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 1                 STATE OF MISSOURI

 2            PUBLIC SERVICE COMMISSION

 3            TRANSCRIPT OF PROCEEDINGS

 4                Evidentiary Hearing

 5                  March 3, 2015

 6                Jefferson City, MO

 7                 Volume No. 23

 8

 9

    In the Matter of Union Electric   )

10  Company, d/b/a Ameren Missouri's  )   File No.

    Tariff To Increase Its Revenues   )   ER-2014-0258

11  For Missouri Operations Company   )

    For Electric Service              )

12

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14

15         Morris L. Woodruff, Presiding

                    REGULATORY LAW JUDGE

16

              ROBERT S. KENNEY, Chairman

17            WILLIAM P. KENNEY

              DANIEL Y. HALL

18                 COMMISSIONERS

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 1   P R O C E E D I N G S

 2   (Whereupon, the hearing began at 1:01 p.m.)

 3   JUDGE WOODRUFF: Let's go ahead and

 4   get started. We're back for another day of the

 5   Ameren rate case hearing, ER-2014-0528. Today

 6   we're going to be taking up class cost of service

 7   issues but before we do that there's some other

 8   matters that need to be taken care of.

 9   Ms. Tatro, you asked to be

10   recognized?

11   MS. TATRO: Thank you, Your Honor.

12   Yes, I have a few issues.

13   On Thursday, the 5th, it currently

14   shows an issue labeled Other Tariff Issues which I

15   believe is the 7(M) lighting issue, Mr. Davis is

16   the only person testifying on that, no one opposes

17   that so my suggestion is it really doesn't even

18   need to be on the issues and we don't need to take

19   testimony on that.

20   JUDGE WOODRUFF: That would be the

21   incandescent street lights is what it's showing on

22   here, but.

23   MS. TATRO: No, Other Tariff Issues.

24   Isn't there one that says Other Tariff Issues after

25   that?

 1   JUDGE WOODRUFF: I know what you're

 2   talking about but I'm looking at what Mr. Thompson

 3   gave me and I don't see it there. I know what

 4   you're talking about.

 5   MS. TATRO: Okay. Hang on a second.

 6   Yeah, that's it, all right. Sorry.

 7   I was looking at my version of this document which

 8   calls it something different.

 9   JUDGE WOODRUFF: Okay. That was the

10   Ameren's request to change its tariff?

11   MS. TATRO: we're getting rid of that

12   tariff, I believe there's no more customers on it.

13   JUDGE WOODRUFF: Okay.

14   MS. TATRO: I believe there were

15   initially at the time we filed but we've been in

16   contact with them and we're done with that.

17   The second issue on the same date is

18   the LED street light issue and Staff and Ameren

19   Missouri has agreed to Ameren Missouri's proposal

20   to update our cost effective study on an annual

21   basis is fine, that is consistent with what the

22   city's put in their position statement as well so

23   I'm not sure that that issue needs to go to hearing

24   either because we would, we agreed to update it

25   annually as we were ordered to do in file number

  1   EO-2013-0367.

  2   JUDGE WOODRUFF: Will a stip have to

  3   be filed on that, or?

  4   MS. TATRO: If the Commission would

  5   like us to put it in a stipulation we can do so, if

  6   putting it in the record this way, that's fine as

  7   well.

  8   JUDGE WOODRUFF: Okay.

  9   MS. TATRO: If the Commission has a

 10   preference.

 11   JUDGE WOODRUFF: I don't have a

 12   preference although the parties believe it ought to

 13   be taken care of as appropriate.

 14   MS. TATRO: Okay.

 15   JUDGE WOODRUFF: Anything else?

 16   MS. TATRO: My third issue has to do

 17   with the MEEEIA low income exception which is being

 18   heard on the 4th. I'm not 100 percent sure what

 19   all issues remain to be tried and I'm not proposing

 20   that we not try it but I wanted to make the

 21   Commission aware that we will need an order on that

 22   particular issue prior to the report and order in

 23   this case. If it is approved then we have to file

 24   the tariff 30 days before the effective date

 25   because it's, and that would be June, I said 30, I

1 meant 60, sorry, 60 days before the effective date

2 which is the first of June so we would need an

3 order so we can file the tariff by April 2nd.

4   JUDGE WOODRUFF: We can talk about

5 that more when it comes up on the schedule then.

6   MS. TATRO: Okay.

7   Then the last thing I have is this

8 morning we filed a revised partial revenue

9 requirement stipulation hopefully addressing the

10 issues brought up by Chairman Kenney, Commissioner

11 Hall and we would request that you issue a

12 shortened objection date, maybe by noon on Friday,

13 so if there is going to be an objection to it we

14 can figure out how to add time at the end of the

15 hearing or what we're going to do to be able to

16 take those issues up.

17   JUDGE WOODRUFF: Any indication that

18 there is any objection?

19   MS. TATRO: We've had one party who

20 did not indicate one way or another so I don't

21 know.

22   JUDGE WOODRUFF: Okay.

23   Mr. Williams.

24   MR. WILLIAMS: Thank you, Judge.

25   As you're aware this morning Staff

1   filed a stipulation and agreement in conjunction

2   with Ameren Missouri regarding depreciation which

3   is scheduled for hearing tomorrow. Public Counsel

4   has filed a non-opposition and I've heard from a

5   number of parties expressing that they don't oppose

6   it, I've heard from United For Missouri, Cities of

7   Ballwin and O'Fallon, Division of Energy, MIEC and

8   MECG. I have not heard from the other parties as to

9   their positions but I haven't heard from anyone

10   hearing indicating that they're opposing it and of

11   course the issues are scheduled for hearing

12   tomorrow so I want to bring that to the

13   Commission's attention.

14   JUDGE WOODRUFF: Is it your

15   anticipation then we will not have to hear the

16   evidence tomorrow?

17   MR. WILLIAMS: That's what I'm

18   expecting.

19   JUDGE WOODRUFF: Well, that's good.

20   So what we would have left then tomorrow would be

21   the economic development riders and the MEEIA low

22   income and whatever we don't get done today on

23   class cost of service. And on Thursday we would

24   have the city street lighting issues and

25   supplemental services, the NBEC's on Friday and the

 1   Labadie ESP's on Friday.

 2   MS. TATRO: Your Honor do you need to

 3   issue any kind of order asking someone if they have

 4   an objection to that depreciation study so that we

 5   don't, if someone does we don't miss that?

 6   JUDGE WOODRUFF: I can do that. Our

 7   regulation says seven days but we can certainly

 8   appeal to people's better instincts to try and give

 9   us information as soon as possible.

10   MS. TATRO: Yeah, it does say seven

11   days unless the Commission orders otherwise, so

12   that's why I asked. Thank you.

13   JUDGE WOODRUFF: Okay.

14   MR. ALLISON: Judge I have one

15   matter.

16   JUDGE WOODRUFF: Okay.

17   MR. ALLISON Earlier Public Counsel

18   offered the Exhibits 406, 407 and 408, HC and NP,

19   subsequently the Commission declassified certain

20   portions of 408 and so this morning I filed a

21   revised surrebuttal testimony of Mr. Ted Robertson.

22   I would ask that we be allowed to substitute those

23   reclassified versions as Public Counsel Exhibit 408

24   NP & HC.

25   JUDGE WOODRUFF: Okay. Any objection

 1 to that substitution?

 2   Hearing none that request is granted

 3 then.

 4   MR. ALLISON: And second, Judge, the

 5 last issue Mr. Robertson was going to offer

 6 testimony on was depreciation and since that is in

 7 flux I would ask that you make a ruling on the

 8 admission of Exhibits 406, 407 and 408 at this

 9 time.

10   JUDGE WOODRUFF: All right. 406, 407

11 and 408 have been offered, any objection to their

12 receipt?

13   Hearing none they will be received.

14   MR. ALLISON: Thank you, Judge.

15   MR. CHAMBERLAIN: Your Honor, one

16 other matter, Rick Chamberlain appearing on behalf

17 of Wal-Mart Stores East, LP and Sam's East, Inc.

18   JUDGE WOODRUFF: Okay. Very good.

19   Anything else that we need to take up

20 before we get started?

21   All right. Then we'll start with

22 mini openings on the class cost of service issues

23 beginning with Ameren.

24   MR. MITTEN: May it please the

25 Commission.

 1   The joint issues list filed last

 2   month shows nine issues the Commission needs to

 3   decide in this case on the topics of class cost of

 4   service, revenue allocation and rate design. I'm

 5   not going to address each individual issue in my

 6   opening statement because I think many of those

 7   issues can be addressed generally by focusing on

 8   which class cost of service study methodologies

 9   most accurately allocate costs among Ameren

10   Missouri's rate classes. In this case four parties

11   performed class cost of service studies, Ameren

12   Missouri, Staff, Public Counsel and MIEC. I won't

13   go into detail about the specific methodologies

14   each of those parties used or describe the relative

15   strengths and weakness of those methodologies and I

16   don't think the Commission needs to do so either

17   because as table 1, page 4 of the rebuttal

18   testimony of Ameren Missouri's witness William

19   Warwick shows but with one exception the production

20   plant allocators of various studies produced are

21   qualitatively equivalent. Also, I note that the

22   results of Ameren Missouri's, Staff's and MIEC's

23   studies showed similar results that residential and

24   LTS were providing below average returns, the LPS

25   and lighting classes were providing close to

 1   average returns and the SGS, LGS and SPS rate

 2   classes were providing above average returns. The

 3   sole outlier of the four studies was the four

 4   coincident peak version of the peak and average

 5   method used by the Office of the Public Counsel.

 6   This is the same methodology that the Public

 7   Counsel used in past Ameren Missouri rate cases and

 8   in each case where the class cost of service issues

 9   were litigated the Commission found the OPC study

10   methodology to be inherently flawed because it

11   double counts the average demand of the various

12   customer classes. That double counting causes

13   customers with higher load factors to be allocated

14   an inequitable share of production plant and it

15   causes those same customers to be allocated a

16   disproportionate share of the non-average demand

17   portion of production plant investment. Those same

18   infirmities continue to inflict OPC's class cost of

19   service methodology which is why the production

20   plant allocation factors produced by that

21   methodology are so far out of line with the results

22   of the other party's studies. In past cases the

23   Commission has found Ameren Missouri's four

24   non-coincident peak version of the average and

25   excess demand allocation methodology to be a

 1   balanced and reliable methodology for class cost of

 2   service and we recommend that the Commission use

 3   the Company's class cost of service for revenue

 4   allocation purposes in this case. But because the

 5   difference between the results of Ameren Missouri

 6   studies and the studies conducted by Staff and MIEC

 7   are similar we're not going to contest which of

 8   those studies should be used for revenue allocation

 9   in this case. Although the differences in results

10   of three of the four class cost of service studies

11   in this case are slight and which of those studies

12   the Commission chooses to rely on is not an issue.

13   There are a few rate design issues

14   that must be resolved in a report and order in this

15   case. One of those issues concerns the customer

16   charge for Ameren Missouri's residential rate

17   class. As the Commission is aware the cost Ameren

18   Missouri incurs to provide service to its customers

19   are generally classified as either customer demand

20   or energy related. Those costs are further divided

21   into two general categories, fixed and variable.

22   Fixed costs are those costs that are not usage

23   sensitive while variable costs vary with the amount

24   of electricity sold. Generally speaking for

25   non-demand metered customers the monthly customer

 1   charge is designed to reflect certain fixed charges

 2   such as billing, postage, meter reading and the

 3   like, that the company incurs regardless of whether

 4   the customer uses energy. While volumetric

 5   charges, the price customers pay for each kilowatt

 6   of energy they use, are designed to reflect all

 7   remaining costs including variable or

 8   energy-related costs. Although those are the

 9   objectives of rate design a large portion of the

10   fixed costs Ameren Missouri currently incurs to

11   provide electric service are still collected

12   through volumetric rates for the residential rate

13   class. For example, for a residential customer

14   about 80 percent of Ameren Missouri's costs are

15   fixed but only about 10 percent of those fixed

16   costs are currently being collected through the

17   customer charge. The effect of this discrepancy is

18   evidenced by the fact that the Company's class cost

19   of service study in this case supports a

20   residential customer charge in excess of $20 but

21   the current customer charge is only $8. Ameren

22   Missouri's residential customer charge is the

23   lowest of all Missouri investor-owned electric

24   utilities and its only about a third of the average

25   monthly customer charge of all Missouri electric

 1   cooperatives. In fact for cooperatives the lowest

 2   customer charge is $14 a month and the highest

 3   charge is $38 a month and I say this because the

 4   cooperatives are organizations that are owned by

 5   the members who pay those rates. In each of the

 6   past five rate cases Ameren Missouri has proposed

 7   to increase the customer charge for its residential

 8   customers but only one of those increases has been

 9   approved. That means the gap between costs the

10   customer charge was meant to collect and the cost

11   it actually is collecting has continued to grow.

12   More specifically, over those five rate cases for

13   every one percent increase in the monthly customer

14   charge there has been a five percent increase in

15   volumetric charges. To stem that tied Ameren

16   Missouri again proposes to increase the customer

17   charge for residential customers. Although the

18   Company's approach in this case differs from the

19   approach taken in its last rate case. Instead of

20   increasing the customer charge by a specific amount

21   Ameren Missouri proposes to increase the customer

22   charge by the same percentage as other rates are

23   increased for the residential class in this case.

24   While this proposed methodology won't improve the

25   five to one volumetric fixed cost ratio I mentioned

 1   a moment ago, the ratio won't get any larger if our

 2   proposal is adopted. Under this proposal if the

 3   Company received the entire amount of the rate

 4   increase requested in this case the monthly

 5   customer charge would increase from $8 to $8.77 but

 6   because many issues affecting the revenue

 7   requirement likely will be settled before this case

 8   is decided the current maximum increase is more in

 9   the range of $8.50. Ameren Missouri believes the

10   evidence in this case will suggest that Staff's

11   opposition to the proposed increase in the

12   residential customer charge is based on language

13   and report in order in the Company's last rate

14   case. In that order the Commission concluded that

15   the monthly customer charge should not be increased

16   for public policy reasons. Specifically, the

17   Commission concluded shifting costs from volumetric

18   to the monthly customer charge would tend to reduce

19   a customer's incentive to save electricity because

20   increases in the volumetric rates would adversely

21   affect the payback periods associated with energy

22   efficiency measures.

23   It's important the Commission

24   understand that Ameren Missouri is also proposing

25   to increase the volumetric rate in this case. This

 1   means that even with a nominal increase in the

 2   monthly customer charge the incentive to

 3   participate in energy efficiency programs that the

 4   Commission found important in the last case will

 5   still be there and in fact will be enhanced.

 6   Therefore it's clear that an increase in the

 7   monthly customer charge and energy efficiency are

 8   not mutually exclusive. The Commission should not

 9   tilt the rate design solely in favor of energy

10   efficiency. Indeed there are customers who are

11   above average energy consumers with little or no

12   options to reduce energy consumption. The

13   Commission should recognize the need to balance the

14   fact that half of Ameren Missouri's residential

15   customers would receive and have been receiving

16   above average rate increases when the customer

17   charge stays at $8. The Company's proposal to

18   increase the customer charge by the same percentage

19   as a class total reasonably balances the desire to

20   increase the price signal for energy efficiency and

21   the true underlying cost of service.

22   The final issue I want to address is

23   the proposal by Wal-Mart Sam's Club to apply half

24   of an increase approved for the LGS and SPS rate

25   classes to the initial usage block and the other

 1   half to the demand charge. Under this proposal

 2   rates for the second and third energy blocks would

 3   remain unchanged. In addition, Wal-Mart Sam's Club

 4   also proposes that the Commission require Ameren

 5   Missouri to develop alternate rate designs for the

 6   LGS and SPS rate classes that are not based on

 7   hours used rate design for the energy charge and to

 8   present those alternatives in the Company's next

 9   rate case.

10   With regard to the first proposal I

11   just mentioned Ameren Missouri conducted a bill

12   impact analysis that shows the effect the Wal-Mart

13   and Sam's Club's proposal will have on customers in

14   the two rate classes that are affected by that

15   proposal and the results of that analysis can be

16   seen on page 10 of the rebuttal testimony filed by

17   Ameren Missouri's witness William Davis. I invite

18   the Commission to question Mr. Davis on these

19   effects as it considers the public policy impacts

20   of the Wal-Mart Sam's Club proposal.

21   With regard to the second aspect of

22   that proposal the hours used rate design

23   methodology which bases rates on a size

24   relationship between customer's demand and the

25   amount of energy the customer actually uses was

 1   specifically designed to deal with the diversity of

 2   loads of customers within the large general service

 3   and small SPS rate classes. It equitably recovers

 4   from customers the costs with varying load factors

 5   and there is no reason to believe any alternative

 6   rate design will produce results that are better or

 7   more equitable. However, if Wal-Mart and Sam's

 8   Club believes differently it should bear the burden

 9   of conducting the analysis necessary to validate

10   that claim.

11   That completes my opening statement,

12   I'll be happy to take any questions.

13   JUDGE WOODRUFF: Mr. Kenney?

14   COMMISSIONER KENNEY: I just have one

15   question.

16   EXAMINATION

17   QUESTIONS BY COMMISSIONER KENNEY:

18   Q.   **You mentioned only one base rate**

19   **increase for residential customers in the last five**

20   **rate cases?**

21   A.   Only one increase in the customer

22   charge. Base rates have increased in each of those

23   cases.

24   Q.   **Okay. In the customer charge.**

25   A.   That's correct.

 1   **Q.   Okay. Thank you.**

 2   JUDGE WOODRUFF: Mr. Hall?

 3   COMMISSIONER HALL: Yes, just a

 4 couple questions.

 5   EXAMINATION

 6 QUESTIONS BY COMMISSIONER HALL:

 7   **Q.   Concerning the customer charge what**

 8 **is Ameren's motivation for wanting to increase the**

 9 **customer charge?**

10   A.   We want to move as many of the fixed

11 charges into the customer charge as possible

12 because we believe that sends a rational pricing

13 signal to the customer in terms of the costs they

14 can avoid by adopting energy efficiency measures.

15   **Q.   It seems like it would have the**

16 **opposite effect, it would seem to disincentivize a**

17 **customer from trying to conserve energy.**

18   A.   Well, in terms --

19   **Q.   I understand why you're saying it may**

20 **have the effect of correctly correlating costs and**

21 **prices but doesn't it have the perverse effect of**

22 **having, of disincentivizing conservation?**

23   A.   The concern we have Commissioner Hall

24 is that by artificially inflating the volumetric

25 charge you're sending false price signals and false

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 1   cost signals to customers and while those inflated

 2   volumetric charges may shorten the payback period

 3   for energy efficiency measures and therefore

 4   provide an incentive to customers to adopt those

 5   measures it's doing it based upon false economies.

 6         Q.     Okay.  But it's still, it's

 7   incentivizing conservation and you're proposing

 8   something that would reduce that incentive.

 9         A.     It's incentivizing conservation that

10   may be less than cost effective which is the

11   objective that the MEEIA statute sets out as the

12   policy of the state.  It supports energy efficiency

13   but it supports cost effective energy efficiency.

14         Q.     Wouldn't such a change also give

15   Ameren more stability in revenues?

16         A.     Moving it to the customer charge?

17         Q.     Yes.

18         A.     Yes, it would.

19         Q.     And isn't that a benefit to Ameren?

20         A.     It is a benefit to Ameren.  It also

21   stabilizes the monthly bills that the customer

22   receive because as less of their bill is dependent

23   on volumetric charges the swings month to month

24   would be less.

25         Q.     You mentioned that Ameren has the
```

 1   **lowest customer charge of any investor-owned**

 2   **utility in the state?**

 3   A.   That's correct.

 4   Q.   **And what is the range of the customer**

 5   **charges for the other investor-owned utilities?**

 6   A.   Commissioner Hall I can't tell you,

 7   that's in Mr. Davis's testimony but it's my

 8   recollection that the next lowest monthly customer

 9   charge is $9.

10   Q.   **And then could you explain to me**

11   **again Ameren's proposal for the increase and how it**

12   **is calculated? Or is that something better for**

13   **your witness as well?**

14   A.   The increase in the customer charge?

15   Q.   **Yes.**

16   A.   We base our proposal on spreading the

17   same percentage increase in the customer charge

18   that rates generally are increased in this case.

19   Q.   **Okay.**

20   A.   So if there's a six percent increase

21   in rates generally the customer charge would

22   increase by that same amount.

23   Q.   **All right. Thank you.**

24   JUDGE WOODRUFF: Mr. Chairman did you

25   wish, have any questions for Mr. Mitten?

 1   CHAIRMAN KENNEY: No, thank you. And

 2   I apologize for being late.

 3   JUDGE WOODRUFF: Thank you.

 4   Opening for Staff.

 5   MR. ANTAL: Good afternoon, may it

 6   please the Commission.

 7   My name is Alex Antal, I'll be giving

 8   the opening on class cost of service and rate

 9   design for the Commission Staff.

10   We have heard many arguments about

11   how much money Ameren needs to get paid to cover

12   its costs. Now we've changed our focus to who's

13   going to pay that money and how that money will be

14   paid. The two essential purposes of a class cost of

15   service and rate design study are to one, determine

16   the cost of serving an individual rate class by

17   allocating utility costs on the basis of energy,

18   demand and customer-related costs for the various

19   individual classes based off of the principle of

20   cost causation. The second is to how to best

21   collect necessary costs through various charges for

22   using Ameren's services. Now, as Mr. Mitten

23   alluded to there are a lot, there are nine

24   subissues in this issue, I believe that several of

25   them can be covered from Staff's opinion

1   collectively so at this point I'm going to cover

2   subissue A, allocation of generation fixed costs,

3   B, the allocation of production, operation and

4   maintenance expense, G, off system sales revenues

5   and I, fuel and purchase power costs together.

6   Staff recommends using Staff's

7   detailed BIP methodology. Staff notes in Ms. Sarah

8   Kliethermes's rebuttal testimony that the

9   methodologies of all the parties in this case are

10   reasonable and if you want to see that comparison I

11   would refer you to both her rebuttal and

12   surrebuttal testimony and her tables 1 and 2 and

13   the corresponding graphs. However, Staff believes

14   it's detailed BIP method to be the most reasonable.

15   Staff's detailed BIP class cost of service study is

16   the most reasonable in this case because it

17   recognizes the relationship between the cost of the

18   plant's required to do, to serve various levels of

19   demand and energy requirements relative to the cost

20   of producing energy at those plants.

21   Now, what does all that mean? The

22   BIP methodology which is an acronym for base,

23   intermittent and peak, determines which of Ameren's

24   plans are base serving, intermediate serving and

25   peak serving plant and it comes up with the cost of

1   per megawatt of each of those plants to serve

2   Ameren's utilities, or Ameren's customers, whereas

3   the A&E class cost of service methodology that is

4   used by the various other parties while a perfectly

5   reasonable methodology only uses one price for the

6   price of energy and one price for capacity.

7   Ameren's witness, Mr. Warwick, states in his

8   surrebuttal testimony the BIP method is one of the

9   methods for production plant investment allocations

10   that is listed in the National Association of

11   Regulatory Commissioners Electric Utility Cost

12   Allocation Manual. He goes on to state, it appears

13   that the Staff's application of the BIP method for

14   the Company's production plant results in an

15   allocation that produces results similar to my

16   study. Mr. Warwick's statements therefore show a

17   clear indication of approval of Staff's class cost

18   of service methodology. The only basis given by

19   Mr. Warwick for accepting Ameren's methodology is

20   that it is the study the Commission used to set

21   rates in Ameren's last rate case. While

22   consistency is certainly a factor that the

23   Commission should consider with every issue what

24   the Commission is obligated to do is to evaluate

25   the information presented to it in each individual

1   rate case and determine what is the most reasonable

2   class cost of service study for setting rates in

3   that particular case. To merely defer to past

4   practice when new and improved methods are

5   presented to the Commission would leave the

6   electric utilities and their customers ill-equipped

7   to deal with the challenges of an ever-changing

8   electricity market. In order for this Commission

9   to be dynamic and responsive to the change in how

10   electricity is generated and sold it must make a

11   thorough review of new information in methods for

12   calculating utilities in class cost of service.

13   For these reasons Staff recommends

14   the Commission find that Staff's detailed BIP class

15   cost of service study most reasonable, the most

16   reasonable that recognizes the relationship between

17   Ameren Missouri's generation fleet characteristics

18   and the capacity and energy requirements of its

19   load and therefore is the most reasonable study for

20   allocating generation of fixed costs, production,

21   operation and maintenance expense, off system sales

22   revenues and fuel and purchase power costs in this

23   case.

24   I'll now turn to subissue C, how

25   should any rate increase be collected from the

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 1   several customer classes.

 2   Staff's methodology for determining

 3   how rates should be collected has a multi-step

 4   approach which I will explain in brief.

 5   The first step is to, is using the

 6   class cost of service results is to make revenue

 7   neutral adjustments to the various customer

 8   classes. Now, Staff is recommending that a

 9   positive revenue neutral adjustment be made of

10   point 5 percent for the residential and LTS

11   classes. Staff also recommends a negative revenue

12   neutral adjustment of point 63 percent to the SGS,

13   LGS and SPS classes. Ameren Missouri's witness

14   does not disagree with these recommendations and

15   states that Staff's proposal has merits if one's

16   goal is to bring rates more in line with cost of

17   service results. As I said earlier, one of the

18   many principles of a class cost of service and rate

19   design study is cause causation, what is the cost

20   of serving an individual class and do the revenues

21   that the utility collects match that cost. These

22   revenue neutral adjustments will bring those levels

23   closer together.

24   The next step that Staff proposes is

25   to direct assign each applicable class the portion

 1   of the revenue increase attributable to the

 2   amortization of energy efficiency programs from the

 3   pre-MEEIA program costs. Ameren does not disagree

 4   with this direct assignment although Staff and the

 5   Company's methods for assignment varied slightly.

 6   The next step is to allocate the

 7   amounts of the approved revenue increase not

 8   associated with energy efficiency to the various

 9   customer classes on an equal percentage basis.

10   Staff also recommends that the Commission should

11   order Ameren Missouri's rate schedule to be uniform

12   for certain interrelationships among the

13   non-residential rate schedules that are integral to

14   Ameren's Missouri rate design. It's Staff's

15   understanding that Ameren is in agreement with this

16   recommendation, and finally Staff recommends in

17   rate design that each rate component of each class

18   be increased for each class on an equal percentage

19   basis absent the residential customer charge.

20   Which leads me to the next subissue, number D.

21   What should the residential customer charge be? As

22   Mr. Mitten mentioned Staff recommends that the

23   residential customer charge remain at $8. Staff's

24   recommendation is based off the Commission's

25   guidance in Ameren Missouri's last rate case where

 1   the Commission was concerned with maximizing the

 2   benefits of energy conservation efforts. Staff's

 3   class cost of service study resulting in the

 4   residential customer charge of $8.11. Maintaining

 5   the current customer charge is unreasonable given

 6   this class cost of service result. Ameren's

 7   witness, Mr. Davis, tries to argue that the

 8   Company's recommended customer charge of $8.70,

 9   again that's based off of their filed revenue

10   increase, Mr. Mitten suggested that it's probably

11   not at $8.70 anymore, however, that's what it's

12   filed as, is reasonable by comparing it to a

13   hypothetical customer charge of $20 which he

14   calculates by including FIRC accounts 364 through

15   368 which includes the cost of policy, overhead

16   conductors, underground conduits and various other

17   resources that typically serve more than one

18   customer. This is an unreasonable hypothetical in

19   that it has not been the policy of this Commission

20   to include these costs in the residential customer

21   charge. It is not unreasonable to collect these

22   costs in the residential energy charge and

23   therefore if the Commission wishes to continue with

24   its past practice of maximizing the benefits of

25   energy conservation the Commission should adopt the

 1    $8 residential customer charge.

 2   Turning to the issue, subissue E.

 3   Should the Commission approve Wal-Mart's proposed

 4   shift in the demand component of the hours used

 5   rates for the large general service and small

 6   primary service? Staff at this time does not

 7   support Wal-Mart's position. SGS and SPS classes

 8   combined include approximately 11,000 customers.

 9   Specific customer impacts of the proposal would

10   need to be analyzed including the potential for

11   rate switching. Wal-Mart's other proposal

12   recommended that the Commission order the Company

13   to provide analysis on alternatives to the hours

14   used design in its next rate case, Staff believes

15   that the hours used rate design is inappropriate,

16   the demand rate design that focuses on the basis of

17   the customer's monthly load factor, however, Staff

18   does not oppose specific customer information in

19   analysis on the alternatives to the hours used rate

20   design in any future rate cases.

21   Finally, what methodology should the

22   Commission use to allocate income tax expense among

23   the customer classes? Staff recommends for this

24   case the most reasonable method to allocate income

25   tax expense to customer classes is to allocate

 1   based on class earnings. Using Ameren's method for

 2   allocating income expense would reduce the

 3   residential customer charge in Staff's class cost

 4   of service study by approximately $.50. Staff

 5   believes this method resulted in unreasonable

 6   allocation and therefore the Commission should

 7   adopt Staff's method for allocating income tax

 8   expense for this case.

 9   Now Staff has four witnesses that

10   will be taking the stand, I'll list them briefly,

11   you have Mr. Mike Scheperle who has filed testimony

12   giving an overview of Staff's class rate design and

13   class cost of service study and he's also filed

14   testimony on the Nuranda rate design proposal and

15   Wal-Mart's rate design proposal in regards to

16   Nuranda which he will be recalled for later in this

17   hearing. Mr. Scheperle is also available to answer

18   any questions about Staff's general policy on rate

19   design or class cost of service.

20   We also have Ms. Robin Kliethermes

21   who has filed testimony on the issue of residential

22   customer charge and income tax allocation. Ms.

23   Sarah Kliethermes who has filed testimony regarding

24   the issues of Staff's detailed BIP class cost of

25   service study, specifically the calculation of

 1   generation fixed costs, production O&M expense,

 2   fuel and purchase power costs and off systems sale

 3   revenues.

 4   Staff's final witness will be Mr.

 5   Brad Forston who has filed testimony on Wal-Mart's

 6   rate design proposal to the hours used rate design

 7   and Staff's recommendation for collecting any rate

 8   increase from the various classes.

 9   Now do you have any questions, I'll

10   be happy to answer them?

11   JUDGE WOODRUFF: Mr. Chairman?

12   Mr. Kenney?

13   COMMISSIONER KENNEY: Yes, thank you.

14   EXAMINATION

15   QUESTIONS BY COMMISSIONER KENNEY:

16   Q.   I just have one question. You say

17   Staff recommends bringing rates in line per class

18   cost in a revenue neutral setting, raise customer

19   rates to more, to put them in line to where

20   actually what the cost actually is, correct?

21   A.   Yes. Generally speaking, yes.

22   Q.   Okay. But on the same side you

23   reject raising the customer rates, the class cost

24   of service rate because, but that would, if you

25   raised them it would put them more in line with

 1   **where the cost was, wouldn't it? I'm just trying**

 2   **to understand the Staff. I know one thing, I**

 3   **wasn't on the Commission, I don't know, we might**

 4   **have had, maybe only one or two commissioners were**

 5   **on that past commission and I noticed that**

 6   **commissions are a lot like legislators and**

 7   **legislatures, they don't like to get beat up in the**

 8   **papers so my question to you is if it puts it in**

 9   **line to actually what the cost is why is Staff kind**

10   **of taking a different approach on each of those?**

11   A.   Well, I think there are two things to

12   consider. One is are you increasing the revenues

13   to that class overall whether or not it be in the

14   customer charge or the energy charge, if they're

15   getting the appropriate increase then they're

16   contributing to their class cost of service. As

17   far as putting the entire increase on the energy

18   charge as opposed to putting part of it into the

19   customer charge as I said and as Mr. Mitten

20   mentioned that Staff's position on the customer

21   charge is based off the guidance given in the last

22   Ameren rate case.

23   Q.   **Of that past commission.**

24   A.   Yes.

25   Q.   **Would a higher customer charge, would**

 1   **that give any better stability to the Company,**

 2   **financial stability?**

 3   A.   A higher --

 4   **Q.   Customer charge?**

 5   A.   Higher customer charge? Yeah, I

 6   believe it would, it's guaranteed money that you

 7   know you're getting every month, it's not subject

 8   to fluctuations in people's energy usage and over,

 9   you know, while it may only be a few cents

10   difference, you know, you have over a million

11   customers, it adds up.

12   **Q.   Thank you.**

13   JUDGE WOODRUFF: Mr. Hall?

14   EXAMINATION

15   QUESTIONS BY COMMISSIONER HALL:

16   **Q.   Does the Commission have discretion**

17   **in this area and if so how much?**

18   A.   I believe that the Commission does

19   have discretion in setting, in rate design issues.

20   It has to weigh a great number of factors, cost

21   causation is one of those principles that has been

22   around for a really long time but as has been

23   discussed the Commission also has to consider

24   issues of conservation, of affordability and as far

25   as how much discretion the Commission has I think

1   the, if parties disagree with the Commission

2   they'll try to test, they'll try to, you know, find

3   out where the boundaries are in the appellate

4   courts.

5   **Q.   What is the guiding article 3**

6   **discussion on the amount of discretion that the**

7   **Commission has in rate design? Are there a couple**

8   **of cases that you look to for direction on that**

9   **issue?**

10   A.   I have not reviewed Article 3 in

11   preparation for this particular issue or this case

12   but if that's something that the Commission is

13   interested in I would be happy to brief it.

14   **Q.   Okay. Thank you.**

15   JUDGE WOODRUFF: Thank you, sir.

16   For Public Counsel?

17   CHAIRMAN KENNEY: Hold on a second.

18   JUDGE WOODRUFF: I'm sorry, Mr.

19   Chairman.

20   EXAMINATION

21   QUESTIONS BY CHAIRMAN KENNEY:

22   **Q.   Thanks for the discussion, just a**

23   **really brief question.**

24   **General proposition if we were to**

25   **raise the customer charge, I think we established**

1   that that would provide the utility more stability

2   but does it disincentivize consumers, ratepayers,

3   to be more efficient?

4   A.   I would say to some extent, yes.

5   When you're not increasing the variable, the

6   variable rate, if a higher variable rate will

7   increase the incentive to invest in energy

8   efficiency measures so long as the customer has the

9   ability to invest in those measures.

10   Q.   So as a general proposition with

11   respect to rate design we need to balance economic

12   principles of cost causation in trying to ensure

13   that ratepayers are paying their cost of service,

14   we have to balance that with these various public

15   policies promoting energy efficiency as well,

16   correct?

17   A.   That is correct.

18   Q.   Okay. In terms of our discretion is

19   it quantifiable, I mean so long as we're not

20   arbitrary and capricious we have discretion, right?

21   A.   Yes.

22   Q.   Okay.

23   Thank you.

24   A.   Thank you.

25   JUDGE WOODRUFF: Thank you.

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 1              Public Counsel.

 2              MR. ALLISON:  May it please the

 3   Commission.

 4              Dividing up the pie is never easy,

 5   I've certainly found that in the last eight months,

 6   this is probably the most challenging part as the

 7   Public Counsel representing theoretically and other

 8   people have their own particular counsels in this

 9   case, every class, so trying to find the right

10   calibration I think for myself, and I don't envy

11   your task either, has been a challenge.  I'm going

12   to deal with the questions I think in two parts,

13   I'm going to answer bottom line up front, does

14   Public Counsel support increasing the customer

15   charge, no, and do we support reallocating within

16   the classes irrespective of the revenue requirement

17   increase do we support reallocating in the customer

18   classes, the answer is no.  I think Ameren on the

19   second issue is consistent with our position in

20   that respect, that this isn't the time and isn't,

21   irrespective of the class cost of service study

22   results, and they are what they are, we'll discuss

23   that more in a moment, that, you know, reallocating

24   within the classes isn't merited for all the public

25   policy reasons with respect to rate consistency,
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 1   rate shock and other matters in terms of how that

 2   impacts the customer, that's not necessarily

 3   required here.  I differ with Ameren, however, on

 4   the customer charge.  Though I would offer what is

 5   perhaps a limiting construction, you know, the

 6   amounts that we're talking as a practical matter

 7   are the difference between $8 and $8 and somewhere

 8   near 50 cents and probably, you know, hopefully

 9   going down.  You know, in that respect I'm not

10   certain that this Commission needs to go back

11   necessarily and revisit questions of the right

12   price signals for conservation or not.  I think you

13   may be, and the Commission may find itself that

14   within that range this may be relatively de

15   minimus.  I think you compare this to the last case

16   the customer charge request in the last case I

17   think was to move from $8 to $12, a 50 percent

18   increase, and there I think the conversation was

19   much more about are you sending a conservation

20   price signal or not, is that appropriate, what is

21   the right balance between fixed costs and variable

22   costs and how is that reflected in the customer

23   charge.  But here where the proposal I think is

24   rather small in the beginning and hopefully on its

25   way down it may be that the Commission will find
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 1   that that is, it's not necessary to tackle the last

 2   Commission's decision in that respect. I offer that

 3   for what it's worth. I certainly concur I think

 4   with the sentiment, however, that a higher customer

 5   charge sends the wrong conservation signal

 6   generally and you can I think get to some number in

 7   which it is material and that you are sending the

 8   wrong conservation signal. I also I think concur

 9   that with Staff's opinion that when Ameren talks

10   about fixed costs and when customers talk about

11   fixed costs in relationship with the customer

12   charge I think Ameren's definition of fixed costs

13   is very expansive, includes poles and includes a

14   lot of other things that aren't relevant to the

15   individual customer, the meter reading, the

16   billing, the postage, the meter itself, those

17   charges, those are the types of fixed costs that we

18   think, and we agree with Staff, should be in the

19   customer charge. I know again that Staff's

20   analysis of that result leads to a customer charge

21   of $8.11 which is right at where we are now.

22   So from that perspective I just want

23   to offer I think those perspectives from PC's

24   position on that.

25   With respect to reallocations among

 1   the classes again the, there are five, I think

 2   Ameren said four, there are five class cost of

 3   service studies in the case from various parties,

 4   OPC submitted two. There is a methodology that OPC

 5   -- pardon me, just one second.

 6   There is a methodology that OPC has

 7   traditionally employed that we feel is important to

 8   have on the record to the Commission that we feel

 9   is an important counterbalance to what is

10   otherwise, what are otherwise methodologies that

11   may implicitly bias high load factor, high use

12   customers so it's an important, people talk about

13   our methodology or the contested methodology OPC

14   used which is the ANCP method that has somehow

15   double counting. It is not double counting but

16   simply a different theoretical basis upon which one

17   preforms a class cost of service study and it is

18   one that is recognized by the NARUC manual.

19   Recognized, however, that that particular

20   methodology in the past has been subject to this I

21   think Commission's criticism, we wanted to make

22   sure that we were offering I think another

23   methodology from our perspective that is also

24   helpful for the Commission. I think when the

25   Commission looks at this, and Staff does a great

 1   job of this I think in their report, when the

 2   Commission looks at these five studies, you know,

 3   as Staff says they're all in the range of

 4   reasonableness and you can see I think a pattern,

 5   you're looking at a portrait and you can see I

 6   think, you know, where the lay of the land is

 7   generally and I think from a general perspective

 8   they're all relatively in agreement and so the task

 9   of this Commission is to decide, you know, which it

10   finds I guess most compelling or the basis upon

11   which it will enter rates and from that perspective

12   I don't think that there's anything inherently

13   unreasonable about our position and in fact I think

14   eminently reasonable about either of the two

15   studies that we've put forward and so I just, I

16   think there's been a lot of conversation about that

17   and I just wanted to make sure that we had

18   clarified that and perhaps the rationale for why we

19   submit two studies, of course we have our preferred

20   method which is the traditional method we have used

21   but I'm not going to bang my head against the wall

22   expecting a different result in every case so I

23   want to be responsive to what the Commission said

24   in the past, and while continuing to preserve the

25   record as we think it needs to be preserved.

 1   With that I would just offer, you

 2   know, there is some conversation with respect to

 3   the revenue requirement itself, I think, I don't

 4   hear much disagreement that the revenue requirement

 5   increase should be applied in anything other than

 6   an equal percentage of that basis across all the

 7   classes and so if you're looking at these three

 8   issues, customer charge, how do you deal with the

 9   revenue requirement issue and how do you deal with

10   any existing disparity between the classes, I

11   think, I hope I've kind of distilled where I think

12   the most important disagreements are from OPC's

13   perspective.

14   With that I'm happy to take any

15   questions.

16   JUDGE WOODRUFF: Mr. Chairman?

17   MR. CHAIRMAN: No questions, thank

18   you.

19   JUDGE WOODRUFF: Commissioner Kenney?

20   EXAMINATION

21   QUESTIONS BY COMMISSIONER KENNEY:

22   Q.   **Thank you, Mr. Allison. I had a**

23   **question for you.**

24   **I appreciate you giving me the**

25   **history because I had forgotten that when I studied**

1   the last case that they were asking for a 50

2   percent increase.

3   A.   They were.

4   Q.   Do you know or can anyone tell me

5   what the average company wide monthly annualized

6   bill is to an Ameren residential customer? The

7   monthly analyzed bill, what the average is, does

8   anybody have an idea or do you know that?

9   A.   I'm assuming that an Ameren expert

10   will be able to testify to that.

11   MR. DAVIS: It's $104 before the

12   increase.

13   Q.   (BY COMMISSIONER KENNEY) $104

14   average.

15   A.   And I'm sure that will come in in

16   sworn testimony at some point.

17   Q.   Yeah. To me that brings up whether

18   it was a $10 customer base or 8.50 or 8.75, it

19   really is minimum and I think that does, I

20   understand from the Company's standpoint in having

21   a fixed income is much better than having a

22   variable and I also understand it affects each

23   class within that class differently.

24   A.   Sure.

25   Q.   If you're a low income person I

1   **understand having a scenario like that but I know**

2   **within that class there's also a lot of people like**

3   **me who have $200 bills every month, so, anyway.**

4   A.   Absolutely. I guess to the extent, I

5   just offer to the extent there was a question there

6   we generally concur with the proposition that we

7   should be incentivizing, you know, the best way to

8   keep a cheap bill is to not use as much electricity

9   and it also has a side benefit of encouraging

10 conservation so from OPC's perspective on price

11 sensitivity we want to do things that encourage

12 customers to make smart choices about usage and a

13 low energy, a low customer charge helps to do that.

14   Q.   I understand that. But I doubt on a

15 **$104 bill, whether it's $104 or $8 it's not going**

16 **to make a difference, it makes minimal difference**

17 **for someone to say I'm going to save money, I'm**

18 **going to try to save, I'm going to get, like me I**

19 **put in over 70 LED light bulbs in my house when I**

20 **redid this house, you know, so I'm saving money**

21 **there and I've taken the steps but it cost me a lot**

22 **of money to do it.**

23   A.   I think that at the local public

24 hearings there may be testimony about the customer

25 charge and I know there was in the last case and

 1   we'll certainly be mining that before the briefs in

 2   this case.

 3   Q.   **I think it breaks down more along**

 4   **income lines.**

 5   A.   It may, and by the way, I think

 6   that's a great segway into what I think Ameren's

 7   proposing with the MEEIA low income exemption and

 8   as I mentioned before the hearing started I thought

 9   that was constructive and OPC certainly appreciates

10   that effort on Ameren's behalf and I'm going to

11   call it as best I see it as best I can, when I

12   think they're wrong I think they're wrong, in that

13   instance I think they're right and I appreciate

14   that perspective.

15   JUDGE WOODRUFF: Commissioner Hall?

16   EXAMINATION

17   QUESTIONS BY COMMISSIONER HALL:

18   Q.   **First of all I appreciate your**

19   **pragmatic very reasoned discussion of the customer**

20   **hearings at the B&A, that was helpful and I**

21   **appreciate that.**

22   A.   Uh-huh.

23   Q.   **I do have one question though and**

24   **that is if we were to increase the customer charge**

25   **wouldn't that provide an incentive to Ameren to**

 1   **promote conservation?**

 2   A.   Well, I think we do have incentives

 3   to Ameren with respect to the Energy Efficiency Act

 4   that helped to promote conservation --

 5   Q.   **Wouldn't that further incentivize it?**

 6   A.   You know, I think the interplay

 7   between the customer charge and what we have in the

 8   incentive structure and the Energy Efficiency Act

 9   is an interesting question.

10   Q.   **The difference between 8 and $10 to a**

11   **customer may not be that much and that may not be a**

12   **price signal sufficient to change behavior but if**

13   **you're talking 20, $30 million that is a price**

14   **signal that might be sufficient to change behavior.**

15   A.   I concur. I think we'll have

16   witnesses up here who will be able to talk about

17   price better than I can, the interplay between

18   MEEIA, where we are with MEEIA right now, where

19   we're going with MEEIA in cycle 2 and how that

20   might be relevant to the customer charge question

21   and so without digging myself into a hole I think I

22   ought not to talk about something that I don't

23   know, I'm going to defer to them but I take your

24   question as a good one and one that certainly we're

25   going to need to confront as we move forward.

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 1        Q.      Thank you.

 2        A.      Thank you.

 3                JUDGE WOODRUFF:  Thank you.

 4                Opening for MIEC.

 5                MR. DOWNEY:  Good afternoon, may it

 6   please the Commission.

 7                MIEC has only one witness on the

 8   class cost of service issue and that witness is

 9   Morris Brubaker.  I would submit he's one of the

10   most highly respected utility experts in Missouri,

11   I'd encourage you to ask him questions,

12   particularly on many of the technical issues that

13   go to the method of allocating costs.

14                As Mr. Thompson discussed in his

15   general opening statement we're at that phase where

16   we're determining how to allocate the cost of any

17   rate increase amongst the various customer classes,

18   like determining the revenue requirement this is a,

19   also a difficult issue.  You've been presented with

20   a number of methods for allocating costs but the

21   Commission should continue to accept the average

22   and excess demand with the four coincident,

23   non-coincident peaks referred to as A&E dash 4 NCP,

24   that's the method that you have accepted in prior

25   cases, it is also recognized in the NARUC manual.
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 1   It's the most reliable and its mainstream and it is

 2   the method employed by both Ameren Missouri and the

 3   MIEC.

 4   I'd like to turn to the OPC's

 5   proposal which is a peak and average allocation

 6   method. If you read the testimony, which of course

 7   you will, or already have, you'll see that that

 8   over allocates costs, particularly to high load

 9   factor customers and it double counts, double

10   counts costs. Now that the Staff's proposed

11   studies, it's offered three studies, the detailed

12   BIP which is for base, intermediate and peak, the

13   modified BIP and energy market study it principally

14   focuses on the detailed BIP study. Two of the

15   three studies have not been previously offered to

16   this Commission, that's the detailed BIP and market

17   and the third although similar in name the studies

18   previously offered contains a number of different

19   allocations. The modified base intermediate peak

20   study offered is similar in name to what has been

21   covered by Staff in several previous cases but the

22   allocations used for a number of revenues and

23   expenses are different from before and the reasons

24   they're different are really not explained in any

25   of the testimony of Staff. The market study

 1   offered by Staff is totally of its own design and

 2   has no historical precedent, it allocates fuel cost

 3   using energy price at LMP nodes. The detailed base

 4   intermediate peak method, which is the one I

 5   believe Staff focuses on, has never been offered to

 6   this Commission before. Although you will hear

 7   that some version of this method may have been

 8   presented to the Commission before and maybe even

 9   Staff will point out that in the most recent Kansas

10   City Power & Light decision the Commission adopted

11   a revenue allocation proposal of one of the parties

12   that was based partly, just partly on a different

13   version of the BIP method. The particular method

14   here is different than any others that have been

15   proposed. None of the methods proposed by Staff

16   are in the mainstream and they all lack support.

17   Only the average in excess 4 NCP method presented

18   here by Ameren Missouri and MIEC is within the

19   mainstream and a reliable indicator of cost of

20   service.

21   So that's the main issue we address.

22   Today the secondary issue we address five of the

23   nine, but I want to focus on the two main ones, the

24   second is how do you allocate fuel costs and off

25   system sales revenues. Both Staff and OPC propose

 1   allocators of revenues from off system sales that

 2   differ from the method previously accepted by this

 3   Commission. The method previously approved is to

 4   allocate revenues and costs associated with off

 5   system sales on a kilowatt hour or energy basis.

 6   This approach recognizes the non-firm nature of

 7   these sales and is consistent with general industry

 8   practice. This method was used by both Ameren

 9   Missouri and the MIEC. Staff allocates the fuel

10   associated with off system sales to retail

11   customers on a kilowatt hour basis but uses some

12   notion of capacity responsibility to allocate the

13   margins. There is no basis for this separation

14   because capacity is not dedicated to serve off

15   system sales. These off system sales are of

16   opportunity that occur when system economic

17   conditions are favorable. OPC proposes to allocate

18   all of their revenues from off system sales using a

19   demand basis despite having allocated the energy

20   costs associated with off system sales on an energy

21   basis. There's a significant mismatch there and

22   the resulting study is significantly warped.

23   Putting aside the Nuranda issue until next week the

24   MIEC recommends that its members, the LPS and LTS

25   classes receive the system average percentage

 1   increase.

 2   JUDGE WOODRUFF: Mr. Chairman any

 3   questions?

 4   CHAIRMAN KENNEY: No questions.

 5   Thank you.

 6   JUDGE WOODRUFF: Mr. Kenney?

 7   COMMISSIONER KENNEY: No questions.

 8   JUDGE WOODRUFF: Mr. Hall?

 9   COMMISSIONER HALL: Just a few.

10   EXAMINATION

11   QUESTIONS BY COMMISSIONER HALL:

12   Q.   **Good afternoon.**

13   A.   Good afternoon.

14   Q.   **I understand from your opening and**

15   **also from Mr. Brubaker's testimony that it is**

16   **important when the Commission is designing rates to**

17   **be focused on cost of service. My question to you**

18   **is is that legally mandated?**

19   A.   As you know from the 0224 case and

20   the Nuranda issue in this case there are issues

21   where I think you can depart from that but

22   generally I believe that is what you need to do.

23   Q.   **And what is the standard that a**

24   **reviewing court would apply to a Commission**

25   **decision that deviated from cost of service?**

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 1         A.      I think the question would be rather

 2   the rates that you set are just unreasonable rates,

 3   whether they're based on competent and substantial

 4   evidence, whether there's, you know, full

 5   compliance with the law and I would say the law

 6   prohibits undue discrimination and, so the question

 7   is also, you know, factor of weighing various

 8   interests but the question is also going to be what

 9   is in the best interest of rate bearers.

10         Q.      Okay.  Thank you.

11                 JUDGE WOODRUFF:  Thank you, sir.

12                 Consumer's Council.

13                 MR. COFFMAN:  Good afternoon, may it

14   please the Commission.

15                 When it comes to rate design the

16   Commission has considerable discretion, I don't

17   think I agree with Mr. Downey, the standard rate

18   design is just and reasonable rates.  We do have an

19   undue discrimination statute but cost causation is

20   just one of several factors that you are to take in

21   to account based on the literature and the case

22   law.  In addition to cost causation it has been

23   suggested in previous cases and in testimony that

24   equity, fairness, public acceptability, gradualism,

25   affordability as well as encouraging energy
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 1   conservation are all public policy goals that you

 2   can further through rate design.

 3   COMMISSIONER KENNEY: So it means we

 4   can do anything, right?

 5   MR. COFFMAN: You have considerable

 6   discretion, yes.

 7   COMMISSIONER KENNEY: Thank you.

 8   MR. COFFMAN: And, your decision

 9   should be based on the evidence. In this case of

10   course you have to some degree these various public

11   policy goals and the support to them in the

12   testimony of different parties.

13   With regard to the residential class

14   I would recommend that you look at Public Counsel's

15   testimony, they have quite a bit in their testimony

16   as to these other factors as well as the local

17   public hearing testimony which I think you can take

18   into account and this is evidence in the case.

19   It's, you know, class cost of service is of course

20   not a precise science either. It's a good starting

21   point but I think has, you know, as the results in

22   this case show you that experts, you're working

23   diligently in trying to apply different principles

24   can come to different results. There is, you know,

25   very often a party or maybe a utility will come

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 1   before you and say we've got to move the costs, you

 2   know, we've got to move rates so that they

 3   represent the costs but that's just from one

 4   perspective.  It's from the eye of the beholder as

 5   to what it is and you may have heard those who are

 6   proponents of the straight fixed variable rate

 7   design perhaps, talking about all the fixed costs

 8   should go into a fixed charge and variable costs

 9   should go into variable, who can argue with that,

10   it sounds so logical.  But what it doesn't tell you

11   is why a particular fixed cost is as high as it is.

12   Saying that you go on a fixed cost is implying that

13   you should apply that same amount per customer

14   although each customer applies a different load or

15   different demand on the system and the particular

16   load that you have is very important as to why a

17   particular fixed cost, say a power plant or some

18   other facility, is as large as it is so customer

19   accounts are not the only factor that we believe

20   you should apply and let me just spend most of my

21   time here talking about the customer charge because

22   that, from a policy perspective that is a very

23   important issue to the Consumer's Council of

24   Missouri.  One reason is that we hear about it from

25   customers so often.  That is because it's an issue
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 1   they understand and many customers feel a deep

 2   seated sense of fairness about it and it also is

 3   something that gets for customer control. The

 4   higher the fixed charge is the less that customer

 5   is going to be able to control the size of their

 6   bill through their conservation efforts. Of course

 7   this is an issue that's totally within the

 8   residential class. It really theoretically

 9   shouldn't be a concern to any other customer class

10   or even to the utility, Ameren Missouri. It's an

11   issue between small users and large users, between

12   people who live in mansions and people who live in

13   apartments. The bulk of low users are, or I'm

14   sorry, the bulk of low income customers are low

15   users, the bulk of senior citizens over 65 are low

16   users. This also includes others, that's a

17   generalization but a lot of customer

18   characterizations that you might consider to be

19   vulnerable customers are on that low end but I

20   think there's an overriding sense amongst a lot of

21   customers that this is, you know, that the more the

22   rate is based on their usage and not a charge that

23   they have to pay even before they turn on the light

24   switch at the beginning of the month gives them

25   more control, at least they know if they take

 1   conservation efforts they will be fully rewarded

 2   and the more you reduce the volumetric charge and

 3   raise the flat fee the less full value that they

 4   get and in this case the issue is not as large as

 5   it is in other issues, the difference between $8

 6   and say 8.50 is not that large but it is an

 7   important principle and you'll probably have other

 8   issues in front of you where the issue is much

 9   sharper and the disagreement is much more vocal and

10   loud but I would suggest to you that there are

11   people on the low end, the low users where this 50

12   cents is something that they notice. It's not a

13   minimal amount. To someone who lives in an

14   apartment and is having to still conserve, you

15   know, very carefully they would like to get the

16   full benefit of their conservation efforts.

17   I mean I take Ameren Missouri at its

18   word where it says it just wants to send a rational

19   pricing, just wants the customer charge to be

20   closer to what their costs, their cost study shows

21   but I also know that the other utilities have other

22   motives and the Edison Electric Institute has been

23   beating the drum about raising the customer charge

24   here lately and I think the reason is it provides

25   more guaranteed revenue, it provides more revenue

 1 stability and that is a risk factor and to the

 2 degree that it reduces the utility's risk of

 3 getting a certain amount of revenue it increases

 4 the risk to customers. It's another one of these

 5 issues that I think is a risk shifting issue and

 6 you should consider in terms of the load return on

 7 equity.

 8   That's the main thing I wanted to

 9 emphasize and just hope as you think about this

10 issue you'll think about the low users.

11   JUDGE WOODRUFF: Certainly. Thank

12 you.

13   Mr. Chairman?

14   CHAIRMAN KENNEY: No questions.

15 Thank you Mr. Coffman.

16   JUDGE WOODRUFF: Mr. Kenney.

17   EXAMINATION

18 QUESTIONS BY COMMISSIONER KENNEY:

19   Q.   **Mr. Coffman, maybe just two**

20 **questions.**

21   **You support IPC's position on -- I**

22 **got the wrong one.**

23   A.   I think Consumer's Council

24 supports --

25   Q.   **Are you on OPC 2 or 1 on their class**

 1   cost of service, on their fixed cost among classes?

 2   There's the one, the OPC 2 was A&E 4 NCP and that's

 3   kind of the same as MIEC and the Company and then

 4   OPC 1 was the P&A 4 CP which is completely

 5   different. It's much lower in residentials, so

 6   that's probably the one you support?

 7   A.   Yes.

 8   Q.   I just wanted to make sure.

 9   I have a question, my ignorance. Do

10   we have any low income riders, Ameren have any low

11   income riders on their tariffs?

12   A.   Well, there is the Keeping Cool

13   Keeping Current program that is, has been going on

14   now for I don't know how many years, a couple of

15   rate cases. It provides around $2 million of which

16   the utilities contribute and all customer classes

17   contribute to some degree and is a supplemental

18   amount of money that helps out.

19   Q.   And who manages that?

20   A.   There's a collaborative.

21   Q.   That's good enough, that's all you

22   got to say, collaborative.

23   A.   All right.

24   Q.   So is the main issue on the, I think

25   you kind of said it, we're dealing with the grandma

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 1   who's living on the $800 pension and then those are

 2   apartment dwellers who are low income.

 3   Q.   With the customer charge issue.

 4   A.   That's right.

 5   Q.   Okay. Thank you very much.

 6   JUDGE WOODRUFF: Commission Hall?

 7   COMMISSIONER HALL: Yes.

 8   EXAMINATION

 9   QUESTIONS BY COMMISSIONER HALL:

10   Q.   If you could waive a magic wand and

11   make it so would you omit the customer charge

12   completely?

13   A.   I think a small customer charge is

14   fair. I mean there's hardly any dispute over

15   billing, postage meters, after that --

16   Q.   Billing, postage and meters so you

17   would design a customer charge to cover just those

18   three?

19   A.   Uh-huh. Yes. And I think it's

20   entirely appropriate to consider energy efficiency

21   and conservation as a reason to keep the customer

22   charge low. I mean to me I don't understand the

23   logic of how raising the customer charge can

24   somehow provide an incentive.

25   Q.   I think what Mr. Mitten said is it

1   **provides a correct incentive.**

2   A.   Perhaps it reduces some disincentive

3   or, some degree, but. As far as price signal the

4   higher the customer charge the less incentive there

5   is to engage in energy efficiency and conservation.

6   **Q.   Okay. Thank you.**

7   JUDGE WOODRUFF: Thank you.

8   MECG.

9   MR. WOODSMALL: Good afternoon, thank

10   you. My name is David Woodsmall here for Midwest

11   Energy Consumers Group and in the interest of full

12   disclosure I just wanted to let you know that my

13   clients all take service from Ameren under the LGS

14   SP rate class as well as the large primary rate

15   class so when I'm talking about the different class

16   cost of service studies and their results you will

17   hear me emphasize the results as it applies to

18   those classes. So that's the reason why.

19   In this presentation I'm going, there

20   are nine issues on the issue list here today and

21   I'm going to be talking about two issues primarily

22   with some brief comments at the end about another

23   one.

24   The first issue I'm going to talk

25   about is issue 19(A) and that is what methodology

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 1   should the Commission use when it goes to allocate

 2   generation fixed costs among the customer classes?

 3   Second issue I'll talk about is 19(C), how should

 4   any rate increase be allocated, and finally like I

 5   said I'm going to have some brief comments at the

 6   end regarding Wal-Mart's proposal for rate design

 7   changes within the LGS rate class.

 8   So how do we allocate costs among the

 9   rate classes? As someone said there's several

10   parts to the case, the first part of the case is

11   how much does the utility get. Once we know how

12   much they get the second part and the part we're

13   here to address today is who pays for it? If the

14   utility gets a $100 million rate increase how do

15   you divide that up amongst the six classes, seven

16   classes that are served and what we use is a class

17   cost of service study and here's a quote out of

18   Ameren's testimony about what a class cost of

19   service study is: It equitably allocates the

20   various costs identified in the utility's cost of

21   service to the various rate classes of the utility.

22   It identifies as accurately as possible the cost

23   that is incurred to serve each of the customer

24   classes. And the class cost of service study looks

25   at every possible cost and it will look at debts,

 1   it will look at salaries, but the big issue, given

 2   this is an electric utility the big issue is how do

 3   you allocate the cost of a Wolf Creek, the cost of

 4   the degenerating units so that is the issue that

 5   really drives these class cost of service studies

 6   and is the reason for any differences. So when I

 7   talk on this case, on this issue, I'm going to be

 8   talking about the issue of how you allocate

 9   production costs. And there's various ways -- I

10   jumped ahead.

11   There's a large variety of production

12   plant allocation methodologies and they fall in a

13   spectrum. At one end of the spectrum are those

14   allocation methodologies that rely primarily on

15   energy usage and that helps the low load factor for

16   customers. The other ends of the spectrum are

17   allocations that rely more on demand and that helps

18   the high load factor customers.

19   The primary questions you need to ask

20   yourself then when you're looking at this allocator

21   how and why do utilities build power plants? Do

22   they build power plants just to meet the energy

23   needs of their customers or do they build power

24   plants looking at what that demand is, the demand

25   during the summer? Energy versus demand. Why are

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1   they building these power plants? And that will

2   drive your decision here.

3   In the last time the Commission made

4   a statement on this was in the 2010 rate case and I

5   take your position Commissioner Kenney, you know it

6   is a different commission but you can get some

7   guidance from previous commissions and in that case

8   the Commission said, you know, it's both energy and

9   demand and we need to make sure that we don't

10 double count the energy component and so given that

11 the Commission explicitly said we're going to use

12 the average in excess allocator and that was

13 methodology used in that case by Ameren and MIEC

14 and the same allocator that's used by them today.

15   And here's a quote out of Ameren's

16 testimony here, and this is why they use the

17 average in excess and it ties back to whether you

18 build plants to meet energy or demand needs. Quote

19 out of Mr. Davis's testimony, generally system peak

20 demands and to a somewhat lesser extent excess

21 customer demands are the motivating factor which

22 influence the amount of capacity the Company must

23 add to its generation system. System peak demands

24 drive the company building power plants. Mr.

25 Brubaker echoes this. In his testimony, page 27, I

1   will make my recommendations based on the A&E

2   method. It considers the maximum class demands

3   during the critical time period and is less

4   susceptible to variations. So again it is demand

5   that drives the need to build these power plants

6   and it should be the class, the customer class's

7   demand which drives the allocations of those costs.

8   So then we have a question, okay,

9   which version of the average and excess methodology

10   do we use and please disregard the second point

11   there, I noticed that I was wrong on that, Public

12   Counsel did not use the 12 CP version, so ignore

13   that but here is Ameren's peak demands, monthly

14   peak demands during a year and you can see from

15   this chart that the months that are driving their

16   generation decisions are the summer months. You

17   can see during June through, June, July, August and

18   September those are the peak months that are

19   driving their decisions so those are the months you

20   should look at when you go to allocate production

21   plants. So when you hear someone say use the

22   average in excess methodology, the 4 NCP, the 4 NCP

23   is referring to how many months do you look at.

24   Now I will tell that you there are

25   other utilities that don't peak just during the

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 1   summer, they'll have a summer and winter peak, in

 2   that case it may be appropriate to use six months,

 3   it may be appropriate to use 12 months but for the

 4   facts here today Ameren is a summer peaking utility

 5   and their summer peaks are what drive their

 6   decision to add capacity so it's the 4 NCP version

 7   of the average in excess that's most appropriate

 8   and that's the version that the Commission had

 9   found appropriate before. And you see that, and

10   again a quote from Mr. Davis's testimony, the 4 NCP

11   version of the average and excess methodology which

12   uses the four maximum non-coincident monthly peak

13   demands to each customer class during the test year

14   was selected due to the fact that 15 of 20 maximum

15   monthly demands for the Company's major customer

16   classes occurred during the Company's summer peak

17   months of June through September.

18   So that is the production allocator

19   and again we encourage you to use the 4 NCP version

20   of the average in excess methodology and here's the

21   reason why: The Commission previously adopted it.

22   In 2010 the Commission considered this a great debt

23   and it was the methodology used by the Commission

24   there. It's agreed to by both Ameren and MIEC, it

25   tells you something when the utility and the

 1   customer agree on the same point. Third, it

 2   considers as the Commission said was appropriate,

 3   it considers both the peak demand, the customer,

 4   class customer peak demand and energy produced as

 5   drivers of capacity additions and finally it

 6   focuses on the four summer months that drive the

 7   need for capacity additions.

 8   So now that we've discussed that

 9   let's go to the second part, 19(C). How should you

10   allocate any revenue increase in this case? And I

11   want to be real clear about a point here. The

12   results you'll see in all these studies are called

13   revenue neutral results. What does that mean?

14   Revenue neutral results mean it is the shifts you

15   make prior to the utility's rate increase so let's

16   say you believe that there's a revenue neutral

17   decrease to the large general service small primary

18   class of two percent, their rates should come down

19   two percent. But then you say Ameren deserves a

20   five percent rate increase, you give two percent

21   then you add five percent they'll get a three

22   percent increase so the revenue neutral result is

23   how much of a shift do you make prior to any

24   authorized revenue requirement increase for the

25   utility. So all these results are revenue neutral,

 1   they are prior to what you authorize the utility to

 2   get.

 3   And you'll see here an MIEC study,

 4   again both of these MIEC and Ameren both use the 4

 5   NCP version of the average and excess methodology

 6   and you see remarkable correlation and again like I

 7   was telling you my focus is on large GS, SP and

 8   large primary and you see for the large general

 9   service small primary rate classes that one says

10   that they are currently paying rates that are 7.7

11   percent above costs, they need almost an 8 percent

12   rate reduction to get back to costs. The other

13   says 7.44 percent. So both agree that this class

14   is paying rates well above costs and I'll

15   demonstrate in the testimony or the evidence that I

16   get in data requests and that I put in the brief

17   that this has been going on for eight years. This

18   subsidy has been lingering forever. The other part

19   is when you look at the large primary class really

20   they don't need any revenue neutral changes, one

21   says they're a half a percent above costs, one says

22   they're a half a percent below costs, so they're

23   paying base rates now so given this it's our

24   position that large primaries should not receive

25   any revenue neutral shifts.

 1   You'll see the same thing in regard

 2   to lighting. One says they're within $3,000 of

 3   their actual costs, I mean you can't get any closer

 4   than that. So you can make some conclusions by

 5   looking at the MIEC and Ameren studies that use the

 6   same methodology.

 7   Let's look at another one. Staff

 8   uses a different methodology, I won't go into the

 9   problems with their methodology, I believe Mr.

10   Downey covered that and covered it very well but

11   you can draw the same conclusions by looking at

12   their study. Again you'll see large general

13   service small primarily paying rates that are well

14   above their cost of service, in this case five

15   percent. They need a five percent revenue general

16   reduction just to get them to costs. And then

17   again large primary virtually right on top of their

18   actual cost of service. OPC study, and this is the

19   study, not their historic study they've used but

20   the average in excess you're going to see the same

21   conclusions. Large general service 6.05 percent

22   above costs, large primary within two percent of

23   costs. So every class cost of service study in

24   this case shows that large general service, small

25   primary significantly above costs, definitely

 1   needing some revenue neutral rate shifts and large

 2   primary being basically right at costs so given

 3   that it is our position that the answer to issue

 4   19(C) is there are, there's a need for revenue

 5   neutral shifts to the benefit of large general

 6   service small primary.

 7   Finally I wanted to make some brief

 8   comments about Wal-Mart's LGS rate design issue and

 9   you heard Ameren talk about that briefly. What I

10   want to say is I find it interesting that Ameren

11   wants to, when they talk about the residential

12   customer charge Ameren wants to increase the

13   residential customer charge in order to move fixed

14   costs out of the residential energy charge. Moving

15   fixed costs out of the energy charge, move them

16   into the customer charge yet when Wal-Mart makes

17   that same proposal for LGS Ameren resists. Simply

18   said by including fixed costs in the LGS energy

19   rate the Commission is sending bad price signals.

20   First the Commission is indicating that energy

21   costs are more expensive than they really are. You

22   have fixed costs in there, it's not just energy

23   you're collecting, you're collecting fixed costs so

24   you're telling the customer energy costs are higher

25   than they really are but secondly and more

 1   importantly is you are sending a wrong price signal

 2   with regard to the demand charge. Unlike the

 3   residential rate design the LGS rate design has a

 4   customer charge, it has a demand charge which is

 5   designed to capture the cost of production plant

 6   and it has energy charges so if you take fixed

 7   costs out of the demand charge and put it into the

 8   energy charge you're inflating the energy charges

 9   but you're deflating the demand charges so you're

10   sending the signal that energy is more expensive

11   than it is but you're also sending the signal that

12   demand is cheaper, that capacity, that the cost to

13   build power plants is cheaper than it actually is

14   so customers, large general service customers that

15   could take actions to decrease demand, to levelize

16   their load factor, they're not being sent the

17   proper price signal to do that. So it's

18   interesting that Ameren wants to take those steps

19   when it regards residential but they don't want to

20   do it here.

21   So I'd encourage you to delve further

22   into that and look at the reasons for their

23   inconsistency.

24   That was all I have so unless you

25   have some questions I'd ask to be excused.

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 1   JUDGE WOODRUFF: Mr. Chairman.

 2   CHAIRMAN KENNEY: No questions.

 3   Thank you Mr. Woodsmall.

 4   CHAIRMAN KENNEY: No thank you, sir.

 5   JUDGE WOODRUFF: Mr. Hall?

 6   COMMISSIONER HALL: Briefly.

 7   EXAMINATION

 8   QUESTIONS BY COMMISSIONER HALL:

 9   **Q.   Concerning 19(A) and the proper**

10   **methodology. You're focused on capacity on plants,**

11   **on new generation as what we should be focused on.**

12   A.   I wouldn't say focused. I believe

13   that demand is the driver of Ameren's decision to

14   build plants. So class demand should be --

15   **Q.   Well peak demand is what you're**

16   **saying, not just demand.**

17   A.   Well, when you go to allocate among

18   the classes each classes's demand of that peak, the

19   percentage of that peak.

20   **Q.   But you're focused on peak demand**

21   **because you think that that is the most significant**

22   **component of what motivates the company to build a**

23   **new plant.**

24   A.   True.

25   **Q.   And is that the case even when**

 1   there's excess capacity?

 2   A.   Well, peak demand is what causes the

 3   utility to build a plant. You don't know if you're

 4   going to have excess capacity until the plant's

 5   been built, so.

 6   Q.   Let's say we're in a situation where

 7   a company was not anticipating putting a new plant

 8   on line and rather was actually considering what

 9   plants it might mothball early. Would the same

10   methodology be the appropriate methodology and why?

11   A.   My initial inclination is yes, the

12   same methodology is appropriate because that was

13   the methodology that drove the decision to build

14   that plant.

15   Q.   In the first place.

16   A.   In the first place. And I don't

17   think that is the consideration that goes into the

18   decision to mothball it. The decision to mothball

19   is based upon environmental concerns, efficiency,

20   those type of things.

21   Q.   Or it could be at least in part a

22   function of decreased demand.

23   A.   It could be. And those are great

24   questions. I don't know how those might affect

25   the, a utility's decision to mothball a plan.

 1   Q.   Okay.   Thank you.

 2   A.   I guess one final point is to prove

 3   the point that capacity is one of the primary

 4   drivers in the decision to build a production plant

 5   if it wasn't capacity all you would see was

 6   windmills being built. If it was truly just the

 7   need to provide energy we would do it with nothing

 8   but windmills but windmills don't provide the

 9   necessary capacity to meet the demand when you need

10   it so there's no question that demand is at least

11   part of the driver for the decision to build power

12   plants.

13   Thank you.

14   JUDGE WOODRUFF: Thank you.

15   For Wal-Mart?

16   MR. CHAMBERLAIN: Good afternoon

17   Commissioners, Judge Woodruff, appreciate you

18   allowing me to appear here today.

19   My name is Rick Chamberlain, I

20   represent Wal-Mart and Sam's. For simplicity sake

21   I'll refer to both as Wal-Mart.

22   Let me begin with sort of Wal-Mart's

23   guiding principle. They advocate that rates be set

24   on the basis of a utility's cost of service and

25   that is whether you're talking about interclass

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 1   allocation, allocating costs among classes or

 2   allocating costs within a class via rate design,

 3   demand, energy, that sort of thing and so they

 4   believe that that's the fairest way to do it,

 5   everybody pays what they determine what it costs to

 6   serve them. We do agree with others that have

 7   spoken that we believe Ameren's methodology in this

 8   case is the appropriate methodology, we believe the

 9   Commission has been down that road, has analyzed

10   and decided that that is the appropriate

11   methodology.

12   Now, let's talk about the interclass

13   allocation. The LGS and SP classes have been

14   providing a rate of return above their cost of

15   service levels in every rate case back to and

16   including the Company's 2007 rate case. That's not

17   really in dispute. The Company even recognizes in

18   its filing that the rates are not currently set at

19   cost of service levels for those classes.

20   According to Ameren's cost of service study in this

21   case the revenue neutral revenue change required

22   for the LGS and SP classes is a reduction, would be

23   a reduction of approximately $59.8 million or 7.44

24   percent, that's what Ameren's cost of service study

25   shows. However, somehow the Company chooses to

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 1   ignore its own cost of service study and proposes

 2   an across the board equal percentage change to

 3   everybody, that's going to make everybody happy.

 4   It fails to make any movement whatsoever toward

 5   cost of service for the LGS and SP rate classes and

 6   it would again require the LGS and SP customers to

 7   pay rates that are in total approximately $68.7

 8   million above the cost of service. The

 9   recommendation, in short the recommendation would

10   lock in existing inequities.

11   Now, from an interclass, let me back

12   up, I should have said from the outset, Wal-Mart

13   sponsored the testimony of Steve Chriss, he is our

14   expert and witness on the issue of rate design

15   issues. On the topic of interclass allocation Mr.

16   Chriss recommends a slight movement toward cost of

17   service for the LGS and SP class, I won't get into

18   the details of that but would invite you to read

19   his testimony and invite you to ask him questions

20   on that.

21   As far as, but his recommendation

22   would result in some movement toward cost of

23   service for those two classes and would also

24   mitigate any increases to other classes as well.

25   Now, on the topic of intraclass

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 1   allocation or rate design, again Ameren's proposal

 2   does not reflect the underlying cost of service

 3   from their own cost of service study and it shifts

 4   responsibility within that rate class. Charging

 5   customers for demand-related costs on the basis of

 6   energy charges and that is the recommendation that

 7   Mr. Chriss makes about it's the hours of use rate

 8   design methodology is the technical term and it's

 9   interesting, Mr. Chriss makes his recommendation in

10   his direct testimony and so what you won't see in

11   the rebuttal testimony, you won't see analyses and

12   schedules and things like that to show that oh, no,

13   no, this methodology really, really does comport

14   with cost of service within the rate class. No,

15   what you see is references to this methodology was

16   approved back in a 1987 case, there was an '87 case

17   that apparently was settled and this was sort of

18   the settlement and apparently that is, you can't

19   take a look at that, that's all that Mr. Chriss is

20   recommending is it's been a long time, these, this

21   methodology does not reflect cost of service within

22   these LGS and SP classes and it needs to be looked

23   at again, if not in this case then in the next case

24   and he recommends that you direct Ameren to put

25   together the necessary studies and analysis to

1 allow the parties to look at this. And the

2 suggestion that Wal-Mart should do this is, makes

3 no sense to me. Ameren's is the one that has all

4 the information, they are in a much better position

5 to produce this information, let the parties look

6 at it, let us come to you and express to you what

7 our positions are, you can make a decision but

8 that's the bottom line on that issue.

9   The hours of use structure as Mr.

10 Chriss's testimony indicates, it's too complex,

11 overly complex, it's not transparent at all, does

12 not provide clear energy and price signals to

13 customers and therefore again that needs to be

14 looked at again.

15   So that in a nutshell is Wal-Mart's

16 case and I would urge you if you have not already,

17 I would urge you to read Mr. Chriss's testimony, I

18 would urge you also to ask questions of him. He

19 better than I would be able to answer those

20 questions. But I'll be happy to try to answer any

21 questions you have.

22   JUDGE WOODRUFF: Mr. Chairman?

23   CHAIRMAN KENNEY: No questions.

24 Thank you.

25   COMMISSIONER KENNEY: I just have one

 1   question.

 2   EXAMINATION

 3   QUESTIONS BY COMMISSIONER KENNEY:

 4   Q.   **If we accept MIEC's and Ameren's**

 5   **methodology about the allocation of fixed costs do**

 6   **you still have a problem with the rate increase and**

 7   **how it would be distributed among the costs if we**

 8   **did either Ameren's or Staff's reasoning?**

 9   A.   Well, if we're talking about the way

10   increases would be allocated among the customer

11   class, is that what we're talking about?

12   Q.   **Yeah, after adjustments are made to**

13   **those customer classes.**

14   A.   Well, Ameren's recommending an equal

15   percentage.

16   Q.   **So you still don't like that.**

17   A.   There's no justification for that

18   other than the fact that it's easy.

19   Q.   **What about Staff's recommendation,**

20   **their six step?**

21   A.   I don't recall that methodology off

22   the top of my head, I would urge you to ask Mr.

23   Chriss about it.

24   Q.   **Now I'll make a statement.**

25   A.   Okay.

1   Q.   In 1981 my wife and I moved from

2   Colorado to Lee Summit, Missouri.

3   A.   Uh-huh.

4   Q.   Bought a house. My neighbor was Jack

5   Stuffelbaum and after a couple weeks of knowing

6   them we were over there having dinner and he told

7   me his son just took a job for a company called

8   Wal-Mart, and his son was an accountant, and he

9   said you need to buy some of that stock and I said

10 are you kidding me, they'll never be able to tackle

11 K-Mart. Shows you how smart I am.

12   JUDGE WOODRUFF: Mr. Hall?

13   COMMISSIONER KENNEY: True story.

14   MR. WOODSMALL: Did Jack buy the

15 stock?

16   COMMISSIONER KENNEY: Jack bought the

17 stock and retired to Florida.

18   EXAMINATION

19 QUESTIONS BY COMMISSIONER HALL:

20   Q.   The particular rate design that you

21 are proposing here, is that something that Wal-Mart

22 and Sam's is promoting around the country in front

23 of other state commissions?

24   A.   I do not know the answer to that. I

25 can find out but I don't know the answer to that

 1   off the top of my head.

 2   **Q.   Okay. Let me ask you this, and this**

 3   **may be something that's more appropriate for your**

 4   **witness as well.**

 5   **Actually I'll just wait and ask your**

 6   **witness.**

 7   A.   In followup if I might, I'm not sure

 8   the hours of use methodology that we're talking

 9   about, I'm not sure that that's used anywhere else

10   but I'll be happy to have my witness answer that

11   question.

12   **Q.   Okay. Thank you.**

13   JUDGE WOODRUFF: Thank you. I

14   believe that's all the parties for openings. Let's

15   take a break before we get into the first witness,

16   we'll come back at 3 o'clock.

17   (Whereupon, a recess was taken by the parties)

18   JUDGE WOODRUFF: All right. We're

19   back from our break so let's go ahead and get

20   started.

21   Mr. Warwick has taken the stand.

22   (Whereupon, the witness was sworn)

23   JUDGE WOODRUFF: You may inquire.

24

25

1   EXAMINATION

2   QUESTIONS BY MR. MITTEN:

3   **Q.   Mr. Warwick would you please state**

4   **your full name and business address for the record?**

5   A.   William M. Warwick, Ameren Missouri,

6   1901 Chouteau Avenue.

7   **Q.   Mr. Warwick, you've told me where you**

8   **are employed but what is your job title?**

9   A.   Manager rate engineering, Missouri

10   Regulatory Services.

11   **Q.   Mr. Warwick did you prepare and cause**

12   **to be filed in this case direct testimony which has**

13   **been marked as Exhibit 49 and amended rebuttal**

14   **testimony which has been marked as Exhibit 50?**

15   A.   Yes.

16   **Q.   Do you have any changes or**

17   **corrections to make to either of those exhibits at**

18   **this time?**

19   A.   I do not.

20   **Q.   If I asked you the questions that are**

21   **in Exhibits 49 and 50 today would your answers be**

22   **the same as are shown on those documents?**

23   A.   Yes, they would.

24   **Q.   And is the information contained in**

25   **those answers true and correct to the best of your**

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 1   **belief?**

 2   A.   Yes, they are.

 3   MR. MITTEN: Your Honor, I don't have

 4   any further questions for Mr. Warwick. I would ask

 5   for the additions of 49 and 50 and this is the only

 6   time Mr. Warwick is scheduled to testify in this

 7   hearing.

 8   JUDGE WOODRUFF: Thank you very much.

 9   49 and 50 have been offered, any objection to their

10   receipt?

11   Hearing none they will be received.

12   MR. MITTEN: Mr. Warwick is available

13   for cross examination.

14   JUDGE WOODRUFF: Okay. Cross

15   examination we begin with MECG.

16   MR. WOODSMALL: Thank you, Your

17   Honor. Very briefly.

18   EXAMINATION

19   QUESTIONS BY MR. WOODSMALL:

20   Q.   **Good afternoon, sir.**

21   A.   Good afternoon.

22   Q.   **Were you involved in the 2010 Ameren**

23   **rate case?**

24   A.   Yes, I was.

25   Q.   **And in that case is it your**

 1   recollection that the Commission approved Ameren's

 2   methodology for allocating production plants?

 3   A.   Yes.

 4   Q.   And that methodology was the 4 NCP

 5   average in excess methodology?

 6   A.   That's correct.

 7   Q.   And that is the same methodology you

 8   used in this case?

 9   A.   Yes.

10   Q.   In that case is it your recollection

11   that the Commission ordered a different method for

12   allocating all system sales than Ameren utilized?

13   A.   Yes, it did.

14   Q.   What method did the Commission order?

15   A.   They ordered it be adjusted to

16   reflect all system sales as allocators on the fixed

17   variable.

18   Q.   And in your class cost of sales study

19   in this case what methodology did you use for

20   allocating all systems sales margins?

21   A.   My fixed production plan allocator.

22   Q.   Okay.

23   MR. WOODSMALL: I have no further

24   questions. Thank you.

25   JUDGE WOODRUFF: Okay. Then for

 1 Wal-Mart?

 2   EXAMINATION

 3 QUESTIONS BY MR. CHAMBERLAIN:

 4   **Q.   Good afternoon.**

 5   A.   Good afternoon.

 6   **Q.   Is it your opinion that the customer**

 7 **class of service study you prepared accurately**

 8 **reflects the costs incurred to serve each customer**

 9 **class?**

10   A.   Yes.

11   **Q.   And your schedule AMY 1 reflects the**

12 **result of your customer class of service study, is**

13 **that correct?**

14   A.   Yes.

15   **Q.   All right. And if we turn to that we**

16 **see, if I'm looking at line 33 what does that line**

17 **tell me? I'm sorry, when you have it.**

18   A.   It shows the classes relative rate of

19 return rating return on them compared to the

20 overall rate of return.

21   **Q.   The overall rate of return being**

22 **4.436 in the Missouri column?**

23   A.   Yes.

24   **Q.   And that's your system average?**

25   A.   Yes.

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1   Q.   And if I go over to the large general

2   service signals primary column there I see 7.572

3   down at line 33?

4   A.   That's correct.

5   Q.   And what does that tell me?

6   A.   That tells me the large all services

7   small primary class are earning above the average

8   system average return on rate base.

9   Q.   Paying more than the cost of service,

10   right?

11   A.   Yes.

12   Q.   Thank you, that's all I have.

13   JUDGE WOODRUFF: Okay. For the

14   Consumer Council?

15   MR. COFFMAN: No questions return.

16   JUDGE WOODRUFF: Public Counsel?

17   MR. ALLISON: No questions.

18   JUDGE WOODRUFF: MIEC.

19   MR. DOWNEY: Yes Judge.

20   EXAMINATION

21   QUESTIONS BY MR. DOWNEY:

22   Q.   Good afternoon.

23   A.   Good afternoon.

24   Q.   Do you agree that MIEC witness

25   Maurice Brubaker used the same methodology for

 1   allocating production costs?

 2   A.   Yes.

 3   Q.   And that's the A&E 4 NCP?

 4   A.   That's correct.

 5   Q.   And Ameren witness Davis, have you

 6   read his testimony?

 7   A.   Yes.

 8   Q.   Okay. And in his direct he also

 9   advocates use of that methodology, correct?

10   A.   I believe so, yes.

11   Q.   Would you turn to your direct

12   testimony, page 11, bottom of page 11 top of page

13   12?

14   A.   I'm there.

15   Q.   And I'm going to be more specific.

16   Starting on line 20 of page 11 and continuing to

17   line 2 of page 12. Do you address how to allocate

18   off system sales revenues to the classes?

19   A.   Yes.

20   Q.   And did you allocate those revenues

21   to each class using each class's variable

22   production allocation factor?

23   A.   That's correct.

24   Q.   And was that factor based on megawatt

25   hours required at the generator to provide service

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```
 1   to each customer class?

 2         A.      Yes, it was.

 3         Q.      In other words energy of the class?

 4         A.      Yes.

 5         Q.      And you note on page 12 of your

 6   direct, I guess line 2, that this methodology is

 7   consistent with the Commission's report and order

 8   in case number ER 2010 dash 0036?

 9         A.      That's correct.

10         Q.      Is it correct that Ameren Missouri's

11   had several rate cases since that rate case?

12         A.      Yes.

13         Q.      Is it correct that the method for

14   allocation of off system sales including margins

15   has been the same, namely on class kilowatt hours

16   adjusted for losses to the generation level?

17         A.      That's correct.

18         Q.      Okay.  All right.  I'd ask you to

19   find your rebuttal testimony and turn to the table

20   on page 14.

21         A.      Is that 14?

22         Q.      Yes, sir.

23         A.      I am there.

24         Q.      Is it correct that you are comparing

25   class cost of service impacts of different methods
```

 1   of allocating off system sales as compared to

 2   Ameren Missouri's allocation?

 3   A.   Yes, that's what the table is.

 4   Q.   In the top section of the table, and

 5   there's no line so I'm just going to ask you to

 6   look at maybe the first looks like five or six

 7   lines, is it correct to interpret that for the LPS

 8   class OPC's method of allocating off system sales

 9   would increase costs by $6.364 million?

10   A.   That's correct.

11   Q.   And that would be 3.14 percent?

12   A.   Above my original filed estimate.

13   Q.   As compared to Ameren Missouri's

14   method?

15   A.   Right.

16   Q.   And is it correct that OPC's method

17   would have the effect of shifting an additional

18    $10.228 million of cost to the LTS class?

19   A.   That's correct.

20   Q.   Again that's over the method you

21   advocated.

22   A.   That's correct.

23   Q.   And is that 6.42 percent over?

24   A.   That's correct.

25   Q.   Now focusing on the bottom half of

 1   table 5 on page 14, is it correct that you have

 2   here evaluated Staff's method of treatment for off

 3   system sales as compared to the Company's method?

 4   A.   Yes, that's correct.

 5   Q.   And is the impact of Staff's method

 6   compared to the Company's $3.78 million?

 7   A.   For the LPS class, that is correct.

 8   Q.   Okay. For the LPS? And that equates

 9   to 1.86 percent?

10   A.   That's correct.

11   Q.   And that's more costs than you

12   allocated.

13   A.   That's correct.

14   Q.   All right. And do you also show a

15   comparison for the LTS class?

16   A.   Yes.

17   Q.   And again this is Staff's method

18   versus the Company's method. How much more cost is

19   allocated to the LTS class by Staff's approach?

20   A.   6.1 million, or 6,770,000.

21   Q.   Let's just say 6.077 million?

22   A.   Yes.

23   Q.   All right. And is that 3.81 percent

24   higher than you allocated?

25   A.   That's correct.

 1   Q.   Now I'd ask you to turn -- let me ask

 2   you a question. Is that the amended rebuttal

 3   you're looking at?

 4   A.   I'm sorry.

 5   Q.   It should be on the very first page.

 6   A.   I'm sorry, it was not.

 7   Q.   Okay. I'm not sure any of the

 8   questions that you just answered would be different

 9   but could you just check your amended rebuttal and

10   make sure?

11   A.   I will check it. (Reviewing

12   document).

13   They're the same.

14   Q.   If I asked you the same questions

15   with regard to the amended rebuttal your answers

16   would be the same?

17   A.   Yes.

18   Q.   Thank you. All right. I'd ask you

19   to turn to page 6 of that amended rebuttal.

20   A.   Yes.

21   Q.   Do you agree that Staff's application

22   of the BIP method for the Company's production

23   plant results in approximately 66 percent of

24   production demand being allocated on an energy

25   basis?

```
 1          A.    Yes, I would agree with that.

 2          Q.    Now looking at line 17 through 20 you

 3     say that Staff's application quote produces results

 4     similar to my study, close quotes?

 5          A.    Of what page?

 6          Q.    I'm sorry, page 6.  Line 17 through

 7     20.

 8          A.    Are we on the amended?

 9          Q.    Yes, sir.

10          A.    17 through 20.

11          Q.    Yes, sir.

12          A.    Okay.  I'm there.

13          Q.    Take a look at that sentence and then

14     I'll ask you a question.

15          A.    What was the question again, I'm

16     sorry?

17          Q.    You say that Staff's application

18     quote, produces results similar to my study, close

19     quotes, do you say that?

20          A.    Yes.

21          Q.    Now I'd like you to turn to table 1

22     on page 4 of that same directed or amended

23     rebuttal.

24          A.    Okay.

25          Q.    Does that table show the production
```

1   plant allocators that the various parties have

2   used?

3   A.   Yes.

4   Q.   Would you agree with me that the

5   largest difference between the Staff's BIP method

6   and the method Ameren and Mr. Brubaker use, the A&E

7   4 NCP method is with respect to the lighting class

8   and the LTS class?

9   A.   Between Staff and Company?

10   Q.   Correct.

11   A.   I would disagree on the lighting and

12   I would agree on the LTS.

13   Q.   That was a poorly worded question.

14   In terms of a percentage, not in

15   terms of dollars.

16   Disregard the lighting, I don't even

17   know why I asked you about lighting. Let's focus

18   on LTS.

19   A.   Yes, I would agree with that.

20   Q.   All right. And would you agree that

21   for the LTS class that Staff's 7.42 percent

22   allocation factor is about 14 percent higher than

23   the A&E dash 4 NCP factor of 6.5 percent, and I

24   don't mean to put you on the spot but would you

25   determine that by dividing 7.42 by 6.5?

```
 1        A.    You can do it that way, yes.

 2        Q.    Do have you a calculator there?

 3        A.    What did you originally say?

 4        Q.    About 14 percent?

 5        A.    Yes, I would agree with that.

 6        Q.    In fact it's 14.15 percent higher,

 7  right?

 8        A.    Yes.

 9        Q.    Do you have an idea of how many

10  dollars that impacts the LTS class?

11        A.    No, I do not.

12        Q.    Is it, would you say it's a large

13  dollar amount?

14        A.    It's larger than the Company's

15  position.

16        Q.    Okay.  Is it easy for you to

17  calculate that?  Or is that number anywhere in your

18  testimony?

19        A.    I don't believe it's anywhere in my

20  testimony.  No, it's not in my testimony.

21        Q.    All right.  Withdraw that.

22              Now I'm still looking at table 1 on

23  page 4 of your amended rebuttal.

24        A.    Okay.

25        Q.    Do you see at the bottom the line
```

    1   that says OPC 1?

    2   A.   Yes.

    3   Q.   And I'd like you to focus on the LTS

    4   column.

    5   A.   Okay.

    6   Q.   The company proposed a 6.5 percent

    7   allocation of production plant to the LTS class,

    8   is that correct?

    9   A.   Production plant allocation, that's

    10   correct.

    11   Q.   And OPC 1 proposes a 9.13 percent

    12   allocation, is that correct?

    13   A.   That's correct.

    14   Q.   Would you agree that is 40 percent

    15   higher as a percentage compared to Ameren

    16   Missouri's allocation?

    17   Sorry, I let you put the calculator

    18   away.

    19   A.   Yes.

    20   Q.   And you just divided 9.13 by 6.5?

    21   A.   That's correct.

    22   Q.   Was it exactly 40 percent?

    23   Never mind.

    24   A.   40.5.

    25   Q.   All right. And are you able to

 1   quantify that difference in dollars?

 2   A.   No.

 3   Q.   All right. Would you agree that this

 4   Commission has regularly rejected OPC's peak and

 5   average method for allocation?

 6   A.   In the last few cases, yes.

 7   Q.   And in fact you discussed that on

 8   page 5 of your amended rebuttal, do you not?

 9   A.   That's correct.

10   Q.   Okay. And I believe on line 2 you,

11   do you not assert that it was quote inherently

12   flawed?

13   A.   That's correct.

14   Q.   And is that because it double counts

15   the average demand of customers?

16   A.   Yes.

17   Q.   And that double counting causes high

18   load factor customers to receive a disproportionate

19   share of the quote nonaverage demand portion of

20   production plant investment, close quotes?

21   A.   Yes, that's correct.

22   Q.   Who is Ameren Missouri's highest load

23   factor customer, if you know?

24   A.   It would be Nuranda in the LTS class.

25   Q.   Thank you.

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1   MR. DOWNEY: No further questions.

2   JUDGE WOODRUFF: All right.

3   For Staff?

4   MR. ANTAL: No questions. Thank you.

5   JUDGE WOODRUFF: Open up for

6 questions from the bench.

7   Mr. Chairman.

8   CHAIRMAN KENNEY: No questions, thank

9 you.

10   COMMISSIONER KENNEY: I have no

11 questions. Thank you very much.

12   COMMISSIONER HALL: No questions.

13   JUDGE WOODRUFF: All right. There

14 were no questions from the bench so no need for

15 recross. Any redirect?

16   MR. MITTEN: No redirect Your Honor.

17   JUDGE WOODRUFF: Mr. Warwick you can

18 step down.

19   A.   Thank you.

20   JUDGE WOODRUFF: And next up will be

21 Mr. Davis.

22   JUDGE WOODRUFF: Good afternoon.

23   (Whereupon, the witness was sworn)

24   JUDGE WOODRUFF: You may inquire.

25

 1   EXAMINATION

 2 QUESTIONS BY MR. MITTEN:

 3   **Q.   Mr. Davis could you please state your**

 4 **full name and business address for the record?**

 5   A.   My name is William Davis, my address

 6 is 1901 Chouteau Avenue, St. Louis, Missouri.

 7   **Q.   Mr. Davis, where are you employed and**

 8 **what is your current job title?**

 9   A.   I am an economic analysis and pricing

10 manager for Ameren Missouri.

11   **Q.   Mr. Davis did you prepare and cause**

12 **to be filed in this case direct testimony which has**

13 **been marked as Exhibit 7, supplemental direct**

14 **testimony which has been marked as Exhibit 8,**

15 **rebuttal testimony which has been marked as Exhibit**

16 **9 and surrebuttal testimony which has been marked**

17 **as Exhibit 10?**

18   A.   Yes.

19   **Q.   Do you have any changes or**

20 **corrections to make to any of those exhibits today?**

21   A.   I have one minor correction. On page

22 40, line 22 of my rebuttal testimony it says $3.8

23 million, that should read $3.9 million. And that's

24 all.

25   **Q.   It was page 40, line 22 instead of**

 1   **3.8 it should be 3.9.**

 2   **Mr. Davis with that correction if I**

 3   **asked you the questions that are in the exhibits I**

 4   **just mentioned today would your answers be the same**

 5   **as they're shown on those exhibits?**

 6   A.   Yes, they would.

 7   Q.   And is the information contained in

 8   those answers true and correct to the best of your

 9   belief?

10   A.   Yes.

11   MR. MITTEN: Your Honor I offer into

12   evidence Exhibits 7, 8, 9 and 10.

13   JUDGE WOODRUFF: All right. And I

14   believe Mr. Davis will be back on some issues

15   again?

16   MR. MITTEN: That's correct, Your

17   Honor.

18   JUDGE WOODRUFF: I'll defer ruling on

19   the admission of documents.

20   MR. MITTEN: He's available for cross

21   examination.

22   JUDGE WOODRUFF: All right. Cross

23   then we begin with MECG.

24

25

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 1                    MR. WOODSMALL:  Thank you, Your

 2   Honor.  I'm going to mark a number of exhibits

 3   which is past Ameren cost of study results, I

 4   believe I'm at 971.

 5                    JUDGE WOODRUFF:  That would be

 6   correct.

 7                    EXAMINATION

 8   QUESTIONS BY MR. WOODSMALL:

 9        Q.     Sir, I hand you what has been marked

10   as Exhibit 971.  Can you identify that document?

11        A.     Yes.

12        Q.     And would agree that this is the

13   result of Ameren's class cost of service study in

14   case number ER-2007-0002?

15        A.     Yes.  Mr. Warwick answered that

16   question.

17        Q.     Okay.

18                    MR. WOODSMALL:  Your Honor I'd move

19   for the admission of Exhibit 971.

20                    JUDGE WOODRUFF:  971 has been

21   covered, any objection to its receipt?

22                    MR. MITTEN:  No objection.

23                    JUDGE WOODRUFF:  Hearing none it will

24   be received.

25                    MR. WOODSMALL:  Mark 972.
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 1   Q.   (BY MR. WOODSMALL)   Hand you what has

 2   been markeD as Exhibit 972.   Can you identify that

 3   document?

 4   A.   It's a data request.

 5   Q.   And is that the results of Ameren's

 6   class cost of service study in the case number

 7   ER-2008-0318?

 8   A.   Yes.

 9   MR. WOODSMALL: Your Honor, move for

10   the admission of 972.

11   JUDGE WOODRUFF: 972 has been

12   offered, any objection to its receipt?

13   MR. MITTEN: No objections.

14   JUDGE WOODRUFF: Hearing none it will

15   be received.

16   Q.   (BY MR. WOODSMALL)   Hand you what has

17   been marked as Exhibit 973.   Can you identify that

18   for me please?

19   A.   It's a data request.

20   Q.   And is it the result of Ameren's

21   class cost of service study in the case number

22   ER-2010-0036?

23   A.   Yes, it is.

24   MR. WOODSMALL: Move for the

25   admission of 973 Your Honor.

 1   JUDGE WOODRUFF: 973 has been

 2   offered. Any objection?

 3   MR. MITTEN: No objection.

 4   JUDGE WOODRUFF: Hearing none it will

 5   be received.

 6   **Q.   (MR. WOODSMALL) Hand you what has**

 7   **been marked as Exhibit 974. Can you identify that**

 8   **for me?**

 9   A.   It's cost of service results from

10   ER-2011-0028.

11   MR. WOODSMALL: Your Honor, move for

12   the admission of 974.

13   JUDGE WOODRUFF: 974 has been

14   offered, any objection to its receipt?

15   Hearing no objection It will be

16   received.

17   MR. ALLISON: Do you have a copy of

18   974?

19   MR. DOWNEY: My fault.

20   MR. WOODSMALL: My assistant is

21   slacking.

22   **Q.   (BY MR. WOODSMALL) Hand you what has**

23   **been marked as Exhibit 975. Can you identify that**

24   **for me?**

25   A.   Yes. It's a data request about the

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 1   Company's cost of service results from

 2   ER-2012-0166.

 3                 MR. WOODSMALL:  Move for the

 4   admission of Exhibit 975 Your Honor.

 5                 JUDGE WOODRUFF:  975 has been

 6   offered, any objections to its receipt?

 7                 MR. MITTEN:  No objection.

 8                 JUDGE WOODRUFF:  Hearing none it will

 9   be received.

10                 MR. WOODSMALL:  Last one.

11                 JUDGE WOODRUFF:  976.

12        Q.    (BY MR. WOODSMALL)  Hand you what has

13   been marked as Exhibit 976.  Can you identify that?

14        A.    Yes.  It's the Company's cost of

15   service results from ER-2014-0258, this rate case.

16                 MR. WOODSMALL:  Move for the

17   admission of Exhibit 976.

18                 JUDGE WOODRUFF:  976 has been

19   offered, any objections to its receipt?

20                 MR. MITTEN:  No objection.

21                 JUDGE WOODRUFF:  Hearing none it will

22   be received.

23                 MR. WOODSMALL:  No further questions,

24   Your Honor.

25                 JUDGE WOODRUFF:  All right.
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 1   Wal-Mart?

 2   EXAMINATION

 3   QUESTIONS BY MR. CHAMBERLAIN:

 4   **Q.   Good afternoon Mr. Davis.**

 5   A.   Good afternoon.

 6   **Q.   Let me refer you to your direct**

 7   **testimony please, page 12. And if I could direct**

 8   **your attention to table 1.**

 9   A.   Yes.

10   **Q.   Do you have that?**

11   A.   Yes, I do.

12   **Q.   Now this is a schedule, excuse me,**

13   **this is a summary of the schedule AMY 1, is it not?**

14   A.   Yes, it is.

15   **Q.   That's the schedule I just visited**

16   **with Mr. Warwick about?**

17   A.   I believe so.

18   **Q.   All right. And it summarizes the**

19   **Company's cost of service study in the this case?**

20   A.   In terms of where the current revenue

21   split the costs, yes.

22   **Q.   Okay. And what do the figures in the**

23   **column represent?**

24   A.   The actual return on rate base is the

25   return provided by each rate class based on current

1 revenues and the target is what the company has

2 proposed in this case.

3   Q.   Okay. And then the total line at the

4 bottom --

5   A.   Sure.

6   Q.   The total line at the bottom

7 indicates that a rate increase is necessary and

8 then within the individual columns if the class is

9 above that then that class will be providing

10 revenues in excess of the average return and if it

11 was below that they would be providing revenues

12 below the average return.

13   Q.   And so in your actual RORB column the

14 classes with a figure larger than 4.43 percent

15 would be accurate to say that those classes are

16 paying more than it cost Ameren to serve those

17 classes?

18   A.   That's correct.

19   Q.   And for classes with percentages less

20 than 4.43 percent would it be accurate to say that

21 those classes are paying less than it costs Ameren

22 to serve those classes?

23   A.   That would be correct as well.

24   Q.   And in fact page 13 of your direct

25 testimony at lines, beginning at line 3 you

 1   conclude quote, the residential and LTS classes are

 2   providing below average rates of return, the LPS

 3   and lighting services are providing near average

 4   rates of return while SGS, LGS and SPS classes are

 5   providing above average rates of return.

 6   Is that correct?

 7   A.   That's correct. And that's

 8   consistent with many of the opening statements,

 9   what they showed as well.

10   Q.   Now, have you reviewed the direct

11   testimony of Steve Chriss?

12   A.   Yes, I have.

13   Q.   And Mr. Chriss concludes that the LGS

14   and SP classes have provided a rate of return above

15   their cost of service levels in every rate case

16   back to and including the Company's 2007 rate case,

17   do you recall that testimony?

18   A.   Yeah, I believe so. I don't have it

19   in front of me but I recollect that.

20   Q.   And you didn't dispute that statement

21   in your rebuttal testimony, did you?

22   A.   No, I did not.

23   Q.   Okay. In your opinion does the

24   Company's cost of service study in this case

25   accurately reflect the cost of providing electric

 1   service to each class?

 2   A.   Yes.

 3   Q.   Now direct your attention to table 3

 4   at page 15 of your direct testimony.

 5   A.   Yes.

 6   Q.   What does this table show?

 7   A.   Table 3 shows what the increase to

 8   each class would be under the Company's rate

 9   proposal to exactly equal its cost of service based

10   on the Company's analysis.

11   Q.   And this is at the Company's

12   requested revenue increase?

13   A.   Yes.

14   Q.   All right. But you're not proposing

15   these sorts of increases, are you?

16   A.   No, I'm not.

17   Q.   In fact you're proposing that all

18   classes receive the same 9.65 percent increase,

19   isn't that correct?

20   A.   Yes, it is.

21   Q.   So even though Ameren's cost of

22   service study shows that LGS and SP classes should

23   only receive a 1.1 percent increase you're

24   recommending the Commission impose a 9.65 percent

25   increase?

 1   A.   Yes. And the challenge here is

 2   that --

 3   Q.   **You can direct that for your counsel**

 4   **on redirect.**

 5   A.   Okay.

 6   Q.   **It's true is it not that an equal**

 7   **percentage increase to all classes will maintain**

 8   **their current rates of return, set out your table 1**

 9   **all other things being equal, is that correct?**

10   A.   I think so.

11   Q.   **And it's true, is it not, that your**

12   **recommendation will not result in any movement**

13   **toward cost of service for the LGS and SP customer**

14   **classes, is that correct?**

15   A.   That's correct.

16   Q.   **Who's Michael Moehn?**

17   A.   He is the president CEO of Ameren

18   Missouri.

19   Q.   **Were you present when Mr. Moehn**

20   **testified on February 23rd?**

21   A.   No, I was not.

22   Q.   **All right. Let me help you if I can.**

23   **Mr. Moehn testified, quote, well, again, I think**

24   **cost of service principles, the rate making process**

25   **would say, you know, cost causation, those**

1   customers should pay the costs and so I think in

2   general the class of customer that's incurring the

3   cost should pay the cost, close quote.

4   Do you agree with that statement?

5   A.   I agree with that in general.

6   Q.   Thank you. That's all I have.

7   JUDGE WOODRUFF: Consumer's Council?

8   MR. COFFMAN: No questions, Your

9   Honor.

10   JUDGE WOODRUFF: Public Counsel.

11   MR. ALLISON: Just a couple. Thank

12 you.

13   EXAMINATION

14 QUESTIONS BY MR. ALLISON:

15   Q.   Mr. Davis with reference to the table

16 on page 12 of your direct testimony I believe you

17 made the statement that the target rate of return,

18 return on rate base is, reflects the rate increase,

19 or I'm sorry, the numbers reflect the rate increase

20 that would be necessary in order to reach the

21 return on rate base, is that correct?

22   A.   Based on the Company's original

23 proposal, yes.

24   Q.   Okay. And that gets to my question.

25 If the target were different then you would need a

 1   different amount of revenue in order to reach that,

 2   whatever the new target's rate of return on the

 3   rate base would be, right?

 4   A.   That's correct. So for example --

 5   Q.   No, that's fine. Thank you.

 6   And then on page 13 if you can look

 7   at, or I'm sorry, still on page 12, I apologize.

 8   Help me look at this. In the actual return on rate

 9   base column are any of these numbers negative?

10   A.   No, they're not.

11   Q.   So they're all positive, right?

12   A.   Yes.

13   Q.   So Ameren is actually receiving a

14   return on rate base in every class, is that

15   correct?

16   A.   That's correct.

17   Q.   So you're not losing money from any

18   class, is that correct?

19   A.   Yes.

20   Q.   Thank you.

21   I'd like to move to page 15 of your

22   direct testimony and on page 15 you outline the

23   Company's rationale for proposing to allocate

24   revenue increases across the board on an equal

25   percentage basis and therein and carrying over to

1   page 16 you articulate a number of other factors

2   outside of the cost of service study. Is that an

3   exclusive list of factors, are there other factors

4   or is that from your perspective the entire

5   universe of other factors to consider?

6   A.   No, there would be more factors to

7   consider. This is a general list and it's not all

8   inclusive.

9   Q.   Okay. Fair enough. And so among the

10   factors that you do list specifically are revenue

11   stability, rate stability, effectiveness in

12   yielding total revenue requirement, public

13   acceptance and value of service. And according to

14   your testimony among other factors is that fair?

15   A.   Yes.

16   Q.   Okay. And as a result of the

17   exception of those factors and your class cost of

18   service study it is the Company's recommendation to

19   provide across the board revenue neutral increase

20   in an equal proposition, is that correct?

21   A.   Yeah, and I also in the very next

22   paragraph included discussion about how energy

23   efficiency fits into that determination as well.

24   Q.   Yeah, absolutely.

25   Moving to your, do you have your

 1   rebuttal testimony there with you?

 2   A.   Yes, I do.

 3   Q.   Okay. Great. Moving to your

 4   rebuttal testimony I'm looking at pages, well we'll

 5   start on page I think it's 15, in the 15, 16 area.

 6   Where you discuss I think a comparative evaluation

 7   of relative customer charges compared to other

 8   investor-owned utilities and other types of

 9   utilities. Do you see where I'm at?

10   A.   Yes.

11   Q.   Okay. To your knowledge are Ameren

12   Missouri's rates overall, not just the customer

13   charge, but overall rates, lower or higher than the

14   other investor-owned utilities in the state?

15   A.   My understanding is that they're

16   lower.

17   Q.   And so it's not particularly

18   surprising then that the customer charge would also

19   be lower, is it?

20   A.   Not necessarily the case.

21   Q.   Okay. That's fine.

22   And then with respect, you make a

23   statement on page 17 that cable, Internet and land

24   line phone service are commonly billed entirely as

25   fixed monthly bills, is that correct?

 1   A.   Yes.

 2   Q.   **Now, I'm looking at the first page of**

 3 **your direct testimony where you talk about your**

 4 **background and I don't see here where you have ever**

 5 **worked for a cable service provider. Have you ever**

 6 **worked for a cable service provider?**

 7   A.   No, but I know a lot of people who

 8 get cable service.

 9   Q.   **I'm sure you do. And have you ever**

10 **worked for an Internet service provider? Yes or**

11 **no.**

12   A.   No.

13   Q.   **And have you ever worked for a land**

14 **line service provider, yes or no?**

15   A.   No I have not.

16   Q.   **Do you have any idea of fixed versus**

17 **variable cost structure of any of those service**

18 **providers? If you can't answer that's fine too.**

19 **I'm just asking what your knowledge is.**

20   A.   I don't have any quantitative

21 understanding of it.

22   Q.   **Fair enough. I appreciate the**

23 **answer.**

24   MR. ALLISON: That's all I have.

25   JUDGE WOODRUFF: All right.

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 1              For MIEC?

 2                   EXAMINATION

 3   QUESTIONS BY MR. DOWNEY:

 4        Q.    Good afternoon.

 5        A.    Good afternoon.

 6        Q.    Would you turn to page 10 of your

 7   direct?

 8        A.    Okay.

 9        Q.    And starting on line 21 and

10   continuing through page 11, line 12.

11        A.    Yes.

12        Q.    Take a look at that.

13        A.    (Reviewing document).  Okay.

14        Q.    And do you discuss there why the

15   company chose the A&E 4 NCP method for allocating

16   production costs?

17        A.    Yes, I do.  In fact some of the

18   quotes from Mr. Woodsmall's introduction was

19   directly from this particular piece.

20        Q.    Would you explain to the Commission

21   why that allocation method is appropriate in this

22   case?

23        A.    Sure.  I mean part of it is just the

24   fact that you have the average and excess.  You

25   know the average component of this is designed to
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1 capture kind of the energy aspect of customer's

2 usage and the excess is the demand piece and those

3 two factors together represent, you know, a balance

4 of signing some of the costs weighted on the energy

5 aspect and some of the costs weighted on the peak

6 demands.

7   **Q.   Thank you.**

8   MR. DOWNEY: No other questions.

9   JUDGE WOODRUFF: Staff?

10   MR. ANTAL: No questions. Thank you.

11   JUDGE WOODRUFF: Open for questions

12 from the bench.

13   Mr. Chairman?

14   CHAIRMAN KENNEY: No questions.

15 Thank you.

16   JUDGE WOODRUFF: Mr. Kenney?

17   COMMISSIONER KENNEY: No, thank you.

18   JUDGE WOODRUFF: Mr. Hall?

19   COMMISSIONER HALL: I have a few.

20   EXAMINATION

21 QUESTIONS BY COMMISSIONER HALL:

22   **Q.   Good afternoon.**

23   A.   Good afternoon.

24   **Q.   Turning to page 16 of your direct**

25 **testimony where you list certain factors that**

1   **should be taken into account when determining how**

2   **the rate increase should be collected from the**

3   **classes. Could you go factor by factor and explain**

4   **to me how that impacted your decision in this case**

5   **that an across the board approach should be ordered**

6   **by the Commission?**

7   A.   Sure. I mean in terms of things like

8   revenue stability and rate stability, to the extent

9   that the rate increases are higher customers may

10 react differently to those in terms of their

11 consumption habits so to the extent that an average

12 increase makes sense for those customers that can

13 promote no major change in their consumption

14 patterns, that in terms, and that kind of flows

15 into the effectiveness of yielding the total

16 revenue requirement in terms of how customers react

17 to that. Also with rate stability we have on our

18 nonresidential rate classes customers could switch

19 in between those and right now we don't see a lot

20 of switching issues so to the extent where we

21 increase those rates consistently across those we

22 wouldn't expect to experience any switching issues

23 amongst those rate classes and also in terms of

24 public acceptance really that factors maybe more

25 into the residential rate class, you know, as you

1   see on the previous table the residential rate

2   class if you just go based on strictly cost of

3   service would require a higher than average

4   increase so, you know, the lower the increase that

5   may mitigate the issues of public acceptance.

6   Q.   **Anything else?**

7   A.   Not on that particular list. No.

8   Q.   **Are there any other factors that we**

9   **should take into account?**

10   A.   Well, on the list right below there,

11   or I'm sorry, in the paragraph right below there I

12   talk about energy efficiency and the significance

13   of energy efficiency is that if a class is kilowatt

14   hours if one particular class reduces their

15   kilowatt hours more than any other class that will

16   actually shift costs when it come comes to revenue

17   allocations so it's what we see with residential we

18   see a large amount of program expenditures going

19   that way and a large amount of savings from the

20   residential class and even looking forward as we

21   look at our resource plan we're seeing lower growth

22   rates in the residential class compared to other

23   classes so if that trend does in fact continue then

24   over time less costs will be assigned to the

25   residential class.

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1   In taking a step back and looking at

2   page 15 even when I look at what the cost of

3   service says the rate increases should be the

4   challenge that I was faced with whether I came up

5   with a recommendation the Company's looking at how

6   to apply this, you know, the cost of service study

7   says there's some costs that would be a below

8   average increase and some that would be an above

9   average increase. So if you think of it like air

10   in a balloon if I gave one customer class a below

11   average increase some other class has to get an

12   above average increase and if we look at the two

13   classes there's actually a fair amount of

14   consistency in several of the studies that

15   residential and large transmission service are the

16   two classes that would get an above average

17   increase and we also know from what we've heard in

18   these cases those are the two classes that are most

19   vehemently telling you to incorporate affordability

20   when you're designing rates so as I look at this

21   it's just a hard choice to figure out if I want to,

22   you know, if I want to give large general and small

23   primary a below average increase someone else has

24   to get an above charge increase.

25   Q.   Would your position be the same if

1   **the Company was pushing say a $100 million increase**

2   **in revenue as opposed to a $200 million?**

3   A.   I don't know the answer to that, I

4   haven't really thought about the magnitude. Again

5   I think it also depends on, and maybe not in this

6   particular case again, you know, we are, the

7   circumstances of each individual case matter as

8   well like I mentioned in terms of, you know, the

9   two classes that are showing the need for an above

10   average increase for other customer classes to get

11   a below average increase are the residential and

12   large transmission so the fact that we are, you

13   know, we've gone through the rate design complaint

14   case with the large transmission class and the fact

15   that we're seeing the issues raised by the Office

16   of Public Counsel about the recovery for

17   residential class, I mean assuming those conditions

18   still existed I don't know that the magnitude of

19   the increase would influence my recommendation.

20   Q.   **Okay. So if instead of the 264**

21   **million it was half of that you would still be**

22   **supporting an across the board increase?**

23   A.   Yes.

24   Q.   **Are you familiar with Staff's six**

25   **step approach to allocating --**

1   A.   Yes, I am.

2   Q.   **Is there anything inherently wrong**

3   **with that approach?**

4   A.   No, I think it's reasonable. And

5   also Wal-Mart's proposal is reasonable too because

6   actually there's basic agreement on which classes

7   are below their cost of service and which classes

8   are above the cost of service so it's really a

9   matter of whether the Commission wants to take a

10 step forward to, a step towards cost of service and

11 how much towards a cost of service. You look at

12 Staff's proposal they said point 5 percent above

13 average increase to residential and large

14 transmission and a point 63 below average increase

15 to large general, small general and small primary.

16 Now if you look at Wal-Mart's proposal they had the

17 same construct where for the most part, you know,

18 large primary and lighting are pretty close so the

19 shifts in those classes are pretty small but

20 instead a point 5 percent increase say for

21 residential, it's more like, let me see, I actually

22 have it here, it's more like a 1.3 percent revenue

23 neutral shift so the same classes would be going in

24 the same direction, it's just a matter of degree.

25   Q.   **Okay. Thank you.**

 1   JUDGE WOODRUFF: Anyone wish to

 2 recross based on those questions from the bench?

 3   MR. CHAMBERLAIN: Yes.

 4   JUDGE WOODRUFF: For Wal-Mart.

 5   EXAMINATION

 6 QUESTIONS BY MR. CHAMBERLAIN:

 7   Q.   Just very briefly.

 8   Mr. Davis you were asked by

 9 Commissioner Hall some questions regarding the

10 other factors you discussed at page 16. Do you

11 recall that?

12   A.   Yes, I do.

13   Q.   Could you direct me where in your

14 testimony you provide an analysis and

15 quantification of those factors?

16   A.   I didn't. In fact that kind of gets

17 to what I see as the general trends in terms of

18 where the parties are. I see a lot of quantitative

19 agreement in terms of which classes are above and

20 which classes are below and the disagreement I

21 really see is how to weight these types of

22 considerations and what other considerations should

23 be taken into account.

24   Q.   But when you consider these other

25 factors it just so happens that all the classes

 1   come out at 9.65 percent?

 2   A.   Yeah, I mean there's really no

 3   quantitative analysis around these to tell me oh,

 4   this class should be, you know, slightly above or

 5   slightly less, it's just on balance and across the

 6   board increase makes sense.

 7   Q.   Thank you.

 8   JUDGE WOODRUFF: Any other recross?

 9   Redirect?

10   MR. MITTEN: Briefly Your Honor.

11   EXAMINATION

12   QUESTIONS BY MR. MITTEN:

13   Q.   Mr. Davis Mr. Allison was asking you

14   some questions and you started to tell him about

15   how energy efficiency fits into Ameren Missouri's

16   proposed rate design in this case. Could you

17   continue with the answer that Mr. Allison cut you

18   off on?

19   A.   Yeah. I mean that was with regard to

20   the cost of service as well I believe and if I

21   remember correctly, and really I mentioned that

22   earlier when I was talking to Commissioner Hall is

23   about the fact that if there's a class that's

24   achieving higher than average energy savings then

25   over time less costs will be allocated to that

 1   customer class so you see this trend, so for

 2   example even though the residential class is above

 3   its cost of service today that over time because of

 4   energy savings and way the allocations work they're

 5   actually going to get closer to their cost of

 6   service without any judgments necessary done by the

 7   Commission.

 8   Q.   Could you please turn to page 16 of

 9   your rebuttal testimony?

10   A.   Okay.

11   Q.   Are you there?

12   A.   Yes.

13   Q.   Mr. Allison asked you a number of

14   questions about table 3 and you indicated that

15   overall Ameren Missouri's rates are lower than any

16   other investor-owned utility operating in Missouri,

17   isn't that correct?

18   A.   Yes.

19   Q.   What relationship does overall rates

20   have to the customer charge?

21   A.   Well, I would say it's not entirely

22   clear because as we think about, I would expect the

23   constructures to be similar between us and the

24   other companies but I don't have any details about

25   that. Regardless the fact that they have higher

 1 customer charges is an indication, is maybe an

 2 indication to Ameren's customer charges too low as

 3 well but because we can't, I guess because I don't

 4 know the relative difference between those I can't

 5 conclude that Ameren's customer charge is out of

 6 line in any way.

 7   Q.   **Well, assuming there is a**

 8 **relationship between overall rates and the customer**

 9 **charge if overall rates are increased in this case**

10 **would you expect the customer charge to increase as**

11 **well?**

12   A.   Yes, I would.

13   Q.   **And is that what Ameren Missouri is**

14 **proposing to do in this case?**

15   A.   That's exactly what we propose to do.

16 I think Mr. Mitten mentioned it earlier, our

17 request is to increase actually both the customer

18 and the volumetric charge by the average increase

19 for residential class. So if the residential class

20 got a 6 percent increase we would propose that the

21 customer charge itself be increased by 6 percent.

22 And the significance of that is as long as the

23 customer's usage patterns don't change and all the

24 customers in that class would involve the same

25 percentage increase. If you don't increase the

 1 customer charge then any customer for any reason

 2 whether they're an above average user would

 3 actually be given an above average increase.

 4   MR. MITTEN: No further questions.

 5 Thank you, Your Honor.

 6   JUDGE WOODRUFF: All right.

 7   Mr. Davis you can step down.

 8   A.   Thank you.

 9   JUDGE WOODRUFF: Next witness is Mr.

10 Brubaker for MIEC.

11   JUDGE WOODRUFF: Good afternoon.

12   MR. BRUBAKER: Good afternoon.

13   (Whereupon, the witness was sworn)

14   JUDGE WOODRUFF: Thank you.

15   You may inquire.

16   EXAMINATION

17 QUESTIONS BY MR. DOWNEY:

18   Q.   **Please state your name.**

19   A.   It's Morris Brubaker.

20   Q.   **And where do you work?**

21   A.   Brubaker & Associates.

22   Q.   **And your business address?**

23   A.   Is 16690 Swingley Ridge Road,

24 Chesterfield, Missouri 63017.

25   Q.   **And did you prepare pre-filed**

 1   **testimonies in this case?**

 2   A.   I did.

 3   **Q.   Do you have Exhibits 53, 54 and 55 in**

 4   **front of you?**

 5   A.   I do.

 6   **Q.   Is Exhibit 503 your direct testimony?**

 7   A.   Yes.

 8   **Q.   And 504 your rebuttal?**

 9   A.   Yes.

10   **Q.   And 505 your surrebuttal?**

11   A.   Yes.

12   **Q.   Do have you any corrections you'd**

13   **like to make to those testimonies?**

14   A.   I do have a few I would like to make.

15   The first would be in the rebuttal. Just by way of

16   introduction in a few places I referred to Dr. Mark

17   as Mr. Mark and I would like to correct that

18   reference just to be respectful of his degree so my

19   apologies and the corrections are all follows:

20   Page 7, line 13, change Mr. to Dr. Page 8, line

21   20, same change. Page 9, line 6 and line 16, and

22   in the surrebuttal page 17, line 16.

23   **Q.   Other than those changes do you have**

24   **any corrections or changes to any of your pre-filed**

25   **testimony?**

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1   A.   I do not.

2   **Q.   If I were to ask you the questions in**

3   **those testimonies would your answers be the same?**

4   A.   They would.

5   **Q.   And are they true and correct to the**

6   **best of your knowledge and belief?**

7   A.   They are.

8   MR. DOWNEY: Your Honor, I think Mr.,

9   well, I know Mr. Brubaker will be testifying next

10 week so I will offer the Exhibits 503 through 505

11 but I understand you're going to reserve ruling?

12   JUDGE WOODRUFF: That is correct.

13 They'll be offered and I'll defer ruling to the

14 last time he's on the stand.

15   And for cross examination we would

16 begin with Public Counsel.

17   EXAMINATION

18 QUESTIONS BY MR. ALLISON:

19   **Q.   Mr. Brubaker just a couple of**

20 **questions.**

21   **In this case you've been retained by**

22 **whom?**

23   A.   Missouri Industrial Energy Consumers.

24   **Q.   And for how long have you been**

25 **retained by the Missouri Industrial Energy**

 1   Consumers?

 2   A.   A number of years. I don't recall

 3   when they adapted that name officially, I started

 4   working with many of the same companies who are now

 5   in MIEC in the early 1970s.

 6   Q.   And Industrial Energy Consumers, is

 7   it fair to characterize Industrial Energy Consumers

 8   as typically having a higher load factor and usage

 9   profile than your typical residential consumer?

10   A.   That would be accurate.

11   Q.   And you've testified on behalf of the

12   Industrial Energy Consumers in this rate case and

13   in, we've had I guess five prior to this. Have you

14   testified for the Industrial Energy Consumers in

15   the five prior rate cases?

16   A.   I believe so, yes.

17   Q.   Okay. And the Industrial Energy

18   Consumers are paying you for your testimony, isn't

19   that correct?

20   A.   I certainly hope so.

21   Q.   Well I would hope so too for your

22   sake.

23   Q.   All right. Fair enough. I just

24   wanted to make that clear for the record and thank

25   you for your time.

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 1                   JUDGE WOODRUFF:  Consumer's Council?

 2                   MR. COFFMAN:  No questions.

 3                   JUDGE WOODRUFF:  Staff?

 4                   MR. ANTAL:  No questions.  Thank you.

 5                   JUDGE WOODRUFF:  Wal-Mart?

 6                   MR. CHAMBERLAIN:  No questions.

 7                   JUDGE WOODRUFF:  MECG?

 8                   MR. WOODSMALL:  Thank you, Your

 9   Honor.  And I found an easier way to do it.

10                        EXAMINATION

11   QUESTIONS BY MR. WOODSMALL:

12        Q.     Exhibit 977, I'm just going to mark

13   them all as one exhibit.

14        Q.     Hand you what has been marked as

15   Exhibit 977.  Can you identify that for me please?

16        A.     It looks like my responses to MECG's

17   data requests in this case.

18        Q.     And those are your class cost of

19   service results in this case as well as the five

20   previous cases?

21        A.     Yes.

22                   MR. WOODSMALL:  I'd move for the

23   admission of Exhibit 977 Your Honor.

24                   JUDGE WOODRUFF:  I'm going through

25   here to make sure we have exactly what we're
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 1   supposed to have.

 2   MR. WOODSMALL: There should be seven

 3   sheets.

 4   JUDGE WOODRUFF: 6.1, 6.2, 6.4, 6.5

 5   and 6.6.

 6   MR. WOODSMALL: Yeah, and then 6.4

 7   and then this one.

 8   JUDGE WOODRUFF: Right. Is this part

 9   of the document?

10   MR. WOODSMALL: No. The results that

11   I, the e-mail that I got with the answer was

12   duplicative so I took it out of the previous case.

13   JUDGE WOODRUFF: Okay. So it's a

14   data request number 4 from the 2012 case.

15   MR. WOODSMALL: Right.

16   JUDGE WOODRUFF: 6.5, 6.6 and then we

17   have --

18   MR. WOODSMALL: I stapled one --

19   JUDGE WOODRUFF: Which is part of --

20   MR. WOODSMALL: This case, yeah.

21   JUDGE WOODRUFF: Okay.

22   MR. WOODSMALL: Move for the

23   admission of 977 Your Honor.

24   JUDGE WOODRUFF: 977 has been

25   offered, any objections to its receipt?

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 1   Hearing none it will be received.

 2   MR. WOODSMALL: No further questions.

 3   Thank you.

 4   JUDGE WOODRUFF: Okay. And for

 5   Ameren?

 6   MR. MITTEN: No questions.

 7   JUDGE WOODRUFF: Okay.

 8   Open up for questions from the bench

 9   then.

10   Mr. Chairman.

11   CHAIRMAN KENNEY: Mr. Brubaker no

12   questions. Thank you.

13   JUDGE WOODRUFF: Mr. Kenney?

14   COMMISSIONER KENNEY: No questions.

15   Thank you.

16   JUDGE WOODRUFF: Mr. Hall?

17   COMMISSIONER HALL: No questions.

18   Thank you.

19   JUDGE WOODRUFF: If there are no

20   questions from the bench no need for recross, any

21   redirect?

22   MR. DOWNEY: No.

23   JUDGE WOODRUFF: Okay.

24   Mr. Brubaker you can step down.

25   A.   Thank you.

 1   JUDGE WOODRUFF: Next witness then

 2   would be Mr. Scheperle for the Staff.

 3   MR. ANTAL: Staff calls Mike

 4   Scheperle.

 5   (Whereupon, the witness was sworn)

 6   EXAMINATION

 7   QUESTIONS BY MR. ANTAL:

 8   Q.   **Mr. Scheperle would you please state**

 9   **and spell your name for the court reporter?**

10   A.   My name Michael Scheperle and

11   Scheperle is spelled S-C-H-E-P-E-R-L-E.

12   Q.   **Mr. Scheperle how are you employed?**

13   A.   I'm employed as the manager of

14   economic analysis at the Missouri Public Service

15   Commission.

16   Q.   **Mr. Scheperle, are you the same Mike**

17   **Scheperle who prepared or caused to have prepared**

18   **sections of Staff's rate design, class cost of**

19   **service study as well as direct rebuttal and**

20   **surrebuttal testimony in this case?**

21   A.   Yes.

22   Q.   **Okay. Do you have any corrections to**

23   **any of that testimony at this time?**

24   A.   I am not aware of any.

25   Q.   **And if I asked you the same questions**

 1   **would your answers be the same?**

 2   A.   They would.

 3   **Q.   Do you have, and are those answers**

 4   **true and accurate to the best of your knowledge and**

 5   **belief?**

 6   A.   Yes.

 7   **Q.   Okay.**

 8   MR. ANTAL: Your Honor at this time

 9   Staff will offer the testimony of Mr. Scheperle but

10   actually be returning later in the case.

11   JUDGE WOODRUFF: Okay.

12   all right. 232, 233 and 234 have

13   been offered and I will defer ruling on them.

14   MR. ANTAL: And we will tender the

15   witness for cross.

16   JUDGE WOODRUFF: Okay. Thank you.

17   And I noted there it was noted on the order of

18   cross for Staff and Public Counsel witnesses that

19   MIEC would go last and that's what we'll do.

20   So beginning with Public Counsel.

21   MR. ALLISON: No questions.

22   JUDGE WOODRUFF: Consumers Council?

23   MR. COFFMAN: No questions.

24   JUDGE WOODRUFF: Wal-Mart?

25   MR. CHAMBERLAIN: No questions.

 1   JUDGE WOODRUFF: MECG?

 2   MR. WOODSMALL: I would hope someone

 3 would ask a bunch of questions. If I can have five

 4 minutes I'll make putting these exhibits in a lot

 5 quicker.

 6   JUDGE WOODRUFF: Okay if we go on

 7 with somebody else?

 8   MR. WOODSMALL: Absolutely.

 9   JUDGE WOODRUFF: Then we skip down to

10 Ameren Missouri?

11   MR. MITTEN: No questions, Your

12 Honor.

13   JUDGE WOODRUFF: MIEC?

14   MR. DOWNEY: I'll bail you out David.

15   EXAMINATION

16 QUESTIONS BY MR. DOWNEY:

17   **Q.   Good afternoon Mr. Scheperle.**

18   A.   Good afternoon.

19   **Q.   Is it correct that you are**

20 **responsible for making Staff's recommendation on**

21 **how any increase of revenues to Ameren Missouri in**

22 **this case should be distributed among the customer**

23 **classes?**

24   A.   That deals with rate design and Brad

25 Forston is my colleague that's made the

 1   recommendation on that but I am sponsoring all of,

 2   I am sponsoring the Staff report and that is

 3   included in the Staff report.

 4   Q.   Okay. So can I call that a qualified

 5   yes?

 6   A.   Yes.

 7   Q.   All right. And in coming up with the

 8   recommendation did the Staff have the benefit of

 9   the cost of service study prepared by Ameren

10   Missouri?

11   A.   Yes.

12   Q.   And also several other cost of

13   service studies, right?

14   A.   Would you qualify what you mean by

15   other?

16   Q.   I'm sorry. Has cost of service

17   studies of MIEC -- never mind.

18   A.   I mean those were filed in direct

19   testimony but I did not, Staff filed direct

20   testimony at the same time.

21   Q.   All right. I understand. All right.

22   A.   So I had the benefit of Ameren

23   Missouri's class cost of study and Staff's.

24   A.   Yes.

25   Q.   Class cost of service study.

 1   A.   Yes.

 2   Q.   Were you the Staff witness on class

 3   cost of service in the last Ameren Missouri rate

 4   case?

 5   A.   Yes.

 6   Q.   And you hesitated because you were

 7   probably one of many, is that fair? One of many

 8   witnesses on that issue.

 9   A.   You're talking about the class cost

10   of service in the previous Ameren case?

11   Q.   Yes, sir.

12   A.   I believe I was the main witness in

13   that.

14   Q.   Okay. Fair enough. And in that case

15   did you allocate off system sales revenues on the

16   basis of class kilowatt hours at the generation

17   level?

18   A.   Yes, I did.

19   Q.   And is that a method that has been

20   approved by this Commission in prior cases?

21   A.   That has been approved by this

22   Commission in prior cases, yes.

23   Q.   Thank you.

24   Now, after reviewing at least two

25   class cost of service studies -- I'm going to

 1   rephrase that.

 2   After reviewing Staff and Ameren's

 3   class cost of service studies you recommended

 4   either revenue neutral impacts or small deviations

 5   from revenue neutral impacts, is that fair to say?

 6   A.   Yes. With my colleague Mr. Forston.

 7   Q.   Again with that correction.

 8   Thank you. No further questions.

 9   MR. WOODSMALL: I believe I'm up to

10   978.

11   JUDGE WOODRUFF: That would be

12   correct.

13   EXAMINATION

14   QUESTIONS BY MR. WOODSMALL:

15   Q.   Hand you what has been marked as

16   Exhibit 978. Can you identify that document for me

17   please?

18   A.   These are a set of data requests to

19   Staff from MEUA and it's data request 0604 through

20   0609.

21   Q.   And those are the class, or the

22   Staff's class cost of service study results in the

23   last five and this rate case, is that correct?

24   A.   That is correct.

25   MR. WOODSMALL: Move for the

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 1   admission of Exhibit 978 Your Honor.

 2   JUDGE WOODRUFF: 978 has been

 3   offered. Any objections to its receipt?

 4   MR. ANTAL: No objection.

 5   JUDGE WOODRUFF: Hearing no

 6   objections it will be received.

 7   MR. WOODSMALL: No further questions.

 8   Thank you.

 9   JUDGE WOODRUFF: Open up for

10   questions from the bench.

11   Mr. Chairman?

12   CHAIRMAN KENNEY: No questions.

13   Thank you Mr. Scheperle.

14   COMMISSIONER KENNEY: No questions.

15   Thank you.

16   JUDGE WOODRUFF: Mr. Hall?

17

18   EXAMINATION

19   QUESTIONS BY COMMISSIONER HALL:

20   Q.   You were in the hearing room when Mr.

21   Davis testified a half hour ago or so?

22   A.   Yes.

23   Q.   Okay. And you heard his discussion

24   of the other factors that he believes the

25   Commission should take into account and in so doing

```
 1    deviate from a straight cost of service analysis to

 2    an across the board approach.

 3         A.    Yes.

 4         Q.    What did you think of that, of his

 5    argument?

 6         A.    I don't think Staff's ever taken that

 7    approach, I know in the last two or three cases

 8    that we've always tried to move towards class cost

 9    of service by making some revenue neutral

10    adjustments.

11         Q.    Okay.  So it's your understanding

12    that Staff has never taken that position in a rate

13    case previously.

14         A.    I wouldn't say forever but I am aware

15    of the last two or three cases that we have made

16    some revenue neutral adjustments.

17         Q.    Okay.  Well, putting aside what we've

18    down previously, we, the Commission, done

19    previously, what do you think about the argument

20    that he makes that we should take these other

21    factors into account and I assume that you don't

22    agree with them but I'm interested in why.

23         Q.    I think I take the approach that we,

24    that in any rate case if a class cost of service

25    study is conducted that there should be revenue
```

 1   neutral adjustments made to move classes closer to

 2   the class cost of service.

 3   Q.   Okay. So that's just an absolute

 4   goal of yours and of Staff to the extent possible

 5   stick to cost of service when setting, when

 6   designing rates.

 7   A.   Yes.

 8   Q.   Okay. Thank you.

 9   JUDGE WOODRUFF: Anyone wish to

10   recross based on questions from the bench?

11   Public Counsel.

12   EXAMINATION

13   QUESTIONS BY MR. ALLISON:

14   Q.   Thank you Mr. Scheperle. I just want

15   to make clear I understand Staff's position. As I

16   understand it or as I read it, correct me if I'm

17   wrong, Staff's position isn't to move on a revenue

18   neutral basis to the results of its class cost of

19   service study in this case, is it?

20   A.   We're moving towards it.

21   Q.   And that gets to my next question

22   which is is it an incremental movement but it is

23   not moving all the way to the results of your

24   finding, is that correct?

25   A.   It is an incremental movement.

```
 1          Q.     And is the reason that you're

 2   applying an incremental movement related to the

 3   other factors that Commissioner Hall just

 4   referenced?

 5          A.     Yes.

 6          Q.     Okay.  So you are in fact applying

 7   those other factors as part of your recommendation

 8   here, correct?

 9          A.     Yes.

10          Q.     Okay.  Thank you.

11                 MR. ALLISON:  That's all.

12                 JUDGE WOODRUFF:  Any other recross?

13                 MR. MITTEN:  Mr. Scheperle briefly.

14   Cost of service isn't the only considerations Staff

15   took into consideration in connection with its

16   residential customer charge recommendation in this

17   case, is it?

18          A.     There was other considerations for

19   the customer charge, residential customer charge.

20          Q.     Thank you.

21                 JUDGE WOODRUFF:  Redirect?

22                 MR. ANTAL:  Nothing.  Thank you.

23                 JUDGE WOODRUFF:  Then Mr. Scheperle

24   you can step down.

25                 Next name on the list is Robin
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 1   Kliethermes.

 2   MR. ANTAL: Staff calls Ms. Robin

 3   Kliethermes.

 4   (Whereupon, the witness was sworn)

 5   JUDGE WOODRUFF: You may inquire.

 6   EXAMINATION

 7   QUESTIONS BY MR. ANTAL:

 8   Q.   **Ms. Kliethermes, will you please**

 9   **state your name and spell it for the court**

10   **reporter?**

11   A.   Robin Kliethermes, Kliethermes is

12   K-L-I-E-T-H-E-R-M-E-S.

13   Q.   **And Ms. Kliethermes, how are you**

14   **employed?**

15   A.   I am a regulatory economist with the

16   Missouri Public Service Commission.

17   Q.   **Ms. Kliethermes, are you the same Ms.**

18   **Robin Kliethermes who prepared or caused to have**

19   **prepared sections of Staff's rate design, rate**

20   **design class cost of service revenue requirement**

21   **cost of service as well as rebuttal and surrebuttal**

22   **testimony in this case?**

23   A.   Yes.

24   Q.   **Okay. And do you have corrections to**

25   **any of those testimonies at this time?**

 1   A.   I do not.

 2   **Q.   If I were to ask you the same**

 3 **questions would your answers be the same?**

 4   A.   Yes.

 5   **Q.   And are those answers true and**

 6 **accurate to the best of your knowledge and belief?**

 7   A.   Yes.

 8   **Q.   Okay.**

 9   MR. ANTAL: Your Honor we will now

10 offer the rebuttal and surrebuttal testimony of Ms.

11 Robin Kliethermes. I believe this is the only time

12 she is scheduled to appear.

13   JUDGE WOODRUFF: That would be 219

14 and 220, they've been offered.

15   Any objection to their receipt?

16   Hearing none they would be received.

17   MR. ANTAL: Tender the witness for

18 cross.

19   JUDGE WOODRUFF: Thank you.

20   For cross we begin with Public

21 Counsel.

22   EXAMINATION

23 QUESTIONS BY MR. ALLISON:

24   **Q.   Hi ma'am, how are you?**

25   A.   Good, how about you?

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 1          Q.     Very well.  I'd like to turn your

 2   attention to page 44 of Staff's rate design and

 3   class cost of service report.  Do you have it with

 4   you?

 5          A.     Yes.

 6          Q.     Okay.  Great.

 7          A.     Okay.

 8          Q.     Okay.  So page 44 it looks like you

 9   state the costs included for recovery through the

10   customer charge consists of the following and then

11   you list two, four, six, eight, 12 different costs,

12   is that correct?

13          A.     Yes.

14          Q.     Okay.  And it goes, it will be in the

15   record so I won't belabor the point.  How do you

16   understand those costs to be different from the

17   costs that Ameren would include in the customer

18   charge?

19          A.     So these costs, what Ameren would

20   include would be these same costs but in addition

21   to portions of the distribution accounts.

22          Q.     Okay.  And so when you calculate

23   your, I think the testimony is $8.11 charge.

24          A.     Yes.

25          Q.     You are excluding distribution,
```

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1   correct?

2   A.   We're including distribution service

3   lines and meters but excluding everything else.

4   Q.   Including distribution servicing and

5   meters and customer installations but excluding

6   everything else.

7   A.   Yes.

8   Q.   Fair enough. Why does Staff take

9   that approach?

10   A.   This is Staff's position because it's

11   more understandably connected to a customer rather

12   than, you know, it's Staff's position that it may

13   take more than one customer to increase the cost of

14   the distribution system all the way up to, you

15   know, to the generator so to get for like say one

16   more additional customer maybe it's easier to

17   connect these costs to an additional customer

18   versus additional distribution infrastructure.

19   Q.   And is it your understanding that

20   Staff's approach is consistent with a traditional

21   approach to applying customer charges to the

22   individual customer as apposed to aggregated

23   customers, or, if it's outside your knowledge

24   please, that's okay. I'm not asking for anything

25   you don't know.

 1   A.   Yeah.

 2   Q.   That's fair. Thank you, I saw the

 3   look on your face. That's fine.

 4   So Staff's approach, just to make

 5   sure I understand your testimony, Staff's approach

 6   is those costs which are reasonably attributable to

 7   the individual customer should be included in the

 8   customer charge and those costs that are not

 9   reasonably attributable to the individual customer

10   should be excluded from the customer charge and in

11   the variable component, is that correct?

12   A.   Correct.

13   Q.   And it is Staff's position that not

14   every quote unquote fixed cost should be in the

15   customer charge, is that correct?

16   A.   Correct.

17   Q.   Okay.

18   Thank you, I have nothing further.

19   JUDGE WOODRUFF: Consumer Council?

20   MR. COFFMAN: No questions.

21   JUDGE WOODRUFF: Wal-Mart?

22   MR. CHAMBERLAIN: No questions.

23   JUDGE WOODRUFF: MECG?

24   MR. WOODSMALL: No questions.

25   JUDGE WOODRUFF: Ameren?

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 1   MR. MITTEN: Thank you, Your Honor.

 2   EXAMINATION

 3   QUESTIONS BY MR. MITTEN:

 4   Q.   Ms. Kliethermes I'd like to first

 5   focus on Mr. Allison's questions to you. You

 6   indicated that Staff believes that the items that

 7   are listed on page 44 of the class, of the Staff

 8   class cost of service report are the costs that you

 9   can identify as attributable to a single customer,

10   is that correct?

11   A.   I think it's more easily identified

12   to a single customer.

13   Q.   And you I think conceded in your

14   answer that the distribution plant certainly could

15   be identified to a group of customers as you go

16   from their individual location all the way to the

17   generator, is that right?

18   A.   Yes.

19   Q.   The customer charge that Ameren is

20   proposing for the residential class is applicable

21   to the entire class of residential customers, isn't

22   that correct?

23   A.   Correct.

24   Q.   And doesn't that class of customers

25   use distribution plant irrespective of the amount

Page 1522

 1   of electricity they use?

 2   A.   Yes.

 3   Q.   In this particular case Ameren

 4   Missouri's current customer charge is $8 and

 5   Staff's opposes any increase in that charge, is

 6   that correct?

 7   A.   Yes.

 8   Q.   Were you aware that Ameren Missouri's

 9   last rate case Staff supported an increase in the

10   monthly residential customer charge to $9?

11   A.   Yes.

12   Q.   In response to several of Ameren's

13   Missouri's data requests in this case Staff stated

14   that it had received policy guidance from the

15   Commission in its report and order in Ameren

16   Missouri's last rate case, is that right?

17   A.   Yes.

18   Q.   Was Staff referring to the statements

19   in that report in order to the effect that shifting

20   costs from variable volumetric rates which a

21   customer can reduce through energy efficiency uses

22   to fixed customer charges that can't be reduced

23   through energy efficiency will tend to reduce

24   customer's incentives to save electricity?

25   A.   No -- no.

1   Q.   Well what particular guidance in the

2   report and order in Missouri's last general rate

3   case were you relying on?

4   A.   What we're relying on, I mean the

5   guidance you stated but not in order to shift

6   costs, that's not why we were relying on the

7   guidance.

8   Q.   But is that the reliance that you

9   relied on to oppose any increase in the customer

10   charge in this case?

11   A.   No, it was to support our position on

12   the customer charge.

13   Q.   So that guidance, the sentiment in

14   the Commission's report and order that I just

15   indicated in my question, that had no effect

16   whatsoever on Staff's decision to oppose any

17   increase in the customer charge in this case?

18   A.   No effect? I wouldn't say no effect.

19   Q.   What effect did it have?

20   A.   Okay. Staff, so Staff calculated a

21   residential customer charge of $8.11. Based on the

22   guidance from the previous case it helped us to say

23   okay, rather than recommend move to $8.11 leave it

24   at $8.

25   Q.   And what was the guidance that caused

 1   you to decide that no movement in the customer

 2   charge was appropriate in this case?

 3   A.   I guess you could say that guidance.

 4   Q.   Was the guidance that it would be a

 5   disincentive to customers to add energy efficiency

 6   measures?

 7   A.   I don't think we -- yes, that

 8   guidance, yes. If you're referring to the

 9   statement that I listed in surrebuttal testimony,

10   yes, that guidance.

11   Q.   Would you agree that if a significant

12   portion of fixed costs that Ameren Missouri incurs

13   to serve the residential rate class are being

14   collected in volumetric rates, doesn't that

15   volumetric rate send a false economics signal to

16   customers as to how much they would really be

17   saving if they adopt energy efficiency measures?

18   A.   Would you restate that one more time?

19   Q.   I said if a significant portion of

20   Ameren Missouri's fixed costs are currently being

21   collected through volumetric rates aren't those

22   volumetric rates sending a false signal to

23   customers as to how much they'll be saving if they

24   adopt energy efficiency measures?

25   A.   I don't know. When you say Ameren's

1 fixed costs are we talking fixed distribution costs

2 or do you mean all Ameren Missouri fixed costs?

3   **Q.   All fixed costs that would be**

4 **included in a monthly customer charge. If a big**

5 **portion of those fixed costs are being recovered**

6 **through volumetric rates wouldn't those volumetric**

7 **rates be sending a false signal to customers as to**

8 **how much they would be saving in terms of the cost**

9 **of providing them service by adopting energy**

10 **efficiency measures?**

11   A.   I don't know. I mean that's not

12 something, that's not something I analyzed, I don't

13 know.

14   **Q.   Are you familiar with the MEEIA**

15 **statute in Missouri?**

16   A.   Familiar with it, yes. But I am not

17 assigned to the case so I have not worked on that.

18   MR. MITTEN: May I approach the

19 witness Your Honor?

20   JUDGE WOODRUFF: You may.

21   **Q.   (BY MR. MITTEN) Ms. Kliethermes,**

22 **I've handed you a copy of the section 393 1075.1**

23 **and as you can see from the first line there this**

24 **section shall be known as the Missouri Energy**

25 **Efficiency Investment Act. Is that the MEEIA**

 1 statute?

 2   A.   Yes. I mean it looks like it, I've

 3 never, I have not read this exact statute.

 4   Q.   Could you read to yourself subsection

 5 3 of that statute which I've highlighted?

 6   A.   (Reviewing document). It shall be

 7 the policy of the state -- do you want me to read

 8 it out loud?

 9   Q.   You can read it to yourself or read

10 it out loud, whichever you prefer.

11   A.   Sorry. (Reviewing document).

12   Okay.

13   Q.   Doesn't that say that it's the policy

14 of the state to support cost effective demand site

15 programs?

16   MR. ANTAL: Objection, relevance.

17   JUDGE WOODRUFF: Overruled.

18   A.   It says cost effective demand site

19 programs.

20   Q.   (BY MR. MITTEN) Ms. Kliethermes, if

21 a customer isn't getting an accurate pricing signal

22 regarding the cost of providing electric service,

23 if the volumetric rates say are too high how can

24 the customer decide whether or not an energy

25 efficiency measure is cost effective?

 1   A.   I -- I mean is that a hypothetical

 2   question? Because I don't know if they are

 3   getting, I mean I'm not familiar with this, so.

 4   Q.   **It is a hypothetical question.**

 5   **Hypothetically --**

 6   MR. ANTAL: Objection Your Honor,

 7   this witness has clearly said that MEEIA statute is

 8   well outside her area of expertise.

 9   JUDGE WOODRUFF: If she doesn't know

10   the answer she can say so but I'll allow the

11   question.

12   You can answer it as best you can.

13   A.   I don't know.

14   Q.   **Let me re-ask the question so the**

15   **record is clear.**

16   **If hypothetically speaking the**

17   **volumetric charge for electricity is artificially**

18   **inflated how could a customer determine based upon**

19   **volumetric cost savings whether or not an energy**

20   **efficiency measure is cost effective?**

21   A.   So hypothetically speaking from my

22   limited understanding of this I guess a customer

23   could look at their usage prior to engaging in

24   energy efficiency and what they paid and then after

25   energy, after they've installed energy efficiency

1   and refigure the bill at the reduced KWH rate.

2   **Q.   But again if their volumetric rates**

3   **are artificially inflated would that calculation be**

4   **realistic in terms of whether or not the energy**

5   **efficiency measure was cost effective?**

6   A.   I don't know, I mean so they're

7   artificially -- I don't know what you're trying to

8   ask I guess. If their artificially inflated.

9   **Q.   Hypothetically speaking if volumetric**

10 **rates do not accurately reflect the cost of**

11 **service, if they're artificially inflated, would**

12 **agree with me that those provide false price**

13 **signals or savings signals to a customer?**

14   MR. ANTAL: Objection, it assumes

15 facts not in evidence.

16   JUDGE WOODRUFF: I'm going to

17 overrule the objection, again the witness can just

18 say I don't know if that's the situation.

19   A.   I don't know.

20   **Q.   (BY MR. MITTEN)   What's your**

21 **understanding of how rates are set in a rate case**

22 **after the revenue requirement is determined?**

23   A.   After the revenue requirement is

24 determined we go through the class cost of service

25 study and -- well, actually once the revenue

1   requirement is determined, you know, all that is,

2   we would base it off the rate design

3   recommendations and what's been decided and apply

4   those to the rates.

5   Q.   I don't want to get too far down in

6   the weeds but generally speaking you take the

7   revenue requirement, you allocate it to the costs

8   and you set rates based upon the number of kilowatt

9   hours that you expect the utility will sell during

10 the period that rates are in effect, is that

11 correct?

12   A.   Say that one more time.

13   Q.   You take the revenue requirement.

14   A.   Okay.

15   Q.   You allocate it to the class and then

16 you determine the rates based the number of

17 kilowatt hours that you believe the utility is

18 going to sell during the period that rates are

19 going to be in effect, is that right?

20   A.   To the kilowatt hours that have been

21 determined of the billing determinants in the case,

22 yes.

23   Q.   Well, assuming that more fixed costs

24 are allocated to the residential class to be

25 collected through volumetric charges?

 1   A.   Okay.

 2   Q.   **Would you agree with me that the more**

 3 **electricity the utility sells the more fixed**

 4 **expenses it's going to recover?**

 5   A.   Yes.

 6   Q.   **And up to a point they'll be over**

 7 **recovering the amount of fixed expense that were**

 8 **actually allocated for rate making purposes, is**

 9 **that correct?**

10   A.   It would depend on usage.

11   Q.   **But up to a point they'll reach the**

12 **level that was used for rate making purposes, is**

13 **that right, and that would fully recover the fixed**

14 **costs all things being equal, right?**

15   A.   It could.

16   Q.   **And each additional kilowatt hour**

17 **that they sell above that would be pure profit in**

18 **terms of the portion of the rate that is**

19 **recommended by fixed costs, would you agree?**

20   A.   I mean if it, hypothetically speaking

21 again if it went to that level, I mean, if it

22 exceeds the billing determinants, you know, exceeds

23 the billing determinants set in the case of how the

24 rates were set to a level that that happens that's

25 hypothetical possibly.

 1   Q.   But doesn't that provide a real

 2   incentive for the copy to sell as many kilowatt

 3   hours of electricity as it possibly can?

 4   MR. ANTAL: Objection, calls for a

 5   conclusion that the witness can't make. She's not

 6   an Ameren executive.

 7   JUDGE WOODRUFF: I'll overrule the

 8   objection.

 9   You can answer it if you can.

10   A.   I don't know.

11   Q.   You don't know.

12   MR. MITTEN: No further questions.

13   Thank you.

14   JUDGE WOODRUFF: All right. For

15   MIEC.

16   MR. DOWNEY: No questions -- I'm

17   sorry, Judge, I did.

18   JUDGE WOODRUFF: Go ahead.

19   EXAMINATION

20   QUESTIONS BY MR. DOWNEY:

21   Q.   Good evening.

22   A.   Good evening.

23   MR. DOWNEY: Judge is it okay to

24   proceed?

25   JUDGE WOODRUFF: Yes.

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 1   Q.   (BY MR. DOWNEY) Would you tell the

 2 Commission what Exhibit 519 is?

 3   A.   This is a Staff data request

 4 response, or it's an MIEC data request to Staff and

 5 Staff responded to it showing the difference how we

 6 allocated costs in the last case compared to this

 7 case. And I'm sorry, I'm reading, I'm just reading

 8 it to make sure that that's exactly what this is.

 9   Q.   Go ahead. Take your time.

10   A.   Okay. I believe that's it.

11   Q.   And it asks you to compare the

12 modified BIP study from the last case to the

13 modified in this case, would you agree with that?

14   A.   Yes.

15   Q.   All right. And did you prepare this

16 response?

17   A.   Yeah, there were -- yes. There were

18 several data request responses and I mean my name

19 is on it as I responded to it. I'm pretty sure I

20 did, there were a lot. This looks like something I

21 did, yes.

22   Q.   Take a look at the answer, I just

23 want to make sure you're comfortable with it.

24   A.   (Reviewing document). Okay.

25   Q.   Is this answer accurate to the best

 1 **of your knowledge?**

 2   A.   Yes.

 3   **Q.   Okay.**

 4   MR. DOWNEY: I would offer Exhibit

 5 519.

 6   JUDGE WOODRUFF: 519 has been

 7 offered. Any objection to its receipt?

 8   Hearing none it will be received.

 9   MR. DOWNEY: Nothing further Judge.

10   JUDGE WOODRUFF: Okay. Then we'll

11 come for questions from the bench.

12   Mr. Chairman?

13   CHAIRMAN KENNEY: Thanks, no

14 questions.

15   JUDGE WOODRUFF: Mr. Kenney?

16   EXAMINATION

17 QUESTIONS BY MR. COMMISSIONER KENNEY:

18   **Q.   Good afternoon. Just a**

19 **clarification.**

20   **I was surprised to hear Staff**

21 **recommended a $9 customer charge, 12 and a half**

22 **percent increase last year, the last rate case. I**

23 **do have a question though. On page 3 of your**

24 **surrebuttal.**

25   A.   Okay.

1   Q.   Line 5 through 8, I'll just read it

2   while you're getting there. Any increase to the

3   residential customer charge would necessarily

4   slightly decrease the bill impact and cost

5   effectiveness of any conservation measures the

6   customer may have implemented to be considered.

7   That's why the main concern raising

8   the residential rate. Is that reason along with

9   the fact that Staff counsel mentioned the

10   Commission in their last rate case decided that it

11   would not send out a good signal to go above the $8

12   charge, are those the only two reasons that Staff

13   opposes a higher customer charge this time?

14   A.   The energy conservation?

15   Q.   The energy conservation and the

16   decision that the Commission made a couple years

17   ago.

18   A.   Well, actually our class cost of

19   service study in this case showed costs justified

20   only $8.11.

21   Q.   Your cost study.

22   A.   Yes.

23   Q.   So in two years ago the class cost of

24   study showed it greater than that?

25   A.   Yes.

 1   Q.   It did.

 2   A.   Same methodology, same lists of costs

 3   I included.

 4   Q.   Showed $9.

 5   Okay. Thank you for the education.

 6   A.   Yes.

 7   JUDGE WOODRUFF: Commissioner Hall?

 8   COMMISSIONER HALL: Yes.

 9   EXAMINATION

10   QUESTIONS BY COMMISSIONER HALL:

11   Q.   Did Ameren propose a cost of service

12   analysis on the residential customer charge that

13   you're aware of?

14   A.   An analysis like bill impacts, or? I

15   mean what?

16   A.   Well, your analysis was at $8.11

17   amount offered the cost and I'm wondering if Ameren

18   did a similar analysis?

19   A.   I believe they did.

20   Q.   Do you know what it was? And do you

21   know what the difference is, what inputs were

22   different between yours and Ameren's?

23   A.   Yes. So the costs that they

24   included, same costs that I did plus parts of

25   distribution counts 364 through 368.

```
 1         Q.      And what are --

 2         A.      The magnitude of those?

 3         Q.      What are those?

 4         A.      Poles through line transfers, so

 5    poles, wires, conductors, line transformers.

 6         Q.      And was that how they came up with

 7    the $20 figure?

 8         A.      Yes.

 9         Q.      And you don't believe it's

10    appropriate to include those line items, is that

11    correct?

12         A.      Correct.

13         Q.      And why is that?

14         A.      Just because like I stated earlier

15    the costs that I have included indirect, the list

16    of costs just more easily, are connected to that

17    customer or can be related to that customer or it

18    can be easily looked at as an additional customer

19    causing those costs to be incurred.

20         Q.      Okay.  Thank you.

21         A.      Thank you.

22                 JUDGE WOODRUFF:  Any recross based on

23    those questions from the bench?

24                 Public Counsel.

25                 EXAMINATION
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 1  QUESTIONS BY MR. ALLISON:

 2        Q.      Thank you.  I just want to make

 3  clear, this is called the customer charge, not the

 4  fixed cost charge, isn't that right?

 5        A.      Correct.

 6        Q.      Okay.  So what is the purpose of the

 7  customer charge to your understanding?

 8        A.      The purpose of the customer charge is

 9  to recover costs that directly vary with the number

10  of customers.

11        Q.      So it's customer related, not fixed

12  cost related, isn't that right?

13        A.      Correct.

14        Q.      Fair enough.  And is there a point at

15  which, and you may not be able to answer this but

16  I'm going to give it a shot and if not I'll ask

17  somebody else.  Is there a point at which the

18  change in the customer charge would have no impact

19  on conservation?  Put another way is there some de

20  minimus change in the customer charge in which

21  you're not really affecting price signals and to

22  the extent it's outside your area of expertise

23  that's fine, but, you know if you can answer I'd be

24  interested in hearing your answer.

25        A.      I don't know an exact increase in the
```

1   customer charge that would make, because with

2   energy efficiency that depends on people's habits

3   and people change based on some sort of level of

4   costs that they're willing to pay so I'm not for

5   sure of an exact increase in the customer charge

6   but --

7   Q.   Do you believe that there's some de

8   minimus level that doesn't have anything to do with

9   whether or not it sends the right price signal for

10 conservation or not and it's really just cost

11 based? Is there some de minimus change that is

12 relevant to the conservation question at all?

13   A.   You could do a signal, any small,

14 like I said in my testimony any small increase

15 would maybe have a slight change, it depends on

16 what change -- I don't know I guess.

17   Q.   That's fair. I'll ask you one more

18 question and if you say you don't know that's fine.

19   Is an 11 cent change large enough to

20 be de minimus or is that more than, signal enough

21 or de minimus or is it more than de minimus?

22   A.   It's small enough.

23   Q.   Okay. Thank you.

24   JUDGE WOODRUFF: Ameren?

25   EXAMINATION

 1 QUESTIONS BY MR. MITTEN:

 2   Q.   What effect on energy efficiency

 3 investment will a 50 cent a month increase in the

 4 customer charge have?

 5   A.   I don't know.

 6   Q.   And in response to a question from

 7 Commissioner Hall you indicated that the investment

 8 that you had excluded from the calculation of

 9 Staff's customer charge included expenses for

10 poles, wires, conductors and line transformers, is

11 that correct?

12   A.   Yes.

13   Q.   As a customer class would you agree

14 with me that you have to have poles, wires,

15 conductors and line transformers in order to

16 provide the first increment of electricity to

17 customers?

18   A.   That you have to have all the

19 infrastructure in place to serve customers.

20   Q.   Yes.

21   A.   Yes.

22   Q.   So at least some of that investment

23 is usage sensitive, would you agree?

24   A.   Correct.

25   Q.   Thank you.

 1   JUDGE WOODRUFF: Then redirect?

 2   MR. ANTAL: Okay.

 3   EXAMINATION

 4 QUESTIONS BY MR. ANTAL:

 5   **Q.   You were asked several questions by**

 6 **several different individuals regarding Staff's**

 7 **class cost of service residential customer charge**

 8 **in the last Ameren rate case. If you remember what**

 9 **was Staff's class cost of service results for the**

10 **residential customer charge?**

11   A.   The class cost of service result for

12 the customer charge was $8.97.

13   **Q.   Okay. And as you said Staff**

14 **recommended a $9 customer charge in that case.**

15   A.   Correct.

16   **Q.   Okay. What are the main drivers or**

17 **the main differences between the prior rate case**

18 **and this rate case impacting the Staff's, you know,**

19 **class customer study in regards to the residential**

20 **customer charge?**

21   A.   I mean costs have changed, the same

22 cost categories we included from the last case to

23 this case in our calculation of the residential

24 customer charge the magnitude of some of those

25 costs have changed and one of the, one of the

1   accounts that had the most, I guess the magnitude

2   change the most was the distribution service lines

3   account, 369.

4   Q.   Could you elaborate on that any?

5   A.   It was, it's over depreciated so we

6   include investment and expenses in the customer

7   charge and so the investment of that went negative

8   in this cause so that was a big change from last

9   case to this case.

10   Q.   Okay. What type of items are in

11 those accounts?

12   A.   In the service, the 369? Service

13 drops, underground and overhead service drops for

14 customers.

15   Q.   Okay. How are demand related costs

16 recorded from the residential class right now?

17   A.   Currently through the energy charge,

18 the kilowatt hour charge.

19   Q.   And Mr. Mitten's hypo he said to

20 assume energy rates are artificially inflated.

21 What is the appropriate customer charge under your

22 study?

23   A.   Under our, Staff's class cost of

24 service study.

25   Q.   Yes.

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 1          A.      It is the $8.11.

 2          Q.      Okay.  Now going back to Mr. Mitten's

 3   hypo he used the term artificially inflated.  If

 4   you can answer this do you believe the term

 5   artificially inflated is a matter of opinion?

 6          A.      Yes.

 7          Q.      Okay.  Could a person believe that

 8   Ameren's rates currently are artificially inflated?

 9          A.      Maybe.

10          Q.      Okay.  That's fine.  Mr. Mitten was

11   also, asked you some questions about price signals

12   and energy efficiency distortions.  Are you an

13   expert on the price signals that these rates give

14   customers?  Or is it something that you've

15   analyzed?

16          A.      On the price signals that these give

17   customers --

18          Q.      Never mind, that was a bad question.

19                  You were talking about energy

20   efficiency and the impact on energy efficiency that

21   these rates have.  Is it not true that in your

22   testimony the guidance that you based your

23   recommendation on was that the Commission wanted to

24   maximize energy conservation?

25          A.      Yes.
```

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1   Q.   Is energy efficiency and energy

2   conservation one in the same?

3   A.   No.

4   Q.   Okay.

5   Thank you.

6   JUDGE WOODRUFF: You can step down.

7   MR. DOWNEY: Judge can we take a

8   break?

9   JUDGE WOODRUFF: Well I'll ask. The

10 next witness is Sarah Kliethermes, does anyone have

11 extensive cross for her? Should we wait until

12 tomorrow to finish her up or can we finish up after

13 a quick break.

14   let's just go ahead and stop for the

15 day. We'll resume tomorrow morning at 8:30.

16

17   (Whereupon, the hearing adjourned at 4:46 p.m.)

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 1   REPORTER CERTIFICATE

 2

 3   I, SUZANNE BENOIST, Certified Shorthand

 4   Reporter, do hereby certify that there came before

 5   me at the Missouri Public Service Commission, 200

 6   Madison Street, Jefferson City, MO 65102, the

 7   above-referenced parties, that the proceeding was

 8   translated and proofread using computer-aided

 9   transcription, and the above transcript of

10   proceedings is a true and accurate transcript of my

11   notes as taken at the time of said event.

12   I further certify that I am neither

13   attorney nor counsel for nor related nor employed

14   by any of the parties to the action in which this

15   examination is taken; further, that I am not a

16   relative or employee of any attorney or counsel

17   employed by the parties hereto or financially

18   interested in this action.

19

20

21   _____

22   SUZANNE BENOIST, RPR, CCR, CSR-IL

23

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