



3. The Company has incurred no costs arising from the Stipulated Order in the test year in this case and will not incur any costs arising from the Stipulated Order during the true-up period in this case. Consequently, any arguments about the prudence of the Company's decisions relating to permitting for the 2007 and 2010 Rush Island projects arise only from the above-referenced legal fees.

4. The Company agrees not to include those legal fees, or any other fees or costs related to the Stipulated Order, in its true-up revenue requirement in this case. As a consequence, the Staff agrees that there is nothing to litigate in this case respecting the prudence of the Company's decisions not to obtain permits for the 2007 and 2010 Rush Island projects, regarding the legal fees arising from the United States' Mitigation Motion or arising from the relief agreed upon in the Stipulated Order. The Company and the Staff agree that given the foregoing, any issues in this case relating to the prudence of the Company's 2007 and 2010 permitting decisions that would have otherwise existed are moot and that the Commission need not decide any such issues in this case.<sup>1</sup>

5. The Company and the Staff further agree that their agreements as set forth in ¶4 of this Stipulation resolve issues relating to the prudence of the Company's 2007 and 2010 permitting decisions in this case only.

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<sup>1</sup> Therefore, the Company will not prepare and file extensive rebuttal testimony on such issues in response to the Staff's direct case, which the Company states it would have otherwise filed, consisting in all likelihood of extensive testimony from witnesses Birk, Whitworth, Holmstead, Moor, and Reed, as the Company has filed in two prior proceedings already, in File Nos. ER-2022-0337 and EF-2024-0021.

WHEREFORE, the Company and the Staff hereby file this Notice.

Respectfully submitted,

/s/ James B. Lowery

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**Attorney for the Staff of the  
Missouri Public Service Commission**

**CERTIFICATE OF SERVICE**

The undersigned certifies that true and correct copies of the foregoing have been e-mailed to the attorneys of record for all parties to this case as specified on the certified service list for this case in EFIS on this 16<sup>th</sup> day of December, 2024.

/s/ James B. Lowery

James B. Lowery