

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

In the Matter of the Application of Union Electric)
Company, d/b/a Ameren Missouri, for Permission)
And Approval and Certificate of Public Convenience)
And Necessity Authorizing it to Construct a Simple)
Cycle Natural Gas Generation Facility)
File No. EA-2024-0237

**STAFF’S MOTION FOR LEAVE
TO FILE REPORT IN LIEU OF REBUTTAL TESTIMONY
AND FOR EXPEDITED TREATMENT**

COME NOW the Staff of the Missouri Public Service Commission (“Staff”) and requests the Commission’s leave to file a report in lieu of rebuttal testimony. Staff requests expedited treatment.

On July 24, 2024, the Commission entered its Order Setting Procedural Schedule and Delegating Authority and therein set September 13, 2024, as the deadline for Rebuttal Testimony. The order stated that all parties must comply with Commission Rule 20 CSR 4240-2.130 for required testimony. The rule states:

(8) Except as set out in this section, the prepared testimony of each witness shall be filed separately and shall be accompanied by an affidavit providing the witness’s oath. In lieu of prepared direct testimony, any party may file a report that presents in narrative form, and with complete and comprehensive detail, the analysis and conclusions of one (1) or more expert witness(es) and the facts and information on which they relied. In any report, the contributing expert witnesses shall be listed together with an indication of the portion or portions of the report to which each contributed. The qualifications of each contributing expert witness shall be attached to the report as a schedule. Any such report shall comply with the commission’s requirements in sections (6) and (7).

The Commission will recall that Union Electric Company, d/b/a Ameren Missouri (“Ameren”) filed a Motion for Prehearing Conference and Deadline to Submit Proposed Procedural Schedule where it asked the Commission to eliminate the deadline for Staff’s recommendation and schedule a Prehearing Conference promptly. Therein it suggested:

Staff's recommendation can therefore take the form of pre-filed rebuttal testimony and the other parties' positions on the CCN request can also be expressed in pre-filed rebuttal testimony. This will eliminate the risk of delays in processing the case which could otherwise occur if the Company or the other parties were to disagree with Staff's recommendation, which in turn could then require development of a procedural schedule at a much later time and, consequently, a later resolution of the case which could jeopardize the Project schedule, raise Project costs, or both.

At Ameren's request and with Staff's agreement, orders have issued which have resulted in no filed Staff recommendation in this case, with the express understanding that what could have been presented by memorandum recommendation (*i.e.*, a report), would be deferred to rebuttal testimony after Staff and everyone knew more. Staff does acknowledge that at no point did it actually contemplate filing "direct testimony" *per se*. But it did contemplate filing a memorandum recommendation, as did this Commission, as evidenced by its June 7, 2024, order requiring Staff to file a pleading indicating when it could file a recommendation in an order of June 7, 2024. The rule permits a report in lieu of direct testimony. It does not so state with respect to rebuttal testimony.

Staff now asks the Commission's leave to go ahead and file, in lieu of rebuttal "testimony," or actually as its rebuttal, a recommendation memorandum (report) along with rebuttal testimony sponsoring that recommendation. In other words, Staff merely requests leave to file its rebuttal testimony in a format already permitted for direct testimony by the applicable rule. Staff makes this request simply because a recommendation in the form of a memorandum will, in this case, provide the Commission with a better presentation of Staff's positions, reasons therefor, and supporting facts and analysis. With brief sponsoring sworn testimony with the recommendation as an exhibit, the suggested format will be, for all legal intents and purposes, admissible rebuttal evidence. Staff contends that the proposed

format will aid the Commission, help the Staff with respect to its press of business, and in no way prejudice any party.

Staff's rebuttal testimony is currently due to be filed September 13. Staff, therefore, requests an order as set forth above as soon as possible. There will be no negative effect from such an order, and this request was filed as soon as it could have been under the circumstances.

WHEREFORE, Staff prays for the relief described in the premises on an expedited basis and for such orders as the Commission deems necessary and proper.

Respectfully Submitted,

/s/ Paul T. Graham

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CERTIFICATE OF SERVICE

The undersigned certifies that true and correct copies of the foregoing was served on the Staff of the Missouri Public Service Commission and the Office of the Public Counsel via electronic mail (e-mail) on this 23rd day of August, 2024.

/s/ Paul T. Graham