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STATE OF MISSOURI

PUBLIC SERVICE COMMISSION

EVIDENTIARY HEARING

April 12, 2023

VOLUME VII (Pages 1 - 270)

8:38 a.m. - 5:28 p.m.

Public Service Commission

200 Madison Street, Jefferson City, Missouri 65101

In the Matter of Union)
Electric Company d/b/a Ameren) File No. ER-2022-0337
Missouri's Tariffs to Adjust)
its Revenues for Electric)
Service)

JOHN T. CLARK, Presiding
SENIOR REGULATORY LAW JUDGE

SCOTT T. RUPP, Chairman
MAIDA J. COLEMAN, Commissioner
JASON R. HOLSMAN, Commissioner
GLEN KOLKMEYER, Commissioner

Stenographically Reported By:
Shelley Bartels, RPR, CCR

Job No.: 142860

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APPEARANCES

JERMAINE GRUBBS
JENNIFER MOORE
1901 Chouteau Avenue
St. Louis, Missouri 63103-3003
314.621.3222
Jgrubbs@ameren.com
FOR: Ameren Missouri

ETHAN THOMPSON
319 N. 4th Street, Suite 800
St. Louis, Missouri 63102
314.231.1481
Ethompson@greatriverslaw.org
FOR: Sierra Club, NAACP, MCU

TIMOTHY OPITZ
Opitz Law Firm
308 East High Street, Suite B101
Jefferson City, Missouri 65101
573.634.3031
tim.opitz@opitzlawfirm.com
FOR: MEGC

ANDREW J. LINHARES
3115 S. Grand Avenue, Suite 600
St. Louis, Missouri 63118
314.471.9973
andrew@renewmo.org
FOR: Renew Missouri

JOHN B. COFFMAN
871 Tuxedo Boulevard
St. Louis, Missouri 63119
573.424.6779
FOR: Consumers Council of Missouri

MS. DIANA M. PLESCIA
Curtis, Heinz, Garrett & O'Keefe
130 South Bemiston, Suite 200
St. Louis, Missouri 63105
314.655.1596
dplescias@chgolaw.com
FOR: MIEC

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APPEARANCES CONTINUED

NATHAN WILLIAMS
Department of Commerce & Insurance
200 Madison Street, Suite 650
Jefferson City, Missouri 65102
573.751.5324
nathan.williams@opc.mo.gov
FOR: Office of the Public Counsel

JEFFREY A. KEEVIL
Department of Economic Development
200 Madison Street, Suite 800
Jefferson City, Missouri 65102
573.751.6651
Jeff.keevil@psc.mo.gov
FOR: Staff of Missouri Public Service Commission

1 Proceedings began at 8:38 a.m.:

2 JUDGE CLARK: Let's go ahead and on go
3 on the record.

4 Good morning. Today's April 12th, 2023
5 and the current time is 8:38 a.m. This proceeding is
6 being held in Room 310 of the Governor Office
7 Building, although there will be some participation
8 by the commissioners via Webex. The Commission has
9 set aside this time today for an evidentiary hearing
10 in the matter of Union Electric Company doing
11 business as Ameren Missouri's tariffs to adjust its
12 revenues for electric service. And that is File
13 No. ER-2022-0337.

14 My name is John Clark; I'm the regulatory
15 law judge preceding over this hearing today. I'm
16 going to ask at this time if you have a phone on in
17 the room, that you place it on vibrate or turn it
18 off. If you are participating via Webex, I'm going
19 to ask that you mute yourself unless you're speaking.
20 If you're participating via Webex via phone, if you
21 need to unmute yourself, you may do so by pressing
22 Star 6.

23 Do I have any commissioners on?

24 COMMISSIONER COLEMAN: Commissioner
25 Coleman.

1 JUDGE CLARK: Thank you, Commissioner
2 Coleman. And in person we are have Commissioner
3 Kolkmeier.

4 COMMISSIONER KOLKMEYER: Good morning,
5 Judge.

6 JUDGE CLARK: Will Counsel enter your
7 appearance for the record starting with Ameren
8 Missouri.

9 MS. GRUBBS: Good morning, Judge.
10 Jermaine Grubbs and Jennifer Moore on behalf of
11 Ameren Missouri.

12 JUDGE CLARK: Thank you. On behalf of
13 the Staff of Commission.

14 MR. KEEVIL: Thank you, Judge. Appearing
15 on behalf of the staff, Jeff Keevil and Paul Graham,
16 Suite 800, 200 Madison Street, P.O. Box 360, Jeff
17 City, Missouri 65102.

18 JUDGE CLARK: Thank you. On behalf of
19 Public Counsel.

20 MR. WILLIAMS: Nathan Williams appearing
21 on behalf of the Office of Public Counsel and the
22 public. I've provided my information to the court
23 reporter.

24 JUDGE CLARK: Thank you. On behalf of
25 Consumer Council of Missouri.

1 MR. COFFMAN: Appearing on behalf of
2 Consumers Council, I'm John B. Coffman.

3 JUDGE CLARK: Thank you. On behalf of
4 Missouri Industrial Engineer Consumers. Okay. I
5 have no one here for Missouri Industrial Consumers
6 yet, but they may still come.

7 From Midwest Energy Consumers Group.

8 MR. OPITZ: Good morning, your Honor.
9 Tim Opitz on behalf of MECG.

10 JUDGE CLARK: Thank you. You don't mind
11 if I refer to you as MECG?

12 MR. OPITZ: Please.

13 JUDGE CLARK: Thank you. On behalf of
14 Renew Missouri.

15 MR. LINHARES: Morning, your Honor.
16 Andrew Linhares appearing on behalf of Renew
17 Missouri. And the court reporter has my information.

18 JUDGE CLARK: Thank you. On behalf of
19 the Sierra Club and the National Association for the
20 Advancement of Colored People.

21 MR. THOMPSON: Good morning, your Honor.
22 This is Ethan Thompson appearing on behalf of Sierra
23 Club and the NAACP, also on behalf of MCU,
24 Metropolitan Congregations United.

25 JUDGE CLARK: Thank you. And do you mind

1 if I refer to them as NAACP?

2 MR. THOMPSON: Please, your Honor.

3 JUDGE CLARK: Thank you. And by the way
4 of preliminary matters before we go on further, I
5 believe in full disclosure and I want to say that
6 yesterday I had prepared and had emailed out a
7 memorandum to the commission. That memorandum was
8 somehow accidentally emailed to the Office of the
9 Public Counsel as well as to Kevin Thompson of Staff.
10 The Office of Public Counsel, Mr. Williams, alerted
11 me immediately that he received an email that was not
12 intend for him. And I asked him to delete it. My
13 paralegal contacted Mr. Thompson who indicated he had
14 not opened his email yet and would delete it.

15 That memorandum just contained an
16 overview of the issues in this case. It did not
17 contain any Commission thoughts or opinions or any
18 thoughts of my own regarding now the case would go.
19 All of the information that was in that memorandum is
20 available in testimony or the parties' position
21 statements.

22 So if there are any questions about that,
23 I would take those now.

24 Now, there is a motion to strike portions
25 of Nicholas Bowden's True-Up Rebuttal Testimony that

1 was filed by Staff because of the proximity to the
2 hearing that that was filed. I will be taking that
3 with the case. If we get to a time where we need to
4 address that, I will address it at that time.

5 MS. GRUBBS: Your Honor, I do have two
6 other, I believe, preliminary matters.

7 JUDGE CLARK: And I know. I'm going to
8 get to those in just a second.

9 MS. GRUBBS: Thank you.

10 JUDGE CLARK: I have one other thing that
11 I want to go over before then. Now, on April 4th the
12 Commission issued an order regarding load data and
13 there were responses to that load data that contained
14 some charts. I'm going to hold that up now. I
15 assume that everybody has had an opportunity to see
16 these. Is that correct? Is there anybody that
17 hasn't had an opportunity to see these? They were
18 filed in EFIS. Can someone tell me what witness will
19 be able to explain those to the Commission?

20 MR. KEEVIL: Yeah. That -- excuse me,
21 Judge. That would be Staff's witness, Sarah Lange.

22 JUDGE CLARK: Okay. Thank you very much.
23 We'll address that when we come to it. And Ameren
24 indicated that they had some preliminary matters. Go
25 ahead.

1 MS. GRUBBS: Yeah. Sorry to jump the
2 gun, your Honor.

3 So my understanding is that for Issue
4 No. 3 which was originally Issue 30 which is the
5 identification of avoided capital investments for
6 this suit and Labadie coal plant, that the parties
7 have waived cross-examination and those witnesses
8 will not be presented. So we would plan on, as we're
9 marking and entering other records -- other exhibits
10 into the record, that we would be moving our witness,
11 Matt Michaels, on that issue into the record at that
12 time. Just wanted to clarify that.

13 JUDGE CLARK: And that was my
14 understanding as well and that I believe is also true
15 in regard to Renew Missouri's witness. Is that
16 correct?

17 MR. LINHARES: Yes.

18 JUDGE CLARK: And could you speak in the
19 microphone?

20 MR. LINHARES: Yes. Thank you, Judge.

21 JUDGE CLARK: And as a reminder to
22 everybody, please speak into the microphone.

23 Are there any other preliminary matters
24 that the Commission needs to take up at this time?

25 MS. GRUBBS: Yes, your Honor, I have the

1 second -- oh, I'm sorry. If Mr. Keevil would like to
2 go first.

3 MR. KEEVIL: Well, yeah. I would just
4 say related to what you just said about Mr. Michaels,
5 there's a lot of testimony that won't -- needs to be
6 put into the record that won't be presented by a live
7 witness because of the stipulation which was filed a
8 week or so ago. How do you want to handle that in
9 terms of, you know, marking and do you want to just
10 have exhibit lists so we have numbers assigned to
11 those testimonies and we don't have to actually
12 present hard copies to the reporter since they have
13 been electronically filed in EFIS? Or how -- just
14 how do you want to handle those exhibits, Judge, that
15 will be put into the record but aren't necessarily
16 presented by a live witness?

17 JUDGE CLARK: Okay. I'm going to start
18 by saying I have exhibit lists from MECG, Renew
19 Missouri, Public Counsel, and Ameren Missouri. I
20 don't have an exhibit list at this point from the
21 Staff of the Commission.

22 There's a couple ways we can do this. If
23 other witnesses are going to be testifying about some
24 of this testimony from witnesses that are not going
25 to be appearing on subjects today, we can go ahead

1 and enter those into the record up front. Or we can
2 do it at the end. Is there a preference among
3 parties?

4 MR. KEEVIL: Yeah. I mean, I don't think
5 the witness -- I mean, the witnesses that will be
6 testifying are fairly -- are testifying on fairly
7 discrete issues which aren't touched upon in the
8 settlement itself -- or the stipulation itself. So I
9 don't think you want to combine the two really. We
10 could -- we could put them in the record at the end
11 of the hearing, we could put them in the record at
12 the presentation which you have scheduled for Friday
13 afternoon. There's lots -- there's lots of ways we
14 can do it, but I don't think you want to do it with
15 the witnesses that are -- that will be taking the
16 stand.

17 JUDGE CLARK: Well, I didn't think the
18 witnesses could do it and that's not what I was
19 getting to. Oftentimes the parties will agree to not
20 object and to enter stuff into the record.

21 MR. KEEVIL: Right. And I think that's
22 in the stipulation that it will be, so.

23 JUDGE CLARK: Okay. Well, unless you can
24 see a reason that it needs to be in the record for
25 the hearing and not in the presentation, it would be

1 my preference to do it at the on-the-record
2 presentation, if the evidence is germane to that.

3 MR. KEEVIL: Okay. Thank you.

4 JUDGE CLARK: Is that okay with everyone?

5 MR. KEEVIL: Now, do you want actual hard
6 copies or, I mean, do we just -- I mean, we've been
7 here in recent cases just doing the submitting
8 basically an issue list and then the court reporter I
9 think takes the electronic copies that are in EFIS
10 and puts them in as hearing exhibits when the time
11 comes. I -- but I don't know.

12 JUDGE CLARK: The transcript gets sent to
13 us and then we attach the exhibits. The Commission
14 generally retains the commission -- the exhibits
15 because many of them have confidential information
16 and we don't want them out in the wild. So those are
17 generally retained by the Commission. I will
18 probably do it that way. Will you let me think about
19 it and tell you at the beginning of the
20 on-the-record?

21 MR. KEEVIL: Okay.

22 JUDGE CLARK: Well, before the
23 on-the-record because you'll need to know.

24 MR. KEEVIL: Yeah. Because there's a ton
25 of -- if you don't do it that way, we could -- we

1 could spend hours just entering testimony.

2 JUDGE CLARK: Yeah. I have a stack of
3 testimony on my desk, so I'm aware of how tall some
4 of it can be.

5 MR. WILLIAMS: Judge, if I may, this is
6 Nathan Williams. I anticipated that you were going
7 to rely on the prefiled exhibits as the exhibits that
8 were offered and we would not need to bring hard copy
9 here, for example, today. So I didn't bring hard
10 copy this morning. So if I need to get those, let me
11 know.

12 JUDGE CLARK: Okay. I don't have a
13 problem with that. I think we can do it all
14 electronically. That's one of the things that we are
15 advantaged to be able to do now with EFIS. So I am
16 fine with that. What I will say is I know I'm going
17 to have some questions for witnesses that relates to
18 their testimony, so I would at least like any witness
19 who's taking to the stand to have a copy of their
20 testimony on them.

21 MR. KEEVIL: One other thing related to
22 that, Judge. I don't believe you had issued an order
23 requiring filing of the issues list -- or exhibit
24 list, but I'll be glad to. We have one. Obviously
25 I'll be glad to have that sent to you. Do you want

1 me just email it to you or send it in EFIS or?

2 MR. WILLIAMS: If you want now, I have a
3 copy.

4 MR. KEEVIL: I've got a copy too, but I
5 thought he wanted electronic vision.

6 JUDGE CLARK: If you've got a -- no.
7 I've got a paper copy; that's what I tend to mark on.
8 If you've got a paper copy, I'll take that.

9 MR. KEEVIL: Yeah.

10 MR. THOMPSON: Your Honor, this is Ethan
11 Thompson. I just wanted to note that Sierra Club's
12 witness, Tyler Cummings, I believe is in the same
13 situation as the witnesses mentioned earlier in that
14 cross has been waived.

15 JUDGE CLARK: And that's my understanding
16 as well. Thank you very much.

17 MS. GRUBBS: If I may, your Honor, on the
18 second preliminary matter I wanted to disclose or
19 discuss for Issue 2, which was originally 24B and was
20 scheduled for a hearing tomorrow, Ameren Missouri
21 wants to or moves for OPC Witness Robinett to be
22 excluded as a witness to be presented on that issue.
23 And I -- if I could be heard on the basis for that
24 motion.

25 JUDGE CLARK: Go ahead.

1 MS. GRUBBS: So Office of Public Counsel
2 Witness Robinett did not provide any testimony on the
3 issue that remains, the continuing property record
4 issue. Under the procedural order all parties had
5 the opportunity to file both Rebuttal and Surrebuttal
6 testimony. No OPC witness provided Rebuttal or
7 Surrebuttal testimony on the continuing property
8 record issue.

9 It would defy Commission procedural
10 rules, specifically 20 CSR thir -- I'm sorry -- 2.130
11 sub 7 that describes what should be included in
12 Rebuttal and Surrebuttal testimony. Notably OPC did
13 not ask to supplement or file testimony at the time
14 on the issue. And if OPC had so requested, Ameren
15 Missouri would have objected.

16 But it would be inconsistent with due
17 process to allow OPC Witness Robinett to testify.
18 Ameren Missouri, as the utility filing this general
19 rate case, has the right to know the arguments to be
20 presented by the parties and a meaningful opportunity
21 to cross-examine witnesses thereon. So Ameren
22 Missouri moves that OPC Witness Robinett not be
23 presented as a witness as on this CPR issue.

24 JUDGE CLARK: Would Public Counsel like
25 to respond?

1 MR. WILLIAMS: Sure. We're just making
2 Mr. Robinett available should any party wish to cross
3 him or the Commission and ask -- desire to ask him
4 any questions to take advantage of his expertise. If
5 no one has any questions, then he won't appear.

6 JUDGE CLARK: Okay. Well, this is -- I
7 wanted to get -- I wanted to hear the explanations up
8 front, but I'm not going to rule on this at this
9 time. I'm going to rule on it when the time comes.
10 If you can renew your objection at that time. Okay?

11 MS. GRUBBS: Thank you, your Honor.

12 JUDGE CLARK: Thank you. Are there any
13 are other preliminary matters the Commission needs to
14 take up at this time? Okay. I hear none.

15 Now, as has been indicated by several
16 parties there was a stipulation and agreement
17 resolving all but three issues and numerous subissues
18 that we have in this hearing this week. That
19 stipulation and agreement has not been approved by
20 the Commission. And we're going to have an on-the-
21 record presentation in regard to that so the
22 Commission may ask questions about that stipulation
23 and agreement on Friday at one o'clock. And so
24 that's just a reminder for everyone.

25 The other thing is I don't anticipate

1 with these three issues there being a lot of
2 confidential information that would require us to go
3 in camera. All the same, I don't know exactly what
4 information may be considered confidential. So I am
5 relying on the parties to let me know if we are
6 getting into confidential information such as would
7 require us to go in camera.

8 Now, I have a -- I have a list that was
9 provided in the updated issues list indicating many
10 opening statements on Issues 1. And I'm assuming the
11 way the parties want to do this is to have a mini
12 opening before each issue. Is that correct?

13 MR. KEEVIL: Yes, Judge. I apparently
14 didn't make my -- sorry. I apparently didn't make my
15 updated issue list clear on that, but if you look,
16 there's a little blurb on -- under each other issue,
17 mini opening on this issue. So yes, it would be --
18 the intent would be to have a mini opening on each
19 issue. But I would say that with regard to the
20 issues set for today, the -- there are a lot of
21 subissues. And my intent is certainly not to do
22 separate mini openings on each subissue, but to just
23 have one mini opening on everything related to the
24 Issue 1, including all subparts. So just one -- just
25 one mini opening on Issue 1 rather than each subpart.

1 MS. GRUBBS: And if I may, your Honor, I
2 believe because Issue No. 3 was going to have
3 witnesses waive -- cross-examination of witnesses
4 waived, we were going to submit it based on the
5 testimony, I don't believe that we anticipated having
6 a mini opening for Issue No. 3 unless Sierra Club's
7 counsel disagrees.

8 MR. THOMPSON: Yeah. I mean, I have a
9 mini opening for Issue 3, but. Yeah. I mean, I
10 would like to give it.

11 MS. GRUBBS: Okay.

12 JUDGE CLARK: I would also and I think
13 the Commission would also appreciate an overview of
14 the issue.

15 MS. GRUBBS: Okay.

16 COMMISSIONER KOLKMEYER: I'm not seeing
17 Friday's on-the-record one o'clock as an invite. Is
18 that still coming or is that still part of this?

19 JUDGE CLARK: Because I'm hoping that we
20 will go straight from this proceeding into the
21 on-the-record, or if we finish say early tomorrow,
22 that we will just take it up at one o'clock, it is
23 going to be the same Webex.

24 COMMISSIONER KOLKMEYER: Okay. Thank
25 you.

1 JUDGE CLARK: And I'm sorry if I didn't
2 make that clear, Commissioner. I apologize.

3 COMMISSIONER KOLKMEYER: That's fine.
4 Just want to make sure.

5 MS. GRUBBS: And if I may, based on that
6 discussion, I believe MECG's witness might not be
7 available till Friday. Is that correct?

8 MR. OPITZ: That's correct, your Honor.
9 In our issues list, I guess the updated issues list,
10 the parties agreed that they would be willing to take
11 Mr. Chriss out of order on Friday and virtually. He
12 was previously scheduled to appear on April 4th I
13 believe, but since we delayed the hearing, he had
14 prior conflicts this week and Friday is the only day
15 he was available to appear and virtually at that. So
16 I think that's probably the only issue or witness on
17 Friday other than the presentation of the
18 stipulation.

19 JUDGE CLARK: And Mr. Chriss is a witness
20 for Issue 1. Is that correct?

21 MR. OPITZ: Yes, formerly Issue 4, but
22 it's now Issue 1. So the issue that's being
23 presented today, he's MECG's witness on that issue.

24 JUDGE CLARK: Okay. And I don't want to
25 go back and forth, so let's just go by the updated

1 list, Issues 1, 2, and 3 which were formerly 4, 24B,
2 and 30, so we'll just refer to them as 1, 2, and 3.
3 Are there any objections to taking MECG's witness out
4 of order? I see and hear none. That'll be granted.

5 Now, in regards to -- in regards to
6 cross-examination, do you want to go by the order of
7 the -- well, I've got a -- I got an order of
8 cross-examination. In regard to the presentation, do
9 you want me to go by the order laid out in opening?

10 MS. GRUBBS: Yes. Actually the witness
11 list that's on page 5 of the updated list, that's how
12 we planned to proceed from Ameren Missouri's
13 perspective.

14 MR. KEEVIL: I was going to say, there is
15 an order of cross in the updated --

16 JUDGE CLARK: Oh, I see it. Thank you so
17 much. I see the -- I had the order of cross in my
18 notes. I did not see -- I -- so after each -- you
19 want to go with the witnesses as listed after each
20 issue.

21 MR. KEEVIL: Yes.

22 JUDGE CLARK: Okay. We can do that. I
23 will ask one last time, are there any other
24 preliminary matters before we go into openings?
25 Hearing none, I will take opening statements from

1 Ameren Missouri.

2 MS. GRUBBS: Would you like me to come to
3 the podium?

4 JUDGE CLARK: Please. And be sure that
5 the mic is adjusted and on.

6 MS. GRUBBS: Try not to unplug anything.
7 Good morning. May it please the Commission. When it
8 comes to rate design, it is so important to remember
9 that we have come a long way. As advanced metering
10 infrastructure or AMI metering has been deployed and
11 continues to be deployed, Ameren Missouri has been
12 able to roll out time-of-use rate options for
13 hundreds of thousands of customers providing
14 retails -- customers with retails -- or with choice,
15 convenience, and control.

16 The Company has developed a robust
17 residential customer education and communications
18 journey, including a bill comparison tool and
19 multiple app interfaces. The Company targets full
20 AMI deployment at the end of next year, end of 2024
21 and is approximately two-thirds complete at this
22 time. Those two-thirds of customers that have been
23 through this journey have had rate choice. They've
24 had time and information to evaluate and understand
25 their options and the impacts of those options on

1 their bills. And they've by and large had a positive
2 experience.

3 The remaining one-third of residential
4 customers should get the same experience, a
5 consistent experience. Now is not the time to tinker
6 with or overhaul residential or nonresidential rate
7 designs.

8 With regard to residential rate designs,
9 eliminating the Anytime User traditional flat rate as
10 proposed by Staff would frustrate the tens of
11 thousands of residential customers who have recently
12 progressed through that TOU journey and chose to
13 return to that traditional flat rate. Defaulting
14 customers only one month after installation of their
15 AMI meter as proposed by Staff would mean that
16 customers don't have any interval data upon which to
17 base their decision or selection.

18 The Company recommends that the current
19 six month-post AMI defaulting time frame be
20 maintained so that customers may be empowered to make
21 their choice, their selection. Moreover as
22 referenced in the Surrebuttal testimony of OPC
23 witness Dr. Geoff Marke, the newly-formed task force
24 will likely be addressing the net metering concerns.

25 Through Senate Bill 745 from the 2022

1 legislative session, Section 386.885 of the Revised
2 Statutes of Missouri establishes the task force on
3 distributed energy resources and net metering and
4 provides for the task force to conduct public
5 hearings and research and compile a report to
6 ultimately be delivered to the General Assembly by no
7 later than December 31st of this year. The report
8 must include, among other things, a value of solar
9 study and any potential legislative changes to the
10 Net Metering and Easy Connection Act.

11 Shifting to nonresidential rates, as
12 you'll likely recall, in the company's last electric
13 general rate case which was File No. ER-2021-0240,
14 the Commission ordered a working docket be used to
15 explore nonresidential rate design so that new
16 structures could be proposed in a future rate case
17 following full AMI deployment. So while we've come a
18 long way on modernizing rate design for Ameren
19 Missouri, there is still work to be done. As we
20 finish up deploying AMI metering, we work with
21 stakeholders to explore nonresidential rate design
22 structures, and we learn the findings of the task
23 force report.

24 Eliminating rate plans for residential
25 customers, tinkering with residential and

1 nonresidential rate designs and default time frames
2 at this point would likely trigger customer confusion
3 and frustration, create administrative inefficiency
4 and wasted efforts and unnecessary costs for the
5 company and its customers and further suffer from a
6 lack of data and information from the collaborative
7 process like the nonresidential rate design working
8 docket and -- and/or the task force report's
9 conclusions.

10 Next let's talk about class cost of
11 service. It warrants highlighting Company witness
12 Steve Wills' Surrebuttal point that in order for the
13 working docket on nonresidential rate design to be
14 successful, the parties need guidance on the class
15 cost of service methodology. Ameren Missouri, MECG,
16 and MIEC have described the significant flaws in
17 Staff's unconventional class cost of service
18 methodology and patently unreasonable outcomes that
19 could be produced by them, such as industrial
20 customer's rates being over 10 percent above the
21 national average while residential customer rates
22 would be more than 10 per -- or 20 percent, pardon
23 me, below the national average.

24 Similarly Ameren Missouri and MIEC have
25 described that the distribution plant data relied

1 upon by Ameren Missouri for its class cost of service
2 study is reasonable and Staff's pursuit of evermore
3 granular data without regard to the actual cost of
4 obtaining such granular data and what amount, if any,
5 benefits it would produce is unreasonable.

6 To avoid the working docket on
7 nonresidential rate design devolving into disputes
8 over granular data and significantly diverging class
9 cost of service methodology, the Commission should
10 find here that the Company's class cost of service
11 approach is reasonable and reject Staff's class cost
12 of service study and additional demands for data.

13 Also the Commission should approve Ameren
14 Missouri's proposed two-way rate switching tracker in
15 this case so that going forward the Company's
16 incentives are aligned with its customers' interests
17 in pursuing TOU rate adoption despite the expected
18 revenue erosion from such adoption. Company witness
19 Steve Wills has countered every one of Staff and
20 OPC's points of opposition on the rate switching
21 tracker.

22 Finally, with regard to revenue
23 allocation, taking into account various factors, the
24 Company recommends the revenue increase be allocated
25 by an equal percentage across all customer classes,

1 except for the lighting class, in which a small
2 intraclass shift is recommended.

3 And with that, thank you for your time.
4 I'll try to answer any questions or -- and/or
5 identify any Ameren Missouri witness.

6 JUDGE CLARK: Thank you. Any Commission
7 questions? Commissioner Holsman.

8 COMMISSIONER HOLSMAN: Thank you.
9 Thank you for the presentation. Do you
10 know if that commission on solar has met yet?

11 MS. GRUBBS: I'm sorry, the task force --

12 COMMISSIONER HOLSMAN: The task force.

13 MS. GRUBBS: -- that was created?

14 To my knowledge, no. My latest
15 understanding was that there were another member of
16 the task force to be appointed, but I'm not sure.

17 COMMISSIONER HOLSMAN: Okay. Thank you.

18 JUDGE CLARK: Are there any other
19 Commission questions? I see and hear none.

20 MS. GRUBBS: Thank you.

21 JUDGE CLARK: Thank you very much. Next
22 mini opening is on behalf of the Staff of the
23 Commission.

24 MR. KEEVIL: Judge, if I could, I'd
25 request permission to do it sitting here because of

1 my hip and knee issues.

2 JUDGE CLARK: That would be fine.

3 MR. KEEVIL: Thank you, Judge. May it
4 please the Commission. As an initial matter, I would
5 just like to say that the Commission can dispose of
6 the first couple of subissues on the list, on the old
7 issue it was 4A and 4B, by finding on Issue 4D that
8 the overall position of Ameren's witness Mike Harding
9 is a reasonable resolution of the case as a matter of
10 public policy. But if you get into the CCOS studies
11 themselves, Ameren's study is frankly simply
12 unreasonable whereas Staff submits that its study is
13 the only reasonable one of the bunch.

14 The changes -- excuse me. The Commission
15 is free to order an equal adjustment of the revenue
16 responsibility of all classes. In other words, if
17 you like Ameren's revenue responsibility
18 recommendation, you can get there without relying on
19 the unreliable Ameren CCOS study.

20 Now, what makes the Ameren CCOS study
21 unreliable. Well, before you look at the decisions
22 made by Ameren in executing the actual study, you can
23 start with Ameren's decision to base one of the most
24 determinative aspects of its classification and
25 allocation on data about how the distribution system

1 looked sometime before 2009. The Direct testimony of
2 Ameren on this -- on this issue consisted of,
3 essentially of a single sentence found on page 11 of
4 Mr. Hickman's Direct testimony where he states that
5 the results of a historic analysis, previously
6 referred to as the Vandas study, assists in further
7 dividing certain distribution system costs into high
8 voltage, primary voltage, and secondary voltage
9 categories and allocated to the classifications
10 according -- excuse me -- the classes accordingly.

11 Now, in response to Staff DR 565,
12 Mr. Hickman admitted that he has no direct knowledge
13 of the 2009 study itself, and his classification in
14 this case relies indirectly on records which no
15 longer exist.

16 Now, in the past, in past cases, Staff
17 has recommended against ordering specific class cost
18 of service allocation approaches because the best
19 approach varies based on the data available. But in
20 this case we have seen Ameren continue its approach
21 of limiting the data available in order to limit the
22 options of approaches available, particularly in the
23 area of distribution classification.

24 Now, to accept Ameren's distribution
25 classification in this case would be inconsistent

1 with the position of Ameren's own consultant,
2 Mr. Craig Brown, who concedes that the Ameren class
3 cost of service study fails to comply with the
4 NARUC manual in its classification and allocation of
5 over \$800 million of distribution plant.

6 In this case Ameren continues to deny
7 access to basic information necessary to conduct a
8 class cost of service study.

9 In the 2019 rate case, 2000 --
10 ER-2019-0335 Ameren stipulated that it would discuss
11 its data collection and retention practices and
12 follow up with the parties concerning any outstanding
13 questions. Staff would encourage you, Commission and
14 Judge, to ask Ameren's witnesses about those items
15 and ask them whether they know those items and have
16 estimated them in this case. For example, you can
17 ask Ameren today about the cost of distribution
18 elements operating between 600 volts and 34 kV. I
19 believe they will tell you that they don't know the
20 cost, but they estimated them in a study relying on
21 data from 2009 or before. Ask Ameren about the cost
22 of distribution elements operating above 34 kV.
23 Again, they will tell you they don't know the cost,
24 but they estimated them, relying on that study or on
25 that data from 2009 or earlier.

1 Now, why is it -- why are those -- why
2 those buckets of costs are important is that Ameren
3 uses those buckets of costs to decide what
4 distribution costs certain customers should not have
5 to pay. Ask yourself how comfortable you are relying
6 on application of 2009 data to 2022 plant balances,
7 particularly in light of the billions of dollars of
8 infrastructure that Ameren has poured into its
9 distribution accounts.

10 On production costs, Ameren and the
11 industrial intervenors ask the Commission to base
12 revenue responsibility for renewable investments on
13 billing residential customers for 51 percent of costs
14 and crediting them with 43 percent of the revenue
15 while billing the LPS customers for only 7 percent of
16 those costs and crediting them with 11 percent of the
17 revenue.

18 Rate modernization. You heard Ms. Grubbs
19 speak somewhat about that. You also heard Ms. Grubbs
20 state Ameren's opposition to provision of additional
21 information or data which is necessary going forward.

22 Looking forward Ameren is asking the
23 Commission in this case to limit the access of the
24 parties to information Ameren was able to make
25 available in this case. In fact, Ameren's discussion

1 of rate modernization in its position statement
2 underscores the fundamental problem or one of the
3 fundamental problems of this case, namely Ameren
4 still maintains that the class cost of service study
5 it filed in this case is good enough to develop
6 restructured nonresidential rates in a separate
7 docket. We simply do not believe that the study
8 provided by Ameren is good enough.

9 Ameren's seeking to increase the
10 complexity of its rate structures while refusing to
11 provide basic information necessary to meaningfully
12 align those rate structures with the cost of serving
13 customers. Ameren insists in this case that the flow
14 of information not improve in the future. Ameren
15 does not want the parties to have information about
16 designing customer charges and facility charges.
17 Ameren is asking the Commission to order parties to
18 design rates assuming an around-the-clock cost of
19 energy of 14.48 cents per kWh in the summer and 13.12
20 cents per kWh in the winter. That you can see on the
21 proposed FAC tariff. Sheet that may have changed
22 slightly based on the stipulation, but that's roughly
23 correct. While ignoring the market costs of energy
24 and fundamental changes in the way the utility world
25 works.

1 Now, you -- again, you heard Ms. Grubbs
2 speak about the data, and I would just -- there are a
3 number of issues in this case and you can see it from
4 the issue list related to Staff requesting access to
5 information and -- access to other information
6 because Ameren was unable to provide the original
7 information that Staff requested.

8 And whether or not Ameren has been
9 keeping up with its obligation for providing data is
10 one of the issues that you're being asked to decide
11 in this case.

12 Many of you have participated in rate
13 school or even achieved some degree, NARUC degree in
14 utility subjects. Ask yourself what information you
15 would expect to have available when doing rate
16 design. Would you think that you may need to know
17 the cost, whether embedded cost or marginal cost or
18 an estimate of those costs of connecting a customer
19 to the system when sizing a facility's charge or a
20 customer charge? Would you think that cost should be
21 about the same for a single-family home as it is for
22 a gas station? Would you think that cost is about
23 the same for a sheriff's office in a rural county as
24 it is for St. Charles County jail? Would you think
25 that if a utility is able to tell the legislature

1 exactly to the year how old they believe the assets
2 in a substation are, they ought to be able to report
3 to Staff how many miles of secondary circuits they
4 own and operate?

5 Staff is open to sample data or reliance
6 on available data where what we originally asked for
7 isn't available, but we still -- doesn't mean we can
8 just make data up and go forward on that basis.

9 Now, you heard Ms. Grubbs saying that
10 Staff's study, CCOS study is not reasonable.
11 Obviously we disagree. They don't like the way the
12 result of how Staff allocated the distribution
13 system, but Staff did the best we could to make up
14 for the information that Ameren either couldn't or
15 wouldn't provide. You have Ameren saying Staff is
16 asking for Ameren to do complex calculations to
17 figure out how plant and mass asset accounts is used,
18 but at the same time opposing Staff's request to
19 create sub accounts for items like large transformers
20 and switches used to interconnect the Ameren solar
21 farms and landfill gas plant.

22 So basically Staff is asking now for a
23 simple fix to this problem, but Ameren is refusing.
24 You have Ameren saying on the one hand that rate
25 modernization is imminent, but we should be using

1 less reliable data and be making more assumptions to
2 design modern rates using the same old approaches
3 that we've used as stand-ins for lack of hourly
4 customer data in the past. So under the current
5 Ameren rate structure, we must first make an
6 assumption that all customers in a class use energy
7 in the same way at the same times. That's the
8 rationale for the rate designs of the LGS, SPS, and
9 LPS customers -- classes, excuse me. But we say some
10 of those customers use less infrastructure so we
11 reduce their class revenue requirement based on
12 assumptions about which customers use what, but we're
13 not sure which stuff those customers are using.

14 Residential. We think -- Staff thinks
15 expediting the deployment of the default
16 Evening/Morning Savers rate is best, paired with
17 rolling back access to the Anytime rate. We also
18 recommend that adequate information be made available
19 to customers who may opt into the demand charge based
20 Ultimate Saver rate and that the Company not market
21 this particular high-risk rate as a solution to the
22 customer charge problem that the Company is
23 requesting in this case.

24 Now, the tracker, you heard Ms. Grubbs
25 mention the tracker. The Company doesn't need a

1 tracker. This tracker is essentially the same as the
2 rate migration tracker that Ameren agreed to drop in
3 the ER-2019-0335 case when it chose to move forward
4 with these opt-in rates without a tracker. The test
5 Mr. Wills suggests in this case is that a deferral
6 mechanism should be authorized when authorizing a new
7 program that is beneficial to customers but where
8 without the deferral mechanism in place, it could be
9 financially detrimental to the utility.

10 First of all, these opt-in rates are not
11 into the program and the potential financial
12 detriments to the Utility were known back when the
13 Utility agreed to pursue these rates back in the 2019
14 case.

15 Now, if the Commission is truly worried
16 about Ameren shareholders receiving the level of
17 revenue between rate cases that was -- that is
18 determined in this case, the calculation would not be
19 looking at the difference between what Ameren bills
20 for customers to opt in -- for customers on opt-in
21 rate plans and the same level of kilowatt hours
22 billed on the Anytime rate plan. Rather it is the
23 difference between the total revenue Ameren bills for
24 customers on the opt-in rate plans and the level of
25 revenue determined in this rate case.

1 Ameren's proposed tracker calculation is
2 not reasonable because it will overcompensate Ameren
3 for the revenue differential associated with
4 increased usage due to effective energy storage.
5 Ameren's tracker calculation is not reasonable
6 because it will overcompensate Ameren for the revenue
7 differential associated with increased usage due to a
8 creative energy usage. And Ameren's proposed tracker
9 calculation is not reasonable because it would doubly
10 account for bill differences encompassed by the fuel
11 adjustment clause because to the extent that pricing
12 disparities in the opt-in time-of-use rate plans are
13 intended to reflect differences in the cost of
14 wholesale energy over various time periods, any
15 savings actually realized or passed in part to
16 ratepayers and retained in part by shareholders
17 through the fuel adjustment clause. It would not be
18 appropriate to consider the energy portion of
19 differences between rate plan charges and calculating
20 the unavoided revenue or bill saving.

21 Now, on the commercial and industrial
22 rate design, there seems to be agreement among the
23 parties that we need to restructure the SGS, LGS,
24 SPS, and LPS rate schedules. Staff has a concrete
25 proposal to inform customers in those classes of the

1 times when they use energy and to gather the
2 information that will be necessary to design rates to
3 fit modern rate structures. Staff's overlay proposal
4 causes minimal bill impact, but some customers still
5 protest. While the recommended -- Staff's
6 recommended time-of-use overlay is Staff's primary
7 recommendation, Staff suggests that if the Commission
8 is concerned with customer impact, a reasonable
9 solution in this case is to simply add the
10 information concerning energy usage per time period
11 to the bills of these customers and to retain that
12 data in an accessible and usable format for the
13 parties to use in establishing billing determinants
14 and designing rates in future cases.

15 I think I'll stop there. And I would say
16 that Ms. Sarah Lange, Staff's witness on rate design
17 and class cost service will be taking the stand on
18 this issue. She's available also if you have
19 questions or I can take a wild swing at a question,
20 but I would recommend that you probably should ask
21 them of her when she's on the stand. Thank you and I
22 conclude with that. Thank you, Judge.

23 JUDGE CLARK: Thank you. Are there any
24 Commission questions? I have one question. You had
25 indicated early on in your opening that if the

1 Commission liked Ameren's rate structure, and as for
2 Issue 1, it is class cost of service, revenue
3 allocation, rate design, and rate switching tracker.
4 If I'm not being articulate enough or specific
5 enough, please correct me. But in regard to if the
6 Commission likes Ameren's rate structure, you said
7 you can get there without using Ameren's class cost
8 of service report. Would you please explain that?

9 MR. KEEVIL: Yeah. The -- that ties back
10 to what I was saying also about the recommendation of
11 Mr., I believe it's Mr. Harding, that the increase be
12 spread as a -- get this right -- equal adjustment of
13 the revenue responsibility of all rate classes. So
14 it is spread equally among the rate classes simply as
15 a matter of public policy rather than based on a
16 specific class cost of service study, just as policy
17 that you can make that determination Staff would
18 submit, if you wanted to go with an equal percent
19 increase.

20 JUDGE CLARK: And that gets you to
21 Ameren's rate structure without using their cost of
22 service?

23 MR. KEEVIL: Yeah. Rate structure may be
24 a bit misleading. Again, I'm just simply referring
25 to the equal percent increase there. When I use that

1 term "rate structure," that's probably not the most
2 precise terminology that I should use there; I
3 apologize. But the point again was simply that you
4 could go with equal percent increase as opposed to
5 basing it on a specific cost of service study.

6 JUDGE CLARK: If you --

7 MR. KEEVIL: Because, like I said, in the
8 past Staff has advised or recommended against the
9 Commission approving specific cost of service studies
10 versus other cost of service studies because so many
11 factors change from one case to the next and you have
12 to be careful, we believe, in unintentionally setting
13 some precedent regarding, you know, this is the type
14 of class cost of service study that should be used
15 and no other should be used. So, if that helps at
16 all.

17 JUDGE CLARK: It does. But it sounds
18 like rather than relying on Ameren's class cost of
19 service study, you're saying that the Commission
20 could get there as a matter of public policy relying
21 on no parties' class cost of service study. Is that
22 correct?

23 MR. KEEVIL: Basically, yeah.

24 JUDGE CLARK: What evidence would the
25 Commission use to rely on to make that kind of

1 adjustment?

2 MR. KEEVIL: I mean, it's a customer
3 impact question really, Judge, because there are --
4 Commission always -- well, I shouldn't say always,
5 but historically, has frequently decided rate design
6 separate -- well, I shouldn't say separate, but not
7 specifically based on a class cost of service study.
8 You know, class cost of service studies are guides.
9 They aren't mandatory direction that, you know, You
10 must do this based on the class cost service study.
11 Or at least Staff takes that position. They're
12 road maps; they're not mandatory, like I said. So
13 what evidence could -- I mean, public policy and
14 deference to customer impact. It's basic economic
15 sense I guess.

16 JUDGE CLARK: Now, I inherited this case;
17 this case hasn't been mine the entire time. But in
18 the time that I have had this case, I don't remember
19 conducting a discovery conference. I remember the
20 parties basically before each conference indicating
21 that all discovery concerns were resolved.

22 Now, I know in the parties' stipulation
23 and agreement that the parties, as part of that
24 agreement, have agreed to numerous trackers and
25 studies to provide certain information. If Ameren

1 was not forthcoming with information -- and you
2 indicated that Staff was willing to work with the raw
3 data -- if Ameren was not forthcoming with
4 information, why was not this a discovery concern
5 earlier in the case?

6 MR. KEEVIL: It's -- well, I think there
7 was one early on, Judge. But the main problem is
8 they claim they don't have the information or that
9 they don't retain the information or that it would --
10 they could -- they could get it, but they'd have to
11 write a computer code and do all this other stuff.
12 So it's not a matter of, you know, they have it in a
13 file cabinet somewhere and -- or at least according
14 to them. It's not a matter if they could just go and
15 pull it out but they don't want to. It's they'd have
16 to -- they don't -- either they don't have it or they
17 don't retain it or -- or -- and some of that is
18 probably true because with the new -- the AMI meters,
19 the AMI meters obviously allow you to collect data
20 that you weren't able to collect previously. And so
21 the issue wasn't really a discovery conference-type
22 issue. I mean, it was something where they were
23 saying, you know, We don't have it or we don't retain
24 it or we don't collect it or whatever.

25 JUDGE CLARK: So it wasn't a discovery

1 issue because it would require Ameren to produce or
2 manufacture something?

3 MR. KEEVIL: Basically, yeah.

4 JUDGE CLARK: Thank you.

5 MR. KEEVIL: According to them.

6 JUDGE CLARK: I have no further
7 questions. Thank you, Staff.

8 Next mini opening statement is from the
9 Office of the Public Counsel.

10 MR. WILLIAMS: May it please the
11 Commission. Nathan Williams appearing on behalf of
12 the Office of the Public Counsel and the public. I
13 guess I'll start off with what you're doing in this
14 case is establishing rates, and you consider all
15 relevant factors in doing so. Class cost of service
16 studies can be a relevant factor in designing those
17 rates, but it's not all of what you look at. The
18 current rates certainly are important and typically
19 the Commission's concerned about gradualism; it
20 doesn't want to create rate shock by suddenly
21 changing rates which could occur if the Commission
22 were to jump from one cost of service study to
23 another and just rely on that in designing rates.

24 What Public Counsel's supporting in this
25 case in terms of rate impacts is to look at the

1 current rate design that's in place with current
2 rates and, except for leaving the residential
3 customer charge at \$9 and not increasing the rates
4 for utility-owned street lighting, do equal
5 percentage increases to all of the classes and all of
6 the rate elements.

7 Public Counsel supports the customers
8 having options. UE still has not completely rolled
9 out its AMI meters, so as part of that gradualism,
10 we're not proposing to make any changes in what
11 happens with regard to time-of-use rates. We do
12 support keeping the Anytime User rate available.

13 We do not support MCEG's optional EV
14 charging 3M, 4M rate design. And I leave it to
15 Dr. Marke to inform you about Public Counsel's
16 reasons for not supporting that or opposing it. And
17 he's also our witness on all of our rate design
18 issues.

19 We do oppose UE's proposal for a tracker.
20 We don't think it's necessary at this stage. UE
21 already has some experience with time-of-use rates.
22 If it's had any real revenue erosion, it's been able
23 to capture that and could have shown that it is a
24 real concern. And the rate differentials in most of
25 their rate offerings that people have adopted are not

1 enough to have much, if any, kind of a real revenue
2 require -- revenue impact on the utility.

3 Also Ameren selected plan and service
4 accounting when it could have gone to rate decoupling
5 and did not do that. We don't think it should be
6 effectively insulated from rate impacts such as the
7 time-of-use rates or for rate switching which is
8 really what the time-of-use rates issue is about.

9 And with that, unless you have questions
10 that I might attempt to answer, I leave it to Geoff
11 Marke to really flesh out your -- what you may be
12 interested in regarding Public Counsel's input into
13 the rate design issues.

14 JUDGE CLARK: Thank you. Any questions
15 from the Commission? I have one question because
16 I've heard it twice now, opposition to the rate
17 switching tracker. Now, a tracker, it's my
18 understanding, is just a mechanism whereby you track
19 something and the Commission makes a determination in
20 regard to that in the future should it choose to. So
21 I guess my question is with the opposition to the
22 rate switching tracker, what's the harm in the rate
23 switching tracker?

24 MR. WILLIAMS: There's an implication
25 that they're going to recover the dollars. It

1 doesn't exist without a tracker.

2 JUDGE CLARK: Thank you. I have no other
3 questions.

4 MR. WILLIAMS: Thank you.

5 JUDGE CLARK: Is Missouri Industrial
6 Energy Consumers here?

7 MS. PLESCIA: Yes.

8 JUDGE CLARK: I called earlier. Would
9 you please speak in the microphone and enter your
10 appearance for the record.

11 MS. PLESCIA: Oh, certainly. I can go up
12 to the podium if that's okay.

13 JUDGE CLARK: That would be just fine.

14 MS. PLESCIA: Okay. For the Missouri
15 Industrial Energy Consumers, Diana Plescia of the law
16 firm of Curtis, Heinz, Garrett & O'Keefe representing
17 the MIEC.

18 JUDGE CLARK: Okay. Go ahead.

19 MS. PLESCIA: Okay. Thank you. May it
20 please the Commission. In the Commission's last
21 order which was really only a little more than 14
22 months ago in the last Ameren rate case, the
23 Commission was faced with many of the same issues
24 that it is currently faced with here where you had
25 several traditional studies by very experienced

1 experts in cost of service and rate design including
2 the MIEC's witness Maurice Brubaker who has over 50
3 years of experience in this area. You also had
4 testimony from Ameren's witnesses making it very
5 clear that the average and excess method that has
6 been used in the past is a fair and commonly used
7 industry standard method of determining class cost
8 allocation and rate design.

9 And the Commission weighed those studies
10 against the study that the Staff produced which used
11 some very novel conducts and was based on some data
12 that, certainly from the MIEC's perspective and that
13 of other parties who were looking at more traditional
14 methods, were not comfortable with and felt that the
15 study wasn't supported. And you heard many arguments
16 that were similar in that case that you're hearing
17 today.

18 What we'd like to point out is that we
19 understand that the Commission has all of the
20 discretion to look at issues beyond just the cost of
21 service study data that you have, that the Commission
22 has to make policy decisions. On the one hand you
23 have evidence about the system and how the system
24 resources are allocated among the parties. There's
25 engineering information. You have information about

1 what other states do. All those things are important
2 in deciding whether you have a predictable rate
3 design in Missouri that makes it clear what customers
4 can expect in the future, that also makes Missouri in
5 the mainstream and not extremely outside of the
6 mainstream by adopting methods that have not been
7 used in other states.

8 But the Commission has to weigh, you
9 know, the impact on customers of whatever decision
10 you go with. And I think that in the last case, the
11 Commission was very clear that it felt that
12 residential customers were going through some
13 uniquely difficult experiences. And if you don't
14 mind, I'd like to just read a little bit of that
15 order.

16 For purposes of this case the Commission
17 finds that Ameren Missouri's class of cost cost of
18 service study offers a reasonable estimation of class
19 cost of service. However, under the particular
20 circumstances of this case, the Commission believes
21 that aside from Ameren Missouri's proposed adjustment
22 to more closely balance the Company-owned and
23 customer-owned branches of the lighting class, no
24 class rate adjustments need to be made and the
25 necessary rate increase should be allocated to all

1 customer classes on an equal percentage basis in
2 making that determination.

3 The Commission is not relying on the
4 relatively minor differences between the cost studies
5 prepared and submitted. Rather, the Commission is
6 exercising its discretion to look beyond the numbers
7 contained in those cost studies to reach a deeper
8 conclusion that people who are members of the
9 residential rate class have already faced enough
10 challenges in recent years, including an 8.81 percent
11 electric rate increase that will result from this
12 case and should not have to endure a larger one.

13 But the Commission went on to say that in
14 the future it may take a different approach to taking
15 the classes closer to their estimated cost of
16 service.

17 So in my interpretation of the Commission
18 is that it saw a unique crisis with COVID and it did
19 not want to make that incremental movement toward
20 cost of service that in so many other cases the
21 Commission has made. In thinking about whether to
22 move classes closer to cost of service in this case,
23 I think the Commission will always be looking at the
24 cost class -- class cost of service study and then
25 looking at the policies and what's important.

1 And I think in this case you have the
2 opportunity with a smaller rate increase than
3 originally proposed, smaller than in the last rate
4 case, where you have a revenue settlement that takes
5 the rate increase down to 5.1 percent and this offers
6 an opportunity for the parties to make some movement
7 without much disruption for the residential class.
8 But it's important too for the signals to be sent I
9 think to parties that Missouri has a predictable
10 method of determining class cost allocation rate
11 design. That is, rates are going up and its
12 utilities are making a lot of investment. The more
13 far apart rates are from cost of service and
14 traditional cost of service methods the more
15 difficult it will be in the future to ever get close
16 to cost of service.

17 And cost of service is important for
18 customers because not only does it send price
19 signals, it also talks about how stable it is to do
20 business in a state, especially for energy-intensive
21 industries. It is an economic development issue
22 because industry can locate in other states or other
23 countries; energy costs are an extremely important
24 component of cost of doing business.

25 So if rate design is not predictable, if

1 it's not based on methods that people understand and
2 it becomes a policy decision to, you know, maybe
3 redistribute resources for example in the extreme, I
4 don't think that that is necessarily in the best
5 interest of our state's economy. We're concerned
6 about all customers having to endure large rate
7 increases in difficult times. In this particular
8 case we have a more modest rate increase and we have
9 a better opportunity to make a difference without any
10 major disruption.

11 We did take a step away from cost of
12 service in the last case. The Commission made a
13 policy decision, but we would encourage the
14 Commission in this case to go ahead and make some
15 incremental movement toward cost. Mr. Brubaker who
16 is MIEC's witness has proposed a smaller movement
17 based on the smaller revenue increase. And I think
18 if the -- if the Commission were to adopt that
19 approach, I think that would be a reasonable
20 balancing of the interests.

21 And I'm glad to answer any questions you
22 have.

23 JUDGE CLARK: Any questions from
24 Commission? I see and hear none. I have no
25 questions. Thank you very much.

1 MS. PLESCIA: Thank you.

2 JUDGE CLARK: Issue 1 opening statement
3 from the Sierra Club. And I'm going to ask you here,
4 I have you -- you are representing three parties. Is
5 that correct?

6 MR. THOMPSON: Yes, your Honor. I was
7 going to say, if I could just make a brief statement
8 on behalf of all three parties since their positions
9 are aligned on Issue 1 if that would --

10 JUDGE CLARK: And that's what I was going
11 to ask because I have you listed twice on the
12 openings. So if you're -- so this is on behalf of
13 Sierra Club, Missouri NAACP, and Metropolitan
14 Congregation United?

15 MR. THOMPSON: Yes, sir.

16 JUDGE CLARK: Go ahead.

17 MR. THOMPSON: And for the sake of
18 brevity for the hearing, if you just want to ask once
19 instead of for all three parties for cross and
20 everything, then I think that would work if that
21 works for you.

22 JUDGE CLARK: I will do my best.

23 MR. THOMPSON: Thank you. Good morning
24 and may it please the Commission. The Commission
25 should not increase the monthly customer charge for

1 Ameren's residential customers. Missouri NAACP,
2 Metropolitans Congregation United, and the Sierra
3 Club oppose the proposed increase to the flat
4 residential customer charge here because it will tend
5 to force higher costs disproportionately onto people
6 who use the least electricity and can least afford
7 higher bills. These higher costs are particularly
8 burdensome for people on a fixed income and others
9 who lack financial flexibility. Further, the
10 proposed increase will reduce incentives to conserve
11 energy and will result in consumers losing control
12 over their energy costs and options. The Commission
13 should protect Ameren's most vulnerable customers and
14 reject the Company's request to increase its flat
15 residential customer charge.

16 Thank you. And I'm happy to answer any
17 questions.

18 JUDGE CLARK: Any Commission questions?
19 I have no questions. Thank you very much.

20 MR. THOMPSON: Thank you.

21 JUDGE CLARK: On behalf of Consumer
22 Council of Missouri.

23 MR. COFFMAN: Good morning. May it
24 please the Commission. I'm John Coffman on behalf of
25 Consumers Council of Missouri. We have testimony on

1 what's now Issue 1, rate design. And I think that
2 the issues that we think are most important do all
3 revolve around an issue that the Utility highlighted
4 which is customer control. And so we would ask on
5 all these issues, once you get especially down into
6 the residential rate design, that you make a
7 centerpiece of the factors that you're considering
8 the ability of customers to choose their own rate
9 plan and to be able to understand it and respond to
10 it. Also important to this idea of customer control
11 is the fixed residential customer charge.

12 First of all, on the revenue allocation,
13 we support the same allocation method as OPC. We
14 believe that the various competing customer cost of
15 service studies can be fairly balanced in this case
16 with an equal percentage increase, however, keeping
17 the \$9 customer charge fixed for all rate plans.
18 That is a customer control issue as well. The
19 customer fixed charge is an -- is unavoidable. So if
20 you are a low-use customer, you have to pay this and
21 there's nothing you can really do about it as far as
22 changing your usage or your behaviors. If you
23 have -- if you are a high user, there are many
24 options available to you to help with your bill.

25 The testimony offered by Consumers

1 Council is from our expert, Jackie Hutchinson. Her
2 Direct and Rebuttal testimony contain significant
3 information about the vulnerabilities of customers
4 who would be impacted by these issues. And so we
5 submit that to you and hope that you keep that into
6 account and if you have questions, ask her.

7 We, again keeping with customer control
8 as the theme, we urge the Commission to keep the
9 Anytime rate. Our testimony describes customers who
10 are vulnerable and customers who have an inability to
11 change their time-of-use rates. And if they have
12 looked at the options and believe that the Anytime
13 rate is best for them, we believe they should have
14 that option.

15 In fact, we support opt-in time-of-use
16 rates only. We like having -- customers having many
17 options and as long as they are truly optional, that
18 is, customers have the, you know, the conscious
19 affirmative choice to choose them, we think that
20 those plans are great. But we are not in favor of
21 opt out or simply defaulting customers, forcing them
22 onto plans that they don't like. That's not our idea
23 of customer control.

24 And in my experience throughout several
25 years and several other jurisdictions are that the

1 time-of-use plans that work the best are those that
2 customers actually consciously choose after, you
3 know, good information and not the plans that are
4 forced on them. Our testimony describes customers
5 that we've heard from who were unhappy about the
6 simple Evening/Morning rate that was an opt-out plan.

7 So we urge going forward that the
8 Commission try to stay consistent, easy to understand
9 time-of-use plans and, if possible, please let
10 customers make that choice. If they make that choice
11 and decide to own it, they will more likely respond
12 to the signals and use that to their benefit.

13 We are also as opposed to a rate
14 switching tool. Certainly don't believe that it is
15 necessary and believe that these fluctuations in the
16 rates, especially after the Utility has asked
17 ratepayers to pay so much money for the AMI meters,
18 that they should have the risk of revenue
19 fluctuation. And there's no indication that that's
20 going to be anything significant that we can't deal
21 with. So we're as opposed to the rate switching
22 tool.

23 I think that covers all of our issues.
24 And I can answer questions, but that's all I got.
25 Thanks.

1 JUDGE CLARK: Any Commission questions?
2 I hear no questions. I have no questions. Thank you
3 very much. Next up I have MECG.

4 MR. OPITZ: Good morning. May it please
5 the Commission. Tim Opitz on behalf of Midwest
6 Energy Consumers Groups or MECG. Issue 1 has a
7 number of subparts, but I'm not going to address each
8 subpart; I'm just going to approach three of the
9 broader issues which is the class cost of service
10 study, revenue allocation, and rate design.

11 First on class cost of service, MECG has
12 the testimony of Steve Chriss supporting the average
13 and excess 4 NCP methodology using as the starting
14 point for any cost of service approach in this case.
15 This method is consistent with the statutory guidance
16 in Section 393.160.1 sub 1. The methodology is
17 consistent with the NARUC manual. It's consistent
18 with national norms. It's consistent with past
19 commission practice. And this method is consistent
20 with the approaches of the other parties in this
21 case, Ameren and MIEC.

22 The one outlier is the Staff's cost of
23 service approach. Staff's new cost of service
24 approach would be a dramatic shift in cost
25 responsibility to the LGS, SP, and large primary

1 customers compared to what would be produced by the
2 broadly-utilized cost allocation methodologies
3 recommended by MIECG.

4 Staff's approach does not make sense in
5 the context of already embedded costs, regulatory
6 requirement, and it should be rejected. MIEC's
7 counsel mentioned the prior order in this related to
8 Ameren Missouri that came out about 14 months ago.
9 In that prior order the Commission found Ameren's
10 A&E 4 NCP was a reasonable estimation of class cost
11 of service. The A&E method continues to be
12 reasonable and that's what we should use as a
13 starting point for determining cost of service.

14 The next I want to touch on is revenue
15 allocation. In its prior order, the most recent
16 prior order the Commission recognized that it has
17 taken steps in last seven Ameren Missouri rate cases
18 to move classes closer to their calculated cost of
19 service. As a reference point, that would have been
20 directionally closer to the cost using the A&E method
21 as a starting point. In that case however, the
22 Commission commented that it was committed to moving
23 towards cost of service, but that allocating the
24 increase on an equal percent basis by class due to
25 other circumstances was warranted in that case.

1 Here in the current case MECG's, Ameren's
2 and MIEC's cost of service results show that the LGS
3 and SP classes provide a rate of return significantly
4 above the cost of service level for that class. In
5 other words, they're over contributing. Additionally
6 the LPS and Company-owned lighting are also paying
7 rates in excess of their respective cost of service
8 levels.

9 Had the Company gotten its entire
10 requested revenue requirement increase, MECG's filed
11 position was it would be reasonable to allocate it on
12 equal percent basis due to public policy
13 considerations. However, we know that parties have
14 entered a revenue requirement stipulation that is a
15 dramatic reduction from the Company's initial ask.
16 So our default position, Steve Chriss's testimony, is
17 that we should apply 30 percent of the difference
18 between the approved revenue requirement from
19 Ameren's proposed revenue increase as a reduction to
20 the LGS, SP, LPS, and Company-owned lighting based on
21 proportional contribution of each of those classes to
22 the overall revenue, neutral shift, and -- compared
23 to the Company's cost of service study. Then that
24 remaining reduction we would apply on an equal
25 percent basis to all of the classes.

1 There is a schedule on Steve Chriss's
2 Direct testimony, I believe it's Schedule 7, that has
3 an example of how that calculation will be done. And
4 if you want specific details, I would encourage you
5 to ask him how that might be done when he's available
6 to testify on Friday.

7 This revenue allocation approach is a
8 gradual approach, and it's one that's less than
9 the 50 percent shift that MECG recommended in the
10 prior case. We have tempered our ask to give even
11 more consideration of gradualism, but we still
12 believe that we should be making some movement
13 towards cost of service as shown by the A&E cost of
14 service studies.

15 Lastly on rate design, how do we design
16 rates for the large general service and small primary
17 service classes is the issue before you. And it's an
18 established axiom that rates should be collected in a
19 manner that reflects how those costs are incurred.
20 In other words, you know, fixed costs, those costs
21 that do not vary with the amount of energy,
22 electricity generated or consumed by that customer,
23 should be collected through a demand or a customer
24 charge. Meanwhile the energy charges or the variable
25 costs should be collected through energy charges.

1 This is not what is happening with the
2 LGS, SP, and SP [sic] classes. MECG again proposes
3 to make some gradual movement towards that
4 cost-incurred versus cost-recovered basis. And
5 again, this is tempered from our last recommendation
6 which is to increase the summer and winter demand
7 charges for LGS and SP by one and one-half times the
8 approved percent class increases. Meaning once the
9 revenue is allocated to the classes for the LGS and
10 SP classes, the larger portion of that increase would
11 be applied to the demand charge rather than equal to
12 the demand and equal to the energy charge.

13 Again, I want to reiterate this does not
14 make full movement towards collecting fixed costs
15 through the demand charge, but it is some incremental
16 and gradual process and we'd like to see that
17 movement in this case and in future cases of course.

18 I do want to note that in the prior
19 order 14 months ago, the Commission expressed concern
20 about increasing demand charges due to the potential
21 impact on EV electrification efforts. So here in
22 this case MECG proposes that the Commission require
23 Ameren to create an alternative LGS and SP EV rates
24 for EV-charging customers with load sizes that would
25 be on the LGS or SP grade classes. This was an

1 effort to accommodate that concern and lay it out.

2 Again, Steve Chriss testified to that in his Direct
3 testimony and specific questions he'd be happy to
4 answer about that on Friday when he testifies.

5 The final point I want to touch on
6 related to rate design is that MCEG recommends the
7 Commission rejects the Staff's proposed TOU overlay
8 and commence a rate design review process within the
9 docket that was ordered to be opened but never was
10 opened, I think in part due to the rapid succession
11 of this rate case being filed, for looking at
12 nonresidential customer rate design. Again, this is
13 recommended in the testimony of Steve Chriss. Doing
14 so will give all interested parties an opportunity in
15 a collaborative environment to examine the universe
16 of relevant factors, inputs and outputs, and ensure
17 that the resulting rates for future rate designs are
18 cost based, equitable, and just and reasonable.

19 With that I'm happy to attempt to answer
20 any questions. And I do want to again note that
21 Steve Chriss will be testifying on Friday, and he
22 will certainly answer any questions that you might
23 have at that time as well.

24 JUDGE CLARK: Any Commission questions?
25 Chairman Rupp.

1 CHAIRMAN RUPP: Good morning, Mr. Opitz.

2 MR. OPITZ: Good morning, Chairman.

3 CHAIRMAN RUPP: You're going to get the
4 brunt of my questions because they've been ruminating
5 in my head for all the speakers, so I apologize that
6 you're going to get the draw here.

7 But when I first came on the commission a
8 long time ago, I remember there was quite an
9 indiscrepancy, especially on the residential class,
10 of subsidization of rates. And it was a common
11 argument from the industrials and the others that,
12 you know, were out of whack. And I remember us
13 taking active steps in each rate case to bring that
14 closer to the cost of service. Also remember that we
15 deviated from that in the last one due to the
16 extraordinary events of COVID and everything that is
17 there.

18 That being said, I thought we had gotten
19 pretty darn close to relative, you know, of rates
20 reflecting the class cost of service. Now, I'm
21 coming to understand that depending on who you ask
22 now because everybody has a different class cost of
23 service study that you're going to get varying
24 answers. But looking back at the previous case and
25 the previous cases before that, how far away are we,

1 based off of the A&E in the previous class cost of
2 service studies that we relied upon, are we from
3 parity in the different rate classes?

4 MR. OPITZ: So with respect to a specific
5 number, that would be in the testimony and I don't
6 recall off the top of my head and I don't have it in
7 front of me. That would be in the testimony of,
8 Direct testimony of Steve Chriss in this case. And I
9 believe it's Table 3.

10 CHAIRMAN RUPP: Table 3.

11 MR. OPITZ: If I'm remembering correctly.
12 It might be Table 4. He talks about basically how
13 much each class is contributing to the rate of
14 return. And anything higher than 1 means you're
15 over contributing. Anything lower than 1 means
16 you're under contributing. So that would --

17 CHAIRMAN RUPP: And he based that on?

18 MR. OPITZ: That's based on the cost
19 service study using the average and excess for
20 non-coincident peak methodology, which is very
21 similar to what Ameren uses and MIEC uses. I think
22 it might be exactly same, but.

23 CHAIRMAN RUPP: It's similar to what we
24 relied upon in the previous cases?

25 MR. OPITZ: In the most recent case the

1 Commission said that it was a reasonable estimate of
2 it, the A&E method, but deviated from it for public
3 policy purposes. It's my view that, and I believe
4 Steve Chriss's testimony in the prior cases has been
5 using this A&E methodology. So from our perspective
6 when we're advocating for shifting away from that, I
7 think you called it subsidization, that's occurring,
8 which is in my view basically the LGS, SP, and LPS
9 classes over contributing their share, I would say,
10 yes, it is comparing to that A&E method throughout
11 that. I don't have perfect memory of all those prior
12 cases.

13 CHAIRMAN RUPP: I'm not asking you to.
14 I'm just --

15 MR. OPITZ: Yes. I think that's what we
16 look at, the industrial customers. I think that's
17 what the utilities have looked at. I think this is
18 pretty close to what Evergy has used in the past and
19 pretty close to what Empire uses, the same cost of
20 service study methodology.

21 And each utility has had various reasons
22 for whatever revenue allocation they recommend. You
23 may recall testimony in the Evergy case, Evergy
24 wanted to make shifts to adjust -- to accommodate
25 some gradual shift away from the classes that were

1 overpaying. Here Ameren is saying, Let's do it equal
2 again. If it was a 316 million increase, MECG was
3 willing to accept that equal allocation subject to
4 the lighting adjustment, but since there is a
5 reduction which is mitigating the impact to, I'll
6 call it the classes that are under contributing
7 according to the A&E method, then we think there
8 should be some movement to get to the cost of
9 service.

10 And again I'll say we have tempered our
11 request in this case compared to last case. And I'll
12 say, you know, it is in part due to the guidance from
13 the Commission, or what I perceived as guidance from
14 the Commission, you know, that it was concerned about
15 these external factors, thought the 50 percent
16 movement was too much. Obviously here, you know, I
17 think -- well, I think on Monday there was some
18 recission of all emergency COVID orders, something
19 like that. But, you know, we're out of that
20 emergency from my view. And, you know, but even in
21 consideration of any lingering effects, we did temper
22 our shift that we're asking for here.

23 CHAIRMAN RUPP: So is it an overall
24 general concern is that we were making consistent
25 progress through rate cases for the last nine years,

1 at least that I can remember, of getting closer, and
2 due to the public policy reasons of COVID and
3 everything from the last case that if we don't
4 continue making gradual steps towards class cost of
5 service study, that the default would be two rate
6 cases in a row of an equal percentage shifting and
7 that would become the new precedent?

8 MR. OPITZ: I think -- I think there's
9 some concern. We were making consistent process. I
10 think in this case there's also an even broader issue
11 which is, you know, we have the Company, we have MECG
12 and MIEC putting forward one method that is used
13 nationally, that is consistent with statute I
14 referenced, consistent with the approach I believe
15 the Commission has taken in the past, compared to
16 this new approach by the Staff which is, I believe if
17 you use their approach, it's going to have
18 significant shift. It's -- I think their approach
19 would show, and I'm not endorsing it, but using their
20 methodology, industrial customers are the ones who
21 are being subsidized under their method. We disagree
22 with that, but.

23 So it's -- would -- would totally flip
24 the progress that MECG would argue has been made,
25 save the last case, towards getting the cost service

1 to say, Well, wait a minute, if we use Staff's
2 method, we've got to flip it and go backwards the
3 other way. I'd urge you to reject that. I don't
4 think it's appropriate in our vertically-integrated
5 environment here in Missouri. Steve Chriss would be
6 happy to talk about that. You know, he talks about
7 it's not appropriate in an embedded-cost environment,
8 Staff's methodology.

9 CHAIRMAN RUPP: Bringing up what
10 Mr. Plescia brought up about -- what did she say.
11 She just referenced the previous case and Staff's
12 class cost study was, I think she used the word
13 "novel." But are we going to continue to have this
14 argument every case until we kind of come to some
15 determination on class cost of service studies and
16 how -- and what we should be using and really do make
17 a definitive policy statement on this is where we
18 want to go? Because it seems like Staff's going to
19 continue to try to do some novel approaches and look
20 at things and the status quo is going to be using the
21 A&E, going back to the mold, and we're going to
22 continue to have this argument. So at what point do
23 we just throw down and dive into a class cost of
24 service study parameters that we want to be using a
25 Commission?

1 MR. OPITZ: I'll say that the way our
2 regulatory environment is structured in Missouri I
3 think it's safe to say MECG would always be
4 supporting the A&E method for class cost of service.
5 So if the Commission were to endorse that, you know,
6 we wouldn't shed any tears over that.

7 I'll caveat that to say some things do
8 change. I don't know, you know, if there's some
9 legislative change, you know, where we're deregulated
10 in Missouri, something like that, that might change
11 the cost of service approach that certain parties
12 recommend. I don't think that we're there yet, but I
13 guess the main point you're asking is are we going to
14 see this argument in every case. And I would say
15 it's likely if the Commission doesn't offer some
16 firmer guidance or some direction about, you know,
17 what approach it thinks is most reasonable in this
18 case.

19 And again, I want to caveat to say, you
20 know, when you have a new case, you're looking at
21 everything anew again as well. So you're not
22 necessarily binding everything, but I think that
23 would give parties some idea of feedback of what the
24 Commission is looking for. Again, I noted a couple
25 different positions that MECG has taken in this case,

1 not that we were required to, but to temper our
2 approach to satisfy some of the concerns of the
3 Commission. So if the Commission is concerned that
4 parties are too divergent on which class cost of
5 service approach is appropriate, I think some
6 guidance is helpful there. But, you know, I can't
7 control what parties are going to recommend.

8 CHAIRMAN RUPP: Sure. Thank you for
9 indulging my questions there.

10 MR. OPITZ: Happy to do it.

11 CHAIRMAN RUPP: Sorry you got the brunt
12 of them all.

13 JUDGE CLARK: Thank you.

14 MR. OPITZ: Thank you, your Honor.

15 JUDGE CLARK: Renew Missouri.

16 MR. LINHARES: Good morning. May it
17 please the Commission. In this case Renew Missouri
18 is asking that the Commission take some steps to
19 ensure that Ameren Missouri allow its residential
20 customers with solar and battery storage to
21 participate in the Company's rate design options.
22 Specifically we're requesting that the Commission
23 order Ameren Missouri to conduct a study on
24 integrating distributed generation technologies with
25 time-of-use rates.

1 In addition, it's worth mentioning Renew
2 Missouri opposes Ameren Missouri's proposal to
3 increase the customer charge from the existing \$9
4 to \$13 for most of the residential customers, and we
5 request that the Commission issue an order
6 maintaining the charge at \$9.

7 Okay. So we find ourselves in a strange
8 situation here in this case. An electric utility has
9 developed new rate options that purport to be about,
10 number one, reducing peak demand by shifting load
11 from off peak -- from on peak to off peak; number
12 two, giving customers more control over their energy
13 and their bills; and number three, encouraging
14 adoption and integration of distributed generation on
15 the grid. That's what these time-of-use rates are
16 purported to be about. And yet those rate options
17 are explicitly unavailable for customers that possess
18 the very technologies that accomplish these goals
19 most effectively. So we're talking about PV, rooftop
20 solar, and grid-tied battery storage here.

21 Ameren Missouri seems fairly determined
22 not to take on the task of integrating these
23 technologies with its new rate design tools citing
24 legal grounds as the reason why Ameren can't
25 accomplish this integration. But, as I'll discuss a

1 little later, we believe that these -- this reason
2 neither holds legal merit nor explains the inaction
3 by the Company on this issue. More likely reason is
4 a concern for revenue erosion and a loss of resource
5 control as distributed generation adoption increases
6 over time.

7 So the relief requesting -- that we are
8 requesting in this case has a very recent and
9 analogous precedent. In Evergy's most recent rate
10 case, that's ER-22-0129 and 130, the Commission
11 approved a stipulation and agreement containing a
12 term that says, The Company will develop a report
13 that examines the technical, billing, and legal
14 barriers to offering time-of-use rates to residential
15 customer generators with net metering or
16 interconnection agreements. This report shall also
17 explore potential solutions to the barriers
18 identified. The report shall be shared with the
19 signatories to this case and other interested
20 stakeholders before the filing of the Company's next
21 rate case.

22 So that's from the recent Evergy rate
23 case. That's essentially what we're asking for here.
24 We're asking for this order for two separate but
25 compelling reasons. Number one, Ameren Missouri has

1 an obligation to provide the same rates to solar
2 customers under the Net Metering and Easy Connection
3 Acts. And that's 386.890 in the Revised Missouri
4 Statutes. And number two, integrating solar and
5 battery with time-of-use rates serves desirable
6 policy goals. And, in fact, these are some of the
7 very same goals that time-of-use rates purport to
8 serve.

9 So we have a legitimate legal dispute in
10 this case that I believe is properly sorted out by
11 the Commission. Renew Missouri believes that the
12 state's net metering statute, the Net Metering and
13 Easy Connection Act, confers an obligation on Ameren
14 Missouri to offer the same rate options to customers
15 taking service under a net metering tariff.

16 Ameren Missouri on the other hand argues,
17 and you can see this in Mr. Wills' testimony, that
18 the net metering statute prevents Ameren Missouri
19 from offering time-of-use rates to net metering
20 customers, even if the Company wanted to do so.

21 So here it's useful to actually look at
22 the language in question. And the statute holds,
23 quote, A retail electric supplier shall -- and this
24 is parenthetical two -- offer to the customer
25 generator a tariff or contract that is identical in

1 electrical energy rates, rate structure, and monthly
2 charges to the contract or tariff that the customer
3 would have been assign -- would be assigned if the
4 customer were not an eligible customer.

5 Okay. So first what I'd like to do is
6 dismiss the idea that the Company's prevented from
7 integrating time-of-use rates with distributed
8 generation or specifically net metered solar. We'll
9 talk about batteries in a second. So although the
10 net metering statute might not have contemplated
11 time-of-use rates back in 2007 when it was passed,
12 there's no language here preventing a utility from
13 electing to do so. We can see this by the fact that
14 many utilities have figured this out in the
15 southeast, in California, and other places, and they
16 have substantially the same net metering framework.
17 Moreover, Ameren Missouri's already proved that this
18 possible in principle. They've defaulted AMI
19 customers to the Evening/Morning Saver rate which is
20 a time variant rate.

21 So Ameren offers an explanation that the
22 price differentials there at the Evening/Morning
23 Saver rate, they're negligible, they're not a huge
24 impact, so they are not concerned about it. It's a
25 small enough concern it's, you know, not a concern to

1 the Company. So I just note that this is merely a
2 difference of scale and of degree here. The fact
3 remains that it's possible to integrate a time-of-use
4 rate with a net metering tariff.

5 So rather than whether it's legally
6 possible here, the issue is whether Ameren is
7 required by the statute to offer the same rate
8 options. So I'd just draw your attention to the -- a
9 couple of the words there offering my legal opinion
10 why I do think that that's a requirement.

11 The statute states that customers must be
12 offered identical electric energy rates and rate
13 structure, the same electric energy rates and
14 structure as non-net metered customers.

15 So to me the clear intent here is to not
16 punish customers for investing in solar and
17 conferring those benefits back to the grid. To my
18 reading these phrases, you know, they indicate that
19 solar customers should have the same rate design,
20 including all the options as other customers, and
21 thus, they should have access to time-of-use rates if
22 they're offered. Ameren focuses instead on the word
23 "assigned" here to conclude that customers need only
24 be given the same default rate. So if there's other
25 opt-in rates available to non-net metered customers,

1 that still meets the dictates of the statute.

2 However, the statute also uses the word
3 "offer" as I said, which to me implies the ability to
4 turn something down. That's what an offer is. You
5 have a choice. Hence, a series of options. So
6 ultimately the Commission here has to decide whether
7 the phrase is identical rates and rate structure --
8 rate structure, whether those logically include the
9 same rate design options as non-net metered
10 customers, or instead, whether the word "assigned"
11 there means that the customer only has to be given
12 the same default rate and there's no obligation to
13 offer options.

14 One important thing to note here is that
15 this whole legal dispute that we're having, it has no
16 bearing on battery storage. The Company is free --
17 is certainly not bound by the net metering statute
18 to -- they're not restricted from offering a time-of-
19 use rate to a customer with a grid-tied battery
20 storage system, which has a lot of capabilities for
21 load shifting obviously. So I believe there are
22 really good policy reasons that they should do so,
23 and that's where I want to turn next.

24 Briefly, it is worth noting sort of the
25 inevitability of a lot of these technologies. The

1 Solar Energy Industries Association or SEIA, they
2 expect over 200 gigawatts of new solar capacity to be
3 installed in the next five years. So for context,
4 the total installed capacity at the end of 2022 was
5 about 140 gigawatts. We're talking about more than
6 doubling in the next five years.

7 In terms of battery storage, the U.S.
8 Energy Information Administration anticipates over 20
9 gigawatts of new battery storage capacity installed
10 from 2023 to 2025. That's on top of 8 gigawatts
11 currently in operation. So these technologies are
12 going to accelerate significantly, especially
13 considering the federal IRA legislation, the
14 Inflation Reduction Act, which includes expanded and
15 extended tax credits, both for solar and for battery
16 storage.

17 PV, solar, and battery storage, these
18 technologies don't obey linear curves. We know that.
19 Rather, a type of exponential curve. And this
20 applies to prices as well. These technologies are
21 expected to decrease predictably in price. So even
22 though these price curves and adoption increases are
23 inevitable, that by no means, by no means means that
24 the process will be smooth. For that we're going to
25 need planning. We're going to need intentional focus

1 on how to integrate these technologies for the
2 benefit of customers and for the utility and the
3 system as a whole.

4 That's why we're asking the Commission to
5 order Ameren Missouri to conduct a study, just like
6 in the Everygy case, on integrating solar and storage
7 with new rate design tools, like time-of-use rates.
8 Otherwise Ameren's going to be forced to confront
9 this issue sometime at a later time when distributed
10 generation occupies a significantly larger space on
11 the grid. Moreover, Ameren's going to be foregoing
12 an opportunity to utilize technologies that provide
13 the benefits that Ameren says it is seeking with its
14 time-of-use rates, namely load shifting from on peak
15 to off peak, system demand reduction, and providing
16 customers with more control over their bill. Also
17 encouraging the adoption of distributed generation.

18 Another note about batteries, it should
19 go without saying, but battery storage has the unique
20 capability of being able to charge up at times of
21 low-system peak and deploy at times of high peak. A
22 network -- imagine a network of thousands of
23 batteries distributed across a grid with a clear
24 financial incentive for customers to install those
25 and engage in load-shifting behavior. This could

1 have a significant load shifting and demand reduction
2 impact. And solar also coincides with that pre-peak
3 period of the day, that noon to 1:00 period of the
4 day and can be used in combination with batteries to
5 exaggerate that effect.

6 So in my ideal world, I'll make -- you
7 know, obviously I'll make no secret of the fact that
8 I'm a battery and a solar advocate myself and Renew
9 Missouri is as well. We would love utilities to own
10 and operate gigantic fleets of batteries and solar
11 panels, having the ability to balance the grid and
12 optimize voltage down to the local node and even the
13 meter level, replace the need for natural gas peaker
14 plants, et cetera.

15 But I recognize that there could be a
16 huge short-term rate impact there that might not be
17 feasible. So the next best thing short of that would
18 be to encourage customers to spend their own money
19 installing these technologies, the spare and repairs
20 by taking advantage of that customer investment. And
21 one way to do that, one way to encourage that would
22 be through a rate design that rewards customers for
23 charging at off peak, deploying at on peak. In other
24 words, a time-of-use rate. Some might call this
25 gaming the rate by using batteries and solar. Others

1 might call it appropriately incentivizing a customer
2 for providing superior value to the grid that the
3 utility's currently failing to provide.

4 Regardless, the Commission has a decision
5 to make about whether to protect utility profits at
6 all cost or embrace growing technologies for the
7 unique value that they can provide for the entire
8 system.

9 Last couple points I want to make here on
10 the time-of-use rate question. In Missouri we're
11 rarely breaking the mold on new rate policy. Perhaps
12 it goes back to our state motto, but, you know, we're
13 typically waiting for other jurisdictions to provide
14 the case before pioneering into the unknown or
15 whatever. And thankfully we're able to do that here
16 as well. Both regulated and deregulated states have
17 successfully integrated net metered solar and time-
18 of-use rates without too much difficulty.

19 We can look at Dominion in Virginia,
20 southeastern state, regulated market. They've
21 managed it. Starting in 2001 they began an
22 experimental rate option called the Off-Peak Plan.
23 It's available to both net metered and non-net
24 metered customers. Over 10,000 customers was their
25 limit. They reached it very quick. The company

1 there solved the problem, which I want to give Ameren
2 Missouri some credence here, some credit. There is a
3 problem of how to offset kilowatt hours. Which
4 kilowatt hours do you offset, the on peak or the off
5 peak. And they solved this problem simply by saying
6 that during a particular period, you can only offset
7 consumption during that same period. So if you've --
8 if you've offset off-peak kWh, you can only get
9 credit for off-peak kWh and same for on peak. This
10 solution -- South Carolina, Duke in South Carolina
11 employed kind of the same compromise there.

12 So this solution would be in keeping with
13 the Missouri statute's use of a one-to-one credit
14 paradigm there in the net metering statute.

15 In addition to these two southeastern
16 states, California requires that distributed
17 generation customers take service under a default
18 less severe time-of-use rate, and they can elect for
19 a more severe time-of-use rate. So it's been done
20 out there. It's been done other places. So I just
21 want to get that on the record that this is not
22 something that we're forging a new path on. This has
23 been done.

24 Very briefly, the customer charge. It
25 should come as no surprise, Renew Missouri joins

1 other parties in opposing an increase here. I'd like
2 to point out again Mr. Wills' testimony for the
3 Company. He repeated -- he repeatedly states that
4 the Company wants to use rate design to allow
5 residential customers more control over their bills.
6 And in that same testimony he proposes an increase to
7 the customer charge, decreasing the volumetric
8 portion of the bill, which I think does precisely the
9 opposite. It discourages DG investment. It
10 discourages conservation and energy efficiency.

11 And I'd also like to push back on the
12 Company's claims that the impacts on low-use and
13 low-income customers would be negligible here. We
14 don't agree. A customer charge increase would set a
15 precedence and would likely lead to further increases
16 over time eroding a customer's ability to control
17 their bills. And, you know, moreover there are
18 several parties in this case for whom this is the
19 overriding issue. They've decided that potential
20 impacts from the proposed increase is worth their
21 time to oppose, so I wouldn't say that the impacts
22 are negligible.

23 So to summarize briefly for you here,
24 regardless of the way the Commission decides the
25 issue of statutory interpretation there regarding the

1 net metering language and the time-of-use question,
2 we can still chart a path forward for using rate
3 design to encourage distributed generation technology
4 like solar and batteries. So we ask that the
5 Commission order Ameren Missouri to conduct a study
6 on integrating distributed generation technologies
7 with its time-of-use rate options and to present that
8 study to stakeholders before its next rate case.

9 So we have the testimony of James Owen,
10 the Rebuttal testimony of James Owen in this case
11 pertaining to these issues; more information can be
12 found there. It's offered as Exhibit 450 in this
13 case. All the parties have agreed to waive
14 Mr. Owen's cross-examination. I understand the
15 Commission has no questions for him. However, I am
16 here and available for questions if I can be helpful.
17 So I thank you and offer myself for questions.

18 JUDGE CLARK: Commission Holsman.

19 COMMISSIONER HOLSMAN: Thank you.

20 Thank you for the presentation. You
21 asked for us to approve a study for Ameren to do.
22 What would be different information in that study
23 versus what was presented earlier with the task force
24 that the legislature is currently undertaking?

25 MR. LINHARES: Yes. Yes. So in both

1 Everygy and Ameren, first of all I don't think anyone
2 has any -- if we wanted to combine these into some
3 single proceeding or some single workshop, I think
4 that would be fine. But this differs from the net
5 metering task force in that I don't believe the
6 legislation authors in that task force mentions the
7 issue of time-of-use rates or any rate design working
8 alongside net metered solar. So that's the issue
9 we'd be injecting here is how do we integrate those
10 two concepts. How do we use rate design to encourage
11 distributed generation.

12 COMMISSIONER HOLSMAN: Okay.

13 MR. LINHARES: Yeah.

14 COMMISSIONER HOLSMAN: And you read the
15 net metering statute that says that they're required
16 to provide the same rates as if they had not
17 installed --

18 MR. LINHARES: Yes.

19 COMMISSIONER HOLSMAN: -- a distributed
20 generation system.

21 I know that in previous discussions it's
22 been talked about if a time-of-use rate was provided,
23 but maybe not all of the time-of-use rate options.
24 Is that something that you would find satisfactory if
25 there was a distributed generation time-of-use that

1 would address some of the concerns that the Company
2 might have? Or you suggesting that the statute says
3 that every time-of-use offering to every customer
4 should be offered to every distributed --

5 MR. LINHARES: Yeah.

6 COMMISSIONER HOLSMAN: -- distributed
7 generation customer?

8 MR. LINHARES: Yes. That's a good
9 question. Well, I think I'm -- I think I'm saying a
10 number of things here. So there's a legal issue, but
11 then there's all the other policy reasons. As I
12 explained I don't believe the Company's prevented
13 from doing this even if your decision is the statute
14 doesn't require them to offer all the options. I
15 think there's -- the Company's able to do so.

16 But in terms of the first issue, whether
17 they're required, yes, that's the legal argument
18 we're making here. I believe rate options, all the
19 same rate options is included in that phrase, the
20 same electrical energy rates and rate structure. I
21 mean, I think the same offer should be made to net
22 metered customers as all the other customers. That's
23 what I think is consistent with the language there.

24 But again, aside from that issue of
25 whether they're required, they're able to do so and I

1 think there's good reasons why the Commission should
2 encourage them to do that.

3 COMMISSIONER HOLSMAN: But then the
4 second part of that question is is if they designed
5 or if they offered a rate that was for net metered
6 customers that may not encompass all of the time-of-
7 use rates, would that be something that your
8 organization would be in support of?

9 MR. LINHARES: Of course we'd be willing
10 to engage in that as stakeholders and include the
11 solar industry in that conversation and solar
12 customers. Yes. I think that's something we'd be
13 open to. I mean, I think the key here is our
14 utilities in Missouri should be using rate design and
15 the rate design tools they have to properly reward
16 solar customers, to allow customer to utilize rate
17 design to do what the Utility says they'd like to do
18 which is load shifting, demand reduction, give
19 customers more control over the bill. We share all
20 of those values. We think that rate design should be
21 doing all those things.

22 COMMISSIONER HOLSMAN: Thank you.

23 Thank you, Judge.

24 JUDGE CLARK: Thank you, Commissioner.

25 Any other Commission questions? Commissioner

1 Kolkmeyer, go ahead.

2 COMMISSIONER KOLKMEYER: Thank you,
3 Judge. Good morning.

4 MR. LINHARES: Morning.

5 COMMISSIONER KOLKMEYER: You said that
6 there's a statute saying that all customers must have
7 the same rate?

8 MR. LINHARES: Yeah. I'm happy to read
9 that for you if you'd like and clarify it.

10 COMMISSIONER KOLKMEYER: Please.

11 MR. LINHARES: Yeah. So this is 386.890.
12 This is the Net Metering and Easy Connection Act
13 passed in 2007. Many states, the majority of states
14 have a policy like this. It allows customers to
15 install their own solar and receive credit for the
16 excess that they put back on the grid. Use the grid
17 as a backup and exchange power back and forth, so
18 utility have tariffs under this statute.

19 And the -- the term in there, first it
20 says, The electrical supplier shall, you know, put in
21 place net metering. And then the second
22 parenthetical under that term is, Offer to the
23 customer generator a tariff or -- so the customer
24 generator there is the solar customer -- a tariff or
25 contract that is identical in electrical energy

1 rates, rates structure, and monthly charges to the
2 contract or tariff that the customer would be
3 assigned if the customer were not an eligible
4 customer.

5 Essentially we don't want -- you know,
6 the statute is there to prevent solar fees from
7 saying, All right, if you're going to take service
8 under a net metering contract, you owe this much, you
9 know, a, sort of a punitive fee for going solar.
10 That's what it prevents against.

11 COMMISSIONER KOLKMEYER: But isn't a
12 statute saying that -- the way I understood you
13 earlier in your testimony, you said that there was a
14 statute for all customers have to have the same rate.

15 MR. LINHARES: Well, all solar
16 customers --

17 COMMISSIONER KOLKMEYER: All solar
18 customers.

19 MR. LINHARES: -- must be offered the
20 same electrical energy rates and rate structure as
21 nonsolar customers.

22 COMMISSIONER KOLKMEYER: Okay.

23 MR. LINHARES: That's what that term
24 says.

25 COMMISSIONER KOLKMEYER: Okay. Thank

1 you.

2 Thank you, Judge.

3 JUDGE CLARK: Thank you, Commissioner.

4 I'd like -- I'd like just briefly to kind
5 of clarify Renew Missouri's ask in this case.

6 MR. LINHARES: Sure.

7 JUDGE CLARK: In this particular rate
8 case is Renew Missouri asking the Commission to order
9 the integration of the net metering and time-of-use
10 rates, at least in regard to the reimbursement I
11 believe you're talking about or are you merely asking
12 the Commission to order a study similar to what
13 Evergy is required to do or are you asking both in
14 this rate case?

15 MR. LINHARES: Yeah. Thank you for
16 clarifying, Judge. Our desire is to move forward as
17 a state on this issue. So I think it makes sense to
18 move forward with what Evergy is doing. So to your
19 question, it's the latter. We're only asking for an
20 order to conduct the study. Similar, you know,
21 identical in the -- in terms of the term that was
22 approved in the stip in Evergy. So I hope -- does
23 that answer your question?

24 JUDGE CLARK: It does. Thank you very
25 much.

1 MR. LINHARES: Sure.

2 JUDGE CLARK: I have no further
3 questions. Thank you.

4 MR. LINHARES: Thank you.

5 JUDGE CLARK: I don't have on my list
6 that I've missed anybody, but is there anybody who I
7 missed who wanted to make an opening statement? I
8 see no one.

9 Here's what I'd like to do at this time.
10 I want to talk ahead a little bit in the day. It is
11 currently 10:29 a.m. I think it's a good time to
12 take a break. So in a minute I'm going to break
13 until 10:45.

14 Today is also an agenda day for the
15 commissioners. So with that in mind, because there's
16 some setup involved for that, I intend to take the
17 Company's first witness at -- when we come back from
18 break at 10:45. But we will break at 11:30 for the
19 agenda meeting which is at noon. And I will probably
20 incorporate the lunch break into that because it
21 doesn't make a lot of sense to do otherwise. But
22 we'll address that at 11:30.

23 So with that in mind, we'll break
24 until 10:45 and we are off the record.

25 (Off the record.)

1 JUDGE CLARK: I'd like to go back on the
2 record at this time.

3 I have, this is Ameren's first witness.
4 Witness Harding. Is that correct?

5 MS. GRUBBS: Yes, your Honor. The
6 Company calls its first witness, Michael Harding, to
7 the stand for Issue 1 please.

8 JUDGE CLARK: If you will come up and
9 take a seat and say and spell your name for the
10 record.

11 MR. HARDING: Michael Harding,
12 M-i-c-h-a-e-l, H-a-r-d-i-n-g.

13 JUDGE CLARK: And would you raise your
14 right hand to be sworn.

15 (Witness sworn.)

16 JUDGE CLARK: Ameren, you may proceed.

17 MS. GRUBBS: Thank you.

18 MICHAEL HARDING, having been first duly sworn,
19 testified as follows:

20 DIRECT EXAMINATION BY MS. GRUBBS:

21 Q. Mr. Harding, by whom are you employed and
22 what is your title?

23 A. I'm employed by Ameren Missouri. I'm the
24 manager of the rates and analysis.

25 Q. You're the same Michael Harding who filed

1 Direct, Rebuttal, and Surrebuttal testimony in this
2 case which has been parked as Exhibits 32, 33 and 34?

3 A. Yes.

4 Q. Do you have any corrections or revisions
5 to make to your Direct, Rebuttal, or Surrebuttal
6 testimonies?

7 A. No, I don't.

8 Q. If I asked you the questions in your
9 testimonies today, would your answers be the same?

10 A. They would.

11 MS. GRUBBS: I move for Exhibits 32, 33,
12 and 34 into the record please.

13 JUDGE CLARK: Any objections to admitting
14 those exhibit onto the record? I see and hear no
15 objections.

16 MS. GRUBBS: Thank you, Mr. Harding.

17 JUDGE CLARK: Hold on. Hold on just a
18 moment. Actually let me get to where on your sheet
19 these are. And you said 32, 33, and 34. Is that
20 correct?

21 MS. GRUBBS: Yes, your Honor.

22 JUDGE CLARK: Okay.

23 MS. GRUBBS: Page 4 of our --

24 JUDGE CLARK: Exhibits 32, Exhibits 33,
25 and Exhibit 34 are admitted onto the hearing

1 record.

2 (Ameren Missouri Exhibits 32, 33, and 34
3 were received into evidence.)

4 MS. GRUBBS: Thank you. Mr. Harding's
5 tendered for cross-examination.

6 JUDGE CLARK: MIEC?

7 MS. PLESCIA: No questions. Thank you.

8 JUDGE CLARK: Can you speak into the
9 microphone please.

10 MS. PLESCIA: No questions. I'll --

11 JUDGE CLARK: Oh, you don't have a
12 microphone. I apologize. That's no questions from
13 MIEC. MECG?

14 MR. OPITZ: No, thank you, your Honor.

15 JUDGE CLARK: Sierra Club, NAACP,
16 Metropolitan Congregation?

17 MR. THOMPSON: No questions, your Honor.

18 JUDGE CLARK: Renew Missouri?

19 MR. LINHARES: No, thank you, Judge.

20 JUDGE CLARK: Consumers Council of
21 Missouri?

22 MR. COFFMAN: No questions, your Honor.

23 JUDGE CLARK: Public Counsel?

24 MR. WILLIAMS: No questions at this time.
25 Thank you.

1 JUDGE CLARK: And the Staff of the
2 Commission?

3 MR. KEEVIL: Let's just make this
4 unanimous. No questions.

5 JUDGE CLARK: Okay. Nobody has any
6 questions for Mr. Harding. I actually have a
7 question for Mr. Harding --

8 MR. HARDING: All right.

9 JUDGE CLARK: -- at this time.

10 But I'll ask first, are there any -- I
11 know I have a commissioner online. Are there any
12 questions from the Commission? Hearing none.

13 COMMISSIONER COLEMAN: No questions,
14 Judge.

15 JUDGE CLARK: Thank you so much,
16 Commissioner Coleman. Hearing no questions.

17 QUESTIONS

18 BY JUDGE CLARK:

19 Q. Mr. Harding, do you have your Surrebuttal
20 testimony in front of you?

21 A. I do.

22 Q. On page 2 of your Surrebuttal testimony
23 beginning on line 13 and ending at line 20, you state
24 that Based on Staff Witness Lange Rebuttal testimony,
25 pages 52 and 53, the Company does not agree and find

1 reasonable Ms. Lange's assessment of an equal
2 percentage increase across all classes after
3 separately addressing lighting rate classes.

4 Is that still Ameren's position here
5 today?

6 A. Yes. I believe in that case she was
7 referring to a scenario where she hypothetically
8 agreed with our class cost of service study and --
9 and in that case she also agreed that under some of
10 those conditions, that it would be appropriate to
11 have an equal percentage increase across the classes.

12 Q. And what's Ameren's position?

13 A. Ameren's position is that we use our class
14 cost of service and --

15 Q. That's the two-step process?

16 A. That's correct, Judge.

17 Q. And just briefly would you walk me through
18 that two-step process?

19 A. Sure. So the way we do it is we first do
20 the revenue neutral change. And so the only revenue
21 neutral change that we suggested in our direct was
22 the -- within the lighting class from the -- from
23 the company to the customer since the customer
24 lighting class was -- did appear, at least in my
25 opinion, to be the most unreasonably away from our

1 equal rate of return class cost of service that
2 Mr. Hickman had produced. So everything else then
3 after that revenue neutral exchange then receives the
4 equal percentage increase of the revenue requirement
5 change.

6 JUDGE CLARK: Thank you. I have no
7 further questions. Are there any questions based
8 upon my questions to this witness? I see none.
9 Mr. Harding, you may step down.

10 MR. HARDING: Thank you.

11 JUDGE CLARK: Ameren, you may call your
12 next witness.

13 MS. GRUBBS: Thank you. Thank you. The
14 Company calls its next witness, Thomas Hickman, to
15 the stand.

16 JUDGE CLARK: And, Mr. Hickman, if you'll
17 have a seat and say and spell your name for the
18 record.

19 MR. HICKMAN: My name is Thomas Hickman,
20 T-h-o-m-a-s, last name Hickman, H-i-c-k-m-a-n.

21 JUDGE CLARK: And would you raise your
22 right hand to be sworn.

23 (Witness sworn.)

24 JUDGE CLARK: Go ahead, Ameren.

25 THOMAS HICKMAN, having been first duly sworn,

1 testified as follows:

2 DIRECT EXAMINATION BY MS. GRUBBS:

3 Q. Mr. Hickman, by whom are you employed and
4 what is your title?

5 A. I am employed by Ameren Missouri as a
6 regulatory rate consultant.

7 Q. And you are the same Thomas Hickman who
8 filed Rebuttal, Direct, and Surrebuttal
9 testimonies in this case which has been marked as
10 Exhibits 35, 36, and 37. Is that correct?

11 A. Yes.

12 Q. And those would appear on page 5, at the
13 top of page 5 on our exhibit list. Do you have any
14 corrections or revisions to make to your testimonies
15 today?

16 A. No, I do not.

17 Q. So if I asked you the questions in your
18 testimonies today, would your answers be the same?

19 A. Yes.

20 MS. GRUBBS: I move for Exhibits 35, 36,
21 and 37 into the record please.

22 JUDGE CLARK: Any objections to admitting
23 Exhibits 35, 36, and 37 onto the hearing record?

24 MR. KEEVIL: I think so, Judge. I would
25 request permission to voir dire the witness.

1 JUDGE CLARK: As to what?

2 MR. KEEVIL: As to his familiarity with
3 the study upon which his study is supposedly based.

4 JUDGE CLARK: Go ahead.

5 MR. KEEVIL: Thank you.

6 VOIR DIRE

7 BY MR. KEEVIL:

8 Q. Mr. Hickman, to your knowledge who is
9 Vandas?

10 A. To my knowledge Vandas is Mike Vandas, an
11 individual that was previously employed by the
12 company.

13 Q. Okay. When was he last employed by Ameren
14 Missouri?

15 A. I don't know his exact dates of
16 employment.

17 Q. Was -- did he -- do you know when -- if he
18 left prior to 2017?

19 A. I do not know that, no.

20 Q. When did you start your present position?

21 A. I'm sorry. In April of 2017.

22 Q. April of 2017. Okay. And was Mr. Vandas
23 working there at the time?

24 A. Yes, he was.

25 Q. He was there in 2017?

1 A. Yes.

2 Q. Okay. So you do you know that he did not
3 leave before 2017 then?

4 A. Based on now recalling my time of moving
5 to the department and conversations I had with him,
6 yes.

7 Q. Well, but you told me just a moment ago
8 you didn't know if he was there before 2007 -- or if
9 he left before 2017. Now you're saying he was there
10 and you spoke to him in 2017.

11 A. Based upon now my recollection of my time
12 moving into the group and conversations that I had
13 with him as a member of the group, then yes, I'm
14 asserting that I know at least at the time that I
15 moved into the group that he was still with the
16 company.

17 Q. Okay. And, but you don't know when he
18 left?

19 A. That's correct.

20 Q. Okay. Why not? I mean, if you worked
21 directly with him, you have no idea when he left?

22 A. Mr. Vandas was an engineer that worked in
23 an entirely different department. It wasn't somebody
24 that worked within the regulatory function. So
25 there's -- I mean, I don't know when anybody in any

1 other departments leave or join the company.

2 Q. Okay. Is he available to testify here
3 today if the Commission were to call on him?

4 A. I'm not a lawyer; I don't know how this
5 process works, but I know that he's no longer
6 employed by the company.

7 Q. Did he directly assist you in preparing
8 your testimony in this case?

9 A. He did not, no.

10 Q. Okay. Did he directly assist you in
11 conducting the class cost of service study that you
12 sponsor in this case?

13 A. He did not, no.

14 Q. Okay. Did he directly assist you in
15 preparing any of the work papers you rely on in this
16 case?

17 A. He -- he didn't assist me in preparing
18 work papers for this case, but he --

19 Q. Okay.

20 A. -- did compile a study.

21 Q. We'll get to that.

22 A. Okay.

23 Q. He had nothing to do with assisting you in
24 preparing your work papers?

25 A. In this case, no.

1 Q. Okay. Now, in your testimony, you only
2 mentioned the Vandas study once on page 11 in your
3 discussion of the poles, Account 364, but you relied
4 on that classification for other distribution
5 accounts. Correct?

6 A. Yes, I did.

7 Q. Okay. Now, you admit -- well, do you
8 admit that in preparing your testimony, your class
9 cost of service study and your work papers, you did
10 not have access to the records that Mr. Vandas relied
11 upon for performing his work in 2009?

12 A. I had access to the results of his study,
13 but not the underlying data, no.

14 Q. Okay. You had -- basically you had the
15 study from 2009 and that was pretty much it. Is that
16 correct?

17 A. And certain supporting tabs that were
18 within the study. But as far as, you know, access to
19 databases as they exist in 2009, no, I did not have
20 access to those 2009 databases.

21 Q. Okay. And did you have access to the
22 entire 2009 study?

23 A. I would say that I had access to the
24 entire results of said study, yes.

25 Q. But not the underlying data for the study?

1 A. I don't think I understand the question.

2 I mean --

3 Q. Well, the study was based on data, was it
4 not?

5 A. Yes. The study was based on data.

6 Q. Did you have access to that data?

7 A. I had access to the information that was
8 in the study that led to the results of the study. I
9 didn't have access to all data as it existed in 2009,
10 no.

11 Q. Okay. What was the account balance of
12 Account 364 -- now 364 is poles. Correct?

13 A. That's correct.

14 Q. Okay. What was the account balance of
15 Account 364 in 2009?

16 A. I don't have access to that information
17 offhand.

18 Q. What's the account balance of Account 364
19 for Ameren Missouri's updated test year in this case?

20 A. I also don't think I have access to that
21 information offhand.

22 Q. You don't have access to it offhand. What
23 does that mean?

24 A. That means I don't have the number in
25 front of me, no.

1 Q. Okay. Did you look at it in preparing
2 your study?

3 A. The number that represented the balance of
4 poles, absolutely I looked at that number in
5 preparation of my study.

6 Q. But you don't have -- you don't have it
7 with you?

8 A. No. I do not have the precise number that
9 represented the balance of poles, no.

10 Q. What do you have with you?

11 A. I have my written testimony in front of
12 me.

13 Q. And your study's not part of your
14 testimony?

15 A. The study's an Excel documents with a lot
16 of complex formulas. I don't have that in front of
17 me, no.

18 Q. Your study -- so is your study is not an
19 attachment to your testimony?

20 A. I understand my study to be a work paper
21 included with my testimony. I don't believe it was
22 submitted as an attachment.

23 Q. Mr. Hickman, if I were to represent to you
24 that according to your work paper, the poles account
25 underlying your study that would be in the test year,

1 updated test year -- oh, excuse me, not updated.

2 It's -- oh, in your Direct. Okay. I'm sorry. Your
3 Direct filing was, let's see, this is in millions.
4 Right? Thousands, yeah. 1.39 billion. Does that
5 sound about right?

6 A. I don't have the number in front of me,
7 but.

8 Q. Do you know what the account balance of
9 Account 365 was in 2009?

10 A. No, I do not.

11 Q. Do you know what the account balance of
12 Account 365 for Ameren Missouri's updated test year
13 was?

14 A. Again, I don't have that in front of me,
15 no.

16 Q. Would the answer to those be the same if I
17 were to ask you those questions about Account 366 and
18 Account 367?

19 A. Yes.

20 MR. KEEVIL: Judge, I do object to
21 Mr. Hickman's testimony being admitted. The -- his
22 class cost of service study, which apparently's not
23 even part of the record based on what he testified
24 to, unreasonably relies on the work product of an
25 individual who is not available for

1 cross-examination, which is unreasonably outdated, is
2 not relevant to the Commission's review of the
3 updated test year plant balances in this case, and
4 it's not appropriate --

5 JUDGE CLARK: Say that last part again,
6 please. It's not updated account balances?

7 MR. KEEVIL: It's not relevant to review
8 of the -- excuse me. It's not relevant to the
9 Commission's review of Ameren Missouri's updated test
10 year plant balances for this case. It is not
11 appropriate to admit his prefiled testimony to the
12 extent that it relies on this information,
13 specifically his CCOS study results and his
14 discussion of the treatment of distribution accounts
15 in his CCOS study.

16 Now, I would state that I recognize that
17 experts are allowed to rely on certain other
18 information, but the information we're talking about
19 here, Judge, is not that sort of information. These
20 are facts that he's relying on that he has absolutely
21 no independent knowledge or verification of, doesn't
22 know if it was accurate. And so, therefore, even
23 though as an expert, he's not entitled to rely on
24 Mr. Vandas's study from 2009, the facts contained in
25 Mr. Vandas's study from 2009 because those underlie

1 his current study. And that's not the type of
2 opinion-type things that experts may -- of others
3 that experts may rely on.

4 JUDGE CLARK: How is this different from
5 when an expert witness critiques the study of another
6 expert witness?

7 MR. KEEVIL: If that expert is available
8 to testify and that expert study is part of the
9 evidence in the case?

10 JUDGE CLARK: Well, let's set that aside
11 for a minute because that's not what we have here.

12 MR. KEEVIL: Exactly. That's -- and
13 that's how it's different.

14 JUDGE CLARK: I understand. But would
15 there be anything that would prevent him from
16 criticizing or critiquing a national study?

17 MR. KEEVIL: Yeah. He is representing in
18 his testimony these plant values -- plant values that
19 he uses are Ameren Missouri's plant balances. That's
20 the -- that's the difference. If he was looking at a
21 national study, he wouldn't be saying, you know, My
22 study's based on the plant values contained in that
23 study. Okay? He's basing his computations and study
24 on 2009 figures.

25 JUDGE CLARK: The inputs for his study

1 are the outputs of the other study without the
2 underlying data. Is that correct?

3 MR. KEEVIL: Yes.

4 JUDGE CLARK: Ameren, I'm going to give
5 you a chance to respond and/or rehabilitate.

6 MS. GRUBBS: Yes. To respond, the
7 results were -- of the class cost of service analysis
8 was presented as schedules attached to Mr. Hickman's
9 Direct testimony. So that would be Schedules THD-1
10 and THD-2.

11 JUDGE CLARK: Say that again please.

12 MS. GRUBBS: Yes, sir. Schedule THD-1
13 and THD-2 are the direct schedules attached to
14 Mr. Hickman's Direct testimony and provide the
15 results of his class cost of service study. Then the
16 work papers provide more detailed working schedules.

17 JUDGE CLARK: Okay. Now you just -- you
18 said the scheduled attached. Whose schedules are
19 those? Are those Mr. Hickman's schedules?

20 MS. GRUBBS: Yes, sir. Attached to his
21 Direct testimony.

22 JUDGE CLARK: And the work papers are
23 attached? Are those attached?

24 MS. GRUBBS: They are not attached. And
25 it's common practice before the Commission that

1 instead, those are made available to other parties so
2 that they can review as data requests upon them, et
3 cetera. So that opportunity was given to all parties
4 to vet this.

5 I would also note that this study has --
6 this Vandas study is one piece of the overall class
7 cost of service study and has consistently been
8 relied upon by the Company in every rate case I
9 believe since at least 2009. So it's never been
10 asked and I can ask Mr. Hickman how he used the
11 Vandas study, the output or the results of that study
12 in his then analysis.

13 But to the point you raised, your Honor,
14 this is no different than an expert critiquing or
15 utilizing other analyses, especially, you know,
16 subject to checking those out.

17 MR. KEEVIL: But, Judge, there is no --
18 there is no checking because Mr. Vandas isn't here.
19 For all we know he's not even alive. His result --
20 the data isn't available because it's not attached to
21 Mr. -- it was prepared by Mr. Vandas in 2009 and then
22 the -- but we don't have that underlying data; we
23 just have the study. And then like you said, he
24 comes -- Mr. Hickman comes along and bases his study
25 on the results of the Vandas study, the output of the

1 Vandas study, without having the inputs available for
2 the Vandas study. This is entirely different than a
3 typical expert witness-type product.

4 MS. GRUBBS: If I may. If I may ask my
5 witness a question perhaps to clarify.

6 JUDGE CLARK: Go right ahead.

7 FURTHER DIRECT EXAMINATION

8 BY MS. GRUBBS:

9 Q. Mr. Hickman, before using or relying on
10 the Vandas study results, do you review those with an
11 engineer or engineers to confirm whether they're
12 still reasonable to be used?

13 A. Yes, I do. I have meetings prior to every
14 cost of service study whereby I describe the Vandas
15 study and what it was designed to do with
16 distribution planning engineers, distribution
17 standards engineers, and even certain personnel that
18 work on SEP projects because I know that those are
19 big, high-dollar investments that are occurring now.
20 So I absolutely discuss the study with current
21 engineering personnel to determine whether -- whether
22 the results of those, of that study is still able to
23 be relied upon.

24 And I think it probably warrants
25 clarification that I'm not relying on the exact

1 precise plant balance that occurred in 2009. I'm
2 relying on percentages studied in terms of how -- for
3 example, you know, the polls that are studied, we
4 come up with a percentage breakdown of how much of
5 those poles should be allocated to high voltage,
6 primary, and secondary voltages.

7 I'm not relying on the precise balance
8 that existed back in 2009. I'm relying on a study
9 that indicated what a reasonable percent of the
10 breakdown of that 2009 balance was. And then
11 verifying with engineers that that breakdown still
12 remains appropriate given what's happening in current
13 distribution investment, you know, asking them, Given
14 how this was studied in 2009, has anything changed on
15 the distribution system that would make you feel like
16 results arrived at in 2009 study conducted in this
17 way are no longer reliable. And I get resounding
18 answers that there are no expectations that changes
19 have occurred that would make the reliance of such a
20 study invalid.

21 MR. KEEVIL: Judge, may I -- couple of
22 things there. He keeps saying the results of the
23 study, the results of the study. Again, we have no
24 indication of the data underlying the study. That's
25 number one. Number two, everything he just said is

1 hearsay. Three, the -- when we asked if there was
2 any additional information regarding the Vandas study
3 in data requests, we were told, No, there's no -- and
4 I believe those are attached to Ms. Lange's
5 testimony; I couldn't -- I don't remember whether
6 it's Direct, Rebuttal, or Surrebuttal. But we were
7 told, No, there is no additional information
8 regarding the Vandas study. So for him to come in
9 now with alleged additional information is improper
10 to say the least.

11 MS. GRUBBS: If I may also further
12 respond, your Honor.

13 JUDGE CLARK: Go ahead.

14 MS. GRUBBS: So I take it that Staff is
15 trying to object his entire testimony to not be
16 allowed into the record. That is overly broad. If
17 there was a sentiment that the Vandas study should
18 not have been relied upon or something which was
19 never addressed via a motion to strike or anything
20 like that, it would only be limited to the Vandas
21 study, the distribution analysis, and not the overall
22 study by any means.

23 JUDGE CLARK: I'm going to overrule the
24 objection. I believe that it would be appropriate
25 for the parties to be able to argue what weight

1 should be given to this evidence, but I'm going to
2 overrule the objection.

3 MR. WILLIAMS: Judge, if I might, I think
4 I'm going to object after what I've heard based on
5 you can't use an expert as a conduit to get another
6 expert's opinion into evidence.

7 JUDGE CLARK: Is that what's going to
8 happen here?

9 MS. GRUBBS: No. I don't believe that's
10 an accurate characterization at all.

11 MR. KEEVIL: That's exactly what's
12 happening, Judge.

13 MS. GRUBBS: Just as Mr. Hickman relies
14 on the NARUC manual for guidance, that's an
15 authoritative -- and we would suggest that the study
16 is not an opinion; it is an analysis, and the results
17 are presented within his testimony. So it's not just
18 a mere opinion, all of which could have been
19 addressed via a motion to strike and clarified before
20 hearing and was not.

21 JUDGE CLARK: I'm going to overrule the
22 objection. Parties can argue as to the appropriate
23 weights to be given to the Vandas study.

24 MR. KEEVIL: Would that include anything
25 based on the Vandas study as well, Judge?

1 JUDGE CLARK: It's your argument. With
2 that in mind, are there any further objections to
3 Exhibits 35, 36, and 37? Exhibits 35, 36, and 37 are
4 admitted onto the hearing record, and I've noted the
5 objection.

6 (Ameren Missouri Exhibits 35, 36, and 37
7 were received into evidence.)

8 MS. GRUBBS: Thank you. Mr. Hickman is
9 tendered for cross-examination.

10 JUDGE CLARK: MIEC?

11 MS. PLESCIA: Just a few questions.

12 CROSS-EXAMINATION

13 BY MS. PLESCIA:

14 Q. Good morning, Mr. Hickman. How are you?

15 A. Good morning. Good. Thank you.

16 Q. I have a couple of questions for you about
17 your Rebuttal testimony. And that would be your
18 schedule your table TH-2, I believe it's on page 5.

19 A. Okay. I'm there.

20 Q. Okay. And so the title of the table,
21 Allocated Percentage of Net Book Value, and you list
22 in the first column some studies. And I'll ask you
23 to explain, but some different dates and different
24 studies it appears from 2016 through 2022. And you
25 note concerns that you have about a trend and Staff's

1 results. And I was wondering if you could explain
2 that further. What is the trend that you're
3 concerned about?

4 A. Yes. So this table shows a set of
5 different cost of service results and specifically
6 focuses in on the allocation of certain distribution
7 accounts and how that net book value was allocated
8 through kind of a time series here. And so I guess
9 what I would highlight out of this is that the 2016
10 Staff -- Staff study which used the zero intercept
11 method had results that were very comparable to what
12 our current study results and study results over a
13 course of time have kind of shown, right. I would
14 say that the, you know, the 69.17 percent that is
15 represented here for residential is relatively close
16 to the 68.91, 70.5; those are all within a pretty
17 small, narrow band.

18 And then what it shows is that in 2020 --
19 2021, Staff had adjusted its approach to distribution
20 allocation, and that dropped from, you know, being
21 approximately plus or minus a percent or two of 70
22 percent down to 58 percent and then has further
23 dropped down to 41 percent in this case. And I guess
24 my concern is that, you know, by all accounts and by
25 all conversations with distribution engineers that

1 I've had, there's no reason to believe --

2 MR. KEEVIL: Objection; hearsay.

3 JUDGE CLARK: Would you -- what was that
4 last statement?

5 MR. HICKMAN: I said based on discussions
6 with engineers that their account is that the
7 distribution system is not --

8 MR. KEEVIL: Object to that. He's going
9 further here.

10 JUDGE CLARK: I'm going to -- I'm going
11 to sustain that objection.

12 MR. HICKMAN: Okay. I guess -- I guess
13 then I would say that I have no expectation that the
14 distribution system has changed in a meaningful way
15 to make such a drastic change to the distribution
16 allocators appropriate.

17 BY MS. PLESCIA:

18 Q. And, Mr. Hickman, looking again at this
19 table, you note some shifts in changes based on
20 Staff's trending position and the way that it's
21 allocating use -- the way it's creating use
22 distribution allocations. And from what I'm seeing
23 in the chart, there is an increasing number -- an
24 increasing percentage of these costs that are being
25 shifted to the larger customers. And is that a

1 correct reading of this table and why do you think
2 that would happening if that's the case?

3 MR. KEEVIL: Judge, I'm going to object to
4 that; calls for speculation. And Ms. Plescia herself
5 is apparently doing the testifying and asking
6 Mr. Hickman if he agrees or asking him to speculate
7 as to why he believes something to be the case. So
8 that's the objection.

9 I'd also like to just ask and clarify
10 since we're going to be here a while today
11 apparently, to what extent is the Commission and
12 yourself intending to allow friendly
13 cross-examination?

14 JUDGE CLARK: I don't know that I can
15 give you -- as to the last part of that question, I
16 don't know that I can give you an answer as to how
17 I'm going to prerule on objections that are made, at
18 least in terms of the friendly cross. I mean,
19 there's -- there becomes a point at which it's too
20 much and there's a point at which it, to a degree, is
21 informative. And so I will cross those lines as we
22 come to them.

23 And I'm sorry, what was the other part of
24 your objection? Oh, that she was asking him if he
25 agreed with something. That -- that's

1 cross-examination. So I'm going to overrule --

2 MR. KEEVIL: She asked him why he thought
3 something. It calls for speculation, Judge.

4 JUDGE CLARK: Well, it's speculation
5 on -- I'm going to overrule that objection too.

6 Go ahead.

7 MS. PLESCIA: Thank you.

8 BY MS. PLESCIA:

9 Q. Mr. Hickman, just to clarify so there's no
10 confusion, I really am asking you to explain the
11 trend in, especially in the larger customer classes
12 in your chart. You have an LGS, SPS column and an
13 LPS column and you discuss a trend with respect to
14 those numbers. And I'm wondering if you can explain
15 why those numbers are increasing and what your
16 concerns are, if any, about that.

17 A. Sure. I think the first thing, just to
18 kind of clarify, each one of those rows kind of
19 stands alone in some so -- you know, a hundred
20 percent; it's an allocation of a bucket of costs. So
21 I focused on residential initially. And by virtue,
22 if the residential allocations are going up, all the
23 other allocations are going up to some degree.

24 But as can be seen in the table in my
25 testimony, the numbers of LGS, SPS, and LPS kind of

1 are, you know -- I would say LGS, SPS in particular
2 in 2021 and in 2022 LGS, SPS, and LPS are, you know,
3 offsetting the decrease experienced by residential.

4 My concern I think with this is that these
5 results are being arrived at by use of what I would
6 characterize as an energy allocator, which is
7 inconsistent with industry practice of how
8 distribution plant gets allocated. It's very
9 commonly accepted that distribution plant is based on
10 some of amount of customer demand, and there's a lot
11 of discussion about how much of it should be
12 customer, how much of it should be demand, but absent
13 in those discussions is a discussion of energy. And
14 so my concern with these results is that they're
15 based on the fact that energy's being used as an
16 allocator.

17 Q. Would you characterize the increase in the
18 amount of the cost that's being allocated to the
19 larger classes to be concerning to you?

20 A. I would. And based on the fact that I
21 think a not, you know, industry-accepted allocation
22 method is being used.

23 MS. PLESCIA: I have no further questions.
24 Thank you.

25 JUDGE CLARK: MECG?

1 MR. OPITZ: No, thank you, your Honor.

2 JUDGE CLARK: Sierra Club, MCU, NAACP?

3 MR. THOMPSON: No questions, your Honor.

4 JUDGE CLARK: Renew Missouri?

5 MR. LINHARES: No, thank you, your Honor.

6 JUDGE CLARK: Consumers Council of

7 Missouri?

8 MR. COFFMAN: No questions, your Honor.

9 JUDGE CLARK: Public Counsel?

10 MR. WILLIAMS: No, thank you.

11 JUDGE CLARK: Staff for the Commission?

12 MR. KEEVIL: Yes. Thank you, Judge. Let

13 me get my papers in order here.

14 CROSS-EXAMINATION

15 BY MR. KEEVIL:

16 Q. All right. Mr. Hickman, you provided
17 Ameren Missouri's response to Staff DR 598. Correct?

18 A. I don't have a list of the DR numbers that
19 I responded to in front of me.

20 Q. Okay. You're being handed what I believe
21 to be the -- your response to DR 598. Does that look
22 familiar?

23 A. Yes, it does.

24 Q. Okay.

25 MS. GRUBBS: May I can ask, is there a

1 copy for counsel?

2 MR. KEEVIL: No. Actually there's not.
3 I -- in fact, I had planned to keep that copy because
4 I figured he had a copy. It's 598. Let's look at --
5 sorry, Ms. Grubbs, I don't have an extra copy.

6 BY MR. KEEVIL:

7 Q. That --

8 JUDGE CLARK: What is that DR
9 specifically?

10 MR. KEEVIL: It's his response to DR 598.

11 JUDGE CLARK: And what's the question
12 being asked --

13 MR. KEEVIL: The ques --

14 JUDGE CLARK: -- in DR 598?

15 MR. KEEVIL: The question being asked in
16 DR 598 is -- okay. I'm going to read this. It's
17 rather lengthy, Judge, so.

18 Number one: Please confirm that the
19 kilowatt hours underlying Hickman's Surrebuttal
20 table TH-1 for purposes of calculating dollars per
21 kWh are approximately -- that's not confidential, is
22 it? Okay. 13,289,139,065 residential kWh, 13
23 billion, 502 --

24 JUDGE CLARK: Can we shortcut this and
25 just give me kind of a general overview?

1 MR. KEEVIL: Yeah, I mean.

2 JUDGE CLARK: Is that possible?

3 MR. KEEVIL: Well, let's see. Yes. It's
4 the relationship of commercial and industrial kWh and
5 residential kWh as well.

6 JUDGE CLARK: Okay. Go on with your
7 question.

8 MR. KEEVIL: Okay.

9 JUDGE CLARK: Was there an objection
10 there?

11 MS. GRUBBS: Well, I'm not sure if it's
12 actually being offered as an exhibit --

13 JUDGE CLARK: Okay.

14 MS. GRUBBS: -- or not.

15 MR. KEEVIL: It hasn't been, no.

16 BY MR. KEEVIL:

17 Q. Now, would you agree, Mr. Hickman, that
18 this DR is asking to clarify some of the assumptions
19 and calculations related to your Surrebuttal table
20 TH-1?

21 A. Yes.

22 Q. Okay.

23 MR. WILLIAMS: Judge, I'll point out you
24 indicated we were going to take a break at 11:30. I
25 don't know if you're watching the time or not.

1 JUDGE CLARK: I did. I've been closely
2 watching it. I thought we might get one more
3 question out.

4 MR. KEEVIL: Judge, this is, it's more of
5 a building thing, so I -- if you're looking for one
6 question, that's not going to do you much good.

7 JUDGE CLARK: Okay. Then it sounds like
8 this would be an appropriate time to recess. Now,
9 as I indicated before, the Commission has an agenda
10 at 12 o'clock. And I don't know how long that's
11 going to run; it may be brief, it may be longer than
12 that. And so rather than go up there for a few
13 minutes and come back down, I'd rather just
14 incorporate the lunch break now. So what would be a
15 reasonable amount of time for --

16 MR. KEEVIL: Well --

17 JUDGE CLARK: Would 1:30 be excessive?

18 MR. KEEVIL: No, that would -- I think
19 that --

20 JUDGE CLARK: I want to be sure we can
21 cover the ground we need to cover today.

22 MR. KEEVIL: That was what I was going to
23 suggest, Judge, because some of the, at least of the
24 Staff people probably, need to not sit in, but phone
25 into the agenda, so they won't be able to actually

1 break for lunch until after the agenda meeting
2 itself, so. I was going to say 1:30 would probably
3 be a good idea.

4 JUDGE CLARK: Mr. Coffman.

5 MR. COFFMAN: Your Honor, could I ask for
6 an accommodation regarding our witness, Jackie
7 Hutchinson? We -- I'm not sure how long, you know,
8 this aspect is going to go, but we were hoping to get
9 her on and off the stand today. Would it be
10 permissible to take her out of order if it doesn't
11 look like we're going to get done with this issue
12 today?

13 JUDGE CLARK: Any objections to taking
14 Ms. Hutchinson out of order? I assume --

15 MR. KEEVIL: Does anybody have any cross
16 for her?

17 MS. GRUBBS: The Company does not.

18 MR. KEEVIL: OPC, do you guys? I don't
19 think we do, Judge. We can -- I mean, I guess it
20 comes down to the Commission and yourself.

21 JUDGE CLARK: Well, before we excuse her,
22 why don't we wait until after the lunch break. That
23 will give me time to see if there are any -- if I
24 have any questions or if the Commission has any
25 questions.

1 MR. COFFMAN: Thank you very much.

2 JUDGE CLARK: So why don't we hold that.
3 I have no objection to taking that witness out of
4 order and it appears that nobody else does as well.

5 So it is now 11:31. Let's break for
6 agenda and lunch. We will return at 1:30. And we
7 will go off the record now.

8 (Off the record.)

9 JUDGE CLARK: Let's go back on the
10 record. Where we left off, Staff was questioning
11 Ameren's witness Mr. Hickman.

12 Mr. Hickman, if you'd come back up and
13 take the stand, I'll remind you you're still under
14 oath.

15 And, Staff, you can continue your
16 questioning.

17 MR. KEEVIL: Thank you, Judge. I made
18 one for you and one for everybody.

19 JUDGE CLARK: One for me should be
20 sufficient. Thank you.

21 MR. KEEVIL: Leave one for you as well.
22 And Mr. Hickman, for you.

23 I think I'm up to what, 177, Judge?

24 JUDGE CLARK: I don't know. I thought
25 when we left, you were -- you were -- I thought you

1 were asking about a data request that started with
2 a five, but I could be wrong.

3 MR. WILLIAMS: I think he means exhibit
4 numbers.

5 JUDGE CLARK: Oh.

6 MR. KEEVIL: The exhibit list there;
7 that's what I meant. Yeah. We're up to 1 -- we
8 used 177 so the next one would be 178. So if you
9 want to mark that as Exhibit 178.

10 BY MR. KEEVIL:

11 Q. Mr. Hickman, I've handed you what was
12 marked -- I'm sorry.

13 JUDGE CLARK: I'm sorry. Just for --
14 what data request is this?

15 MR. KEEVIL: It's 5 -- it's the response
16 to data request 598.

17 JUDGE CLARK: Thank you. Go ahead. I'm
18 sorry I interrupted.

19 BY MR. KEEVIL:

20 Q. Mr. Hickman, I've handed you what's been
21 marked Exhibit 178. This is a better copy of the
22 exhibit I'd given you before we --

23 A. Sure.

24 Q. -- broke for lunch.

25 You recognize that as your response to

1 DR 598 in this case?

2 A. Yes.

3 Q. Do you recognize that?

4 A. I'm sorry. Yes.

5 Q. Okay. Thank you.

6 A. It wasn't -- sorry.

7 Q. Okay. Now, in row 6 of that exhibit where
8 it says SA Lange Direct, page 25, you show -- you
9 show that Staff's total recommended increase across
10 all classes is 7.32 percent. Correct?

11 A. Yes. Labeled as, Class increase needed to
12 achieve equal rate of return. And so that the total
13 of that would be 7.32 percent.

14 Q. Okay. Now, if you drop down to the yellow
15 shaded box toward the middle of the page that says DR
16 question four, your response -- you show your
17 response to DR question four as 8.354 percent.
18 Correct?

19 A. Yes.

20 Q. And question four was asking you to find
21 the percent difference that comes from multiplying
22 the values you calculated for the row you labeled
23 Staff Proposed CCOSS in your Surrebuttal at page 5 in
24 a table titled TH-1 by the kWh values that were used
25 to calculate the other dollars per kilowatt hour

1 values in that table. Is that correct?

2 A. I don't have the language of the DR, but I
3 remember, recall it to be requesting to calculate the
4 percentage between the response to DR question two
5 and DR question three.

6 Q. Okay. I don't have multiple copies of
7 this DR respon -- or the question, but I do have one
8 copy. Just give it to him. I apologize.

9 Do you recognize that as the DR 598?

10 A. Yes.

11 Q. Okay. Could you read question four there
12 out loud?

13 A. Please confirm that the total value
14 from question three of this data request is
15 approximately 8.38 percent higher than the total
16 value from question two of this data request. In the
17 alternative, please identify the difference between
18 the total values of the results of question three and
19 question two as a percent of the value of question
20 two.

21 Q. Okay. Thank you, sir. Hang on one second
22 here. I'd like to mark this Exhibit 179.

23 Mr. Hickman, if you look at the top part
24 of what's been marked Exhibit 179, do you recognize
25 that as from your response to DR 597?

1 A. Yes.

2 Q. Okay. And in your Surrebuttal testimony,
3 I think we established a moment ago that the top of
4 page 5 you have a table titled Table TH-1. Is that
5 correct, sir?

6 A. Top of page 5?

7 Q. Yeah.

8 A. Yes.

9 Q. And those average figures that are shown
10 there, kind of the middle of this Exhibit 179, those
11 come from that table. Correct?

12 A. Which exhibit are you?

13 Q. The 179, the one I just handed you.

14 A. That you just handed me?

15 Q. Yes.

16 A. And the question is?

17 Q. Those were -- the ones -- where it says,
18 Residential USA Average, Commercial USA Average,
19 Industrial USA Average, those figures all come from
20 your table TH-1?

21 A. Yes.

22 Q. All right. Thank you. Now, in your
23 response to DR 597 which is Exhibit 179, you stated
24 that SGS sales are 97.43 percent commercial and 2.57
25 percent industrial as those terms were used in your

1 Table TH-1. Correct?

2 A. Yes.

3 Q. Okay. And you also stated in your
4 response to DR 597 that LGS kWh are 89.92 percent
5 commercial and 10.08 percent industrial. Is that
6 correct?

7 A. Yes.

8 Q. Okay. And for SPS you reported 68.54
9 percent commercial and 31.46 percent industrial.
10 Correct?

11 A. Yes.

12 Q. And finally you stated that LPS is or
13 was 39.08 percent of the load -- excuse me --
14 commercial load and 60.92 percent industrial load.
15 Is that correct?

16 A. Yes.

17 Q. Okay. And starting with the LPS, if I
18 weight 39.08 percent of the load at the USA average
19 commercial value from your table, which is shown down
20 there in the middle of the page there at 11.74 cents
21 and weight 60.92 percent of the load at the USA
22 average industrial value from your table, which is
23 shown there on the exhibit as 7.42 cents, I get a
24 weighted average of 9.11 cents. Is that correct or
25 do you need a moment to do the math?

1 A. Yeah. With rounding that's correct.

2 Q. Okay. And you -- do you agree with the
3 remaining values provided on Exhibit 179 indicating
4 the weighted average values are correct?

5 A. Yes.

6 Q. Okay.

7 Judge, I would at this time like to offer
8 Exhibits 178 and 179.

9 JUDGE CLARK: Are there any objections
10 to Exhibit 178 or Exhibit 179? I hear none.
11 Exhibit 178 and 179 are admitted on to the hearing
12 record.

13 (Staff Exhibits 178 and 179 were received
14 into evidence.)

15 JUDGE CLARK: And there's no numbers on
16 these that are in any way confidential. Correct?
17 Mr. Keevil, I don't know if you heard my question.

18 MR. KEEVIL: No.

19 JUDGE CLARK: There's no numbers on this
20 that are in any way confidential. Correct?

21 MR. KEEVIL: That's my understanding,
22 it's not confidential. Ameren can correct me if I'm
23 wrong on that, but I don't -- I don't think there
24 are.

25 JUDGE CLARK: Okay. Thank you.

1 BY MR. KEEVIL:

2 Q. Okay. Now, Mr. Hickman, if you would turn
3 back to your Surrebuttal testimony, page 5, the -- do
4 you agree with the Ameren Missouri's position
5 statement on class cost of service that your
6 testimony, quote, Demonstrates that if Staff's study
7 were followed to set rates, Ameren Missouri would
8 have residential rates 23 percent below the national
9 average while industrial rates would be 14 percent
10 above the natural average, close quote?

11 I'm looking at page 5 of your Surrebuttal;
12 I believe you state that somewhere in there. It's in
13 the footnote I believe.

14 A. Footnote. I see those values in the
15 table, but I don't see it in the body of the
16 testimony.

17 Q. Okay. Okay. Since you mentioned the
18 table, the 14 percent figure is in the -- in the
19 table there, and it's referencing the line you
20 calculated labeled as -- where is it now -- Staff
21 proposed -- no, excuse me; I've got the wrong line.
22 Oh, yeah, there it is. I'm looking at the wrong
23 column. No wonder I can't -- yes. It's in the line
24 you called, Staff CCOS versus USA average under the
25 Industrial column.

1 A. Yes.

2 Q. You see that 14 percent? Okay. And do
3 you want to make any changes or modifications to this
4 table at this point?

5 A. No, I do not.

6 Q. Okay. And you agreed a moment ago when we
7 were discussing your response to Staff DR 598, that
8 was the Exhibit 178 I believe, you agreed that
9 multiplying your Staff-proposed CCOS values by the
10 kWh used in these calculations shows that Staff is
11 recommending an 8.3. -- 8.354 percent increase. Was
12 that what your response there in question four shows
13 on Exhibit 178 in the yellow box?

14 A. I'm going to have to read the DR. Give me
15 a moment. Okay. I think I've familiarized myself
16 with the DR. Can you ask your question again?

17 Q. Okay. You agreed that multiplying the
18 Staff-proposed CCOS values by the kWh used in the
19 calculations on the -- on your response to DR 598
20 shows that Staff is recommending an 8.354 percent
21 increase. That's what your answer to DR question
22 four showed. Correct?

23 A. I don't know if I agree with that
24 characterization of saying that Staff recommended
25 that level of increase.

1 Q. But that's what your math results in
2 though, correct, is 8.354 percent Staff increase?

3 A. I mean, I -- what the 8.3 percent is is
4 that when using the kilowatt hours that were used to
5 develop the rates included in my Surrebuttal TH-1,
6 taking those kWh against the rates presented in the
7 table for Ameren Missouri's rates and then the Ameren
8 Missouri rates adjusted to the levels implied by
9 Staff cost of service and when you calculate the
10 percent difference between those two values, you
11 get 8.354 percent. That's --

12 Q. Okay. Now, if you look up at -- Staff is
13 not recommending an 8.354 percent increase. Correct?
14 Never was.

15 A. That -- that's correct.

16 Q. Because, in fact, if you look up on --
17 stay on Exhibit 178, you calculated higher up on that
18 page that Staff's CCOS study studied a 7.32 percent
19 increase. Is that correct? On line 6.

20 A. I think -- I think what this is confusing
21 is that the amount of kilowatt hours are not the same
22 between those two calculations. The kilowatt hours
23 that were used to calculate the Ameren Missouri
24 electric rates by class that were then redirected to
25 be applied against the rates adjusted to levels

1 implied by Staff's class cost of service produced
2 those values. So that's not indicating that Staff
3 recommended an 8.35 percent increase.

4 It's simply doing the math on when you
5 take the kilowatt hours that underlied the EEI
6 calculation, the calculation for EEI purposes of what
7 Ameren Missouri's electric rates were and you use
8 those same kilowatt hours against the rates that
9 represent Ameren Missouri rates adjusted to the
10 levels implied by Staff's class cost of service, that
11 you get that amount. That's not implying that Staff
12 recommended that level of increase.

13 Q. And so it's just kind of a pointless
14 figure then?

15 A. No. It's absolutely not a pointless
16 figure.

17 Q. Well, if Staff's not recommending it --
18 you said implied several times. So your Table TH-1
19 then is showing that Staff's recommending an 8.354
20 percent increase. Is that correct?

21 A. No, that is not correct.

22 Q. Now, before you did this, you were a
23 Sarbanes-Oxley compliance person. Correct?

24 A. In my prior --

25 Q. Position at Ameren Missouri.

1 A. I was an auditor at Ameren, yes.

2 Q. Okay. So you've been doing this
3 since 2017 in your current position?

4 A. That's correct.

5 Q. In your prior position you didn't do class
6 cost of service studies or?

7 A. That's correct.

8 Q. Okay. Is it your understanding that
9 Ameren requested a higher rate increase than Staff
10 recommended in Staff's direct filing, or did Staff
11 recommend a higher increase than Ameren requested?

12 A. I don't recall offhand, no.

13 Q. Okay. In your study, in your CCOS
14 study -- let me rephrase that. You did your study on
15 Ameren's request; Staff did its study on its
16 recommendation. Is that correct?

17 A. Yes.

18 Q. But based on your total retail column of
19 your -- of your calculated Staff-proposed CCOS row,
20 you believe Staff's study found that the total
21 retail dollars per kilowatt hours in its direct case
22 is 10.17 cents?

23 A. No. I think that's a mischaracterization
24 of what I'm showing in this table.

25 Q. But that is what shows there in the table,

1 is it not, sir?

2 A. Those values, but the characterization of
3 what those numbers represent is not accurate.

4 Q. So what is the 10.17 cents?

5 A. I think it would be easier if I just tried
6 to step through this table and what it represents.

7 Q. Yeah. That is really not what I asked
8 you, Mr. Hickman. What's the 10.17 represent there
9 on line 4? It says, Ameren Missouri's rates
10 adjusted to levels implied by Staff's CCOS, total
11 retail 10.17.

12 A. I think consistent with the footnote it
13 says that these values were created by applying
14 Staff's proposed revenue requirement allocations by
15 class to residential, commercial, and industrial
16 categories in proportions and formed by company load
17 research.

18 Q. Who did that math?

19 A. I did that math.

20 Q. Now, looking at the -- looking at your
21 Ameren Missouri row in that same column of the
22 exhibit, you found the Ameren Missouri study was
23 based on a total retail dollars per kilowatt hour
24 of 9.48 cents. Is that correct?

25 A. I'm sorry, can you repeat that?

1 Q. Yeah. Looking at the -- looking at your
2 Ameren Missouri row in that same column, you found
3 the Ameren Missouri study was based on a total retail
4 dollars per kilowatt hour of 9.48 cents. Is that
5 correct?

6 A. Again, I think that's a
7 mischaracterization. This table's an extension of
8 something that was filed in my Rebuttal testimony.
9 These figures are EEI average rate numbers. That's
10 what the U.S. average is. And the Ameren Missouri
11 one are the Ameren Missouri average rates as reported
12 to EEI over a period of time. Those rates don't have
13 a direct correlation to my study.

14 Q. Now, looking at the rows just below the
15 one we were just talking about, you found the total
16 retail percent change. And there it -- there it
17 shows that your calculated Staff-proposed CCOS row
18 is 13 percent less than the U.S. average, but that
19 Ameren is 19 percent less than the U.S. average.

20 Now, are you confident that Staff
21 recommended Ameren get a 19 -- get a 7 percent bigger
22 increase than it requested, or could you have made an
23 error in that calculation of Staff's-proposed CCOS
24 row?

25 A. Once again, I think that's assuming that

1 the Ameren Missouri row relates to our cost of
2 service or our filing or anything. It does not.
3 That's a baseline. That's what our rates were for a
4 period of time as measured and reported to EEI.

5 What the Staff-proposed class cost of
6 service row does is applies increases and it makes no
7 assumption of change in billing units or underlying
8 kilowatt hours and says, Okay, well, if the rates are
9 going to go up by the percentages as proposed in
10 Staff's testimony, then what will those rates become.

11 So it's a measure of rates prior to
12 increase against the rates with increase, and it's
13 not a matter of the overall change. It's the
14 magnitude and difference to the U.S. average and the
15 directional changes that are being made. So the --
16 to --

17 Q. That's good enough. You've -- so you're
18 comparing apples to oranges and maybe a few mangos
19 thrown in there.

20 A. I disagree with that. No.

21 Q. Of course you do. You're paid to.

22 MS. GRUBBS: Objection; strike the last
23 comments and not questions from counsel for Staff.

24 JUDGE CLARK: That'll be sustained.

25 BY MR. KEEVIL:

1 Q. All right. Mr. Hickman, you've been
2 handed a new exhibit that should have been marked
3 Exhibit 180. I apologize; I didn't mark that before
4 we handed that to you.

5 Now, do you -- on the top of that do you
6 see your required class revenue by class to equalize
7 rates of return from your Direct Schedule 2? And you
8 should find your kilowatt hours by studied class from
9 your Direct work papers. Do you see those two
10 things?

11 A. I see the Ameren study results in my
12 schedule in my Direct. And what was the other
13 question?

14 Q. Your kilowatt hours by studied class from
15 your Direct work papers?

16 A. I don't have my work paper to verify those
17 numbers.

18 Q. Do they look right?

19 A. I can't confirm that without the work
20 paper.

21 Q. Do you have your work papers here in the
22 room?

23 A. I do not.

24 Q. You didn't bring your work papers with
25 you?

1 A. No.

2 Q. On the day you were scheduled to testify?

3 A. That's correct.

4 Q. Does your counsel have your work papers?

5 A. I'm not sure.

6 Q. Okay.

7 MS. GRUBBS: I believe we might be able to
8 have that electronic copy available. They are
9 spreadsheets, dynamic, and so printing them can be
10 difficult. But we, I believe, could provide him a
11 laptop that would have the work paper open.

12 MR. KEEVIL: Okay.

13 MS. GRUBBS: If that is --

14 JUDGE CLARK: I want to back up for a
15 second. What is this?

16 MR. KEEVIL: That's Exhibit 180.

17 JUDGE CLARK: I understand that. What is
18 it?

19 MR. KEEVIL: It's a comparison of the
20 kilowatt hours and the -- well, the studied kilowatt
21 hours and the studied results in dollars and kilowatt
22 hours and we will --

23 JUDGE CLARK: Is it a response to a DR or
24 is it demonstrative?

25 MR. KEEVIL: Well, it's partly -- like I

1 said, it's partly from his Direct testimony, the
2 first column, Ameren Study Results. That's his --
3 well, you can see down there at the bottom with the
4 asterisk. Part of it's from his direct schedule,
5 part of it's from his work papers, and part of it's
6 from Ms. Lange's Direct testimony.

7 JUDGE CLARK: I guess I'm asking who
8 created it.

9 MR. KEEVIL: Putting this together, we
10 did.

11 JUDGE CLARK: Okay. Thank you.

12 MR. KEEVIL: But those are the sources
13 down there in the footnote.

14 MS. MOORE: Your Honor, may I approach
15 the witness with a --

16 JUDGE CLARK: Yes, please. Go ahead.

17 MS. MOORE: -- laptop.

18 And I'm just going to explain to him that
19 each set of work papers for Direct, Rebuttal, and
20 Surrebuttal are in different file folders. So these
21 are Direct, Company Direct, Rebuttal, Surrebuttal to
22 find the directory the work papers --

23 MR. HICKMAN: Certainly.

24 MS. MOORE: -- in case you need it.

25 JUDGE CLARK: If there's a question

1 hanging in the air, I'm unaware of it.

2 BY MR. KEEVIL:

3 Q. Yeah. The question was the -- hang on
4 just a second. On the Exhibit 180 does Mr. Hickman
5 recognize his kilowatt hours by studied class from
6 his direct work papers or in the column labeled,
7 Ameren Study Kilowatt Hours?

8 A. Yes. I can confirm those are the numbers
9 from the referenced tab of my work paper --

10 Q. Thanks.

11 A. -- location.

12 Q. Now, the next column over, the Ameren
13 Dollars per Ameren Kilowatt Hours column, you see
14 that?

15 A. Uh-huh.

16 Q. Now, can you verify that the figures in
17 that column are properly calculated, or do you accept
18 that those values depict your CCOS study results?

19 A. I assume it's okay if I use this
20 calculator that's --

21 Q. Sure.

22 A. Okay. Okay. Yep.

23 Q. You confirm those, sir?

24 A. Yes.

25 Q. Okay. Thank you. Okay. Now, moving down

1 to the next area on the Exhibit 180, we see the
2 values that we just calculated or you just calculated
3 labeled Ameren Dollars per Kilowatt Hour. And we see
4 a column for Staff's Direct Study Results Divided by
5 Staff's Kilowatt Hours. And we see a column
6 reproducing those values of the USA commercial
7 industrial averages weighted to Ameren's Missouri
8 class composition.

9 Now, would you agree with the way I've
10 described those numbers, sir? Do you need to verify
11 any of them?

12 A. What was your -- I'm sorry, what was the
13 characterization of the Staff study numbers? I agree
14 with the other two; I'm just --

15 Q. Okay.

16 A. -- trying to keep up.

17 Q. It's the Staff's direct study results
18 divided by Staff's kilowatt hours from Lange's Direct
19 testimony.

20 A. Yeah. I don't have that in front of me,
21 but if that's what they are, that's --

22 Q. Okay. Now, in your Surrebuttal testimony
23 going back to that Table TH-1 -- where did TH-1 go.
24 There we go. TH-1. Yeah, found it finally.

25 You calculated that Staff's CCOS results

1 in an industrial rate of 8.43 cents per kWh. Is that
2 correct?

3 A. Yes.

4 Q. Okay. Now, looking at this chart or if
5 you prefer, you can look at Lange's Direct, page 2,
6 can you tell me is that LPS study value of 7.34 cents
7 higher or lower than the 8.43 cents you allege Staff
8 found in table TH-1?

9 A. The value of 7.43 -- or 7.34 is less than
10 the value of 8.43.

11 Q. Okay. Is the SPS value there on
12 Exhibit 180 the -- of 8.21 cents higher or lower than
13 the average value that you claim?

14 A. Well, the average value I claim is over
15 Industrial which isn't directly comparable to primary
16 service customers of an individual class. That's why
17 we did our weighting exercise to make them
18 comparable. So again, and that's why my
19 characterization was 7.34 is less than 8.43. I agree
20 that 8.21 is less than 8.43, but I don't agree with
21 the characterization that that's the same --
22 representing the same value.

23 Q. Well, the classes -- so there is no
24 Industrial class for Ameren. Is that correct?
25 Ameren Missouri, sorry. Rate class.

1 A. There is no Industrial rate class.
2 Industrial is a category of summary that's used in
3 other relevant meters.

4 Q. Thank you. And there's also no Commercial
5 rate class. Is that -- for Ameren Missouri. Is that
6 correct?

7 A. Right. Again, that's just a category of
8 costs that are summarized that isn't -- doesn't
9 relate exactly to the weight class -- or to the rate
10 class, excuse me.

11 Q. Okay. Now, both the Company and Staff
12 separately allocated EDI discounts so that the
13 classes with EDI customers would not be effectively
14 penalized by those discounts in this CCOS. Correct?

15 A. I'm not sure I understand the question.
16 Can you repeat it?

17 Q. Yeah. When I say EDI, I'm referring to
18 economic development incentives, just for the record.
19 Both Company and Staff separately allocated EDI
20 discounts so that the classes with EDI customers
21 wouldn't be effectively penalized for those discounts
22 in a CCOS. Is that correct?

23 A. I don't -- I don't allocate discounts in
24 the class cost of service. If I'm understanding what
25 you're asking, the treatment of EDI would have been

1 in the way that we calculated revenue. So yeah, I'm
2 not sure I understand the question.

3 Q. Let me switch slightly here, Mr. Hickman.
4 Under Ameren's EDI, qualifying customers receive an
5 average 40 percent discount on the -- on their
6 electric bill for a set term. Is that -- would you
7 agree with that?

8 A. As a general characterization, sure.

9 Q. Okay. Would you agree that on April 4th
10 of this year Ameren filed what it called the 21st EDI
11 agreement under Ameren Missouri's rider EDI?

12 A. I don't know the date or about that
13 filing, no.

14 Q. Okay. Do you know how many EDI
15 discount -- or how many EDI contract -- I apologize.
16 How many EDI customers, there we go, Ameren Missouri
17 currently has?

18 A. I do not know that, no.

19 Q. Okay. Hypothetically let's just assume
20 it's 21. Okay? Would those EDI discounts be showing
21 up to reduce the average dollar per kilowatt hours
22 for Staff or for Ameren when we're comparing to the
23 U.S. average?

24 A. I don't know. I still don't think I
25 understand.

1 Q. Let me rephrase -- let me reword it and
2 see if it makes any more sense, Mr. Hickman.

3 A. Sure.

4 Q. Those EDI discounts that Ameren is giving
5 certain customers are, in fact, not showing up to
6 reduce the average dollar per kilowatt hour for
7 Ameren when compared to the U.S. average, are they?

8 A. What -- what comparison are you
9 specifically referring to, because I think I've got a
10 handful of comparisons --

11 Q. Well --

12 A. -- now from you.

13 Q. -- if you look at Exhibit 180, those
14 U.S. -- those national averages compared to Ameren's
15 study results and Staff's study results, Ameren's and
16 Staff's study results do not reflect the EDI
17 discounts. Is that correct?

18 A. That's correct.

19 Q. Would you agree also that residential
20 customers are not receiving EDI discounts?

21 A. Yes, that's correct.

22 MR. KEEVIL: Judge, I'd -- I don't think I
23 offered Exhibit 180. I would go ahead and offer 180
24 at this time.

25 JUDGE CLARK: Any objections to

1 Exhibit 180? I hear and see none. Exhibit 180 will
2 be admitted onto the hearing record.

3 (Staff Exhibit 180 was received into
4 evidence.)

5 JUDGE CLARK: I'm going to ask you,
6 Mr. Keevil, is this -- is this going somewhere?

7 MR. KEEVIL: When you say is this going
8 somewhere, are you referring to the exhibit or?

9 JUDGE CLARK: This line of questioning.

10 MR. KEEVIL: Oh, the line of questioning
11 just ended.

12 JUDGE CLARK: Okay.

13 MR. KEEVIL: That's why I wanted to get
14 Exhibit 180 in.

15 JUDGE CLARK: If those are all your
16 questions?

17 MR. KEEVIL: Yeah. I'm through, yes.

18 JUDGE CLARK: Okay. Thank you. Any
19 redirect?

20 MS. GRUBBS: Yes, your Honor. Thank you.

21 REDIRECT EXAMINATION

22 BY MS. GRUBBS:

23 Q. Mr. Hickman, if you would please turn to
24 your Surrebuttal testimony, Table TH-1 that you were
25 questioned by Staff counsel on please.

1 A. Yep.

2 Q. You mentioned that you would not make any
3 changes to that table based on the calculations
4 presented in Exhibit 180. Is that accurate?

5 A. Yes, that's accurate.

6 Q. And so can you walk through Table TH-1 and
7 what it is presenting or comparing?

8 A. Sure. So Table TH-1 has five rows. The
9 first two rows are the presentation of average rate
10 data as reported to and from EEI, the Ameren Missouri
11 number we report to EEI. Then the EEI re-report --
12 re-reports that out as a part of their report. The
13 U.S. average is also how the EEI presents numbers.

14 So -- so the first row is just a simple
15 calculation of the average realization rates by
16 residential, commercial, and industrial buckets. So
17 you total up the residential revenue, the residential
18 kilowatt hours for the given period of measurement,
19 which is, you know, a rolling, you know, one year at
20 a time, and calculate what the average rates is. And
21 it's meant to provide a comparative tool for
22 utilities to see how their rates compare against
23 other -- other jurisdictions, other states, other,
24 you know, the U.S. average as an example.

25 The third line is just a percentage

1 difference calculated between the values in one and
2 two to show that, for example, in residential, Ameren
3 Missouri's number of 11.1 is 23 percent lower than
4 the U.S. average of 14.39.

5 The fifth and sixth row starting I guess
6 with the fifth, the fifth is a calculation where we
7 took Staff's direct filed position of how their rate
8 increase breaks out -- Exhibit -- so the class
9 increase is needed to achieve equal rates of return.
10 And then we had to do weighting because, you know, as
11 was pointed out, residential, commercial, industrial
12 are not our rate classes, but we do have numbers that
13 tell us how much -- how many of our kilowatt hours
14 are kind of broken down in those capacities.

15 So we used weighting factors to take what
16 Staff's direct proposal increases were and basically
17 say, If you take the Ameren Missouri rates as
18 reported and don't assume any change in kilowatt
19 hours and assume that they change if the rates
20 changed equally across, you know, the different rate
21 elements consistent with Staff's increased proposal,
22 what do those rates look like.

23 So then the final line or the percentage
24 increases are changes that show, okay, just using
25 Ameren Missouri as a baseline, if we follow Staff's

1 proposals, how do the percentages change compared to
2 the U.S. average.

3 And I think a key thing here is the
4 directionality of the changes, much as it the
5 magnitude. Obviously following our proposal, our
6 rates would be higher and that's why I think the 19
7 to 13 percent comparison was kind of missing
8 something. I wasn't trying to assert that those two
9 are showing a difference or a relative magnitude of
10 the increase; it's just showing if -- if we follow
11 Ameren -- or Staff's proposal and our rates change by
12 those values, how do we stack up against the U.S.
13 average as kind of a benchmark.

14 Q. And, Mr. Hickman, you were asked questions
15 earlier by Staff counsel about the Vandas study. Do
16 you recall that?

17 A. Yes.

18 Q. And can you describe how you use the
19 Vandas study?

20 A. Sure. So the Vandas study is a study of
21 our distribution system or was a study of our
22 distribution system designed to help inform how
23 classifications of distribution investments should be
24 allocated between high voltage, primary, and
25 secondary voltage. And the importance of that is if

1 you have assets that are only providing value at the
2 secondary level, for example, that you wouldn't want
3 to allocate those costs to customers that are
4 receiving service at a primary voltage level. It
5 doesn't really make sense. Why would they be paying
6 for secondary service or secondary equipment when
7 they're served at primary. They're kind of agnostic
8 to the existence of the primary system.

9 So the Vandas study is a review of our
10 distribution assets to help identify that. And, for
11 example, for poles it's -- it's a review of our poles
12 to look at a pole and say what types of equipment are
13 attached to that pole. Is it primary, high voltage,
14 or secondary and then uses, you know, that survey or
15 that sample to make an assessment of how does the
16 entirety of that account kind of break down, again,
17 either on a sample basis or if we have information
18 that's more inclusive of what's in the entire
19 account.

20 So the results of those are percentages
21 based on a review of the snapshot of our system at
22 any point in time. The absolute value of the system
23 at any point in time is kind of, you know, irrelevant
24 to that unless there's any expectation that the
25 ratios related to that have changed over time.

1 Q. To your knowledge, has Staff ever relied
2 on Ameren Missouri's Vandas study in distribution
3 classification?

4 A. Yes, they have. In the 2019 rate case.

5 MS. GRUBBS: I have a document to
6 distribute. I would represent that it's an excerpt
7 from the Ameren 2019 electric rate case. It's
8 Staff's class cost of service report, and it's just
9 an excerpt and I can identify the pages. But I
10 wanted to save trees and not print off the whole
11 thing.

12 So, your Honor, this, as the cover sheet
13 indicates, is from Case No. ER-2019-0335 which
14 relates to Ameren Missouri's electric rate case.
15 And the excerpt that was distributed has the cover
16 sheet, the table of contents, and then an excerpt of
17 pages 18 -- or I'm sorry, 8 to 25. Since it is
18 already in the record in that docket and available on
19 EFIS, I don't know if you want to take just notice of
20 it or if you would like to mark this as an exhibit.

21 JUDGE CLARK: What's the purpose of this
22 exhibit?

23 MS. GRUBBS: I asked Mr. Hickman
24 previously if Staff has relied on the class cost of
25 service study, and there are references within this

1 just to confirm that they relied upon the Vandas
2 study in 2019.

3 JUDGE CLARK: Okay. And I believe your
4 witness said, Yes, they did. And I believe you could
5 probably ask that of a Staff witness too. I don't
6 really understand what the importance is in getting a
7 previous class cost of study in if that's all you're
8 trying to demonstrate.

9 MS. GRUBBS: There was a question or
10 challenge presented that -- about what weight should
11 be given to the class cost of service study or, more
12 specifically, the Vandas study. And so it was just
13 again going to weight to be given that Staff has even
14 relied on it just two cases ago.

15 JUDGE CLARK: Okay. I'll take notice of
16 the class cost of service study in ER-2019-0335 for
17 that purpose only.

18 MR. KEEVIL: You take notice of the
19 entire report, not just a select few pages. Correct?

20 JUDGE CLARK: That is correct.

21 MR. KEEVIL: Thank you.

22 JUDGE CLARK: But I am limiting it to
23 this purpose.

24 MR. KEEVIL: Well, okay. Let me just
25 say, Judge, that I think that --

1 JUDGE CLARK: If you want me to expand
2 that, you're welcome to ask.

3 MR. KEEVIL: No. I think when you look
4 at this, I think it's important to recognize that two
5 cases ago was a rate decrease I believe rather than a
6 rate increase. So something to keep in mind when
7 reading anything from that case.

8 JUDGE CLARK: Okay. With that in mind
9 I'm not going to mark it as an exhibit, but I'll take
10 notice of it for that purpose. Go on.

11 BY MS. GRUBBS:

12 Q. So I was going to go to a specific page
13 within that. Would you please turn to page 14,
14 looking at lines 10 and 11.

15 A. Uh-huh.

16 Q. So this, is the consistent with your
17 recollection that Staff relied on the Vandas study
18 presented by Ameren Missouri in its work papers for
19 classifying the remainder of Account 364?

20 A. Yes.

21 Q. And then on the next page, page 15 at
22 lines 4 through 6, is this consistent with your
23 recollection then that Staff relied on the Vandas
24 study as presented in Ameren Missouri's work papers
25 to classify the remainder of Account 365?

1 A. Yes, it is.

2 Q. And I -- was the Vandas study prepared by
3 one person, Mr. Vandas?

4 A. No, it was not. It was performed by a
5 group of engineers and in conjunction with
6 individuals working on cost of service at the time.

7 Q. Does the age impact your use of the
8 Vandas study?

9 A. No, it does not. The Vandas study as I
10 described it is informative to percentage allocations
11 of certain types of assets between voltage. And I
12 think as I kind of indicated in my earlier
13 description of how it's used, unless there's some
14 reason to think that we're using distribution assets
15 in a different way now than we were back in 2009 at
16 the time that the study was performed, and I have no
17 belief that we have, and I've confirmed with our
18 distribution engineers that that's --

19 MR. KEEVIL: Objection; hearsay.

20 MS. GRUBBS: He's explaining -- if I may
21 respond to the objection.

22 JUDGE CLARK: Yes.

23 MS. GRUBBS: He's explaining that he
24 confirmed it was his actions. It wasn't an
25 out-of-court statement or out-of-commission hearing

1 room statement being used. It's not hear say.

2 JUDGE CLARK: It is if he says he
3 confirmed with the engineers. I mean, that's not
4 something -- I'm going to sustain the objection as to
5 that.

6 BY MS. GRUBBS:

7 Q. Was there anything further that you --

8 A. No. I confirmed my belief that the --

9 MR. KEEVIL: Objection, Judge. They're
10 just padding this pillow a little bit too far here.
11 I mean, this is -- he dropped the words, With the
12 engineers, and then went with the same answer. It's
13 the same thing he was saying a moment ago. This
14 whole line of questioning is pointless because she's
15 already got the notice of the report for the --
16 excuse me -- the class cost of service report from
17 the 2019 case taken notice of. So I have to object,
18 Judge.

19 JUDGE CLARK: We're going to wrap this up
20 pretty quick, but I'm going to let him answer as to
21 what his belief was.

22 MR. HICKMAN: My belief --

23 JUDGE CLARK: So that will be overruled.

24 MR. HICKMAN: My belief that the
25 distribution system has not had any significant

1 changes that would invalidate a study conducted
2 in 2009.

3 MS. GRUBBS: Thank you, your Honor.
4 That's all of my questions.

5 JUDGE CLARK: Mr. Keevil, when you're
6 making objections, if you could speak into the
7 microphone, I'd appreciate it. I don't think
8 everybody's picking it up.

9 MR. KEEVIL: Okay. I apologize, Judge.

10 JUDGE CLARK: We got a little out of
11 order. Because of that, I think redirect came at the
12 wrong time, but what I'm going to do right now is I'm
13 going to ask are there any Commission questions?

14 COMMISSIONER HOLSMAN: No questions,
15 Judge. Thank you.

16 CHAIRMAN RUPP: No questions, Judge.
17 Thank you.

18 JUDGE CLARK: Thank you, Commissioners.
19 I am going to -- I have some questions for you,
20 Mr. Hickman.

21 QUESTIONS

22 BY JUDGE CLARK:

23 Q. Do you know if Ameren has used a class
24 cost of service method other than the 4 NCP in a
25 Missouri rate case in the last decade?

1 A. I don't believe so.

2 Q. Is that within your realm of knowledge?

3 A. My involvement has been since 2017, but I
4 have reviewed prior cost of service models. Past
5 decade would take us back to 2013. I can confirm at
6 least back through the 2016 case, I know that I've
7 looked and it hasn't. I can't remember if there was
8 another case since. I want to say the prior one
9 was 2012.

10 Q. Does the 4 NCP methodology include any
11 considerations for renewable generation plant
12 characteristics that are different from base load
13 generation?

14 A. No. I would say that it doesn't.

15 Q. Does the 4 NCP methodology include any
16 consideration for use of AMI data that can
17 differentiate between rate class energy consumption
18 during the hours of the day?

19 A. No.

20 Q. Now, the 4 NCP method, I forget which
21 witness and it may have been you, that comes from
22 the 1992 NARUC manual. Is that correct?

23 A. Yes, that's correct.

24 Q. If that manual were to be updated, do you
25 think it would be appropriate to differentiate

1 between costs of dispatchable and nondispatchable
2 generation?

3 A. I don't think so. And I think just in a
4 very simple way, I would say that the 4 NCP average
5 and excess approach approaches production allocations
6 more from the perspective of understanding what our
7 customers' energy and capacity needs are more
8 holistically and says that, Okay, we've built a
9 production system that meets these energy and
10 capacity needs. And that's the basis of allocation.
11 It doesn't differentiate or treat differently which
12 of those assets are contributing to which. It's more
13 about just, you know, our customers need this much
14 energy and capacity. This is the way in which we've
15 addressed that with the system and that's the manner
16 in which we're going to allocate it to our customers.

17 Q. I've heard the term "rate modernization"
18 thrown around a few times. What does that mean?

19 A. I think -- I think that would probably be
20 a better question for Steve Wills. I work on cost of
21 service, but when it gets into the specific rate
22 design components, you know, I have some input and
23 say, but rate modernization is a pretty broad term
24 that has to do with a little bit more than just the
25 cost of service aspect.

1 Q. If the 1992 NARUC manual were to be
2 updated, do you think allocation of costs based on
3 customer AMI data should be considered?

4 A. Can you we repeat that once, I'm sorry?

5 Q. If the 1992 NARUC manual were to be
6 updated, do you think cost allocation should be based
7 on actual information from customer AMI data? Do you
8 think that should be considered in the -- in any
9 update of the NARUC manual?

10 A. Yeah, I don't know that the NARUC manual
11 specifically says that it should or should not. I
12 think that's, you know -- I don't think an update to
13 the NARUC manual is necessary to acknowledge the
14 benefits of information gained through AMI meters in
15 some capacity. Some of that relates to just, you
16 know -- one of the major inputs to cost of service is
17 load research where we kind of have sample meters and
18 we infer what those sample meters tell us about how
19 energy's being used more holistically.

20 If we end up with data out of all of our
21 AMI meters, there's the potential that we can make
22 that update. And that's not something that's
23 specifically driven by what's written in the NARUC
24 manual. So I'm sorry if that's not the best answer,
25 but -- but I think that, you know, incorporation of

1 AMI data can happen, you know, agnostic to any kind
2 of update out of NARUC manual. I don't know that
3 the -- that what's prescribed in the NARUC manual
4 would specifically change as a result of AMI data.

5 Q. Now, when you say agnostic there, I'm not
6 really following. So what do you mean when you say
7 it's agnostic to -- if you say AMI data is agnostic
8 to the NARUC manual's 4 NCP methodology, what do you
9 mean there?

10 A. Well, so in the 4 NCP method we use energy
11 and demands a certain portions of that calculation.
12 And again, that energy total and that demand total
13 are derived out of our load research process. So the
14 existence of AMI could improve that as an input, but
15 it doesn't mean you would necessarily do something
16 different with 4 NCP average and excess; you would
17 just have a better, more complete population of data
18 to inform the application of it, if that makes sense.

19 Q. Do you ever see a point in the future
20 where the 4 NCP method would become obsolete?

21 A. I'm not aware of anything that would drive
22 the method to be obsolete, no.

23 Q. So you think this could be used out into
24 the future somewhat indefinitely?

25 A. I wouldn't want to guarantee certainty

1 that nothing changes, but I -- I am not aware of
2 anything that would make me think otherwise.

3 Q. You may need to get additional papers for
4 this. Do you have Ms. Lange's Surrebuttal testimony
5 in front of you?

6 A. I do not.

7 JUDGE CLARK: Does anybody have that to
8 give him?

9 MS. MOORE: If I may, it's on the
10 computer.

11 JUDGE CLARK: Please.

12 MS. MOORE: And I'm sorry, you said
13 Rebuttal?

14 JUDGE CLARK: Surrebuttal. In particular
15 page 21.

16 MS. MOORE: Do you have a line number?

17 JUDGE CLARK: Paragraph eight.

18 MR. HICKMAN: Okay.

19 BY JUDGE CLARK:

20 Q. Page 21 of Ms. Lange's Surrebuttal
21 testimony she cites a stipulation and agreement in
22 Case No. ET-2018-0132 in paragraph eight, that Ameren
23 agreed to report customer contribution values by
24 voltage and service classification. Is that correct?

25 A. Yes.

1 Q. Has Ameren Missouri complied with
2 paragraph eight of the stipulation and agreement?

3 A. I -- I believe that we have. It's been a
4 long time since I've specifically looked at this
5 language and reference back to the meetings that we
6 had occur relating to it.

7 Q. Where would I find the results that show
8 that Ameren complied with that stipulation and
9 agreement?

10 A. I think as I said here, I'd have to look
11 into it further. I don't recall whether, you know,
12 we, at any point in time we had pulled together
13 information to support compliance with this or not.

14 Q. So just you think that Ameren has complied
15 with it, but you don't know. Correct?

16 A. Correct.

17 Q. And you don't know where I'd find the
18 results that indicate that Ameren has complied with
19 it. Correct?

20 A. I guess I don't know of anything, you
21 know, like in the case or on the record that
22 addresses this. I'm -- I don't know.

23 Q. Can you go to page 29 of Ms. Lange's
24 Surrebuttal?

25 A. Sure. Okay.

1 Q. On lines 3 to 11 she states that 70
2 percent of Ameren's Smart Energy Plan and planned
3 distribution spending will be allocated to small
4 customers.

5 Do you agree with that analysis?

6 A. Yes.

7 Q. Why? Or can you explain that to me?

8 A. Sure. In this -- I guess I would say
9 admittedly, this is an area that the Company is
10 considering changes to for future rate cases as we've
11 had some conversations. The reason for this is that
12 our current cost of service model considers devices
13 to be customer related in their allocation. And I
14 would say what we're -- what are our current thinking
15 is and we need to do some further kind of analysis to
16 see how this would support, but I believe a different
17 position that devices should be allocated, kind of
18 consistent with the underlying investment in the
19 conductor that's in the same account would be more
20 appropriate.

21 Devices, there's a lot of different
22 devices, but devices broadly could be switches and
23 reclosers and lightning arrestors, things like that.
24 And I think there's a criticism that no -- no portion
25 of the devices should be considered customer related,

1 and I think I continue to maybe disagree with that
2 because I think those devices in my mind are kind of
3 an extension of that underlying investment in
4 conductor.

5 But the -- to answer your question, the
6 reason that 70 percent of it's being allocated to
7 small customers -- and small customers is kind of
8 ambiguous, but I think it just relates to our smaller
9 rate classes -- is because we -- we view -- we view,
10 have historically viewed those devices as being
11 driven by the number of customers that we have, not
12 the amount of demand that's on the system.

13 Q. Say that again please.

14 A. We have historically viewed those devices
15 to be driven by the number of customers that we have
16 on our system, not the amount of demand that those
17 customers drive on the system.

18 That's what's really at issue here is that
19 any of our distribution investment gets broken down
20 into a customer-related bucket or demand-related
21 bucket. And then whatever's customer related gets
22 allocated based on the number of customers that you
23 have. Well, our smaller customer classes have larger
24 amounts of customers and less demand per customer
25 than some of our larger classes. So that's -- that's

1 the mechanical reason why this is occurring is that
2 we, in our current approach, identify devices as
3 being driven by customers and that the smaller
4 customer classes have more customers relative to the
5 amount of demand per customer.

6 But I guess again I would kind of say that
7 that's something that we're reviewing and considering
8 modifications to in future cost of service studies.

9 Q. And what modifications are you looking at?

10 A. Specifically again I think viewing devices
11 more as being driven by how the underlying investment
12 in conductors split between voltages is probably a
13 reasonable potential improvement. So said another
14 way, if the -- if we study the conductor and
15 determine that the conductor is split, you know, half
16 customer, half demand, and we end up with studies
17 that support that, then the devices should also maybe
18 be split 50/50 instead of all being related to just
19 the number of customers and that would drive that
20 number down mechanically.

21 Q. So currently those are allotted to
22 customers or assigned?

23 A. They're assigned on the basis of the
24 number of customers. I think there's still certain
25 devices in there that -- the reason I'm not maybe as

1 super positive is that I think we want to look at
2 exactly what's in those devices. I'm not sure that
3 something like in a lightning arrestor has a large
4 relationship to the amount of demand on the system;
5 they're just placed to protect equipment. The
6 existence of equipment is generally more viewed as a
7 customer-driven cost whereas the sizing of the
8 equipment is more driven by demand.

9 So, but in general I think that, you know,
10 we're interested in looking at modifications in that
11 area.

12 Q. Now, in the last Ameren general rate
13 case, File No. ER-2021-0240, which parties' class
14 cost of service study was agreed to as a starting
15 point for the nonresidential rate design working
16 case?

17 A. I'm not sure that the last case informed
18 what should be used for the starting point of the
19 nonresidential rate design workshop. I recall
20 earlier, I think even in opening statements, somebody
21 had quoted some information from the Report and Order
22 that talked about the reasonableness of a study but
23 that it wasn't used specifically in the revenue
24 allocations in that case. But I don't recall that
25 tying in with a starting point for the rate design

1 docket.

2 Q. Do you know where in the stipulation and
3 agreement or in the Commission's decision I would
4 find that information?

5 A. The information on?

6 Q. Which parties' class cost of service was a
7 starting point?

8 A. For the rate design?

9 Q. Yes.

10 A. Again, I'm not sure that that exists. I
11 think the statement in the Order was on the
12 reasonableness of the Ameren Missouri study, that
13 that was not used for revenue allocations. But I
14 don't believe that section, you know, had anything to
15 do with or said anything in that section nor any
16 other section that I can think directed what would be
17 a starting point for the rate design docket.

18 Q. Did you participate in the rate design
19 docket?

20 A. The rate -- if I'm understanding what
21 we're asking about, the rate design docket I don't
22 think has been ordered yet.

23 Q. Oh, sorry. Were you a part of that rate
24 case?

25 A. I was a part of the rate case, yes.

1 Q. Was there an understanding as to whose
2 class cost of service study was going to be a
3 starting point?

4 A. I think if you're --

5 Q. I know I'm asking this a bunch of
6 different ways.

7 A. No, no, I understand. I think if you're
8 asking about maybe understanding this, I would -- I
9 would direct you to ask Steve Wills. I wasn't
10 involved in the actual settlement process. I was a
11 cost of service witness in that case. I read through
12 the order. I was engaged in the case. But I
13 wouldn't hold much insight to any understandings or
14 anything that existed as a part of that process.

15 Q. If there were a class cost of service
16 study that the parties had agreed to in the last rate
17 case as a starting point, should that be the starting
18 point -- should that be a starting point in this
19 case?

20 A. I -- I don't know if I really have a
21 strong or definite perspective on that.

22 JUDGE CLARK: Those are all the questions
23 I have. Any recross based upon bench questions? Any
24 redirect?

25 MS. GRUBBS: Not necessarily. I guess I

1 want to clarify on the ET stipulation that you
2 referenced, do you perhaps want to take judicial
3 notice of that docket? And to my knowledge no
4 motions to compel or anything like that have been
5 submitted in it suggesting that there was not
6 compliance with the stipulation. Or we could
7 separately reserve an exhibit number to submit
8 information.

9 MR. KEEVIL: Judge, I'm a bit lost here.
10 I don't even know what she's talking about at this
11 point, but my recollection is that the failure to
12 comply was with the whether or not they had conducted
13 the study, but -- in 2021. Yeah. It -- it was a --
14 my recollection is it was a contested issue in
15 the 2021 rate case so it would be something coming
16 out of that -- what was that, the 240-0240? Yeah,
17 the 2021-0240 case, whether or not they complied with
18 the order there.

19 MS. GRUBBS: So I guess I could either
20 expand or ask if you want to take judicial notice of
21 the electric rate case ER-2021-0240.

22 MR. KEEVIL: Well, why though?

23 MS. GRUBBS: I was just trying to provide
24 a way for the judge to have additional information
25 with -- to respond to that. Or you could also ask

1 Steve Wills, Company's witness as well.

2 MR. KEEVIL: Yeah. We can -- we can
3 answer a lot -- Ms. Lange can answer a lot of
4 questions about that. I mean, there's no reason to
5 take official notice of an entire different rate case
6 docket. Good Lord.

7 JUDGE CLARK: If you can hold on a
8 second. That would be what I would prefer too. If I
9 can ask those questions of Mr. Wills and Ms. Lange,
10 I'd prefer to go ahead and do that rather than just
11 dump a whole bunch of unnecessary paper into the
12 record.

13 MS. GRUBBS: Thank you.

14 JUDGE CLARK: Is that all?

15 MS. GRUBBS: Yes.

16 JUDGE CLARK: Okay. Mr. Hickman, you may
17 step down. We are now at 3:04. This seems like a
18 good time to take about a 15-minute break.

19 MR. COFFMAN: Your Honor?

20 JUDGE CLARK: Yes.

21 MR. COFFMAN: Could I -- with regard to
22 the testimony of Jackie Hutchinson, is -- do we know
23 if there's any questions of her today or?

24 JUDGE CLARK: I haven't -- I haven't
25 received any at this point?

1 MR. COFFMAN: Could we take care of her
2 testimony, offer that into the record then?

3 JUDGE CLARK: Is there any objections to
4 doing that at this point?

5 MR. KEEVIL: How much testimony did she
6 have, John? Direct, Rebuttal, Surrebuttal --

7 MR. COFFMAN: Yes. We have --

8 MR. KEEVIL: -- quadra-Surrebuttal?

9 MR. COFFMAN: There is a -- there's
10 Direct and Rebuttal.

11 MR. KEEVIL: Direct and Rebuttal on
12 behalf --

13 MR. COFFMAN: Jacqueline A. Hutchinson.
14 And those are labeled as Exhibit 300 and 301, the
15 Direct testimony of Jackie Hutchinson and the
16 Rebuttal testimony of Jackie Hutchinson.

17 JUDGE CLARK: Are either of those
18 confidential?

19 MR. COFFMAN: They're -- no.

20 JUDGE CLARK: And I don't have an exhibit
21 list for you. Is that correct?

22 MR. COFFMAN: That's right. I can file
23 one if you'd like.

24 JUDGE CLARK: No, that's not necessary.
25 So we --

1 MR. COFFMAN: That's all we have.

2 JUDGE CLARK: Any objections to
3 admitting Exhibit 300 and Exhibit 301, the Direct and
4 Rebuttal testimony of Jacqueline Hutchinson onto the
5 hearing record? I hear and see none. Exhibit 300
6 and Exhibit 301 will be admitted onto the hearing
7 record.

8 (Consumers Council of Missouri
9 Exhibits 300 and 301 were received into evidence.)

10 MR. COFFMAN: Is Ms. Hutchinson excused
11 then?

12 JUDGE CLARK: Yes.

13 MR. COFFMAN: Thank you very much.

14 MR. KEEVIL: Judge, just in the interest
15 of full disclosure here before we break for the 15
16 minutes, over the lunch break I emailed you Staff's
17 exhibit list which the other parties -- or the
18 other -- the parties received yesterday. So it was
19 already -- had already been sent to the parties; we
20 just forget to copy you. I apologize, but you should
21 have received one over lunch.

22 JUDGE CLARK: I appreciate that. I
23 received it. I've printed it out, and I've been
24 using it.

25 MR. WILLIAMS: Judge, just so everyone

1 knows, I broached this to you before we started the
2 hearing after the lunch break, Geoff Marke is not
3 going to be available today.

4 JUDGE CLARK: And we are still two
5 witnesses away from him, so let's cross that bridge
6 when we come to it. I don't think that'll be an
7 issue. All right. It is now 3:07. Why don't we
8 come back at 3:25. We'll be in recess. Let's go off
9 the record.

10 (Off the record.)

11 JUDGE CLARK: Let's go back on the
12 record. Ameren, you can call your next witness. Is
13 that Craig Brown?

14 MS. GRUBBS: Yes, it is, your Honor.

15 JUDGE CLARK: Mr. Brown, would you take
16 the witness stand and please say and spell your name
17 for the court reporter.

18 MR. BROWN: Craig Brown, C-r-a-i-g
19 B-r-o-w-n.

20 JUDGE CLARK: And would you raise your
21 right hand to be sworn.

22 (Witness sworn.)

23 JUDGE CLARK: Ameren, go ahead.

24 MS. GRUBBS: Thank you, your Honor.

25 CRAIG BROWN, having been first duly sworn,

1 testified as follows:

2 DIRECT EXAMINATION BY MS. GRUBBS:

3 Q. Mr. Brown, by whom are you employed and
4 what is your title?

5 A. I'm employed by 1898 & Co. and I as a
6 senior project manager.

7 Q. And on whose behalf are you testifying
8 today?

9 A. On behalf of Ameren Missouri.

10 Q. And you are the same Craig Brown who
11 filed Surrebuttal testimony in this case on behalf
12 of Ameren Missouri which has been marked as
13 Exhibit 38?

14 A. Yes, I am.

15 Q. Do you have any corrections or revisions
16 to make to your Rebuttal testimony?

17 A. I do not.

18 Q. So if I asked you the questions in your
19 testimony today, your answers would be the same?

20 A. Yes.

21 MS. GRUBBS: I move Exhibit 38 into the
22 record please.

23 JUDGE CLARK: Any object -- any
24 objections to Exhibit 38? I see and hear none.
25 Exhibit 38 will be admitted onto the hearing record.

1 (Ameren Missouri's Exhibit 38 was
2 received into evidence.)

3 MS. GRUBBS: Mr. Brown is tendered for
4 cross-examination.

5 JUDGE CLARK: Thank you. Any
6 cross-examination from MIEC?

7 MS. PLESCIA: No questions, thank you.

8 JUDGE CLARK: Any cross-examination from
9 MECG?

10 MR. OPITZ: No, thank you, your Honor.

11 JUDGE CLARK: Any cross-examination from
12 the Sierra Club, MCU, or the NAACP?

13 MR. THOMPSON: No questions, your
14 Honor.

15 JUDGE CLARK: Any questions from Renew
16 Missouri?

17 MR. LINHARES: Thank you, Judge. No
18 questions.

19 JUDGE CLARK: Any questions from
20 Consumers Council of Missouri?

21 MR. COFFMAN: No questions, your Honor.

22 JUDGE CLARK: Any questions from Public
23 Counsel?

24 MR. WILLIAMS: Not at this time, thank
25 you.

1 JUDGE CLARK: Any questions from the
2 Commission Staff?

3 MR. KEEVIL: Just very quickly, Judge.

4 CROSS-EXAMINATION

5 BY MR. KEEVIL:

6 Q. Mr. Brown, when were you first retained by
7 Ameren Missouri for purposes of this case?

8 A. I don't recall the exact date, but I
9 believe it was late February, early March. I don't
10 recall exactly.

11 Q. Of this year?

12 A. Of this year, yes.

13 Q. Okay. And you work for what consulting
14 firm?

15 A. 1898 & Co. It's the consulting division
16 of Burns and McDonnell Engineering Company.

17 Q. Burns and McDonnell. Okay. And what sort
18 of remunerative arrangement do you have with Ameren
19 Missouri for this case?

20 A. I'm sorry?

21 Q. What's your deal with Ameren Missouri?
22 How much are you getting paid?

23 A. Oh, it's a -- it's a time and materials
24 contract. There wasn't a fixed fee or anything.

25 Q. What -- time and materials for an hourly

1 rate?

2 A. Hourly rate, yes.

3 Q. What's the hourly rate?

4 MS. GRUBBS: Objection; irrelevant.

5 JUDGE CLARK: Does Staff wish to respond?

6 MR. KEEVIL: Well, yeah, Judge. It's
7 always -- the hourly rate of an outside consultant is
8 always relevant for purposes of bias. And I've never
9 heard that objection in an expert witness hearing to
10 asking that question for an outside consultant, but.

11 JUDGE CLARK: You can answer the
12 question.

13 MR. BROWN: I believe my company
14 receives --

15 JUDGE CLARK: Objection's overruled. Go
16 ahead.

17 MR. BROWN: My company receives \$389 an
18 hour.

19 MR. KEEVIL: 389. Okay. That's all I
20 have, Judge. Thanks.

21 JUDGE CLARK: Mr. Brown -- are there any
22 Commission questions? I hear none.

23 QUESTIONS

24 BY JUDGE CLARK:

25 Q. Mr. Brown, should renewable generation be

1 considered differently than base load generation in a
2 class cost of service study?

3 A. In the context of when you look at
4 generation which is allocated both -- it's classified
5 both as energy and demand, in the demand side of
6 that, no, I still do not feel that it needs to be
7 treated differently.

8 Q. Why is that?

9 A. I think when utilities build generation,
10 it's for multiple reasons. And, but at the end of
11 the day it's all there to serve the capacities of the
12 system. In some ways renewables have been added on
13 to the system more recently to meet certain
14 standards, but it's still there to serve the needs of
15 the capacity of the system. You know, if there
16 wasn't a need for capacity, you wouldn't be building
17 it. And so, therefore, I believe that treating them
18 as a fleet of generation resources is still
19 reasonable.

20 Q. As opposed to dividing them up?

21 A. As opposed to dividing them up, yes.

22 Q. But you would agree that at least in
23 regards to -- they have different dispatchability
24 availability?

25 A. They do have different dispatchability,

1 yes.

2 Q. And different costs of generation?

3 A. From a fixed and variable rate structure,
4 yes. But in, you know, from a fixed and variable
5 standpoint, you know, you could compare something
6 that's up-front capital with very low variable cost
7 that's renewable, but that's also nuclear, you know.
8 Your investment's all up front, there's never really
9 a fuel cost, so it's -- but that's obviously built
10 for capacity. So it's -- you know, in certain
11 situations it all comes back to a blend of capacity
12 and energy and I don't think there's a reason to
13 single it out separately.

14 If there were certain costs that were very
15 much energy related, they would be classified as
16 energy, but from an overall standpoint, I don't think
17 they need to be separated.

18 JUDGE CLARK: Okay. Thank you. I don't
19 have any further questions. Are there any questions
20 or -- based upon Commission questions or bench
21 questions? Any redirect?

22 MS. GRUBBS: No, thank you.

23 JUDGE CLARK: Mr. Brown, you've excused.

24 Ameren, you may call your next witness.

25 MS. GRUBBS: Thank you. The Company

1 calls Steven Wills to the stand.

2 JUDGE CLARK: Mr. Wills, will you take a
3 seat and say and spell your name for the record.

4 MR. WILLS: My name is Steven Wills,
5 S-t-e-v-e-n W-i-l-l-s.

6 JUDGE CLARK: And would you raise your
7 right hand and be sworn.

8 (Witness sworn.)

9 JUDGE CLARK: Ameren.

10 MS. GRUBBS: Thank you.

11 STEVEN WILLS, having been first duly sworn,
12 testified as follows:

13 DIRECT EXAMINATION BY MS. GRUBBS:

14 Q. Mr. Wills, by whom are you employed and
15 what is your title?

16 A. I'm employed by Ameren Missouri as the
17 director of regulatory affairs.

18 Q. And you are the same Steven Wills who
19 filed Direct, Rebuttal, and Surrebuttal testimony in
20 this case which have been marked as Exhibits 39, 40
21 and 41?

22 A. Yes, I am.

23 Q. Do you have any corrections or revisions
24 to make to your testimonies?

25 A. No, I do not.

1 Q. If I asked you the questions in your
2 testimonies today, would your answers be the same?

3 A. Yes.

4 MS. GRUBBS: I move Exhibits 39, 40,
5 and 41 into the record.

6 JUDGE CLARK: Any objections to
7 Exhibits 39, 40, and 41, the Direct, Rebuttal, and
8 Surrebuttal testimony of Steven Wills? I hear none
9 and I see none, so Exhibits 39, 40, and 41 will be
10 admitted onto the record.

11 (Ameren Missouri Exhibits 39, 40, and 41
12 were received into evidence.)

13 MS. GRUBBS: Thank you. Mr. Wills is
14 tendered for cross-examination.

15 JUDGE CLARK: Thank you. Any
16 cross-examination from MIEC?

17 MS. PLESCIA: No questions, thank you.

18 JUDGE CLARK: Any cross-examinations from
19 MECG?

20 MR. OPITZ: Briefly, your Honor.

21 CROSS-EXAMINATION

22 BY MR. OPITZ:

23 Q. Mr. Wills, at the time the Company filed
24 its rate case, it was asking for approximately 316
25 million in revenue requirement. Is that correct?

1 A. An increase in revenue requirement.

2 Q. An increase.

3 A. Yeah.

4 Q. And that would be an about 11.6 percent
5 increase that the Company was proposing to collect
6 from each class?

7 A. That's correct.

8 Q. And are you aware that there's been a
9 revenue requirement stipulation filed in this case?

10 A. I am.

11 Q. And the Company's settled revenue
12 requirement increase is \$140 million. Is that
13 correct?

14 A. Yes. \$140 million increase over present
15 revenues.

16 Q. And do you sense the Company's position is
17 still that that should be collected on an equal
18 percent basis from the classes?

19 A. I think that is our position. I think,
20 you know, it -- it certainly makes -- you know, it
21 may be more reasonable for consideration of other
22 things, but I think our primary position is that it
23 would still be on an equal percentage basis.

24 Q. Have you calculated what that percentage
25 would be for each class?

1 A. I believe it is 5.1 percent.

2 Q. Have you done any calculations to evaluate
3 what the class percent increase would be under the
4 recommendations of MIECG's witness?

5 A. I haven't done any specific
6 calculations on --

7 Q. Have you --

8 A. -- that, no.

9 Q. -- done any calculations to estimate what
10 the percent increase would be under the
11 recommendations of MIECG's witness?

12 A. I haven't done the calculations myself,
13 no.

14 Q. Okay. Switching to I guess class cost of
15 service, your methodology or I'll say the Company's
16 methodology is the average and excess for NCP.
17 Correct?

18 A. For production demand-related costs, yes,
19 it is.

20 Q. And even though you are recommending
21 essentially the same revenue spread as the Commission
22 Staff, you understand they have a very different
23 class cost of service method. Correct?

24 A. Yes, I do.

25 Q. And have you seen, are you aware of any

1 other utilities that have been -- have had class cost
2 of service studies performed using the Staff's
3 method?

4 A. I'm not specifically aware of any other
5 utilities that have had class cost of service studies
6 using those methods.

7 Q. Were you in the hearing room for opening
8 statements?

9 A. Yes.

10 Q. I think there was -- Staff counsel was
11 talking about if you -- Commission, if you decide --
12 something to the effect of if you decide equal
13 revenue allocation, you don't need to decide which
14 class cost of service is better. Do you recall
15 hearing that?

16 A. I do recall that.

17 Q. Would you agree that that's not
18 necessarily the case, that there is benefit to a
19 Commission determination in this case on which class
20 cost of service method is better?

21 A. I think there would be absolutely some
22 benefit from that. I mean, ultimately over the last
23 few cases we've seen really significant divergence
24 from, you know, a situation where as far -- you know,
25 as recently as 2016, class cost of service results

1 were reasonably similar across companies, across
2 parties, and there was -- I mean, there were
3 certainly disputes about specific allocations and,
4 you know, there were still not complete agreement.
5 But we've just seen this widening gulf.

6 And I do think that, you know, it's going
7 to -- as, you know, I think Ms. Plescia in her
8 opening statement pointed out, that creates
9 uncertainty, right. That creates uncertainty for
10 customers. That creates uncertainty for the parties
11 as to what really the Commission's, you know,
12 thinking is a reasonable approach.

13 While I don't think the Commission needs
14 to nail down and prescribe these are precise, you
15 know, allocators that need to be used henceforth
16 and forever more, I think with this divergence it
17 would -- it would really benefit the parties to just
18 have some direction and guidance that kind of -- kind
19 of sets the course of, you know, what this current
20 Commission thinks is reasonable.

21 MR. OPITZ: That's all I have. Thank you,
22 your Honor.

23 JUDGE CLARK: Thank you. Thank you. Any
24 questions from Sierra Club, MCU, or NAACP?

25 MR. THOMPSON: No questions, your Honor.

1 JUDGE CLARK: Thank you. Any questions
2 from Consumer Council of Missouri?

3 MR. COFFMAN: Yes, I have a couple.

4 JUDGE CLARK: Go ahead.

5 CROSS-EXAMINATION

6 BY MR. COFFMAN:

7 Q. Good afternoon, Mr. Wills.

8 A. Good afternoon.

9 Q. John Coffman on behalf of Consumers
10 Council. I just wanted to clarify the util -- the --
11 Ameren Missouri's perspective on the degree of
12 customer choice that's available for the various
13 time-of-use options. I guess first of all I'd ask
14 you, do you believe that it's preferable that
15 customers have an array of options as far as time-of-
16 use rate structures or different rate methods?

17 A. Yes, I do. I think in our 2019 case, you
18 know, we brought forth the proposal to have rate
19 choice for our customers. And I think that's, you
20 know, a positive thing for our customers.

21 Q. Would you agree with me that it's
22 preferable that customers have the ability to opt in
23 to plans and that you have evidence of a customer's
24 affirmative action in choosing a plan before they're
25 placed on it?

1 A. I think particularly for -- for rate plans
2 that could have significant bill impacts on
3 customers, I think that's the case. And I think we
4 have two rates that are really close in alignment
5 right now between the Anytime User and the
6 Evening/Morning Savers. In that, you know, I think
7 what we're doing there is reasonable. I mean,
8 customers are not exposed to really significant bill
9 impacts between those rates.

10 But to the extent that, you know, there
11 are more advanced time-of-use rates with larger
12 pricing differentials and larger potential bill
13 impacts, I do think that their -- I would have
14 significant concern about customers, you know, being
15 defaulted or mandated on to some of those rates.

16 Q. That's generally the direction I was going
17 with my questioning. And to be clear -- to be clear
18 you would characterize the, what's called the
19 Morning/Evening Savers rate as having a very -- as
20 having a comparatively small differential?

21 A. I think that's a fair characterization,
22 yes.

23 Q. Okay. And is the fact that that
24 differential is small, does that inform your opinion
25 as to why you think it's okay to default AMI

1 customers to that rate as opposed to requiring an
2 opt-in authorization?

3 A. Yes, it does. Because I think we know
4 with the Evening/Morning Savers rate that the bill
5 impacts for customers are going to be, I'll
6 characterize them as within less than 1 or 2 percent,
7 plus or minus. When you start to look at the more
8 advanced rates and if you -- if you opted or
9 defaulted a customer directly to one of those or
10 mandated that, just for an example on the Smart
11 Savers rate, I think for 10 percent of our customers
12 you'd see a greater than 10 percent plus or minus
13 deviation in their bills.

14 So when we're talking about bill impacts
15 for customers coming out of this case and having
16 potentially a 5 percent increase, it could be three
17 times that high for an individual customer on a Smart
18 Savers rate plan. I think moreover I would say that
19 for customers that use a lot of electric space
20 heating in the winter, even more -- it could be even
21 more extreme really. And you could see customers I'd
22 say, you know, 10 percent of customers in the winter
23 plus or minus 20 percent on their bill.

24 Q. So even with the education that Ameren
25 Missouri's provided to its customers, you receive

1 some complaints from folks who didn't realize that
2 they were being defaulted to the Morning/Evening
3 Saver plans?

4 A. I'm aware of some. I -- you know,
5 particularly your witnesses, you know, attached a
6 letter there. Certainly I think we've seen certain,
7 you know, social media commentary on it here and
8 there. I'm not aware of, you know, broad
9 dissatisfaction with it, but I have seen some.

10 Q. But based on your experience would you
11 expect many more complaints if the Commission were to
12 default people to one of your other time-of-use plans
13 with wider differentials in them?

14 A. I would. Based on the bill impacts that I
15 just described to you, I think that there would be
16 significant concern that we might all see a lot of
17 complaints about that that we'd have to deal with.

18 Q. Right. And that would be, I assume,
19 because you would expect several customers to get
20 bills that surprise them?

21 A. Yeah. And I'm --

22 Q. Very different than what the --

23 A. Yeah.

24 Q. -- other rate impacts were?

25 A. Right. If there were such a default rate,

1 I'm sure, you know, we would do our best to inform
2 customers about that, but I am sure there would be
3 surprises to customers and they would be, you know,
4 hit their pocketbooks pretty hard without, you know,
5 without some of them being aware or expecting it.

6 Q. Well, given that, I think we have a
7 similar perspective on, you know, trying to avoid,
8 you know, surprise bills or shocking bills to
9 customers. What are some of the steps that Ameren
10 has considered for educating customers and making
11 sure that they have all the information that they
12 need to make to make a decision about these other
13 more time-of-use plans with larger differentials?

14 A. Sure. Yeah. I think as, you know, as we
15 roll out our AMI meters and customers get access to
16 time-of-use rates, we have kind of a staged sequence
17 of communications that go out to customers. But
18 along with that we've built what we call rate
19 comparison tools where customers, you know, can
20 evaluate what, you know, based on their personal load
21 profile, what a particular rate plan would mean for
22 them.

23 And those, you know -- and we kind of
24 stage customers through this and ladder customers
25 through -- through kind of an educational process

1 with that. When they first are presented with bill
2 comparison, it's just for the Evening/Morning Savers
3 and the Anytime Users to say, Okay, you're going to
4 go on this rate and this is how it compares to the
5 rate you've been on.

6 And we let them know that there exist
7 other rates, but we don't try to push them to those
8 with -- by -- by kind of a push notification, so to
9 speak, in any form or fashion. We wait for them to
10 have that curiosity about the rate options and go out
11 and look at the rate comparison tools to evaluate,
12 okay, how might I save money on some of these other
13 rate plans.

14 Q. And at least as currently your rate
15 switching tool is designed, it's designed not to
16 switch someone over unless they affirmatively take an
17 action, click a box or take --

18 A. Other --

19 Q. -- an action to --

20 A. -- other than the Evening/Morning -- the
21 Evening/Morning Savers rate they -- they do go to
22 automatically.

23 But for those rates that we were just kind
24 of talking about, that's -- that's correct. They
25 have to call into the call center or make an online

1 selection affirmatively.

2 Q. Well, would Ameren Missouri commit that
3 if, going forward, that it would only propose plans
4 where customers had the right to opt in if those
5 plans go further beyond the differential in the
6 Morning/Evening Savers rate?

7 A. I mean, I think when you talk about commit
8 going forward, I don't know what kind of time horizon
9 you're talking about. I don't think that there's any
10 intention for us to propose any plans that would do
11 what you're describing.

12 Q. And Ameren Missouri is on the -- it takes
13 the same position that Consumers Council does as far
14 as leaving the Anytime rate as an option?

15 A. Absolutely, yeah. In fact, we've got, as
16 of the time I wrote my Surrebuttal testimony, I think
17 it was well over 50,000 customers who had
18 affirmatively elected to go back to the Anytime User
19 rate. And I think it would be particularly
20 frustrating to those customers who had been told that
21 they had a choice, made that choice, and then to be
22 told that they no longer have that choice going
23 forward.

24 Q. Would you agree with me that there are
25 several customers who have a lifestyle or are in a

1 living situation where an Anytime rate is the best
2 rate for them?

3 A. I'm sure, yes. There are -- I think there
4 are some customers like that.

5 Q. And would you agree that there might even
6 be safety concerns with, for instance, seniors who,
7 you know, need to use electricity during the day or
8 night, you know, might have their health dependent
9 upon heating or cooling?

10 A. I think I see where you're going. I think
11 maybe if the customers didn't fully understand it and
12 overreacted to something. But I do think that on any
13 of our rates, I think customers can operate their
14 households safely, so. I mean, but someone who
15 doesn't understand and maybe overreacts might --
16 might avoid some heating or cooling that would help
17 them, but.

18 Q. And let me ask you about the names of some
19 of these plans. You have the Ultimate Saver and the
20 Smart Saver plans. It seems like all these plans
21 have the word "saver" in them. Isn't it true that
22 for these plans to actually result in a savings for
23 customers, the customers have to understand what the
24 terms of the plan are and change their behaviors and
25 react to it to receive the savings? Is that fair?

1 A. Not for all customers. Some customers
2 naturally, their lifestyles will align with those
3 rates. But for the universe of all customers ,
4 some -- there are certainly customers that would have
5 to take an action and change their behaviors and/or
6 their lifestyles, their energy-consuming patterns.
7 So I wouldn't say universally that's true, but it's
8 true for many, many customers.

9 Q. In general would you not agree that
10 time-of-use plans are generally intended to change
11 behavior or encourage changes in behavior by
12 customers?

13 A. I believe that is one of the intentions of
14 them is to send pricing that hopefully customers will
15 take -- take actions that change behaviors to the
16 benefit of reducing peak demand on high-demand times
17 on the system.

18 Q. And given that that is an expectation,
19 isn't -- would you agree that if a customer is
20 affirmatively choosing a particular plan, they're
21 more likely to react to that plan and to make changes
22 in their life that are modified by the -- or informed
23 by the terms of that plan?

24 A. Absolutely. And I think actually
25 Dr. Ahmad Faruqui, who we presented as a witness in

1 our last two electric rate cases, has researched
2 that, you know, verifies that. And I understand that
3 to be the case that across other utilities it's been
4 found that opt-in rates produce greater -- greater
5 response from customers.

6 MR. COFFMAN: Fantastic. That's what I
7 was looking for. Thank you. That's all the
8 questions I have.

9 JUDGE CLARK: Thank you. Any
10 cross-examination from Public Counsel?

11 MR. WILLIAMS: No, thank you.

12 JUDGE CLARK: Any cross-examination from
13 the Commission Staff?

14 MR. KEEVIL: Yes, Judge. Thank you.

15 CROSS-EXAMINATION

16 BY MR. KEEVIL:

17 Q. Good afternoon, Mr. Wills.

18 A. Good afternoon.

19 Q. You don't look excited to be here.

20 A. I don't?

21 Q. Hard to imagine. Let's see.

22 Hypothetically let's pretend that I'm a customer
23 in Ameren Missouri's LGS class and I want to see
24 how much energy I used last month in the hours
25 from 1:00 p.m. to 9:00 p.m. Is that something I can

1 look up online or get a report about from Ameren?

2 A. Not today. We're -- there are -- there
3 are things that we are looking at to be able to
4 provide that to customers, but today that's not
5 available to the LGS customer. The -

6 Q. Okay. Let's pretend that as part of the
7 rate modernization -- that's hard to say -- process,
8 everyone agreed that they wanted to charge a
9 particular amount or they wanted a charge for a
10 particular amount for energy between 1:00 p.m.
11 and 9:00 p.m. during summer billing months. Now,
12 you, Ameren Missouri has hourly load research data
13 available. Is that correct?

14 A. We have hourly load research for sample
15 customers in our load research sampling. Is that
16 what you're asking?

17 Q. Okay. Yeah, it's close enough. That data
18 though that you said you do have is done by calendar
19 month rather than by billing month. Is that correct?

20 A. Well, it's done by hour, so it could be
21 done in -- I mean, load research data is hourly, so
22 you could do it by any, you know, aggregation that
23 you wanted to really.

24 Q. Do you have class level data by billing
25 month?

1 A. Class level data by billing month. Are
2 you -- and are you again talking about hourly data?

3 Q. Yes.

4 A. No. I mean, not -- not readily available.
5 That will be building with those customers that have
6 AMI meters; we are capturing their hourly data. But
7 for the entirety of the class, we don't have such
8 data at this time.

9 Q. Okay. Does the data that you have, the
10 hourly data, tie to specific customers?

11 A. Yes.

12 Q. But you don't have class data for all
13 customers. Correct?

14 A. We don't have the population -- we don't
15 have interval data, hourly data for the entire
16 population of customers. And I guess if I'm -- if
17 you're -- by extension, we don't have the summation
18 of the class by hour. We do -- like, you know, we do
19 have the load research by class. We have interval
20 data by class for AMI metered customers. We do not
21 have I think what you've asked there. So I think the
22 answer is no, we don't have that at this time.

23 Q. If we need to know who -- or we do need to
24 know who a specific customer is to work out the
25 relationship between that customer's usage

1 between 1:00 and 9:00 p.m. and that customer's
2 billing demand for that month. Right?

3 A. Could you just say that one more time?

4 Q. Sure.

5 A. I want to make sure.

6 Q. We need to know who a specific customer is
7 in order to work out the relationship between that
8 customer's usage between 1:00 and 9:00 and that
9 customer's billing demand for the month. Right?

10 A. I mean, I almost think the question
11 answers itself. That to know for a customer, yes,
12 you have to know who the customer is I think, yeah.

13 Q. How long will it take and how much will it
14 cost to program the billing system to do Staff's
15 overlay recommendation? When I say overlay, I mean
16 the one recommended in this case.

17 A. I don't have a specific estimate, but the,
18 kind of the benchmark that I included in my testimony
19 was when we went through a similar process for
20 residential rates. And now, that was a -- there
21 were, you know, multiple rates and there were -- we
22 had multiple things going on with communication
23 paths, but I might -- my testimony has that
24 information, probably speaks for itself better than
25 my memory off the top of my head. But there -- you

1 know, it was a period of months and I think it was
2 hundreds of man hours of employee time to program the
3 rates.

4 Q. Do you remember which of your testimonies
5 that was, Direct, Rebuttal, Surrebuttal, that was in?

6 A. It's definitely not Direct. I think
7 it's -- I think it's Rebuttal.

8 Q. Slightly different question, but somewhat
9 related. How long will it take and how much will it
10 cost to program the billing system to do the rate
11 modernization that you have in mind for the
12 nonresidential nonlighting classes?

13 A. We haven't proposed anything specific for
14 those classes yet. I mean, I think that's what the
15 purpose of the workshop is for. But my -- my guess
16 is it would be a similar scope and timeline, that
17 for -- for either rates that -- you know, for a rate
18 like Staff has proposed in this case or a rate that
19 may come out of that workshop or any proposal, I
20 would imagine it would be a similar timeline. But
21 until I know the details of those rates, I can't say
22 with any certainty.

23 Q. Okay. Forgive me, Mr. Wills, I'm trying
24 to find which batch -- or which -- yes, which batch
25 of testimony. Yeah. On page 24 of your Surrebuttal.

1 A. Give me a moment just to get there.

2 Q. Okay.

3 A. Okay. I've gotten there.

4 Q. Yeah. Page 24 Surrebuttal, beginning on
5 line 3, you state that Staff seems content to
6 inappropriately set aside traditional embedded cost
7 principles in examining production cost allocation in
8 the class cost of service process and in time-of-use
9 rate design in favor of focusing almost exclusively
10 on marginal costs associated with the Company's
11 involvement in MISO.

12 Did I read that correctly?

13 A. I believe you read it correctly, yes.

14 Q. I can still do something right, that's
15 good.

16 Mr. Wills, you've just been handed a --
17 something I probably should have marked as an exhibit
18 but I didn't. Could you read the title and publisher
19 identified on the first page of what you were just
20 handed there?

21 A. The paper says Electric Utility Cost
22 Allocation Manual, National Association of Regulatory
23 Utility Commissions.

24 Q. Now, I will represent to you that what you
25 have been handed is the cover sheet, the table of

1 contents, and page 108 of the 1992 NARUC Cost
2 Allocation manual. Does that look accurate, sir?

3 A. I've seen the manual and it looks like
4 this.

5 Q. Looks like that. All right. Would you
6 please confirm for me that Section 3 of the manual is
7 titled Marginal Cost Studies?

8 A. That's what's on page 108 that you've
9 shown me here.

10 Q. Okay. And that marginal cost study
11 section is listed as spanning three different
12 chapters. Is that correct, sir?

13 A. It shows that Chapter 9, 10, and 11 are
14 included in this.

15 Q. And how many pages are shown as being
16 included in the marginal cost study section?

17 A. I don't see any indication of the number
18 of pages.

19 Q. Well, if you turn to the table of contents
20 where the marginal cost study section is first listed
21 and through the -- to the next section.

22 A. Well, it looks like Chapter 9 begins on
23 page 109. Chapter 10 begins on page 127. Chapter 11
24 begins on 147.

25 Q. Okay. So there's several -- several

1 pages, would you agree, of the NARUC Cost Allocation
2 manual devoted to the topic of marginal cost studies?

3 A. Yeah. Not as many as right above that are
4 devoted to embedded cost studies, but there are
5 several pages.

6 Q. Certainly -- marginal cost studies
7 certainly don't look like a left-field type of study
8 based on the NARUC manual there, the amount of pages
9 devoted to it. Would you agree with that?

10 A. They don't seem like left-field. No. I
11 think they're -- marginal cost studies have been used
12 in the industry.

13 Q. And accepted?

14 A. I don't specifically know of places, but I
15 would not be at all surprised if that was the case.

16 Q. Okay. Okay. Do you believe -- do you
17 believe that the Smart Savers, Ultimate Savers, or
18 Overnight Savers rate plans encourage customers to
19 use more energy at time -- at times when the rate for
20 energy is lower?

21 A. I don't know that they encourage them to
22 use more at those times other than if it -- if it was
23 an offset to something that shifted out of, you know,
24 a higher usage time in which case the total usage may
25 not change. So, I mean, certainly it would encourage

1 customers to shift usage to that time I guess I would
2 say.

3 Q. So is it not your position that it
4 encourages more usage during that time?

5 A. I guess it's not my position that that
6 does that.

7 Q. Is it your belief that the Ultimate
8 Savers, Smart Savers and Overnight Savers rate plans
9 each cover the marginal cost of service and make a
10 contribution to covering the Company's fixed costs?

11 A. Over -- over time are you talking about or
12 any given hour or in -- on what time scale and what
13 parameters are you --

14 Q. At the rates contained in the tariff.

15 A. At the rates contained -- can you ask the
16 question again?

17 Q. Sure. Is it your belief that the Ultimate
18 Savers, Smart Savers, and Overnight Savers rate plans
19 each cover the marginal cost of service and make a
20 contribution to covering the Company's fixed costs?

21 A. I mean, over a long enough time scale,
22 yes, on any of our rates. I don't know that they do
23 in shorter -- shorter time scales because those
24 marginal costs can vary wild -- widely -- sorry, not
25 wildly; I guess occasionally they're wild, but. They

1 can vary widely on short time scales, but on longer
2 time scales at kind of current energy market
3 environments, yeah, I think they -- they do.

4 Q. Well, let me -- let me limit that to -- my
5 question then to, over the course of an average year,
6 would you -- is it your belief that they each cover
7 the marginal cost of service and make a contribution
8 to covering fixed costs?

9 A. I guess the only caveat I would say is
10 that in the future, things can, you know, change.
11 But in the current energy market environments, that
12 is my expectation that they do.

13 Q. Mr. Wills, you've been handed what I would
14 represent to you is your charge ahead -- your
15 testimony, Surrebuttal testimony in the charge-ahead
16 case which I forgot the case number. It's ET --
17 well, could you just read from the first page there?
18 Tell me what you've been handed.

19 A. ET-2018-0132.

20 Q. And is -- do you recognize it as your
21 Surrebuttal testimony from that case?

22 A. It looks like it.

23 Q. All right. If you would turn to page 39,
24 line 13, do you see the question that begins,
25 Ms. Lange also discusses the possibility of time-of-

1 use rates?

2 A. I see the question.

3 Q. Okay. Would you read that question and
4 answer -- this is actually your question and your
5 answer from that case. Correct, sir?

6 A. As I read it, I will -- I assume that you
7 handed me that. As I read it, I'll determine that,
8 but --

9 Q. Okay.

10 A. -- I think so.

11 So you -- you said you wanted me to read
12 the question and --

13 Q. Yeah. Read it out -- read the Q&A out
14 loud there through the- - beginning on line 13.

15 A. Ms. Lange -- Question: Ms. Lange also
16 discusses the possibility of time-of -- time-of-use
17 rates influencing the level of net revenue received
18 by each charger. Is the potential for future rate
19 design changes a good reason to delay the benefits
20 EVs can bring to Ameren Missouri's customers.

21 Answer: No. The time-of-use rates that
22 Ms. Lange discusses are generally implemented with
23 the goal of changing customer behavior and altering
24 usage patterns in a way that reduces the cost to
25 serve those customers' load. To the extent that

1 customers are able to charge at a cheaper rate and,
2 therefore, provide less revenue to the utility, it
3 should be because the incremental cost of serving
4 them is also going down as a result of the actions
5 they are taking to do additional off-peak charging.
6 My expectation is that no TOU rate is likely to be
7 established that doesn't fully cover the marginal
8 cost of service and make a contribution to covering
9 the Company's fixed costs so that those -- so those
10 customers that do charge during off-peak times will
11 still provide positive margin when netting the
12 reduced revenues with the reduced incremental costs
13 of serving EVs.

14 Q. And just so the record's clear, Mr. Wills,
15 in that passage of testimony, you used the -- the
16 abbreviation EVs is used. What's that stand for?

17 A. Electric vehicles.

18 Q. And the additional -- what was the other
19 thing I wanted to ask you about. I guess that was
20 it. Sorry.

21 Now, in your Surrebuttal in this case,
22 the 0337 rate case, you appended a portion of your
23 Direct testimony from ER-2019-0335, but only pages 23
24 through 42 of that old testimony. Is that accurate,
25 sir?

1 A. Subject to checking the page numbers, but
2 I did --

3 Q. Sure.

4 A. -- do that.

5 Looks like page 23 to 42 is what I see.

6 MR. KEEVIL: Judge, I would ask that a
7 complete version of Mr. Wills' Direct testimony from
8 ER-2019-0335 be -- you take official notice of that
9 so that we can have that in the record for this case.

10 JUDGE CLARK: Give me the number again
11 please.

12 MR. KEEVIL: Yeah. It's the rate case
13 ER-2019-0335.

14 JUDGE CLARK: And that's Mr. Wills'
15 Direct testimony?

16 MR. KEEVIL: Mr. Wills' Direct testimony,
17 yes.

18 JUDGE CLARK: Is there any objection to
19 the Commission taking official notice of that? I
20 hear none. The Commission will take official notice
21 of Steven Wills' Direct testimony in ER-2019-0335.

22 MS. GRUBBS: If I may clarify, the
23 charge-ahead case testimony, was that going to be
24 presented as an exhibit or is judicial notice taken
25 of it? I was unclear.

1 MR. KEEVIL: The what? The charge-ahead?
2 Oh.

3 MS. GRUBBS: The testimony that you
4 provided to Mr. Wills.

5 MR. KEEVIL: No. That one -- I'm done
6 with that one. He read it into the record. All
7 right. The testimony will just take official notice
8 of it.

9 MS. GRUBBS: Okay.

10 BY MR. KEEVIL:

11 Q. Mr. Wills, you're being handed a copy of
12 your Direct testimony from ER-2019-0335, the case
13 that the judge just took official notice of that
14 piece of testimony. You want to take a few seconds
15 and quickly confirm that is your Direct testimony
16 from that case?

17 A. It does look like it.

18 Q. Okay. Now, on page 42 you began a
19 discussion of the EV Savers rate. And by the way,
20 the EV Savers rate is now known as the Overnight
21 Savers service rate plan. Is that correct, sir?

22 A. The rate that we originally proposed as EV
23 Savers was renamed the Overnight Savers rate.

24 Q. Okay. At page 51 of that testimony you
25 provide a table. And that table shows your analysis

1 of the bill impact that changing to the EV Savers
2 rate would have for 800 customers without any change
3 in their behavior or usage.

4 A. I'm sorry, what -- could you tell me what
5 page you're on?

6 Q. Sure. It's page 51.

7 A. Okay. I see page 51. Can you repeat your
8 question?

9 Q. Now, would you agree that the table on
10 page 51 shows your analysis of the bill impact that
11 changing to the EV Savers rate would have for 800
12 customers without any change in their behavior or
13 usage?

14 A. I'm just reviewing the context --

15 Q. Sure.

16 A. -- of it.

17 Yes. I think that's -- that's -- I think
18 that's what that shows.

19 Q. Okay. Now, the table also shows that not
20 quite 200 but close to 200 of those 800 customers
21 would see a bill reduction of up to \$25 a year
22 without changing anything. Is that correct?

23 A. Almost 200. It's hard to see what the
24 precise number is, but, I'll -- yeah, we'll round it.

25 Q. And the table also shows that a little

1 over 100 of the 800 customers would see a bill
2 reduction of between 25 and 50 dollars a year without
3 doing anything, without changing any behavior. Is
4 that correct?

5 A. I believe that's correct.

6 Q. Okay. And further, the table shows that
7 another 25 roughly of the 800 customers would see a
8 bill reduction of more than \$50 without doing
9 anything. Is that correct?

10 A. Yes.

11 Q. Okay. Now, if you want to turn over to
12 page 57, I don't have a line number to give you here,
13 I apologize. On page 57 of that testimony you state,
14 quote, In reality, approximately half of all of the
15 Ameren Missouri residential customers would be able
16 to save money under the pilot TOU rate without making
17 any behavior changes at all, end quote.

18 Do you see that, sir?

19 A. I do see where that is. And I would just
20 note that we've moved into the discussion of a pilot
21 rate we were proposing in that case. This isn't
22 applicable to the EV rate that we were just talking
23 about.

24 Q. Regarding that pilot rate, sir, would you
25 agree that that pilot rate is now the Ultimate Saver

1 rate?

2 A. Yes. I was just trying to clarify that we
3 kind making -- made a break from the prior, so that,
4 you know, it's clear that we're not --

5 Q. But it's still a -- it's still one of your
6 TOU options?

7 A. Yes.

8 Q. Okay. On page 68, let me know when you
9 get there.

10 A. I'm there.

11 Q. Okay. You state, quote, I analyzed a
12 scenario where all customers that, based on their
13 actual historical usage patterns would have been able
14 to save more than 5 percent on their electric bill by
15 switching to the Smart Savers rate -- and then it
16 says, Adopted -- excuse me; I'm missing part of it.
17 Do you see where I'm reading from, sir?

18 A. I do.

19 Q. Okay. Could you, beginning there where I
20 was, could you read through the --

21 A. Yeah. I think that my sentence didn't
22 grammatically make sense is why you were struggling
23 with it there.

24 Q. Okay.

25 A. I think I had some bad grammar in a

1 sentence, so.

2 Q. Beginning with, I analyzed a scenario,
3 would you read that to the end of the -- see where it
4 says, Would be approximately \$68 per year?

5 A. Yeah, I see that.

6 Q. Read that into the record if you would
7 please, sir?

8 A. I analyzed the scenario where all
9 customers that, based on their actual historical
10 usage patterns, would have been able to save more
11 than 5 percent on their electric bill by switching to
12 the Smart Savers rate, adopt that rate after they
13 receive an AMI meter. Of the sample customers, 27.4
14 percent fall into that category of saving 5 percent
15 or more. The average savings in the Smart Saver rate
16 for those customers with no changes in consumption
17 pattern at all in response to the price signal
18 reflected in that rate would be approximately \$68 per
19 year.

20 Q. Thank you. Now if you'd turn back two
21 pages to page 66, you state, quote, Because the rates
22 are being offered on an opt-in basis and the Company
23 is planning to provide education and tools for
24 customers in order to help them make informed
25 decisions about the best rate for them, bill impacts

1 are generally expected to be favorable on balance for
2 customers. Parenthetical, i.e., customers will opt
3 in if they're likely to save money, close paren and
4 close quote.

5 Now, if you'd turn to page 67, just one
6 page over, would -- beginning on line 3 would you
7 read the question there?

8 A. Question: Why are opt-in rates
9 particularly prone to causing revenue erosion.

10 Q. And then the answer. Yeah, go ahead.

11 A. The full answer? It looks like it goes on
12 for a while. You want me to go over a page and a
13 half? You want me to read the whole thing?

14 Q. Read up till you get to the regulatory
15 lag.

16 A. Okay. You can stop me if I --

17 Q. Okay.

18 A. -- get to the wrong place.

19 Q. Okay. I'll jump in.

20 A. Answer: This is true for two reasons.
21 First, the rate design changes proposed -- proposed
22 in this case are designed to be revenue neutral for
23 the class as a whole, i.e., for the average customer.
24 However, most customers are not average. None of
25 them are precisely average. Every customer could

1 naturally be a winner or loser on a new rate before
2 making a single behavior change in response to the
3 new rate. This is not a bad thing as long as the
4 rate is aligned well with the cost of serving
5 customers.

6 The bill changes that create the various
7 customer outcomes should generally be moving
8 customers' bills closer to their true cost of
9 service. This is generally a good thing to be sure.
10 But because the Company intends to work with
11 customers to help them make informed rate choices
12 using enhanced usage information from AMI meters,
13 adoption should be very asymmetric. Expected winners
14 should adopt new rates readily realizing bill savings
15 that reflect the lower cost of serving these
16 customers that generally have more favorable load
17 characteristics. Customers whose rates are likely to
18 increase under the new optional rate structures due
19 to inconsistent loads with peakier usage may simply
20 choose to stay on the status quo rate.

21 Therefore, the revenue erosion caused by
22 bill savings and adopters will not be immediately
23 offset by increases for others. I would note that
24 this revenue shortfall should be made up in a
25 subsequent rate case so the issue I'm addressing is

1 really one of regulatory lag.

2 Q. That -- thank you. That's where I wanted
3 you to read through right there.

4 Now, in that case, you made the statement
5 in the context of -- or excuse me. In that case,
6 you, Ameren Missouri, requested what you called a
7 rate migration tracker. Is that correct, sir?

8 A. I -- we may have had a different name for
9 it. I do think it was -- we may have called it rate
10 migration tracker. Certainly we had a tracker that I
11 think is analogous to the proposal in this case for
12 the rate switching tracker. That may have been what
13 we called it --

14 Q. Okay.

15 A. -- at the time.

16 Q. And Ameren Missouri concluded that case
17 without receiving the tracker. Is that correct?

18 A. In a settlement where the totality of the
19 settlement was, you know, acceptable to Ameren
20 Missouri, we did.

21 Q. Okay. And you also concluded that case
22 with a number of time-based opt-in rate plans.
23 Correct?

24 A. That is correct.

25 Q. Okay. And, in fact, both of those

1 items -- or I shouldn't say both. That case was
2 concluded by the signing of a stipulation and
3 agreement. Is that correct?

4 A. Yes. That's my recollection.

5 Q. Okay. Do you have a copy of your Direct,
6 Rebuttal, and Surrebuttal from this case with you on
7 the stand?

8 A. I do.

9 Q. Okay. If you would turn to your
10 Surrebuttal, page 6. Is that right?

11 A. I'm there.

12 Q. Yeah, okay. On line 7 there it says --
13 you ask yourself, What are the reasons Staff gives
14 for the recommendations. Recommendation, excuse me.

15 And your answer begins, First, Staff
16 suggests that the Company has not quantified the
17 benefits to all customers of an individual customer's
18 decision to take service on the time-of-use rates and
19 potentially shift its usage away from peak periods.

20 Did I read that correctly, sir?

21 A. Yes, you did.

22 Q. Okay. Now, looking at your Direct, your
23 Rebuttal, or your Surrebuttal, can you identify a
24 page and line number where you quantified the
25 benefits arising from the shifting of usage away from

1 periods of high demand and, therefore, higher costs
2 on the system?

3 A. Could you -- I'm sorry. Could you say the
4 question one more time?

5 Q. Sure. Looking at your file, prefiled
6 testimony in this case, the Direct, Rebuttal,
7 Surrebuttal, can you identify anywhere in your
8 testimonies that you quantified the benefits arising
9 from the shifting of usage away from periods of high
10 demand and, therefore, higher costs?

11 A. I don't believe that I have that addressed
12 in those pieces of testimony.

13 Q. Okay. But the reason I'm asking, you're
14 criticizing Staff there on page 6 for not quantifying
15 certain benefits, and yet you have not quantified
16 what you claim to be the benefits either. Is that
17 correct?

18 A. I was criticizing Staff for saying that
19 there -- there are no other benefits. I think that
20 was a slightly different thing.

21 Q. Well, if that's what you were criticizing
22 Staff for, why do you say, Staff suggests the Company
23 has not quantified the benefits? Why do you even
24 talk about it?

25 A. I was just summarizing -- in this question

1 and answer I was just summarizing my understanding of
2 a position.

3 Q. Let's see. Your Surrebuttal there on
4 page 6 continues with, quote, Suggesting that the
5 promotion of the time-of-use rates may not be
6 beneficial for all customers and by logical extension
7 that the Commission should not even want to
8 encourage more time-of-use adoption. That would be
9 lines 10 through 12 on page 6.

10 Now, where does Staff say that in its
11 testimony? Because you don't refer to any specific
12 testimony or line or page of Staff there. Where did
13 you get that?

14 A. I mean, I don't know sitting here without
15 that testimony if I can recall like the exact
16 statement that I was referring to. I think that was
17 my perception of the -- of the Staff's argument. You
18 know, I'd probably have to take some time to read all
19 of Staff's testimony to find any particular quote
20 that gave me that perception.

21 Q. Okay. So you're not saying Staff actually
22 said these words; you're saying that Staff said
23 something that triggered this thought in your mind
24 and for your interpretation of what Staff had said?

25 A. Well, I mean, I think the overriding

1 factor that made me say that is that Staff was saying
2 that there's no evidence of benefits from time-of-use
3 rates -- or there's no -- there's no evidence, right.
4 I didn't say -- but if that is the reason that we
5 shouldn't have a tracker, then there's -- there must
6 be a presumption that there are no benefits, because
7 I think this Commission has kind of articulated that
8 they think time-of-use rates are beneficial. So to
9 say that benefits are not a good reason to create a
10 tracker, I just --

11 Q. Well, are you talking about benefits of
12 the rate or you're talking about benefits of the
13 tracker?

14 A. Benefits of the rate.

15 Q. Okay. But you see the difference between
16 benefits from the rate or benefits from the tracker?
17 You don't see --

18 A. I know there is a difference between those
19 benefits. I may be lost given the context of the
20 question about what you're -- what you're asking me
21 there.

22 Q. Well, would it be -- it would be possible
23 to have benefits arising from the time-of-use rates,
24 from the adoption of time-of-use rates and not have
25 any benefits from a tracker. Would you agree with

1 that?

2 A. It could be possible. It could be
3 possible that there are benefits arising from a
4 tracker.

5 Q. So that was -- so that's my point. I
6 mean, benefits of one do not necessarily correlate
7 with the benefits of the other.

8 A. I think if the alignment of incentives
9 exists through the existing of a tracker, that causes
10 the Company to take, you know, more creative
11 approaches to getting more customers on a rate. If
12 the rate is beneficial, there will be more of those
13 benefits that arise from the tracker that gave us the
14 alignment of incentives that got us to take the
15 action that brought in more time-of-use customers.
16 So they're not one and the same, but I think they are
17 very, very related.

18 Q. Okay. Now, in your Direct testimony, if I
19 could have you switch over to that.

20 A. Okay.

21 Q. Okay. I figured out what I'm doing.
22 Okay. On your -- in your Direct testimony there you
23 refer to the Commission's charge-ahead order, do you
24 not, sir?

25 A. I mean, I may. I probably did, but I

1 don't know where in my Direct testimony that you're
2 talking about.

3 Q. Okay. Well, you've been just handed a
4 copy of what purports to be the charge-ahead order.
5 Does that look familiar to you, the charge-ahead
6 order?

7 A. The cover certain -- page certainly looks
8 like it.

9 Q. If you turn to page 29 of the order.
10 And by the way, Judge, this is the
11 Commission's order in case ET-2018-0132.

12 Page 29, Mr. Wills.

13 A. Yes. I'm there.

14 Q. Four lines up from the bottom it reads,
15 quote, Further, by allowing the opportunity for
16 Ameren to request the non-rate-based treatment in a
17 future rate case and retain any electricity sales
18 revenues between rate cases, Ameren Missouri and the
19 customers interested in the program become aligned.
20 Thus, it is in the public interest to authorize a
21 deferral accounting mechanism or tracker, close
22 quote.

23 Do you see that?

24 A. I see that.

25 Q. Okay. Now, when the Commission refers to

1 Ameren retaining electricity sales revenues between
2 rate cases, that's what we traditionally refer to as
3 regulatory lag. Correct?

4 A. I think that's a fair characterization.

5 Q. Okay. So in this order, the regulatory
6 lag issue was Ameren Missouri collecting revenue from
7 kWh sales that had not yet been recognized in a rate
8 case.

9 A. Can you say that again?

10 Q. Sure. In the ET order, the regulatory lag
11 issue was Ameren Missouri collecting revenue from kWh
12 sales that had not been recognized in a rate case
13 yet.

14 A. And using those to offset the costs that
15 the Company was voluntarily incurring as a result of
16 the program to kind of make us whole for that. But,
17 yes.

18 Q. Well, but we're focusing on the regulatory
19 lag aspect of it. You would agree with my
20 description of the -- okay.

21 A. Yes.

22 Q. And the Commission found in that order
23 that the alignment of Ameren Missouri's interest and
24 the customers interest was going to come from Ameren
25 getting extra revenues between rate cases and

1 customers getting those extra revenues recognized in
2 rate cases.

3 A. I think that's a fair characterization.

4 Q. Okay. But in this case you're arguing
5 that Ameren Missouri needs this tracker because
6 Ameren Missouri is not getting the amount of extra
7 revenues between rate cases it believes it should
8 get.

9 A. I think this is a totally different issue
10 than the revenues that arose from the charge-ahead
11 case. The charge-ahead case was related to us
12 incentivizing customers to put in EV charging that we
13 hoped would cause additional EV adoption in our
14 service territory and create revenues that would help
15 pay for the charge-ahead program financing costs.

16 In this case we're talking about revenues,
17 existing revenues of customers that will decline
18 because they are shifting load and saving money on
19 time-of-use rates. I think those are just different
20 buckets of revenues that are being addressed by the
21 use of trackers.

22 Q. But you would agree you -- they were both
23 trackers?

24 A. Well, one -- one is a tracker and one is a
25 proposed tracker, but yeah.

1 Q. Right. Right.

2 A. Yeah.

3 Q. And so you're saying that in the one case
4 there the Commission found that regulatory lag was to
5 Ameren's benefit between rate cases and then the
6 customer benefit during the rate case. And, but
7 you're -- in this case if I -- if I understand
8 correctly, you're saying that Ameren needs the
9 tracker because Ameren isn't getting the extra
10 revenues between rate cases it believes it should
11 get?

12 A. No. We're getting -- we're getting a
13 reduction in what would otherwise be existing
14 revenues.

15 Q. Well, that's the revenues you believe you
16 should get. Right?

17 A. I believe that those revenues provide an
18 opportunity for us to recover the revenue requirement
19 that the Commission would approve in this case.

20 Q. Do you believe that the revenue erosion
21 needs to be paid for by ratepayers? What you term
22 "revenue erosion" in your testimony needs to be paid
23 for by ratepayers?

24 A. I believe that amounts that are collected
25 under this tracker should be reflected in the revenue

1 requirement in future rate cases and rates should be
2 based on that. So if that's how you would
3 characterize that.

4 MR. KEEVIL: I think that's all I have,
5 Mr. Wills. Thank you very much.

6 MR. WILLS: Thank you.

7 JUDGE CLARK: Any Commission questions?

8 CHAIRMAN RUPP: Just --

9 COMMISSIONER HOLSMAN: This is
10 Mr. Holsman. No, go ahead. Go ahead, Chair.

11 CHAIRMAN RUPP: No, no. Go ahead, all.
12 Go ahead, Mr. Holsman.

13 JUDGE CLARK: If you could hold -- both
14 hold on just a second. An attorney's trying to get
15 my attention.

16 MR. LINHARES: I'm sorry, Judge. I might
17 have been passed over. I have a few questions for --
18 Renew Missouri that is has a couple questions for the
19 witness.

20 JUDGE CLARK: You were. And I apologize.

21 MR. LINHARES: That's okay.

22 JUDGE CLARK: I'm sorry.

23 MR. LINHARES: I'm happy to let the
24 Commission go if you'd like.

25 JUDGE CLARK: Can commissioners hold

1 their questions for just a second while I let
2 Mr. Linhares ask his questions.

3 CHAIRMAN RUPP: Of course.

4 COMMISSIONER HOLSMAN: Absolutely.

5 JUDGE CLARK: Thank you very much,
6 Commissioners and Chairman.

7 I apologize. I did skip right over you
8 and I did not mean to do that. Go right ahead,
9 Mr. Linhares.

10 MR. LINHARES: That's perfectly fine.
11 That's perfectly fine.

12 CROSS-EXAMINATION

13 BY MR. LINHARES:

14 Q. Afternoon, Mr. Wills. How are you doing?

15 A. Doing well. How are you?

16 Q. Just fine. I just have a few questions
17 here on the time-of-use question. And I am -- I'm in
18 your Direct testimony if you have a copy of that at
19 page 9 if you'd like to follow along.

20 A. I've got a lot of paper here, but I think
21 I found it.

22 Q. Okay. I'm looking at the bottom of page 9
23 starting with, However. Do you see that?

24 A. I do.

25 Q. So you state that time-of-use rates can be

1 a valuable planning sys -- a valuable system planning
2 tool to help reduce peak demand and capacity needs,
3 integrate levels of intermittent renewable
4 generation, et cetera.

5 Do you see that?

6 A. Yes.

7 Q. My question is about this issue of
8 intermittent renewable generation. Are you familiar
9 with the concept of what's referred to as the Duck
10 Curve?

11 A. I've heard of the Duck Curve. I think --

12 Q. Okay.

13 A. -- I know what you mean.

14 Q. Okay. Can you explain your understanding
15 of the Duck Curve?

16 A. Sure. The Duck Curve, I think it was most
17 noted in California when there was a, like a large
18 increase in customer-owned renewable solar rooftop
19 generation. The interplay of renew -- of solar
20 generation and customer load, if you looked at the
21 daily load profile kind of hour to hour -- I'm trying
22 to figure out how to describe this without, you know,
23 to draw a visual or something like this, right.

24 But as load increased in the late
25 afternoon, generation was also going down because the

1 sun was getting lower in the sky and there was less
2 generation available. And what ended up happening is
3 the load curve had a very extreme pick up that kind
4 of looked like the neck of a duck. The load shape
5 for the day looked like a duck. The Duck Curve
6 basically talked about was the problem late afternoon
7 when the sun was in decline, generation was
8 declining, load was still increasing or at least
9 remaining at high levels, and there was a rapid ramp
10 up of dispatchable resources needed during that time
11 frame. I think -- is that --

12 Q. Yeah.

13 A. Is that what you're looking for?

14 Q. Sure. It would be fair to say that the
15 increase in solar and that its production in the
16 middle of the day doesn't necessarily align with the
17 system peak and it results in a more dramatic
18 difference in peak. Is that fair to say?

19 A. That's the Duck Curve theory and --

20 Q. Yeah.

21 A. -- I think that there's some -- some, you
22 know, evidence or merit that that can happen.

23 Q. Yeah. And you would agree with me and I
24 think your testimony states that coming transition on
25 the grid is going to result in a more significant

1 increase in renewable energy, specifically solar?

2 A. That would be my expectation.

3 Q. You go on to say -- this is the top of
4 page 10, We're mindful of the ability of time-of-use
5 rates to be one piece of the complex puzzle of
6 reliably integrating large amounts of renewables and
7 eventually retiring existing dispatchable fossil fuel
8 resources.

9 Do you see that?

10 A. Yes, I see that.

11 Q. So my question is has the Company or have
12 you yourself studied the potential for encouraging
13 say west-facing solar, that is solar that would
14 produce later in the day and have more of a system
15 peak offset and using rate design to accomplish that?
16 Have you studied that issue?

17 A. I'm not aware that we've specifically
18 studied west-facing and encouraging that through --

19 Q. Okay.

20 A. -- rate design.

21 Q. How about using solar-plus-storage to
22 accomplish that?

23 A. I certainly think in an IRP where we're
24 studying that, certainly at the utility scale. I
25 think, you know, the applications on customer-owned

1 are a different scale they would have a similar type
2 of effect as that potentially.

3 Q. Okay.

4 A. If that's what you're getting at.

5 Q. A little wrinkle in that question. How
6 about using rate design to encourage the adoption of
7 solar-plus-storage on the grid. Have you studied
8 that?

9 A. We have not specifically studied that, no.

10 Q. Okay. A little bit further down that page
11 and then onto page 11, you state -- you talk about
12 the current demand side management potential study
13 that's ongoing. Is that right, the DSM --

14 A. Yes.

15 Q. -- potential study?

16 A. Yes.

17 Q. And on page 11 there you state, By
18 completing thoughtful analysis of DSM potential
19 including time-of-use rates and reliability modeling
20 in the context of ongoing IRP efforts that aim to
21 ensure a reliable transition to cleaner renewable
22 energy sources, we expect to determine the
23 appropriate role of time-of-use rates can play in
24 managing the generation transition.

25 And my question here is in the context of

1 the demand side management potential study, have you
2 studied how rate design might be used to encourage
3 things like, say, electric vehicles for one?

4 A. I don't know that we've had a specific
5 study of -- of electric rates encouraging vehicles
6 themselves. And I -- I don't have at my fingertips a
7 full, you know, recollection of every measure and
8 scenario that was analyzed. But I imagine load
9 shifting on electric vehicles is prob -- I -- I think
10 it was in there. I haven't -- I didn't read it, you
11 know, coming into this and reviewing in preparation
12 for today, but. And really that study is still, you
13 know, being wrapped up in draft form.

14 So I guess my answer is -- well, could you
15 repeat your question first?

16 Q. Sure. Let me back up. Have you -- have
17 you worked -- could you describe your work on the
18 demand side management potential study, your
19 involvement?

20 A. Yeah. I haven't had a particularly
21 hands-on role. As director of regulatory affairs
22 I've been in a number of meetings where --

23 Q. Okay.

24 A. -- you know, the topics are discussed
25 and --

1 Q. Okay.

2 A. -- have some awareness of it.

3 Q. So we're speaking about your awareness in
4 these meetings, your general awareness of the DSM
5 potential study.

6 A. Right.

7 Q. What's included in there. So my question
8 is on -- was whether electric vehicle -- whether rate
9 design has been thought of as a tool to increase
10 adoption of electric vehicles?

11 A. I don't specifically recall that being
12 included in there, but I wouldn't want to
13 categorically say it's not possible that it has been.

14 Q. Well, would you agree that electric
15 vehicles could be a tool to accomplish load shifting
16 with the right behavioral --

17 A. I mean, certainly electric vehicles are a
18 load that I think has a lot of potential to be
19 flexible in terms of the timing of when you charge
20 vehicles. And you can -- I think if the electric
21 vehicles are on the system, load shifting is a good
22 thing to pursue with those, if -- is that -- if
23 that's what you're getting at.

24 Q. Regarding this DSM potential study, does
25 it include any analysis of using rate design to

1 encourage the adoption of battery storage?

2 A. Not that I recall. Not rate design. I
3 think there is study, but there -- I don't know. I
4 think there's study of battery storage. I don't know
5 that there's an interactive component between rate
6 design and battery storage in this study. But again,
7 I'm speaking from kind of a high-level knowledge of a
8 study that's just wrapping up, so I don't want to
9 portray that as, you know, I have certainty that
10 there's nothing in there on it, but I don't recall
11 anything on that.

12 Q. Okay. Okay. Another question in this
13 line, are you aware of whether the DSM potential
14 study analyzes using the ability to use rate design
15 to encourage the adoption of rooftop solar or solar-
16 plus-storage?

17 A. I'd say the same answer for battery
18 storage.

19 Q. Would you agree that battery storage is a
20 potentially powerful tool in accomplishing load
21 shifting and demand reduction on the grid?

22 A. Potentially, yes.

23 Q. Okay. How about solar-plus-storage, would
24 that be a potential powerful tool in accomplishing
25 those goals?

1 A. I think solar and whether the storage is
2 with the solar or not, I think storage has the
3 potential to do that when solar is on the grid, so.

4 Q. Okay. That last sentence of the
5 paragraph, the first paragraph on page 11, following
6 up on the line that I just quoted, it says, quote, At
7 that time depending on findings, the Company may
8 develop more specific adoption goals and/or enhanced
9 marketing strategies designed to promote adoption to
10 the levels needed to achieve various objectives.

11 Do you see that?

12 A. I see that.

13 Q. Does the Company in, according to your
14 knowledge, have any plans to use enhanced marketing
15 strategies to promote the adoption of battery storage
16 or solar-plus-storage or rooftop solar?

17 A. Not that I can -- not that I can think of
18 specifically sitting here right now.

19 Q. Okay. Okay. Just a few more questions.
20 I'm turning to your Surrebuttal now, and I'm on
21 page 21. And this is starting on -- sorry, go ahead.

22 A. I still haven't found it. I have too much
23 paper now.

24 MR. KEEVIL: I'll take some of it back at
25 some point.

1 MR. WILLIS: I'm going to move this to the
2 side.

3 BY MR. LINHARES:

4 Q. I can quote you the line and let you catch
5 up here. Page 21 at line 8, the question is -- is
6 around the parties working together to try and
7 integrate time-of-use rates with distributed
8 generation technologies including net metered solar.
9 And you say, The Company has sincere interest in
10 making these rates available to net metering
11 customers, but believes that is only appropriate if
12 the proper statutory changes were made.

13 Do you see that there?

14 A. I do.

15 Q. So I think we're of the same mind there.
16 I'm happy to hear that the Company has that sincere
17 interest around net metering and time-of-use rates.

18 My question is is the Company willing --
19 does the Company have the same sincere interest in
20 making battery storage work with time-of-use rates?

21 A. I mean, I don't know that I've, you know,
22 just given it the discrete amount of thought to, you
23 know, to have a Company-stated position. But I think
24 that we would certainly contemplate that as a -- as
25 something to take a look at.

1 Q. So you're not in position to commit that
2 the Company would use battery storage to accomplish
3 the same goals that you've stated?

4 A. I mean, my personal opinion is that that
5 would be of interest. I think the same concerns that
6 we have with respect to net -- you know, net metering
7 solar customers and the way the statute kind of
8 addresses time-of-use would -- or actually probably
9 even more exacerbated with battery storage. But if
10 those issues were resolved, no, I think that battery
11 storage could be something that would be beneficial
12 and could be promoted with time-of-use rates.

13 Q. Well, there I'm going to have to clarify
14 because your concerns about net metering and
15 time-of-use have to do with the net metering statute,
16 correct, and it's around the legal -- the statutory
17 language in that law. Right?

18 A. Our concerns have to do with the statutory
19 language causing -- causing -- because I think
20 earlier in your opening statement I think maybe --
21 maybe we talked past each other a little bit.
22 Because you said that the statute doesn't allow us to
23 offer these time-of-use rates. I think my
24 Surrebuttal says it doesn't allow us to offer them in
25 an economically-rational manner.

1 Basically the way the netting works under
2 the statute, in my -- in my view it destroys the
3 price signals of the time-of-use rates when you
4 introduce these kind of technologies that can move
5 load around. I don't believe that we've ever said
6 that the law says I couldn't offer our Smart Savers
7 rate to a time-of-use customer, but I said that it
8 would destroy the price signals and create an
9 economic irrational outcome. If -- it wouldn't --
10 the price signals just don't work unless you can
11 do -- I think you talked about what was going on in
12 Virginia or in North Carolina where you would be
13 netting within off-peak buckets or on-peak buckets.
14 If we believed that was legal, I think we'd be doing
15 it.

16 Q. Well, and we very well may be talking past
17 each other because if that's your opinion, then I
18 certainly misunderstood you. I'm reading your
19 Surrebuttal here and the question -- your answer at
20 line 6 says, Conceptually, yes. If Missouri's net
21 metering statute were different. However, it's not,
22 and the kind of solutions Witness Owen would like --
23 would likely want to see cannot, based on advice of
24 counsel, be implemented without a statutory change.

25 My understanding there is your counsel is

1 instructing you with a legal opinion that it is not
2 possible without statutory change. Am I wrong?

3 A. I might have you ask my counsel. I think
4 that what, you know, what I have understood and what
5 I've testified to is that strict application of the
6 statute does not -- does not -- cannot be done in a
7 manner that time-of-use rates do what they're
8 supposed to do.

9 Q. Okay. Well, I hate to dwell on this
10 distinction. Of course you're not a lawyer, so --

11 A. I'm not.

12 Q. -- perhaps we're not -- you're not giving
13 a legal opinion, but just your understanding of what
14 counsel has told you. Is that correct?

15 MS. GRUBBS: Objection. Don't want to get
16 into privileged information.

17 BY MR. LINHARES:

18 Q. Okay. I'm not asking what your -- any --
19 about any communications between you and counsel, but
20 I'm simply trying to get at here what your
21 understanding of this statute is. You seem to be
22 telling me there's not a legal impediment to doing it
23 but an economic one. Is that right?

24 A. A legal impediment to doing it
25 economically rationally. I guess what --

1 Q. Okay. I'm not sure we're seeing eye to
2 eye.

3 A. It's the intersection of what can be
4 done legally and what it ends up doing to the rates
5 is my --

6 Q. Okay. Well, I'll --

7 A. And -- and, you know, like you said, I am
8 not a lawyer and maybe I'm -- maybe, you know, I'm
9 misrepresenting something as well, but. Or, you
10 know.

11 Q. Okay.

12 A. Misinterpret -- not misrepresenting, but
13 misinterpreting something as well, but.

14 Q. Well, I'm simply reading your testimony,
15 so I'll give you a chance to correct that if you'd
16 like to. Would you like to rephrase or change what
17 your testimony says there? Because it seems to
18 conclude that you can -- we cannot integrate
19 time-of-use rates and net metered solar without a
20 statutory change.

21 A. No. I wouldn't change that. The
22 distinction there is the solutions -- when I said --
23 I lost the page that we were on. Okay. I said, The
24 kinds of solutions that Witness Owen would want to
25 see I think of as netting within off peak, netting

1 within on peak, you know, exclusively.

2 And my understanding of the statute is
3 that we have to net all kilowatt hours across the
4 entirety of the billing period with each other
5 irrespective of whether they're in on peak or off
6 peak. I believe and, you know, my counsel will speak
7 legally for the company if there's a, you know, legal
8 question about it, but I believe that our concern is
9 that you legally can't not net an off-peak kilowatt
10 hour with an on-peak kilowatt hour because the law
11 says any kilowatt hours produced across the billing
12 period have to net with each other.

13 So it's creating those -- those divisions
14 between the peak and off peak where the netting is
15 isolated peak -- peak -- and that's with peak and off
16 peak, nets with off peak. But I think that we're --
17 we believe that we can't do is my --

18 Q. Okay.

19 A. That's --

20 Q. Okay. Well, I think there's a difference
21 in legal opinion there, but understood. We can --
22 sorry to take us down that rabbit hole. I think it
23 was worth clarifying.

24 So regardless of net metered solar which
25 is what we've been talking about, I want to ask you

1 about battery storage. And you say the Company has
2 sincere interest in making these rates available to
3 net metered customers.

4 My question is, given that sincere
5 interest, do you have that same sincere interest
6 about battery storage, which is not implicated in the
7 net metering statute?

8 A. So when -- I'll give you my opinion
9 because when I say the Company has sincere interest,
10 that usually means a vetted position that I've
11 discussed with others at the company and I don't know
12 that we have discussed something that I would
13 portray.

14 Q. Okay.

15 A. I think from my perspective as director of
16 regulatory affairs, I think that we would have
17 interest in that if it worked economically
18 rationally.

19 Q. Okay. To be clear that's an interest in
20 using time-of-use rates to encourage the adoption of
21 battery storage?

22 A. Well, I would stop short of saying that
23 rates should encourage, but I think that they should,
24 I guess I would say facilitate, you know, customers
25 who want to do that to create beneficial outcomes

1 with it.

2 Rate -- you know, I think I said somewhere
3 in my testimony that rate design to me is not the
4 tool that you use to encourage technologies. It's
5 you create cost-based structures that -- because the
6 cost-based price signal will tell that battery to do
7 the right thing.

8 Q. Right.

9 A. So and maybe it's -- maybe it to some
10 people is a distinction without a difference, but I
11 think it's important that the rate structure isn't
12 there to encourage the technology. It's there to
13 show the cost and then to get the technology to
14 respond to that cost price signal.

15 Q. Right.

16 A. And create beneficial outcomes. So I
17 think --

18 Q. But to be clear, the time-of-use rates
19 currently as proposed did not offer that incentive?

20 A. I'm just trying to think about a
21 circumstance where -- I mean, I think there may be
22 customers that if they have a battery that's
23 completely behind their meter and they never export
24 to the grid and we don't even know about it, they
25 could shift their load that way I think. If they're

1 interconnected and want to be able to provide power
2 to the grid, it would not I think. That's the --

3 MR. LINHARES: Okay. Okay. I think that
4 concludes my questions. Thank you.

5 MR. WILLS: Thanks.

6 JUDGE CLARK: Thank you, Mr. Linhares.
7 Chairman, you had some questions?

8 CHAIRMAN RUPP: Thank you very much,
9 Judge. And thanks, Commissioner Holsman, for letting
10 me pop ahead here.

11 QUESTIONS

12 BY CHAIRMAN RUPP:

13 Q. So I want to -- we covered a lot here with
14 your testimony. I did want to say, clarify that you
15 stated that you have had 50,000 people that have left
16 the TOU rate and went back to the Anytime rate. Is
17 that correct?

18 A. Yeah. It's more than -- it's over 50,000
19 is the number. It's in my Surrebuttal testimony with
20 a precise number as of the writing of that testimony,
21 Chairman.

22 Q. Yeah. I just wanted to clarify that I had
23 that down.

24 A. Yeah. You heard right.

25 Q. And what was the total number -- I mean,

1 because I just literally just got my letter last week
2 that my smart meter will be soon installed.

3 So what is the current number of people
4 that -- I know you said you're about two-thirds of
5 the way of rolling -- installing those. How many --
6 how many residential households have those now?

7 A. Have the AMI meter?

8 Q. Yeah.

9 A. I'm going to try to find it. Be a
10 very close number, but I'm going to say it's
11 certainly about two-thirds of our population. It's
12 over 600,000. My -- as of my Surrebuttal testimony I
13 think I had number in there, but I don't know exactly
14 where to find it in the Surrebuttal. I think it's
15 there.

16 Q. That's -- the ballpark is good. And how
17 many of those have had the opportunity to, you
18 know -- like how long after having been installed is
19 the change of a rate to a TOU rate?

20 A. So if a customer doesn't make their own
21 choice, after six months after their AMI meter is
22 installed they will be, you know, moved to the
23 Evening/Morning Savers rate which is a time-of-use
24 rate. And at anytime up to that point or after that
25 point they can move to any other time-of-use rate or

1 back to the Anytime Users rate.

2 Q. And out of the 50-some-thousand that
3 you've seen switch, have you broken that down in
4 between did they switch prior to, you know, like once
5 they initially made their choice and how many of
6 those, you know, were placed on a rate and then later
7 on made a decision to switch?

8 A. I don't believe I've seen the numbers
9 broken down in that way. Yeah. Unfortunately,
10 Chairman, I don't think I know the breakdown of that.

11 Q. Okay. Okay. So you had stated that, you
12 know, like a point of TOU rates is to encourage, you
13 know, the consumer to take actions because of a price
14 signal to change their usage to assist with like
15 changing peak usage.

16 Do you feel that 50,000 people or roughly,
17 what, 10 percent of the people that have had that
18 opportunity have left the -- what did you call it --
19 the slightly differential plan and went back to
20 Anytime, do you believe or can you comment on is that
21 a result of there not being a strong enough price
22 signal or any differentials or change so why bother?

23 A. I mean, I can't speak to any individual
24 customer's decision, but I do think that there are,
25 you know -- you know, we -- maybe the best example to

1 point to is the CCM testimony of Ms. Hutchinson that
2 had a customer letter attached to it. I mean, that
3 did not appear to be a circumstance where, you know,
4 the customer went back because the differential was
5 too small. It appeared that they did not want to
6 be on a time-of-use rate. They didn't want to have
7 to -- you know, maybe they're, you know, home all day
8 and feel like, you know, that's the time when they do
9 certain activities, you know.

10 You know, but every individual customer's
11 motivation may be different, so it's hard to
12 generalize. But I do think that there's at least
13 some who don't want to be on a time-of-use rate for
14 their -- for compatibility with their lifestyles.

15 Q. Yeah. I understand. Yeah. There are a
16 lot of people that -- that would choose not to
17 because of their lifestyles.

18 So the amount -- so the amount of --
19 the 50,000, so is that in line with the Company's
20 projections of how many people would have switched
21 that quickly, or were you surprised at the 50,000?

22 A. I don't think we had much of a basis to
23 have a projection of how many would, but given that,
24 in my mind is, you know, right around 10 percent of
25 customers, it didn't really surprise me that there

1 would be 10 percent of customers out there that would
2 prefer kind of the known rate, the flat rate, that
3 they know exactly, you know, how their bills are
4 going to be priced based off of their history and
5 things like that.

6 Q. Is that in line with experience in places
7 that you had studied in other utilities with the 10
8 percent switch rate in the first year or so?

9 A. You know, I'm trying to remember if I have
10 any good benchmarks on opt-out rates like that, and
11 I'm really just not coming up with, at least off the
12 top of my head. You know, back when we proposed
13 these rate plans, as I'm sure you recall, Chairman,
14 when Dr. Faruqui was here, we looked at a lot of
15 those other utilities, I'm struggling to remember a
16 typical opt-out rate for opt-out plans. So sorry, I
17 don't have a number or a --

18 Q. No, that's fine.

19 A. -- benchmark for you on that.

20 Q. No. No problem. That's why I was asking
21 if you had one readily available.

22 So switching gears, you know, Staff, you
23 know, made several comments in verbal and written
24 testimony about the inability or the refusal or the
25 unwantingness of the Company to provide them with the

1 data that they need to -- you know, that they need to
2 more closely align customer class usage with cost.
3 And I know that the counsel for Staff had asked you
4 how much -- or asked you what the, you know, the
5 availability of gathering that data and I think you
6 said it would just basically be man hours. Do you
7 have any idea of how much that would cost the company
8 to gather the data overlay that Staff is requesting?

9 A. Well, I think it depends on -- there's
10 several different elements of data requests. And I
11 think what we were talking about with Staff earlier,
12 if I -- if you're thinking of the exchange that I'm
13 thinking of, related particularly to AMI data for
14 customers. In that regard, you know, I think we --
15 it's probably -- I mean, we -- I think we have been
16 providing a fair amount of AMI data through our
17 cases. It's -- I mean, the problem is that we don't
18 have complete deployment so we don't have, you know,
19 AMI data for all of our customers.

20 But I think some of your -- some of the
21 question you're getting at gets to the class -- you
22 kind of mentioned the class cost of service data.
23 That's about, you know, more granular analysis of the
24 distribution system. Quite frankly I think from one,
25 you know, from one request to the next and in the

1 data requests we had experienced on that, that we've
2 had challenges in answering, there's been a whole
3 gamut of different types of questions, some of which
4 we don't even think are possible to answer without --
5 I mean, really maybe possible at all, period.

6 There's a lot of interest in
7 customer-specific infrastructure. And, you know, we
8 have 1.2 million customers and, you know, to do -- we
9 have not seen like the construction of a study that
10 we've been asked to do that looks like it could be
11 done without, you know, sending lots of people out
12 into the field to, you know, collect information
13 about -- about, you know, different pieces of
14 infrastructure serving customers. And frankly, we
15 don't know exactly what it would look like to collect
16 and compile and put all of that together.

17 You know, Chairman, I think one of our
18 concerns also is that the more granular of the data
19 that you get down to, that managing that data into
20 something meaningful to provide to Staff and for
21 Staff to use in a study becomes really just almost
22 unwieldy from our perspective. You know, we -- we
23 believe our class cost of service study is already
24 very detailed and very specific getting into, you
25 know, voltages and different types of assets. But

1 the level of granularity that we've seen in a lot of
2 the questions I don't even -- you know, it -- we
3 don't -- we don't even really know how to report that
4 data, what the -- what the -- what it looks like, how
5 you compile it into managing a study.

6 I -- I guess I'll pause there and see if
7 I'm answering your question, but.

8 Q. Well, I mean, it was the exchange you had
9 with counsel and they were talking about the hourly
10 class data. And so wasn't that kind of the selling
11 benefit of advanced meters beyond, you know, beyond
12 automatic shutoffs and time-of-use was that you can
13 gather more data on usage. And then if you can
14 compile that data into the class and use that to
15 specify in a class cost of survey to get better data
16 on who is using what when.

17 Because I -- I'm getting the sense that
18 Staff, in their class cost of service studies, are
19 trying to equate what classes are using what energy
20 when, i.e., renewable energy during the day probably
21 being used more by, you know, industrial class, and
22 wind energy at night when most people are sleeping
23 probably being used by some type of a more of an
24 industrial. So I believe they're trying to take that
25 class and assign the cost of those facilities to that

1 class more, and that's kind of where they're coming
2 up with some of their -- their differentials of who's
3 using what when. But they don't have the data, so
4 they're making assumptions. And then the Company is
5 questioning, you know, their assumptions.

6 So the conversation that I think
7 Ms. Plescia had that you even referenced with
8 Ms. Plescia is that you are looking for more guidance
9 from the Commission on class cost of survey and what
10 are we thinking. And so without the data that can be
11 compiled, you know, it's hard for us to, you know, to
12 move forward.

13 So my question to you is what would the
14 cost be, not looking for a dollar amount, but if
15 there was an incurred cost of man hours and writing
16 code and data gathered, would whatever dollar amount
17 that came out, would that be applied directly to the
18 shareholders or would that be born by the ratepayers?
19 So what would the true cost to the company's bottom
20 line be for gathering that data?

21 A. So I do want to just clarify with you for
22 a second, Chairman, I think the question is very
23 difficult with respect to AMI meter data which -- and
24 maybe I'm mistaken, but I don't think we have as much
25 dispute with Staff about providing AMI meter data.

1 And I think, you know, as we get all of our meters
2 rolled out and develop more, you know, just -- just
3 more internal processes with that data, I don't think
4 that that class -- that that AMI meter data is going
5 to be a significant problem. In fact, in this case
6 we provided quite a bit of AMI data. We also
7 provided still load research-based hourly data that I
8 think has a lot of the class-level characteristics
9 that AMI data would have. So I don't -- I don't
10 think that there's a big -- a big cost number on --
11 if you're specifically referring to hourly data and
12 AMI data for meter data.

13 But there's a whole host of other data I
14 guess issues that are raised by Staff that relate to
15 distribution infrastructure. And that's what I was
16 getting at where I think the cost lies is in getting
17 extraordinarily granular and highly precise at the
18 asset level statistics on -- on the distribution
19 system. I -- you said who would bear the costs. I
20 think, you know, we would certainly incur those costs
21 as O&M test if they fell within a test year and a
22 rate review. And I would fully expect that they
23 would be included in the revenue requirement in our
24 rate -- in our rate case and they would impact
25 customers going forward. Certainly if they happened

1 outside of a test year for a rate case, the
2 shareholders would be impacted by it. So that's just
3 a kind of a regulatory lag question.

4 But I do believe, you know, to -- to
5 provide the incredible granularity and specificity of
6 statistics about distribution infrastructure would
7 require -- I don't -- I don't know that I can
8 actually tell you the number of man hours, but I
9 think it would be very, very significant in terms of
10 having -- having a number of employees deployed for,
11 you know, probably months.

12 Q. Okay. So if the cost will be -- you know,
13 if we -- if it was in a rate case or a test year or
14 if we were to put some type of a tracker to track the
15 costs which could be included in a future rate case
16 which would then be absorbed by the ratepayers so it
17 would not, you know, come from, you know, from the
18 company's shareholders and it would -- it would take
19 months and you have to come in what, every three
20 years under the PISA statute, would the Company, if
21 they knew that it wasn't going to be impacting, you
22 know, their bottom line and they would have up to
23 three years to gather the data, would -- would the
24 Company be willing to do the man hours and the
25 legwork to gather the data that Staff is requesting

1 so as to advance us down the road of this class cost
2 of service study issue so the next rate case we're
3 not having the same -- the same discussion on let's
4 use A&E or no Staff has a novel approach again?

5 A. I absolutely think it would still be a
6 novel approach if all the data were provided. That's
7 the other -- the other point with this, Chairman, is
8 the biggest problem for us is the methodological
9 change that is being driven.

10 You know, I think -- I think Staff
11 represents that all of this data is needed, but
12 the -- you know, I mentioned the more granular you
13 get, class cost of service is like a puzzle and if
14 you break this down into -- into instead of, you
15 know, hundreds of pieces, you break it into thousands
16 or tens of thousands or hundreds of thousands of
17 pieces, the introduction of, you know, mismatches and
18 biases in that data becomes significant.

19 And then, you know, and then on top of
20 that where you're seeing choices made in the
21 allocation factors made by Staff, that we're going to
22 continue to say that there's a novel approach. And I
23 think MIEC and MECG most likely, you know, would --
24 would feel similarly.

25 My -- so my biggest concern is that

1 there's a cost associated with the data and the
2 benefit is actually not there, right. The, you know,
3 what's been portrayed, that this data is the answer
4 to getting a more accurate class cost of service, I
5 see it making them getting less accurate. I think
6 it's a big driver of why Staff's study is way out of
7 line with kind of what the national average of, in
8 terms of class rates would be.

9 And I think the benefit would be a
10 negative, in fact, to do that and try to do a class
11 cost of service study at a level of granularity that
12 is -- it just -- when you're down that far into the
13 weeds, there's all kinds of opportunities for
14 mismatches. You know, you capture customer-specific
15 costs for one class or not for another. You've
16 carved out certain costs and assigned them to
17 customers, but then you've allocated the remaining
18 bucket using load that had -- the customers that had
19 direct assigned costs and you end up double counting.
20 I just think that level of granularity is inadvisable
21 to -- in order to do class cost of service in a
22 reasonable fashion.

23 Q. So see, I would take the opposite side of
24 we don't want to -- we shouldn't do it because, A,
25 nobody else is doing it so you're just perpetuating

1 the status quo. And rarely in my life have I found
2 that more data to identify, you know, cost drivers
3 and things produces a worse outcome. Now, yes, you
4 can have an overload of data, but if you're going
5 to -- if you're going to go to -- even, you know, if
6 you kind of have an idea of what you're looking for
7 and you can do that, more data tends to drive, you
8 know, you know, a better process.

9 Now, I am not saying that we would like
10 the outcome. I'm not saying that Missouri would
11 gather all this data and it might show stuff that we
12 would be an outlier. And it might be something that,
13 you know, from a policy perspective that the
14 Commission would not choose to move forward with.
15 But I don't see us getting out of this what I see as
16 a perpetual pattern of future of saying, Well, you
17 got the large consumers, so we can't use this. This
18 is the way we've done it and this is the way NARUC's
19 done it and they got the 1992 manual and we're using
20 it this way. And then if people approach it with a
21 different -- saying, Hey, we want more data, we have
22 all this technology, we -- we can do that. I don't
23 see the negative of getting more data and at least
24 giving the Commission the option, you know, to weigh
25 it and let's argue over the data rather than argue

1 over assumptions.

2 And so there's not really a question
3 there, but just -- I'm just. I just don't want to
4 have another rate case three years from now, six
5 years from now where we're having the same -- the
6 same, you know, concept when the cost to the company
7 would only be man hours and -- you know, and they
8 would have plenty of time before the next rate case.

9 But I know I'm bumping us up here against
10 our hard stop and I know Commissioner Holsman has
11 some questions, so I'm going to go ahead and stop
12 there. And, Commissioner Holsman, go right ahead,
13 buddy.

14 COMMISSIONER HOLSMAN: Thank you,
15 Mr. Chairman.

16 QUESTIONS

17 BY COMMISSIONER HOLSMAN:

18 Q. And I appreciate you staying a bit here to
19 answer questions. I'll try and be brief, try and get
20 us done by 5:30.

21 I want to return to the line of
22 questioning from Renew Missouri. The plain reading
23 of the net metering statute in my opinion clearly
24 says that rate structure will be offered, shall be
25 offered to net metering customers in the same fashion

1 it's offered to everyone else.

2 Your testimony and your comments and
3 discussion with Renew Missouri is basically saying
4 that there's another statute that's saying that we
5 can't do it because everything has to be netted out.
6 Can you tell me where -- what that statute is that
7 you're referring to that would potentially say that
8 you can't do it when the net metering statute in
9 plain language says that you shall do it?

10 A. So it's the same statute, Commissioner. I
11 think there's two things that I would point out with
12 respect to this. First, I think, you know, the
13 position that we've put forward is that the plain
14 reading of the statute, at least my, you know,
15 non-lawyer's reading of it, but I -- I mean, I can
16 read the words on the page is that it says you have
17 to offer the same rate that may otherwise be assigned
18 to.

19 And that's what -- that's what we've
20 really done is we've -- the rate that the customer
21 would otherwise be assigned to is our Evening/Morning
22 Savers rate and that is available.

23 The other part of the statute, and I don't
24 have the language sitting in front of me, but it
25 essentially says you must net all kilowatt hours

1 across the billing period. And what we're saying
2 that needs to happen for an economically rational
3 application of net metering to -- of time-of-use
4 rates to net metered customers is that netting should
5 be segmented within time-of-use periods.

6 And so the language that says that you
7 must net all kilowatt hours across billing period, I
8 believe that if you have overgeneration in the off
9 peak and you net it against consumption that occurred
10 during the peak, that's destroying the price of the
11 time-of-use rate. And what ought to happen is the
12 excess kilowatt hours from the off peak should be
13 treated like, you know, excess generation kilowatt
14 hours are today. But the statute would tell you you
15 need to -- as long as there's a consumption -- at
16 least the way we've read the statute, there's another
17 kilowatt hour in the billing period; it just happens
18 to be in the peak period, and that netting basically
19 allows you to take a low-value kilowatt hour from the
20 off peak that was overgenerated and offset a
21 high-value kilowatt hour of peak period consumption.
22 And that basically, essentially destroys the price
23 signal included in the rate.

24 Q. Okay. It is not relevant to this decision
25 making; it's just an interesting fact that

1 interpretations of statutes can vary and change. I
2 happen to be the legislator who wrote those -- that
3 statute in 2007, so it's interesting to me that here
4 we are, you know, just casually 15 years later
5 discussing it and having a difference of opinion of
6 what we think that it says. That's just a comment,
7 not a question.

8 Have you -- when the line of questioning
9 of discussion on the battery storage and dispatching
10 it, in your studies or research have you looked at
11 power plants and the concept of strategic geographic
12 placement and dispatchment at times and places the
13 utility's choosing so that the utility almost becomes
14 a mini RTO in using residential meters to bank the
15 storage, but would ultimately be controlled by the
16 utility? Is that something that you have looked at?

17 A. I'm not a -- so there is, you know, as I
18 was discussing with, I can't even remember who I was
19 discussing with, the market potential study, maybe it
20 was Mr. Linhares. I'm not, you know, deep into that
21 study, so I'm not familiar that we have looked at it,
22 but I can't tell you that there has not been any
23 effort on it. But I'm not aware of that study or an
24 outcome on it. But there is stuff going on in that
25 market potential study that may be happening with

1 folks that are more hands-on with it that I'm not
2 aware of.

3 Q. Okay. Going back to the time-of-use, you
4 made a comment and I want to make sure I have this
5 understanding right. If someone were placed into
6 what was previously known as the EV time-of-use, I
7 think you called it Day/Night or the -- you changed
8 the name of it in your testimony, you said that if
9 they did nothing, they would still assume a 5 percent
10 benefit or savings by going to that rate. Is that --
11 was that correct?

12 A. So there are individuals in that
13 situation. So Mr. Keevil was -- was directing me to
14 a chart in some testimony that I had filed in a prior
15 case. And what we did is we looked at a sample of
16 like 800 customers and figured out for each one what
17 would their bill impact be. There were some
18 customers that happened to fall into that bucket that
19 they would have a 5 percent reduction. But if you
20 were -- you know, if you were able to follow the
21 testimony that I was looking at, you'd see that
22 there's a distribution where customers, there were
23 some that would save even more and there would
24 some -- that some would have higher bills. But
25 the -- the numbers that Mr. Keevil directed me to

1 were for customers that would have savings, the
2 savings that we discussed. That doesn't mean that
3 that's, you know, the experience that the -- that
4 everybody would have.

5 Q. Have you modeled what would potentially be
6 maximum savings if a sophisticated user were to do
7 everything correct in terms of their timing and usage
8 of a time-of-use rate? Do you have modeling that
9 would show what the maximum savings could be?

10 A. I mean, I think that would really have to
11 depend on the starting load profile of an individual
12 customer. So I can't say that I've modeled
13 specifically what is a maximum savings value that's
14 theoretically possible. It would be -- it would be
15 very different customer to customer, right, because
16 some folks who are already going to naturally save,
17 they have additional savings potential, but it's not
18 as big as somebody who's already a heavy peak-period
19 user. So there would be a lot of variables that
20 would go into such a study, but I don't think I can
21 tell you a number that this is the theoretical
22 maximum that somebody could save.

23 But I will say, you know, individual
24 customers can and have saved north of 20 percent on
25 some of these rates.

1 Q. Okay. Last question I have here back to
2 the net metering statute. You say you're sincerely
3 interested in providing net metering customers with a
4 time-of-use rates. Do you have any type of
5 speculation on a time frame for when that might be
6 available?

7 A. I mean, I think that, you know, one of
8 the -- our, you know, position as we've articulated
9 is that, you know, it needs to be very clear whether
10 statutory change, I know you talked about different
11 interpretations of statute, but it needs -- would
12 need to be very clear though, legal, to net within
13 time periods. And from our perspective that is a
14 required statutory change.

15 And the timeline as -- I mean, you
16 probably know better than I do as a former senator
17 what statutory -- but there is the net metering task
18 force that's going on this year that seems to us to
19 be a potential opportunity for that to be, you know,
20 introduced and contemplated by the Legislature. And
21 we certainly hope that that's -- you know, becomes an
22 opportunity for that to happen and maybe address this
23 issue.

24 Q. Do you have a position on Renew Missouri's
25 request for you to conduct your own study on the

1 time-of-use in a similar fashion that the previous
2 rate case for another company in this state was
3 required to do or asked to do?

4 A. So, I mean, my basic position is that
5 we're pretty clear on what we think the barrier is.
6 I mean, I think the may the Evergy study was is to
7 look at the billing and legal and one -- I can't
8 remember the other category -- barriers. I think we
9 know what we think the barrier is right now and it's
10 that legal provision of now netting occurs. Beyond
11 that, I think -- I think we would expect to be
12 able -- if we could net within -- if there was
13 clarity that we could net within time periods, I
14 think that we would, you know, be ready to offer net,
15 you know, time-of-use rates to net metered customers.

16 COMMISSIONER HOLSMAN: Okay. Thank you
17 very much for your testimony and answering my
18 questions.

19 Thank you, Judge. I told you I'd be done
20 by 5:30 and here we are. Thank you very much.

21 JUDGE CLARK: Thank you.

22 CHAIRMAN RUPP: Hey, Judge, it's
23 Commissioner Rupp. I just had one quick comment
24 regarding Commissioner Holsman drafting of that
25 legislation. I never thought I'd see the day where

1 he was advocating for original intent of the
2 lawmakers. And so that's wow, that's -- this is just
3 a great day.

4 JUDGE CLARK: Thank you.

5 COMMISSIONER HOLSMAN: You're funny.

6 JUDGE CLARK: Okay. Well, it's
7 almost 5:30. As much as I hate to break up a
8 witness, Mr. Wills, I'm going to ask you to be back
9 here tomorrow. I've got a number of questions for
10 you and there may be some follow up from the parties
11 as well. So we will take that up tomorrow.

12 Another thing I wanted to address is I
13 can't for the life of me remember -- hold on just a
14 second. I cannot remember whether I said that the
15 Commission takes judicial notice or official notice
16 of your Direct testimony in ER-2019-0335, but we are
17 an administrative body, so to clarify that, we're
18 taking being official notice of ER-2019-0335, your
19 Direct testimony.

20 Is there anything else at this time that
21 I need to take up before we adjourn until tomorrow?
22 I see nothing. Why don't we -- today was kind of a
23 slow day, but I think we got through a lot of it.
24 Why don't we take up tomorrow at 8:30. And with that
25 we will go off the record and recess until tomorrow

1 at 8:30.

2 (Whereupon, the hearing was adjourned
3 until April 13, 2023 at 8:30 a.m.)

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1 CERTIFICATE OF REPORTER

2 STATE OF MISSOURI)

3 COUNTY OF COLE)

4 I, Shelley L. Bartels, a Certified Court
5 Reporter, CCR No. 679, do hereby certify that I was
6 authorized to and did stenographically report the
7 evidentiary hearing; and that the foregoing
8 transcript, pages 1 through 269, is a true record of
9 my stenographic notes.

10 I FURTHER CERTIFY that I am not a relative,
11 employee, or attorney, or counsel of any of the
12 parties, nor am I a relative or employee of any of
13 the parties' attorney or counsel connected with the
14 action, nor am I financially interested in the
15 action.

16

17 DATED this 18th day of April, 2023.

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Shelley L. Bartels, CCR 679

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