions of the Rebuttal Testimony of Staff Witnesses*

*Brad Fortson and Mark Kiesling* is denied.

3. This order shall be effective when issued.



**BY THE COMMISSION**

*Nancy Dippell*

Nancy Dippell  
Secretary

Hahn, Ch., Coleman, Holsman  
Kolkmeier, and Mitchell CC., concur.

Pridgin, Deputy Chief Regulatory Law Judge

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

**I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 30<sup>th</sup> day of May 2024.**



*Nancy Dippell*  
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**Nancy Dippell**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**May 30, 2024**

**File/Case No. EO-2023-0136**

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**Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).**

**Sincerely,**

A handwritten signature in black ink that reads "Nancy Dippell". The signature is written in a cursive, flowing style.

**Nancy Dippell  
Secretary**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.