

**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 Certificates of Public Convenience and	)	
Necessity Authorizing it to Construct Renewable	)	File No.: EA-2026-0183
Generation Facilities and Battery Energy Storage	)	
Systems.	)	

**MOTION TO STRIKE PORTIONS OF SURREBUTTAL TESTIMONY OF GEOFF
MARKE, PH.D., ALTERNATIVE MOTION FOR LEAVE TO FILE SUR-
SURREBUTTAL TESTIMONY, AND MOTION FOR EXPEDITED TREATMENT**

COMES NOW Union Electric Company d/b/a Ameren Missouri (“Company” or “Ameren Missouri”) and hereby moves for an order from the Commission striking a portion of the Surrebuttal Testimony of Office of Public Counsel ("OPC") witness Geoff Marke, Ph.D. that is not responsive to any Rebuttal Testimony of another party's witness, alternatively, moves for an order granting the Company leave to file Sur-Surrebuttal Testimony to respond to these issues, and moves for expedited treatment of its motions. In support of its motions and alternative motion, the Company states as follows:

MOTION TO STRIKE

1. On May 26, 2026, Ameren Missouri filed its Application, Motion for Protective Order, and supporting Direct Testimony of seven witnesses in the above-captioned case.
2. On August 11, 2026, Commission Staff, OPC, and Renew Missouri filed Rebuttal Testimony.¹
3. On September 4, 2026, OPC filed the Surrebuttal Testimony of Geoff Marke, Ph.D. Dr. Marke's Surrebuttal Testimony at page 2, line 7 through page 5, line 20,² is wholly new

¹ The Staff filed its direct testimony in the form of a “report.”

² File No. EA-2026-0183, Dr. Marke's Surrebuttal Testimony, filed Sept. 4, 2026, at Sections II and III.

information that is not offered in response to any rebuttal testimony presented by any other party to this matter.

4. Under the Commission's Evidence Rule, specifically 20 CSR 4240-2.130(7)(D), "[s]urrebuttal testimony shall be limited to material which is responsive to matters raised in another party's rebuttal testimony."

5. Dr. Marke's Surrebuttal Testimony sets out his "response to Staff" in Section IV and discusses the additional Local Public Hearing held after he filed his Rebuttal Testimony in Section V, to which the Company does not object.

6. The Company objects to and moves to strike only Sections II and III as those portions are **not** limited to be "responsive to matters raised in another party's rebuttal testimony" and therefore are plainly improper surrebuttal testimony under the Commission's afore-quoted Evidence Rule.

a. Indeed, Section II of Dr. Marke's Surrebuttal Testimony is titled "Updated Risk Factors" and copies from a Wall Street Journal article that appears to have been published on August 16, 2026, which was five days after his Rebuttal Testimony was filed in the case.

b. Section III of Dr. Marke's Surrebuttal Testimony is entitled "Executive Order 14420" and discusses President Donald Trump's Executive Order 14420 signed on August 26, 2026, which was over two weeks after his Rebuttal Testimony was filed in the case.

c. Neither Section II nor Section III of Dr. Marke's Surrebuttal Testimony reference another party's rebuttal testimony to which those sections would be in response. Rather, Dr. Marke plainly introduces new evidence and information in Surrebuttal in direct

violation of the afore-mentioned rule. If the Commission's rules are to have meaning, they should be enforced, in this case by striking the offending portions of Dr. Marke's Surrebuttal Testimony.

7. For the foregoing reasons, Ameren Missouri's motion to strike should be granted.

**ALTERNATIVE MOTION FOR
LEAVE TO FILE SUR-SURREBUTTAL TESTIMONY**

8. If, however, the Commission declines to grant Ameren Missouri's motion to strike, Ameren Missouri should be given a full and fair opportunity, consistent with fundamental notions of fair play and Due Process, to respond to Dr. Marke's improper Surrebuttal Testimony. Consequently, in the alternative to its motion to strike, the Company requests leave to file Sur-Surrebuttal Testimony (by September 17, 2026) on the issues addressed by Dr. Marke in the above-cited portions of his Surrebuttal Testimony.

MOTION FOR EXPEDITED TREATMENT

9. The Commission should act on the motions made herein by September 14, 2026, insofar as the position statements are due September 22, 2026 and the evidentiary hearing in this case commences September 29, 2026.

10. The harm that will be avoided includes the impact on the Company's (and other parties') ability to compile its/their position statement for the case, to complete discovery, and to properly prepare for the evidentiary hearing.

11. Granting the Company's motion to strike will also avoid the harm inherent in sanctioning OPC's disregard of the Commission's Evidence Rule.

12. The Surrebuttal Testimony at issue was not filed until the afternoon on Friday, September 4, 2026 – before the Labor Day holiday weekend. These motions are being filed just two business days later, which was as soon as this pleading could reasonably have been prepared.

WHEREFORE, the Company prays that the Commission make and enter its order on an expedited basis granting the Company's motion to strike the above-cited portions of the Surrebuttal Testimony of OPC witness Dr. Geoff Marke, or alternatively, granting the Company leave to file sur-surrebuttal testimony in response to said portions of their testimony by September 17, 2026, and for such other and further relief as is just and proper under the circumstances.

Dated: September 9, 2026

Respectfully submitted,

/s/ *Jermaine Grubbs*

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**ATTORNEYS FOR UNION ELECTRIC
COMPANY d/b/a AMEREN MISSOURI**

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing was served on counsel for all parties of record via electronic mail on this 9th day of September, 2026.

/s/ *Germaine Grubbs*