

In the Matter of:

UNION ELECTRIC COMPANY d/b/a AMEREN MISSOURI's TARIFFS, etc.

ER-2021-0240;GR-2021-0241, VOL. XI

December 09, 2021

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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Evidentiary Hearing

December 9, 2021

Jefferson City, Missouri

Volume 11

In the Matter of Union Electric)
Company d/b/a Ameren Missouri's) File No. ER-2021-0240
Tariffs to Adjust its Revenues)
for Electric Service)

In the Matter of Union Electric)
Company d/b/a Ameren Missouri's) File No. GR-2021-0241
Tariffs to Adjust its Revenues)
for Natural Gas Service)

MORRIS L. WOODRUFF, Presiding
CHIEF REGULATORY LAW JUDGE

JASON R. HOLSMAN,
SCOTT T. RUPP,
MAIDA J. COLEMAN,
COMMISSIONERS

REPORTED BY:
Beverly Jean Bentch, CCR No. 640
TIGER COURT REPORTING, LLC

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1 (December 9, 2021)

2 JUDGE WOODRUFF: Let's go ahead and get
3 started. We're on the record at this point. And this
4 is File No. ER-2021-0240 and also File No. GR-2021-0241,
5 which involves the Union Electric Company d/b/a Ameren
6 Missouri's Tariffs to Adjust its Revenues for Electric
7 Service and Natural Gas Service.

8 For the most part, the gas -- Actually for
9 entirety the gas case has been settled. We will only be
10 dealing with the gas side of this to put in exhibits at
11 the end of the process today. So we're going to start
12 today by going -- The exhibit numbers have already been
13 assigned. So we'll go ahead and get started with
14 opening statements then beginning with Ameren Missouri.

15 MS. GRUBBS: Is it all right if I unmask --

16 JUDGE WOODRUFF: Yes.

17 MS. GRUBBS: -- just so I will be heard
18 better.

19 JUDGE WOODRUFF: I will add the court reporter
20 has asked me to make sure you speak up when you have
21 your mask on so that you can be heard.

22 MS. GRUBBS: Understood. Thank you. Good
23 morning. The parties to this electric rate case have
24 entered into two stipulations and agreements that
25 resolve the vast majority of issues in this case so that

1 only Issue No. 17A, which relates to the potential
2 renaming of the Company's TOU rate plans and only
3 portions of what has been identified as Issue 22 Class
4 Cost of Service, Revenue Allocation and Rate Design
5 remain for this electric rate case.

6 So let's focus first on Issue 17A, the
7 renaming of the residential time of use rates. The
8 timing of Staff's recommendation for renaming is
9 terrible. To use a nautical metaphor, the naming ship
10 has sailed. It's important though to understand some
11 historical context here. The EV Savers and Smart Savers
12 rate plans, among others, were approved through a
13 settlement in the Company's last electric rate case
14 which was File No. ER-2019-0335.

15 No parties stated an issue with implementing
16 the Smart Savers rate name in that case. The only
17 naming question that was raised was a concern about
18 using the acronym EV for electric vehicles for one rate
19 offering which the Company had called the EV Savers
20 rate. And the Company agreed to remove the EV from that
21 rate name to avoid potential confusion that customers
22 could assume that only customers with an electric
23 vehicle should be on or possibly would benefit from the
24 rate.

25 So following conclusion of the last electric

1 rate case, which was only a little over a year and a
2 half ago, the Company conducted extensive customer
3 research, which included focus groups and surveys with
4 diverse customer segments and geographies to develop a
5 communication strategy. And in accordance with the
6 stipulation from the last electric rate case, the
7 Company met repeatedly with stakeholders to discuss its
8 automated metering infrastructure, AMI, meter rollout
9 and the TOU customer education and communications
10 program and even presented at a Commission Agenda
11 explaining our communications plan. And again, no
12 concern was expressed about the Savers naming convention
13 under the Company's plan through those meetings and
14 discussions.

15 An highly regarded rate design expert,
16 Dr. Faruqui, testified in rebuttal, quote, Ameren
17 Missouri has done as much as any utility can do to
18 intrigue customers with the concept of time variation
19 and rates, to draw them to its website, and to educate
20 them on how best to reduce their bills on the new rates.
21 The toolbox of this customer education plan includes a
22 web page dedicated to TOU rate options, multiple mailed
23 communication pieces to customers, a bill comparison
24 tool. There's an educational video for customers, and
25 we provide some specialized training to Company

1 employees who then assist customers with TOU rate name
2 and rate plan questions. All the items in that toolbox
3 would have to be revised if the names of the TOU rate
4 plans were changed, and those revisions could not be
5 completed overnight, of course.

6 As the Commission is aware, the Company
7 actually received permission to delay portions of its
8 TOU communications and education plan, specifically the
9 bill comparison tool and implementation of certain new
10 rates. And that was in File No. EE-2021-0103. So the
11 broad rollout of the TOU program began in May of this
12 year with customers first being transitioned to the new
13 default time of use rate around the beginning of June.

14 As Ameren Missouri witness Steven Wills
15 explained in his rebuttal testimony, as of November 1,
16 so just the beginning of last month, over 170,000
17 residential customers were on the Evening/Morning Savers
18 rate, that new default TOU rate. And 461 were on one of
19 the advanced rates which would either be Overnight
20 Savers, Smart Savers or Ultimate Savers. So hundreds of
21 thousands of customers have sailed through the TOU
22 customer education and communications journey. And now
23 Staff seeks to have the names changed that have been
24 used throughout that journey after the naming ship has
25 sailed. That is a potential recipe for concern for

1 disastrous customer confusion and frustration.

2 So what did Staff identify as its basis for
3 recalling the sailed naming ship. Any specific customer
4 research they conducted? No. Any actual customer
5 experience? Nope. Rather, Staff suggests that the
6 names portray the rate plans as money savings
7 opportunities and don't indicate potential risks of bill
8 increases.

9 But the focus on saving opportunities in the
10 rate plan's name is absolutely appropriate as the plans
11 unquestionably create savings opportunities which are
12 already being experienced by early adopters of the
13 advanced TOU rate plans. I mean, that's really the
14 point. These plans were designed to encourage customers
15 to take actions in response to price signals to shift
16 load thereby providing benefits to the system and then
17 subsequently save those customers that took some action
18 some money on their bills.

19 Dr. Faruqui explains in his rebuttal testimony
20 that the notion of saving money on their electric bills
21 is key, key to customers being willing to undertake that
22 required behavior modification to experience savings.
23 But the Company is not stopping there. It's also arming
24 its customers with information to empower them to make
25 those choices about these rates with eyes wide open

1 about the effect of these rate structures will have on
2 them based on their lifestyles, based on their usage
3 characteristics through that customer facing bill
4 comparison tool. So not only has the naming ship
5 sailed, but there is no reasonable basis for potentially
6 causing a storm of customer confusion while customers
7 are still on their TOU voyage by renaming the TOU rate
8 plans.

9 So if I can shift now to Revised Issue No. 22,
10 which is again the Class Cost of Service, Revenue
11 Allocation and Non-Residential Rate Design Issues.
12 We'll start first with the class cost of service. Now,
13 of course, class cost of service studies are merely a
14 starting point for revenue allocation and rate design.
15 Such studies are a tool for designing rates so that cost
16 responsibility is equitably, not precisely, but
17 equitably allocated to each customer rate class.

18 Company witness Tom Hickman, Thomas Hickman,
19 has direct testimony and schedules that present the
20 Company's class cost of service study. And within a
21 class cost of service study there are many different
22 categories of costs to be allocated and only three of
23 those categories are at issue still for hearing.
24 Subissue 22A focuses on production costs. So generally
25 the investment in the generation plants and the expense

1 of operating them. 22B then focuses on non-fuel,
2 non-labor components of production, operation and
3 maintenance expense or O&M expense. And 22H focuses on
4 distribution costs, generally that cost of the Company's
5 distribution system and associated expenses. So Ameren
6 Missouri continues to support its classification and
7 allocation of all costs as presented in its class cost
8 of service study as set forth in Thomas Hickman's direct
9 testimony and schedules.

10 So more specifically under 22A, production
11 costs generally are allocated using the 4 non-coincident
12 peak, or NCP, version of the average and excess or A&E
13 demand method.

14 Under 22B for those non-fuel, non-labor
15 production O&M expenses, that's a variable cost. And so
16 we have provided that those should follow the production
17 energy allocation method, so basing it on the megawatt
18 hours required at the generators to provide service to
19 each respective class.

20 So then for 22H, the distribution plant, of
21 course, that includes FERC accounts numbers 360 through
22 369. And each of those accounts needs to be allocated
23 to then each customer class based on the breakdown of
24 each of those accounts between customer-related and
25 demand-related components as set forth in Ameren

1 Missouri's class cost of service study.

2 But again, a class cost of service study is
3 not intended to be a precise tool to strictly be
4 followed when allocating revenue requirement increases
5 nor designing rates. And there are a variety of policy
6 or other factors that may intervene such as the policy
7 of gradualism and trying to avoid rate shock for
8 customers. Therefore, when it came time for Company
9 witness Michael Harding to propose how that revenue
10 requirement increase should be allocated to customers,
11 which is subissue 22C, Ameren Missouri proposes to use a
12 two-step process similar to what it has proposed in the
13 prior electric rate case.

14 So under that, first, the class's current base
15 retail revenue is either increased or decreased on a
16 revenue neutral basis. But that really just resulted
17 here in a small adjustment within the lighting classes
18 which are the 5(M) and the 6(M) classes. So then the
19 second step is that the revenue requirement increase
20 should be allocated to customer classes as an equal
21 percent of current base revenues.

22 Now that leaves only three rate design points
23 at issue, and those are all related to non-residential
24 customers. So subissue 22F relates to MECG's proposed
25 shift to increase the demand component for the large

1 general service, or LGS, and small primary service, or
2 SPS, classes and correspondingly then decrease their
3 energy charges.

4 The Company does not oppose MECG's proposal,
5 does not oppose their proposal directionally, but notice
6 some potential concern about bill impacts to customers
7 within those classes due to the magnitude of the
8 movement that MECG proposes. Also the Company did note
9 the potential diminishment of promoting electrification
10 through their proposal. And then subissue 22G relates
11 to MECG's recommendation to require the Company to
12 present analyses of alternatives to the current hours
13 use rate design by 2025. The Company is very open to
14 evaluating rate design changes for non-residential
15 customer classes. However, we believe that the AMI
16 data, advanced meter infrastructure data, is needed and
17 should be reviewed to develop such alternatives. So the
18 Company views this directive to present such
19 alternatives as unnecessary.

20 So that leaves subissue 22I relating to Rider
21 B credits. And regardless of whose class cost of
22 service study is used, Rider B credits should not be
23 suspended. Customers invested in their own substations
24 and should continue to receive the modest credits for
25 doing so. Thank you.

1 JUDGE WOODRUFF: Thank you. Any of the
2 Commissioners have questions for Ameren? I'm not
3 hearing any. So you can step down. Thank you.

4 MS. GRUBBS: Thank you.

5 JUDGE WOODRUFF: While Ameren was presenting
6 their opening statement, I realized that I had not taken
7 entries of appearance. I don't know if anybody else was
8 wondering why this crazy judge had not done that. I
9 just got thrown a little bit by the old technology this
10 morning. Let's go ahead and step back and take entries
11 of appearance beginning with Ameren Missouri?

12 MS. GRUBBS: Good morning. Jermaine Grubbs on
13 behalf of Ameren Missouri.

14 MR. LOWERY: And Jim Lowery on behalf of
15 Ameren Missouri.

16 JUDGE WOODRUFF: Okay. And for Staff?

17 MR. STOKES: Good morning, Judge. Curt Stokes
18 on behalf of Staff. Also with us are --

19 MR. KEEVIL: Yes, Jeff Keevil also
20 representing Staff, Judge.

21 JUDGE WOODRUFF: Thank you. And for Public
22 Counsel?

23 MR. POSTON: Good morning. Marc Poston for
24 the Office of the Public Counsel.

25 JUDGE WOODRUFF: For MECG?

1 MR. WOODSMALL: Good morning, Your Honor.
2 David Woodsmall for the Midwest Energy Consumers Group.

3 JUDGE WOODRUFF: And for MIEC?

4 MS.PLESCIA: Diana Plescia with the law firm
5 of Curtis, Heinz, Garrett & O'Keefe.

6 JUDGE WOODRUFF: Is there anyone here from
7 Legal Services of Eastern Missouri?

8 MR. BARRS: Yes, Judge. Paul Barrs for Legal
9 Services of Eastern Missouri. Thank you.

10 JUDGE WOODRUFF: Thank you. And for Consumers
11 Council?

12 MR. COFFMAN: Good morning. John B. Coffman
13 appearing on behalf of the Consumers Council of
14 Missouri.

15 JUDGE WOODRUFF: And the other parties to this
16 case have been excused from participating. So I believe
17 that takes care of everybody. And now we'll move on.

18 COMMISSIONER HOLSMAN: Judge, this is
19 Commissioner Holsman.

20 JUDGE WOODRUFF: Pardon me?

21 COMMISSIONER HOLSMAN: Judge, this is
22 Commissioner Holsman. I just wanted to let you know I'm
23 on as well.

24 JUDGE WOODRUFF: Okay. Very good. Thank you.
25 And we'll move then to opening statements from Staff?

1 If you want to speak from your desk, you can.

2 MR. KEEVIL: I'll limp up here. Thank you for
3 the offer though, Judge.

4 One thing that occurred to me before I
5 actually start the opening while I was listening to Ms.
6 Grubbs' statement, there was one additional issue late
7 filed. I don't know that you mentioned that. It's not
8 going to affect, shouldn't affect the openings, but I
9 wanted to make sure that you were aware that there had
10 been an issue that was, I think it was under 22J 3 that
11 was initially left off due to the --

12 JUDGE WOODRUFF: I am aware.

13 MR. KEEVIL: Okay. Good enough. Thank you.
14 May it please the Commission. From the list of issues,
15 position statements and what you may hear in the other
16 parties' openings, it would be easy for the Commission
17 to conclude that there are some huge issues to decide
18 concerning class cost of service studies and inter class
19 revenue requirement allocation in this case.
20 Fortunately there are not.

21 Even the Ameren Missouri class cost of service
22 study, which I may refer to as a CCOS study, if examined
23 on a revenue neutral basis indicates that all classes
24 other than customer-owned lighting are providing
25 revenues that exceed allocated expenses and are

1 contributing toward rate of return.

2 Staff reviewed the Ameren study on a revenue
3 neutral basis to determine the level of over or under
4 recovery -- excuse me, over or under contribution of
5 each class to Ameren Missouri's revenue requirement as a
6 percent of rate revenue. To determine whether any
7 classes were contributing outside of the plus or minus 5
8 percent range, Staff is typically relied on for
9 recommended revenue neutral shifts to class revenue
10 responsibility. While customer-owned lighting was found
11 to be outside of this threshold, no other class was
12 outside of the range which would trigger a shift
13 recommendation.

14 I would also point out that of all the parties
15 to the case, only Staff and Ameren Missouri performed
16 standalone class cost of service studies. But you will
17 probably hear a lot of argument that the Staff's study
18 allocates the cost of building wind farms to the classes
19 as if the total cost of building a wind farm divided by
20 the annual generation that wind farm produces is the
21 cost of generating with wind. And that's right, that's
22 exactly what Staff did.

23 What you won't hear the other parties explain
24 is how they allocated the variable cost of generating
25 with wind, because there really isn't any. So the

1 parties who say that Staff allocated wind incorrectly,
2 allocated wind costs and revenues by saying that all the
3 wind costs should be allocated as capacity and all the
4 wind revenues should be allocated as energy. In other
5 words, they say that the residential and small general
6 service customers should pay for about 65 percent of the
7 cost of Ameren Missouri owning wind farms. But the LPS,
8 SPS and LGS customers should receive about 45 percent of
9 the revenue from the wind and about 45 percent of the
10 renewable energy credits generated by the wind.

11 In other words, LPS, SPS and LGS customers
12 would pay 35 percent of the cost but retain 45 percent
13 of the benefit. You may also hear that Staff is on some
14 quest to nail down each piece of wire to the customer
15 that uses that wire. That's not accurate. Every
16 customer has infrastructure that is used to serve only
17 that customer. Obviously there are meters but there are
18 also transformers and there are also the wires and in
19 some cases conduit or poles that connect each customer
20 from the main distribution lines.

21 For customers served at secondary voltage,
22 that equipment is known as service drops and line
23 transformers. For primary customers, that equipment is
24 socialized throughout the distribution accounts.
25 Staff's study is the only study that attempted to put an

1 estimate on the value of that equipment and allocate
2 those costs to customers who are served at primary just
3 like the cost of the equipment that operates only at
4 secondary voltage is allocated only to customers who are
5 served secondary.

6 Now, this brings us to an area where Ameren
7 Missouri's apparent confusion of Staff's position came
8 to light during a deposition it conducted of Staff
9 witness Sarah Lange. During the deposition, questioning
10 by Ameren indicated Ameren believed the rate class
11 contained in the Staff study labeled direct assign
12 reflected some goal on Staff's part to increase the
13 level of rate base that is directly assigned rather than
14 allocated. That's not the case.

15 That rate class is constituted of the special
16 programs Ameren Missouri has begun to offer. Largely,
17 community solar where there are significant investments
18 made on behalf of program participants. Staff's study
19 broke out a class where the revenue requirement that
20 should be directly assigned to those participants could
21 be segregated from the ordinary revenue requirement to
22 be allocated among the rate schedules. This is all
23 explained in Staff's direct report.

24 But if Ameren misunderstood Staff's position,
25 it is probably worth clarifying. This misunderstanding

1 may have prompted the voluminous testimony Ameren
2 provided detailing its apparent horror at Staff's
3 undertaking of a more detailed distribution cost study
4 than has been done in the past, while in reality Staff
5 attempted a couple of simple checks of Ameren Missouri's
6 work papers was met with road blocks and apparently
7 unreasonable allocations. Now all of that again is
8 detailed in the testimony prefiled by Ms. Lange.

9 But among those more detailed areas of study,
10 Staff discovered that in the Ameren study entire
11 substations that are built to serve single customers are
12 socialized to all customers. Now, there are arguments
13 that could be made that that is reasonable. However,
14 customers who could have requested a substation but
15 didn't are provided substantial bill credits. Again,
16 there are arguments that could be made that that's
17 reasonable. And it probably is if those customers would
18 otherwise be billed for substations they didn't require
19 to be built.

20 However, between the Ameren Missouri study and
21 the revenue allocation shifts requested by MECG and MIEC
22 you have a problem. You have a situation where on the
23 rate design side customers are getting credits for
24 charges that with the MECG and MIEC revenue allocation
25 those customers aren't getting billed for to begin with

1 out of reliance on the Ameren Missouri study. To boil
2 that down, customers are getting credits for charges
3 that those customers aren't getting billed for to begin
4 with.

5 Now, if this all sounds complicated, it is,
6 and I encourage you to take a close look at Lange's
7 surrebuttal testimony where she steps through this
8 issue.

9 Now, turning to the industrials' rate design
10 request, we have consensus between the industrial
11 customers and Staff that the SBS, LGS rate structures
12 are problematic. But the solution proposed by the very
13 specific industrial customers represented in this case
14 is to increase the emphasis on the non-coincident peak.

15 So let's talk briefly about non-coincident
16 peaks. When you hear electric vehicle proponents
17 discuss the challenges of certain rate designs, they're
18 talking about non-coincident peak charges. The MECG
19 proposal increases that problem and it increases that
20 problem without regard to the time of day that a usage
21 spike may occur.

22 To justify this change, MECG looks at the net
23 cost of energy. Now, that may sound reasonable if you
24 don't know what it means like me. What it means is that
25 MECG says its customers are overpaying on energy

1 charges, but to do its math it looks at the cost of
2 energy as the cost of energy minus the revenues that
3 Ameren receives from selling energy into the MISO
4 integrated market. Not only that but it looks at the
5 energy revenues dispersed to the classes as a proportion
6 of that class's energy requirement, not as a proportion
7 of the generation that the class paid for. Again, this
8 is a very complicated issue and I would encourage you to
9 ask Ms. Lange any questions you might have.

10 Now, you will notice on the list of issues
11 that there are multiple issues which address how certain
12 costs or expenses should be allocated or assigned to
13 classes. More specifically I'm referring to 22A, B, C
14 and H. Of those issues, I would encourage you to focus
15 on 22C which is really the crux of the matter, how
16 should the rate increase be allocated to the customer
17 classes. And as stated in Staff's position statements,
18 Staff recommends the increase be allocated to the
19 classes as an equal percentage increase.

20 One other issue you will hear about that you
21 heard Ms. Grubbs speak about concerns the names Ameren
22 has chosen to market the time of use rates approved in
23 its last case. In general, the current promotional
24 names are not descriptive and in and of themselves
25 portray the time of use rate schedules as money saving

1 opportunities. The names do not indicate the risks to
2 bill increases that are attendant to the optional rates
3 which Ameren promulgated in its last case.

4 While names like Ultimate Savers, Smart Savers
5 are overhyped, the names Ameren chose to market the
6 default time of use rate schedule, Evening/Morning
7 Savers is confusing when juxtaposed with the rebranded
8 EV Saver rate which is now marketed as Overnight Savers.

9 Finally, the, quote, Anytime Service Branding
10 for the non-TOU residential rate schedule implies that
11 customers who use energy anytime would not be adequately
12 served by the default TOU rate schedule. Now, at this
13 hearing, as I mentioned, Staff will present Ms. Lange to
14 testify and answer any questions regarding these issues.
15 Ms. Robin Kliethermes will also be available to answer
16 questions as she filed testimony sponsoring the Staff's
17 CCOS report.

18 Finally, I would just like to also mention the
19 stipulations which have been filed and encourage
20 adoption of all of them as they reach just and
21 reasonable resolution, and certainly without them I
22 don't think we'd get done with this case in the time
23 allotted. Thank you.

24 JUDGE WOODRUFF: Thank you, Mr. Keevil. Any
25 Commissioner questions for Mr. Keevil for Staff? I'm

1 not hearing any. Thank you, Mr. Keevil. Opening for
2 Public Counsel?

3 MR. POSTON: Good morning, Judge,
4 Commissioners. My name is Marc Poston. I'm here to
5 represent and protect the interests of the Missouri
6 public. That's what Public Counsel's enabling statute
7 says, represent and protect the interests of the public.
8 So who is the public? The public is defined as of or
9 concerning the people as a whole. The positions we take
10 in this case and in any case serve that purpose to
11 advocate for outcomes that we believe protect the people
12 as a whole. But we all know Public Counsel is not the
13 only one here serving the public. The Commission and
14 its dedicated staff of experts work to serve the public
15 as well to protect the interests of the people as a
16 whole.

17 This concept protecting the public is the
18 motto of our state. On our State Capitol Building down
19 the street this idea is literally carved in stone. It
20 sits atop the columns of the Capitol's south portico
21 where it states in Latin *salus populi suprema lex esto*
22 which means the welfare of the people shall be the
23 supreme law. This motto is also on the Missouri State
24 Seal behind the Commission's bench. And it's with this
25 purpose that we must consider the issues before the

1 Commission in this hearing today, how do we allocate
2 costs in a way that best protects the welfare of the
3 people of our state.

4 It's unfortunate we put so much time and work
5 into settling so many big issues in this case, yet here
6 we are going to hearing anyway. I thought once we
7 settled revenues divvying up the pie would be easy, we'd
8 all agree to an equal share in Ameren's massive PISA
9 investments for all classes. But some parties had
10 different ideas.

11 MECG and MIEC don't want the larger commercial
12 and industrial customers to pay an equal share of
13 Ameren's investments. You may ask what corporate
14 customers are asking the Commission to require the
15 residential class to shoulder even more PISA investment
16 costs. Walmart is the only one willing to be
17 identified, and I truly appreciate their openness. The
18 rest, assuming there are others, prefer to stay hidden.

19 Ameren has 65 large power service customers,
20 over 600 small power service customers and over 10,000
21 large general service customers. I don't believe they
22 would all agree with what's being attempted here today,
23 and we can't assume that the positions MECG and MIEC are
24 putting forth are the positions of all large commercial
25 and industrial power users.

1 I anticipate the industrial representatives
2 may get up here and tell you that giving them a smaller
3 allocation than the residential and small business
4 classes is good for economic development. Not only do
5 we have economic development statutes and rates to
6 address that, such arguments ignore the fact that the
7 Missouri public is the backbone of the Missouri economy.
8 The rate increases contemplated here today are not going
9 to make or break any industrial customer, but they very
10 well could impact many residential customers' ability to
11 participate in Missouri's economy and it could drive
12 small businesses to close their doors.

13 You have two cost studies before you. The
14 industrials claim to have performed cost studies, but
15 that's not accurate. They only predictably latched onto
16 Ameren's study, made modifications and called it a cost
17 study. If you want to see what a cost study really
18 looks like, read carefully through the Staff's class
19 cost of service study. Their study is by far the most
20 thorough and granular analysis of cost causation by
21 class. There's no comparison.

22 And the Staff didn't just rely on one
23 methodology. They tested their class cost calculations
24 under multiple methodologies and compared the results.
25 They did this because Staff sought the best answer, not

1 the answer that would best allocate costs away from the
2 large power customers.

3 The Staff members that did the study are
4 intelligent, skilled at calculating class cost, have
5 done this many times and are dedicated to getting it
6 right, dedicated to making fact-based decisions in an
7 impartial way. And having started my career with the
8 Commission and Staff, I know this study underwent
9 considerable internal review.

10 Staff's cost study shows us that industrial
11 customers are not contributing enough to cover their
12 cost of service. If only one analysis -- In only one
13 analysis did they cover their costs. If any cost shifts
14 are justified in this case, it's to shift more costs
15 onto the industrial customers, not less. And you have
16 the discretion to do so and help ease the rate shock
17 that thousands of residential customers are most
18 certainly going to experience with a large 8.8 percent
19 rate increase if the stipulation being filed is
20 approved.

21 You can do this by lowering their increase to
22 5 percent, a number supported by the Staff's cost study.
23 I ask that you please read carefully through the
24 testimony of Public Counsel's chief economist Dr. Geoff
25 Marke and Jackie Hutchison, Executive Director of

1 Consumers Council. They address many of the concerns
2 impacting the residential class in these trying times.

3 Our testimony position was an equal percent.
4 So you may wonder why we're asking for a cost shift away
5 from small classes. The reason we're presenting this
6 option to the Commission is because we truly think it
7 would help many people to give them such a break and
8 help them address problems that are specific to the
9 residential class alone, health, safety, quality of
10 life.

11 Also weighing heavily in our decision is that
12 the Staff's impartial cost study suggests the large
13 power class is not carrying their weight as is. Since
14 we're having this hearing anyway, we may as well make a
15 pitch for a more equitable outcome for the small
16 customers than an equal percent share. So I hope you
17 seriously consider a revenue neutral shift that
18 recognizes the smaller classes need our help more than
19 any other class.

20 Rate shock for the residential class occurs
21 when rates suddenly change and it forces low income and
22 fixed income households to make concessions on how they
23 live their daily lives. Ms. Hutchison explains in her
24 testimony how those living at 50 percent of the poverty
25 rate may pay 56 percent of their income towards their

1 electric bill. I cannot imagine that. I have no doubt
2 that an 8.8 percent rate increase will force thousands
3 further into poverty.

4 The customer assistance programs we agreed to
5 in the revenue stipulation will help some, but it's not
6 going to be enough to help everyone that needs help. So
7 any movement below the 8.8 percent will help keep more
8 low income and fixed income households safe, especially
9 family and elderly households, safe from not losing
10 their heat or cooling source, safe from not having to
11 choose between paying their utility bill or putting food
12 on the table or buying much needed medicine.

13 These aren't just theoretical concerns. Many
14 residential customers have reached out to you through
15 their public comments and our pleading with you for
16 help. Now is not the time they say. I ask that you
17 please read each and every public comment. That's why
18 the Commission solicits comments so it can consider
19 concerns raised specifically by the public.

20 Many of those comments talk about the
21 pandemic. There should be no question that we're in the
22 middle of a public health crisis. Thousands have died.
23 Hundreds of thousands may have life-long health issues
24 due to COVID. The public needs our help and that's why
25 the Commission exists to help the public in times like

1 this.

2 When the Missouri legislature passed the PISA
3 legislation with the understanding that utility bills
4 would increase significantly for Missourians, I
5 questioned whether they would have put that additional
6 burden on the public had they known we'd soon be facing
7 a global pandemic impacting almost every aspect of our
8 lives. We're living through an unprecedented health and
9 safety crisis and it doesn't appear to be going away
10 anytime soon. I also question whether the legislature
11 would have given favorable treatment in the PISA
12 legislation to the very industrial customers here
13 wanting more.

14 The same classes wanting to contribute less to
15 the PISA investments already have a lopsided protection
16 in the statute that caps their impact and requires their
17 share of PISA costs above the cap to be passed along to
18 other customer classes. I'm referring to Section
19 393.1655.6. It requires all other classes to pay the
20 industrial share of PISA investments once the cap is
21 hit. It's my understanding Ameren has not hit that cap
22 yet. But when it does and we know it will, because
23 they're moving full steam ahead with their investment
24 plans, industrial costs will be forced upon residential
25 and other small classes. It's just a matter of time.

1 For all these reasons, we ask that you help
2 the smaller classes recognize the inequity in how the
3 industrials are not covering their costs and allocate
4 less costs to the residential and small business class
5 or at a minimum order an equal allocation to all
6 classes. Either outcome can be supported as just and
7 reasonable under the facts of this case. Anything else
8 is simply not supported by the record or any notion for
9 protecting the public interest.

10 I'd like to briefly hit on the rate name
11 change issue. It seems clear from both sides of the
12 issue that we want to avoid customer confusion. Ameren
13 raised good points in their opening that they've already
14 been marketing these plans. They've signed up I believe
15 100, 200,000 customers. I can't remember the number.
16 But this fact should be balanced against the fact that
17 the vast majority of residential customers have not
18 migrated to one of these rates. So this ship hasn't
19 sailed for the majority of the customers. And any name
20 change could be easily communicated to customers.

21 So Staff raises a legitimate concern the names
22 could confuse and mislead. If the Commission agrees,
23 the time to make these changes is now. Thank you.

24 JUDGE WOODRUFF: Thank you. Any questions for
25 Public Counsel from Commissioners?

1 COMMISSIONER RUPP: Judge, this is
2 Commissioner Rupp. I've got a question if no other
3 Commissioners have one yet.

4 JUDGE WOODRUFF: Go ahead.

5 COMMISSIONER RUPP: Great. So is it Public
6 Counsel's opinion that the customer can opt out of the
7 TOU rate plans if they decide that the current plan is
8 not the correct rate plan for them? Is that still the
9 way it is?

10 MR. POSTON: I would defer you to our witness
11 Dr. Geoff Marke will be up here today. He can probably
12 help you answer that question. I can't answer that for
13 you.

14 COMMISSIONER RUPP: All right. I'll ask Dr.
15 Marke. Thank you.

16 MR. POSTON: Thank you.

17 JUDGE WOODRUFF: Any other Commissioner
18 questions? Thank you. Opening for MIEC?

19 MS. PLESCIA: Good morning. May it please the
20 Commission. My name is Diana Plescia, and I represent
21 the Missouri Industrial Energy Consumers in this case.
22 The main concern that the MIEC has and has had in rate
23 setting is primarily making sure that rates are fair and
24 equitable and reflect cost of service. This is a
25 consistent principle of the MIEC but it's also been a

1 touch sound of ratemaking in Missouri and for the
2 Commission for decades. And it's appropriate to the
3 extent possible to move to cost of service in a way that
4 doesn't cause rate shock but doesn't also cause
5 inequities that are perpetuated from rate case to rate
6 case and could get magnified and increased over time.

7 Some of the reasons that the Commission has in
8 the past in the courts and in many states have adopted
9 cost of service as a starting point is that it
10 establishes a fair rate that sets the right incentives
11 and that includes not only equity, it includes
12 conservation, incentives for conservation, incentives
13 for demand-side management and it minimizes costs by
14 making sure that customers who would reduce load or
15 leave the system are charged appropriately so it's more
16 likely that they will stay and help reduce the costs for
17 all.

18 There are many reasons to set rates based on
19 cost of service. Ameren has filed a class cost of
20 service study that we think appropriately allocates the
21 cost of service. Their methodology is the average and
22 excess method which is a very accepted conventional
23 method for allocating rates and is one of just two
24 methods that Ameren really could have appropriately even
25 chosen in our opinion due to the fact that it's a summer

1 peaking utility. So it's a very appropriate and
2 traditional method. And Ameren does propose an equal
3 percentage increase but it doesn't have any objection to
4 the recommendations of the MIEC and the MECG regarding
5 some movement toward class cost of service.

6 MIEC's class cost of service study is
7 sponsored by Mr. Maurice Brubaker who performed the
8 study using the A&E methodology, which is the same
9 methodology that Ameren used, but with some
10 modifications that were specific to his study to make it
11 better reflect cost of service. Even with those
12 modifications, the differences are not dramatic. The
13 results of the study are shown in Mr. Brubaker's Exhibit
14 COS-4 to his direct testimony.

15 Mr. Brubaker's study shows that the
16 residential class is producing a below system average
17 return. All other major classes except for the small
18 general service class, which is at cost, are producing
19 returns that are far in excess of the system average.
20 Mr. Brubaker's direct testimony Schedule COS-6 shows the
21 adjustments that could be reduced, could be made or
22 needed prior to any overall rate change in order to move
23 residential customers and other customers to cost of
24 service.

25 However, his recommendation is not for a full

1 movement to cost of service. His recommendation is for
2 only a 50 percent move toward cost of service. And the
3 way that could be accomplished would be for the revenue
4 increase to be applied as an equal percentage to the
5 base rate revenues of all classes after making inner
6 class adjustments. This would result in a revenue
7 requirement increase to the residential class of 7.8
8 percent. All major classes would receive a rate
9 decrease toward cost of service. Again, direct
10 testimony Schedule MEB-COS-6 is the schedule that shows
11 what the magnitude of these rate changes would be.

12 The Commission Staff's recommendation is
13 manifested in a report that uses a range of
14 methodologies for various Ameren generating facilities
15 in ten categories and then considers a range of
16 allocation methodologies. For some generation
17 categories the Staff relied only on the energy allocator
18 under the invalid premise that these generation
19 facilities exist simply to provide renewable energy
20 certificates for the generation of renewable energy
21 certificates that are non -- for resources that are
22 non-dispatchable. There is no valid basis for Staff's
23 allocation.

24 All of the resources in these categories have
25 capacity values and generate energy. The fact that the

1 output received to RES is incidental to the generation.
2 This is just one example of the flaws in Staff's study
3 that make us very concerned that if the Staff's
4 recommendations were to be adopted that rates would
5 depart so greatly from cost of service that it would be
6 extremely disruptive not only to customers but to
7 Missouri's economy.

8 The Staff relies very heavily on a document
9 that is not really an authoritative document at all.
10 It's the regulatory -- it's the RAP Manual that it was
11 published in 2018 and it tries to develop new forms of
12 cost allocation and rate design that it feels would
13 apply to new generations of technology.

14 The central feature of the RAP Manual is to
15 increase the cost of generation resources on the basis
16 of class kWh rather than on cost causation. The proper
17 resource to use if you want a manual to help set rates
18 in an appropriate cost of service-based way is the NARUC
19 Cost Allocation Manual which is really the authoritative
20 source that has stood the test of time and has been
21 relied on by Commissions. It is an authoritative source
22 versus the Regulatory Assistance Project Manual which
23 simply is an advocacy piece for an interest group and it
24 is not necessarily objective. It reflects the view of
25 its authors and it's not relied on for -- it shouldn't

1 be relied on for evidence.

2 The Staff has some significant criticisms in
3 Ameren's record keeping and assignment of distribution
4 function. They seem to think that Ameren's inability to
5 identify certain costs for certain specific distribution
6 lines and other delivery equipment makes Ameren studies
7 imprecise and unreliable. Much of the data sought by
8 Staff would not necessarily add any useful or meaningful
9 information to improve the accuracy of cost allocation
10 studies. Rates are designed to serve customer classes.
11 And unless the rates were set separately for each
12 individual customer, the added information is not of
13 value. As concluded by Mr. Brubaker based on his 50
14 years of experience, Ameren's study is consistent with
15 the level of detail and practice of other electric
16 utilities.

17 The Commission Staff has also recommended that
18 Rider B be suspended until Ameren Missouri provides
19 information necessary to include the cost of primary
20 customer substations and the bills of primary customers.
21 This recommendation is illogical as noted in
22 Mr. Brubaker's rebuttal testimony. He said it does not
23 make sense and is illogical.

24 The substations that show that allowed primary
25 customers to receive the credit are owned by the

1 customer, not Ameren Missouri. The Rider B credits are
2 necessary to recognize that they are not using Ameren
3 substation assets. This recommendation shows a
4 fundamental misunderstanding by Staff and should be
5 rejected.

6 These examples of flaws in the Staff study are
7 reasons that the Commission should not adopt the Staff's
8 recommendations. The Staff has before it the cost
9 studies of the MIEC and Ameren that follow conventional
10 methods and are supported also by the MECG. There is a
11 concern by residential customers, customers in the SGS
12 class low income customers about cost shifting. Cost
13 shifting is a misnomer and it's not something that the
14 MIEC is seeking. The MIEC and other customers who want
15 cost of service based rates are actually just seeking a
16 proper allocation of costs that exist. Ameren's costs
17 are its costs. There is no effort to shift costs.
18 There is an effort to develop a rate design that is fair
19 and equitable and promotes the policies of conservation,
20 gradualism, economic development and avoidance of rate
21 shock.

22 Those are all appropriate considerations, but
23 the first consideration, the starting point should be
24 cost of service. Shifting costs to other customers is
25 not anything that the MIEC wants to do and it's not a

1 proposal that is on the table from any party. The only
2 proposal on the table is to develop an appropriate cost
3 allocation, identify the costs, allocate them and
4 develop a percentage increase for each class that meets
5 all the concerns and considerations that the Commission
6 should be taking into account.

7 The danger of not addressing subsidies in this
8 case is that they will continue to grow. Ameren has new
9 incentives under Missouri law to increase rates more
10 quickly and to spend more on investments. If the
11 subsidies aren't addressed now, it will become
12 increasingly difficult to modify them later. And as
13 they've been enshrined for many years, these are very
14 long-standing subsidies, it's important to make some
15 progress toward cost of service in every case so that we
16 don't end up with a situation where customers have
17 subsidies that are large enough that there could be
18 disruption to Missouri's economy.

19 For all these reasons, the Commission should
20 adopt Mr. Brubaker's recommendation to make a 50 percent
21 movement toward cost of service in this case. Thank
22 you.

23 JUDGE WOODRUFF: Thank you. Any questions
24 from the Commissioners for MIEC?

25 COMMISSIONER RUPP: Hey, Judge, this is

1 Commissioner Rupp. I have one if none of the other
2 Commissioners do at this time.

3 JUDGE WOODRUFF: Go right ahead.

4 COMMISSIONER RUPP: Thank you very much for
5 your commentary. I wanted to clarify when you were
6 talking about the RAP speakers, the Commission's had
7 them at various different Commission workshops. So is
8 it MIEC's position saying that RAP is an unreliable
9 source of utility policy information?

10 MS. PLESCIA: Not at all. Our position is
11 that it's not an authoritative source for purposes of
12 establishing rate allocation methods, cost allocation
13 methods and cost of service studies.

14 It is like many other groups that represent
15 and, you know, are advocates for stakeholders. You have
16 EEI for the utilities. You have ELCON for industrial
17 customers. You know, the Regulatory Assistance Project
18 can provide valuable information, but the Rate
19 Assistance Project Manual that is being relied on very
20 heavily by the Staff in this case, it is not anything
21 more really than some speculations about how ratemaking
22 might change due to new technologies and the future it
23 creates some ideas but the report admits that there
24 isn't really sufficient information to make the kind of
25 changes that it's recommending but moreover and more

1 importantly those changes would take ratemaking way out
2 of the realm of cost of service. And cost of service
3 principles, conservative traditional principles
4 accommodate new investment and new technology very well
5 right now. So there's no need to dabble into ratemaking
6 areas that are non-cost based. In fact, there are
7 dangers to that. So it's important, we think, to point
8 that out, not necessarily to say that the Regulatory
9 Assistance Project is unreliable but simply that it
10 shouldn't be relied upon as an authoritative source for
11 the Commission and for evidence in this case.

12 COMMISSIONER RUPP: Okay. Thank you for
13 clarifying.

14 JUDGE WOODRUFF: Anything else from the
15 Commissioners? Thank you. Then opening for Legal
16 Services of Eastern Missouri?

17 MR. BARRS: Thank you, Judge. May it please
18 the Commission. My name is Paul Barrs, and I'm
19 appearing on behalf of Legal Services of Eastern
20 Missouri. Legal Services is a private nonprofit
21 organization dedicated to advancing justice through
22 legal representation, education and supportive services
23 in 21 counties in Eastern Missouri.

24 As part of its mission, Legal Services assists
25 low income families and individuals facing housing

1 issues, including eviction, utility debt and
2 disconnections and reconnections, poor living
3 conditions, loss of housing assistance and
4 discrimination.

5 Utility assistance is core to this mission
6 because Legal Services clients' health, safety, economic
7 and personal well-being and sometimes their very
8 survival can depend on their ability to be safely housed
9 and have uninterrupted access to basic utility services,
10 including electric utility service provided by Ameren.
11 Perhaps, needless to say, the plight of many of Legal
12 Services' clients is especially difficult given the
13 COVID pandemic that continues to play havoc with
14 people's lives, health, jobs, housing and finances and
15 has had a disproportionately severe effect on low income
16 individuals and families.

17 With this background, Legal Services
18 intervened in this rate case to try to assist its
19 clients by keeping electric service affordable and by
20 improving Ameren's existing programs that are designed
21 to support low income individuals. I'm very pleased to
22 say that on the latter front Ameren has stepped up to
23 the plate. The first stipulation agreed among the
24 parties and which Legal Services hopes the Commission
25 will approve includes significant improvements to

1 Ameren's existing low income programs.

2 On the first point, the affordability of
3 electricity service, however, Legal Services is highly
4 concerned the revenue requirement increase agreed among
5 the parties in the first stipulation will lead to rate
6 shock for residential customers, including Legal
7 Services' clients if intervenors MIEC and MIECG have
8 their way with respect to Issue 22C. That is the
9 allocation of costs.

10 Such an increase imposed on residential
11 customers would lead to even less affordable electricity
12 bills for hundreds of thousands of Ameren Missouri
13 residential customers who already have difficulty paying
14 their electric bills in a timely manner and would
15 predictably lead to tens of thousands more residential
16 customer disconnections.

17 Where do those numbers come from? The Staff's
18 most recent report on utility data requests published
19 just two weeks ago on November 22 Ameren reported almost
20 12,000 disconnections for nonpayment in each of
21 September and October, a roughly 25 percent aggregate
22 increase over pre-pandemic levels for the same months
23 and approximately 216,000 and 199,000 customers with
24 past-due accounts in September and October respectively,
25 a staggering 44 percent aggregate increase over

1 pre-pandemic levels for the same months.

2 These numbers are really all the evidence
3 needed here to demonstrate the inequity of imposing an
4 unnecessarily high rate increase on Ameren Missouri's
5 residential customers. Hundreds of thousands of those
6 customers, including Legal Services' clients are already
7 hurting and simply cannot and should not shoulder more
8 of the rate increase than is absolutely necessary.

9 Legal Services therefore supports Public
10 Counsel and Consumer Council positions that the
11 Commission should use its permitted discretion to
12 minimize the rate shock to residential customers and
13 limit the increase to their electricity bills to no more
14 than 5 percent. Legal Services believes that Commission
15 support for this approach will improve the lives and
16 protect the safety of hundreds of thousands of
17 Missourians, including Legal Services' clients by
18 helping keep their electric service connected and
19 relatively affordable. And Legal Services believes that
20 over the longer term this approach will also occur to
21 the benefit of Ameren and all its customers both large
22 and small. It should be obvious that keeping customers
23 connected and maximizing the likelihood that bills are
24 paid are each critical to Ameren's very existence and
25 hence the reliability of all of its customers'

1 electricity service. All Missourians deserve and are
2 entitled to receive safe and reliable utility services
3 at just, reasonable and affordable rates. Thank you.

4 JUDGE WOODRUFF: Thank you. Any Commissioner
5 questions for Legal Services? Hearing none. Then we'll
6 move on to Consumers Council?

7 MR. COFFMAN: Good morning. May it please the
8 Commission. I'm John Coffman on behalf of the Consumers
9 Council of Missouri.

10 We're very happy to be here today, and let me
11 start with asking you to approve the first large
12 stipulation and agreement that's been filed in this
13 case. We were happy that the bulk of the issues in this
14 case have been resolved amicably, and we would like to
15 express sincere gratitude to Ameren Missouri for its
16 agreement to step up the programs that it has for
17 providing additional low income support through its
18 Keeping Current program which has really I think led the
19 state in showing how a collaborative program of that
20 type can work and to agreeing to provide half of the
21 money from its own shareholder-contributed funds.

22 We also are excited about the Critical Needs
23 programs and the provisions relating to homelessness
24 that have been included in that stipulation. So that is
25 I think quite good and in the public interest.

1 We did not file a written position statement
2 on Issue 17 which relates to the names, but I wanted to
3 join in the Staff and Public Counsel's concerns about
4 the Ultimate Saver names. And the concern that we have
5 about customer confusion is about the use of these
6 marketing names. I can tell you from a recent
7 experience that I had involved in an Arizona case, the
8 largest utility in Arizona, Arizona Public Service had a
9 couple of programs that it used for demand programs and
10 time of use programs and they had named those programs
11 Super Saver Plus and Super Saver Max, and it wasn't
12 clear exactly what they were except that they were super
13 and they plus and they were max and they were developed
14 based on extensive marketing research and focus
15 grouping, and so forth, and they did attract a lot of
16 customers. They were attractive names. But they
17 created problems for many customers who didn't receive
18 savings. Depending on your usage and how you use your
19 energy, there's no guarantee that these programs are
20 going to save you.

21 So I will cite to the case and to the
22 investigation that was done of the rate comparison tool
23 in Arizona. I think it would be a cautionary tale that
24 when the regulatory body approves these various
25 different rate plans that can be very confusing that can

1 be informative as possible about what they are and that
2 they not go too far down the path of marketing and
3 promoting plans, rather supply the most accurate
4 information for consumers to make informed decisions.
5 So I think there is reason to be concerned and we share
6 those concerns of Staff and Public Counsel.

7 On the class cost of service study, the CCOS,
8 I think it's important for the Commission to realize
9 that there is no gold and perfect answer. The large
10 customers will be telling you today that A&E, average
11 and excess is by far the best, but it's one of many
12 tools that provide information. And I think that the
13 CCOS studies are very important. They provide a lot of
14 information. And again, the Staff did the most detailed
15 approach. The Staff did analysis that shows the various
16 discretionary points in these studies.

17 If you look at the Staff, they did a broad
18 kind of differential approach which shows if you make an
19 adjustment here, you make an adjustment there, there is
20 a range of reasonableness. There are many class cost of
21 service studies. In fact, there's half a dozen
22 different potential ways to analyze these costs in the
23 1992 NARUC which some have called the Bible. It's 30
24 years old, and I think it should be supplemented by
25 other -- as many other sources as possible to Staff.

1 The RAP study is -- While they are advocates for various
2 environmental and consumer issues, they are very
3 authoritative. I think it's right to consider that in
4 evidence.

5 After you've looked at the vast spectrum of
6 class cost studies, you'll see some of them will benefit
7 large industrial customers over residential customers.
8 Some will favor residential customers over industrial
9 customers. It's good to look at the panoply of issues
10 to see whether things are too far out of whack. At the
11 end of the day, this cost study, this class cost study
12 or class cost studies that you look at is just one
13 factor amongst many of either 10 or 16 depending on how
14 you look at it doctrines that govern rate design.

15 The Public Service Commission has to take this
16 cost information and weigh it against all these other
17 various sometimes conflicting public policy concerns.
18 I would suggest that some of the most important public
19 concerns that have been listed here today and been
20 recognized by the Commission and the courts is the
21 avoidance of rate shock, gradualism and public
22 acceptance.

23 The Commission has to be aware of what the
24 impact will be on the broader rate paying public. And I
25 hope to cite to some early cases from the 1970's and the

1 1980's where the Public Service Commission was operating
2 at a time of frequent rate cases and inflationary
3 pressures and at that time there was much discussion and
4 debate over what is rate shock. There's never been any
5 definitive answer, but at that time there was much
6 debate about whether 10 percent increase in a bill was
7 rate shock by definition. And I think that the
8 Commission ultimately said it wasn't but it was a rule
9 of thumb that was discussed frequently back in the
10 previous period of time when inflation was a serious
11 threat. And in this case we are getting close to that.

12 If an equal percentage of application of cost
13 is spread amongst the various revenue classes, it would
14 be an 8.8 percent increase. That would vary customer to
15 customer based on usage. For instance, in the
16 residential class we've agreed to keep the fixed
17 customer charge where it's at at \$9 and so the increase
18 would be applied almost completely on usage. And so
19 there will be customers who use above the average that
20 on an equal percentage basis would be over 10 percent.
21 And I think that it's fair to say that that is a
22 psychological threshold. It's been my experience that
23 you have considerably more public outcry if a utility is
24 requesting over 10 percent than if it's requesting 9
25 percent or less. So I think that should be considered a

1 ceiling that the Commission considers very carefully.
2 And we have large customer classes here today advocating
3 for on top of that 8.8 percent that the residential
4 also face a 7.8 percent shift on top of that. That
5 would be over 15 percent, and I think that would be
6 outrageous.

7 We support the Public Counsel and other
8 parties that have said that if you are going to make any
9 other change other than equal percentage that you favor
10 the broad general body of residential household
11 customers and that you limit their increase to 5 percent
12 or that you find a number between the average and the 5
13 percent and that in this time of inflationary pressures
14 that you keep your eye on that primarily.

15 We believe that it is the residential class
16 that having to absorb the rate increase in this case
17 would have the greatest impact on the general economy in
18 Missouri. There are already thousands of customers that
19 cannot pay their current bills and are being
20 disconnected, and we have a variety of tools and we'll
21 have more tools to help those who are medically
22 vulnerable and who have other problems but even now
23 barely over a third of customers who are eligible for
24 energy assistance programs even with the considerable
25 money that's been made available federally right now is

1 not made available. That means that there are people
2 who are technically low income and who are not
3 benefiting from these programs. The main impact to
4 these customers will be from whatever decision is made
5 in this case about the overall increase.

6 And I think it's also important to realize
7 that these large industrial customers we're here today
8 asking for, I guess asking for less, less of a rate
9 increase, they already have successfully lobbied for
10 protections in the law for their electric rates.

11 Residential customers have only the Public
12 Service Commission to protect it from rates that could
13 be considered rate shock or out of whack. So I urge you
14 to be fair to the smallest of customers in this case.
15 That's all that I have. Any questions?

16 JUDGE WOODRUFF: Thank you. Any Commissioner
17 questions for Consumers Council? I'm not hearing any.
18 Thank you.

19 MR. COFFMAN: Thank you.

20 JUDGE WOODRUFF: We'll move to opening for
21 MECG?

22 MR. WOODSMALL: Good morning. David Woodsmall
23 on behalf of the Midwest Energy Consumers Group. Now,
24 I'll admit that I'm here today solely to represent
25 industrial customers. My attendance here today is

1 mandated because industrial customers otherwise go
2 unrepresented. You've heard OPC claims that it
3 represents the public in general, and I've stated
4 repeatedly here and in the General Assembly that this is
5 not true. OPC does not represent industrial customers.
6 OPC only represents residential customers. And even
7 then you have to question whether they represent all
8 residential customers.

9 Given its position on customer charges, it's
10 certainly valid to assume that OPC only represents those
11 residential customers that use a less amount of
12 electricity. OPC doesn't represent industrial
13 customers. And this is best exemplified by the fact
14 that OPC at all costs continues to ignore the
15 residential subsidy.

16 I've operated -- I've practiced in many
17 commissions, and I have never seen this same dynamic in
18 those other states. You heard once again OPC's litany
19 of excuses for ignoring the residential subsidy: COVID,
20 the economy, the magnitude of the increase, unreliable
21 billing determinants, estimated customer bills. It goes
22 on and on and on. Until OPC recognizes the residential
23 subsidy, they cannot say that they represent the public.

24 Now, let's turn to the Staff's studies here
25 today. Staff will tell you they represent an objective

1 balanced approach between the Company and the customers
2 and then between the customer groups. Now, think about
3 this. When we do the revenue requirement side, what you
4 typically see is the Company's revenue requirement. You
5 will see the customers, OPC, and the industrial
6 customers at the other end of the spectrum and Staff
7 will be somewhere in between. That certainly looks like
8 a balanced approach. And on return on equity you see
9 the same dynamic. You see the Company. You will see
10 OPC and the industrials at the other end of the spectrum
11 and Staff will be somewhere in between.

12 But what happens on this issue on revenue
13 allocation and class cost of service study. You don't
14 see that same dynamic. Instead what you see is Staff
15 come in and OPC, Legal Services, Consumers Council all
16 fall blindly behind Staff's study. They don't do their
17 own studies. They know they don't have to because they
18 know Staff is presenting a partial approach that favors
19 residential customers. So that's why I'm here today.

20 Here are the issues that I'm going to talk
21 about today. First, I'm going to talk about class cost
22 of service issues including the allocation of fixed
23 production costs. Second, the allocation of
24 non-fuel/non-labor costs. Third, the allocation and
25 distribution costs. Then I'll move from that to address

1 the revenue allocation. Then once we know how the
2 revenue should be allocated, how should you design the
3 rates for the LGS and SP class in order to avoid
4 interclass subsidies and to send proper price signals.

5 Then I will talk about a proposal MECG has
6 made for future rate design structure. Finally, I'll
7 talk about the Rider B credits.

8 OPC and Staff argue that the industrial class
9 did not conduct its own class cost of service study.
10 This is patently incorrect. Agreement between studies
11 as what occurs between MIEC's study and Ameren does not
12 mean both studies weren't conducted. It means simply
13 that there was agreement. Where there was disagreement,
14 MIEC and the industrials have noted that disagreement.
15 But that doesn't mean both studies weren't completed.
16 There were studies. There is agreement in many places
17 between MIEC, the industrials and Ameren both conducted
18 class cost of service studies.

19 So the largest issue in any electric class
20 cost of service study is the proper methodology for the
21 allocation of fixed production costs. Many allocators
22 are straight forward in a case. For instance, how do
23 you allocate the number of meters. Every customer has a
24 meter. You count the number of customers. They each
25 get a meter. That's roughly it. But how do you

1 allocate the investment in nuclear units, in coal units
2 and those type of things. You don't have a nuclear unit
3 built just for industrial customers or another nuclear
4 unit built just for residential customers. You have a
5 nuclear unit.

6 So how do you allocate the investment in those
7 generating units. And that's what the fixed production
8 cost allocation issue is all about. This issue has been
9 changed recently through the enactment of Section
10 393.1620 just this last legislative session. That
11 statute mandates that the Commission only consider class
12 cost of service studies that rely either on the average
13 and excess method or one of the other NARUC recognized
14 method for the allocation of costs for nuclear and
15 fossil units. That's important to recognize. This
16 statute only applies to nuclear, coal and gas units.

17 The NARUC Manual consists of the average and
18 excess which is spelled out explicitly in this statute,
19 as well as 12 other different methodologies.

20 In this case, Ameren, MIEC and MECG all
21 recommend that the Commission use the average and excess
22 method expressly recognized in the statute. Ameren,
23 MIEC and MECG recommend that the average and excess not
24 only be used for the fossil and nuclear units but be
25 used for all generating units.

1 The method is inherently reasonable because it
2 recognizes not only each class's contribution to peak
3 demand but also each class's energy needs. The average
4 and excess test recognizes the energy needs of a class
5 in what they call the average component. That is
6 derived by taking all the energy and dividing by the
7 number of hours in a year, 8,760, and that comes up with
8 the average component. The excess component is the
9 contribution to peak demand.

10 Now, the average and excess has been expressly
11 adopted in Missouri. Judge, you'll recall this from the
12 2010 case that you sat on. There the Commission said
13 that the average and excess, quote, is the most reliable
14 of the submitted studies. This methodology has not only
15 been recognized in Missouri but also numerous other
16 states, and I will include a litany of those cases when
17 we get to the briefs. But here's a quote from a Texas
18 case. Quote, the continued use of the average and
19 excess 4CP allocator is the most reasonable methodology
20 for allocating production and transmission plant amongst
21 classes.

22 The Staff's approach here today is radically
23 different. Staff starts off by presenting three
24 different studies for the allocation of the nuclear and
25 fossil units. They first start out by showing an

1 allocation of those investment under either the
2 coincident peak, the peak and average approach or the
3 average and excess approach. Staff then allocates all
4 other investment so all the investment in hydro and
5 renewables and wind and solar on the basis of class
6 energy.

7 Let's start out with the first step where
8 Staff uses either the coincident peak, the peak and
9 average or the average and excess. As Mr. Brubaker
10 points out, using the average and excess or the
11 coincident peak are appropriate methodologies.

12 Where Staff goes wrong is when they present another
13 study based upon peak and average. That should be
14 summarily rejected. In the same case that I mentioned
15 from 2010, the Commission says -- points out the
16 shortfall with the peak and average approach and says
17 that peak and average method double counts the average
18 system usage and for that reason is unreliable. So
19 let's just get rid of that. And I hope this will show
20 how it double counts.

21 What you see here is a diagram and you see
22 this is just a simplified diagram of a class load
23 requirement, load profile. And you see here a class
24 maximum demand of 100. Now, under the average and
25 excess maximum demand of 100 and an average demand of

1 60. Under the average and excess approach you have the
2 average component 60 which is multiplied by the system
3 load factor. Then you have the excess, the 40, which is
4 multiplied by one minus the system load factor. So it
5 distinguishes between the two and keeps them separated.
6 On the peak and average and the reason the Commission
7 said it double counts is because it uses the same
8 average component, the 60, multiplied by the system load
9 factor, but then it does the whole peak and multiplies
10 that by the one minus the system load factor. So what
11 you see is the average demand counted twice. That's
12 good for residential customers, but it's also the reason
13 that the Commission said it double counts and is
14 unreliable.

15 So let's move on to the second part. I said
16 Staff allocates using the fossil investment using either
17 A&E, CP or peak and average, but then it allocates all
18 other investment on the basis of energy usage. This
19 approach is inherently faulty, inherently faulty,
20 because it implicitly finds that these renewable units
21 don't provide any capacity value. We all know that this
22 is incorrect.

23 Ameren relies on each of its generating units
24 to meet its system peak. The fact is not only
25 acknowledged by Ameren. It is also acknowledged by the

1 Commission in its IRP rules where the Commission's IRP
2 rule says that, I think it's the fourth volume of the
3 IRP where the utility is supposed to recognize the
4 capacity of all generating units. It's also recognized
5 by MISO when it calculates a utility's resource
6 adequacy. It includes all units as a contribution to
7 the capacity needs. So ignoring the capacity value of
8 these renewable units and implying that they only
9 provide an energy component is absolutely incorrect.

10 Finally, it is important to recognize that the
11 statute or this methodology of using the energy
12 allocator is not a NARUC recognized methodology. I'm
13 not saying it violates the statute because the statute
14 only applies to fossil and nuclear. But it is
15 interesting that once again Staff has gone outside of a
16 NARUC recognized methodology.

17 So after we ignore Staff's methodology, let's
18 look at the two A&E approaches that are remaining or the
19 three. You have an Ameren approach, an MIEC approach
20 and an MIEC A&E. You can see the results are amazingly
21 coincident or similar. The residential class under
22 Ameren's approach would be allocated 52.53 percent of
23 the production cost, the fixed production cost for
24 Ameren. Under MIEC's, 52.5 percent. Under MIEC's,
25 52.79 percent. So all three lead to amazingly

1 coincident results.

2 Let's move on to the next class cost of
3 service issue. This issue involves the allocation of
4 non-fuel/non-labor costs. We're talking about \$69
5 million of cost here. Ameren proposes to allocate these
6 costs on the basis of class energy. That implies that
7 the costs are timed, these maintenance costs are timed
8 because of the generation of energy. But that's not
9 true. This maintenance on these plants are all incurred
10 simply on the passage of time. They're scheduled
11 months, years in advance. So whether there's any energy
12 generated, these maintenance costs are incurred. So
13 it's silly then to allocate these costs on the basis of
14 class energy when energy has nothing to do with the
15 incurrence of these costs.

16 For this reason, Mr. Brubaker says that these
17 maintenance costs should be allocated in the same manner
18 as the underlying plant, as he calls it here, costs
19 follow plant -- expenses follow plant. So these should
20 be allocated similar to the underlying plant that is on
21 the basis of average and excess approach.

22 The final class cost of service issue is the
23 allocation and distribution costs. In Ameren and MIEC's
24 class cost of service studies, both attempt to classify
25 distribution costs as first either customer costs or

1 demand-related costs. The primary tool for
2 distinguishing between these two is either the
3 zero-intercept or the minimum size approach. So you
4 apply this test. The amount that hits at the
5 zero-intercept is classified as customer related.
6 Anything above and beyond that is then demand related.

7 The customer-related costs are simply
8 allocated to the classes based upon the number of
9 customers. The demand-related is allocated amongst the
10 classes on the basis of their contribution to the
11 coincident peak. The important part of all this is that
12 they are allocated.

13 Staff's approach here is radically different.
14 Staff criticizes Ameren because of lack of data because
15 Staff wants to be able to assign, not allocate
16 distribution costs. Staff demands that Ameren provide
17 it with the costs, age and other statistics related to
18 each piece of the distribution network. Staff then
19 hopes to assign each component to specific customers and
20 classes.

21 As Ameren characterizes this, it is reflective
22 of Staff's, quote, hyper-focus on assignment of costs in
23 an environment where allocation is the accepted norm.
24 As Mr. Brubaker points out, Staff's suggested assignment
25 and distribution costs fails to recognize the ratemaking

1 concept. Rates are set for a class. Rates are not set
2 for individual customers. Therefore, you don't go
3 through and try to determine how much of each
4 distribution component is used to serve ABC Factory.
5 All the customers in that class are provided an average
6 rate. So trying to break down specific components and
7 determine how much of each component goes to serve each
8 individual customer is completely contrary to the
9 ratemaking methodology.

10 Okay. We've gone through the outstanding
11 issues with the class cost of service study. Let's
12 discuss now how the class cost of service study affects
13 the revenue allocation in this case. This is the point
14 of doing the class cost of service study. As I
15 mentioned earlier, the Staff studies are faulty due to
16 the reliance on the unreliable peak and average fixed
17 production allocator, the overreliance on the energy
18 allocator and their misplaced attempts to assign
19 distribution costs. So let's look at the studies that
20 are remaining.

21 You have the MIEC study and you have the
22 Ameren study. And again, there are noticeable
23 consistencies. First, both find the existence of a
24 residential subsidy at the detriment of commercial and
25 industrial customers. Specifically both of these

1 studies find that even without any rate increase in this
2 case the residential class should receive an increase of
3 7.3 to 7.8 percent. Again, that's before any increase
4 for Ameren.

5 Any increase in this case should be over and
6 above that. In his testimony Mr. Chriss points out that
7 this subsidy has been long standing. Looking at just
8 the LGS, SP rate class, this class has been paying rates
9 above cost of service for decades. In the middle column
10 you can see what Ameren was earning at the time of each
11 case. So for instance, in the 2008 case it was earning
12 4.06 percent. But at that time you can see in the first
13 column what the LGS, SP rate of return was. At that
14 same point in time, Ameren was earning 7.01 percent from
15 this class. So if they're earning more from one class,
16 it's obvious that they're earning less from another
17 class and that's the residential class. This is the
18 definition of a residential subsidy. If you didn't have
19 a subsidy, you would see all those numbers matching up.

20 So we are not proposing, as Mr. Coffman may
21 have insinuated, that you move this entire 7.8 percent
22 and then tack 8.8 percent on top of that. We're not
23 proposing that. We are recognizing some element of
24 gradualism.

25 In MECG's approach to this case, Mr. Chriss

1 states or recommends that the Commission consider the
2 difference between the amount requested in this case and
3 the amount actually authorized. In this case, Ameren
4 sought an initial rate increase of \$300 million. Under
5 the stipulation, the increase is 220 million. So
6 there's an \$80 million difference. MECG recommends that
7 the Commission take half of that, \$40 million, and use
8 it to address the residential subsidy. The other half
9 would be shared amongst all classes.

10 So in his testimony, Mr. Chriss presented a
11 numerical example. And with a great deal of foresight
12 Mr. Chriss used a \$221 million overall revenue
13 requirement. The overall revenue requirement was 220.
14 So the numbers are amazingly applicable here. Under
15 that example provided in his testimony, applying half of
16 the difference to the residential subsidy, the
17 residential class would see a 10.4 percent rate
18 increase. Now, note that initially Ameren was wanting
19 to give the residential class about an 11.95 percent
20 rate increase. So you shouldn't be concerned about rate
21 shock, because Ameren told you 11.95 percent was
22 reasonable for the residential class. So we are
23 proposing a 10.4 percent increase. If granted, that
24 would mean that the large general service, small primary
25 and large primary classes would see a 6.7 percent

1 increase. The practical effect of all this, the bottom
2 line is by adopting MEGC's revenue allocation approach
3 the Commission can eliminate 41 percent of the
4 residential subsidy.

5 I want you to think about the critical nature
6 of this residential issue. As previously mentioned, the
7 residential subsidy has been long standing. It has been
8 around for decades. The existence of a residential
9 subsidy through all Missouri electric utilities have
10 left the General Assembly and the utilities scratching
11 to try to come up with temporary fixes. How do we fix
12 the residential subsidy if it can't get fixed here.

13 For instance, the General Assembly passed a
14 statute providing for a special rate for aluminum
15 smelters and steel mills. Next, the General Assembly
16 passed a statute providing for special discounts for
17 large customers that either locate or expand in
18 Missouri. Finally, as you know, Evergy has filed a
19 docket to provide a special rate for data centers. I
20 would tell you each of these Band-Aids, if you will, may
21 have not been necessary if the residential subsidy was
22 addressed. If the residential subsidy was addressed, if
23 industrial rates were at cost instead of paying this
24 residential subsidy, you wouldn't need all these fixes.
25 This is your chance to fix the problem.

1 So we finished the class cost of service study
2 issues. We've addressed the appropriate allocation of
3 revenues in this case. How do we design the rates of
4 the large general service and small primary rate class.
5 It is a well established axiom that rates should be
6 collected in a manner that reflects how the costs are
7 incurred. Therefore, fixed costs, those costs that do
8 not vary with the amount of electricity generated,
9 should be collected through a per kW demand charge.
10 Meanwhile, energy charges, those truly variable costs,
11 should be collected through energy charges. This is not
12 what is happening in the LGS, SP class. What you see
13 here is a class cost of service study. And you see that
14 for this class 76.7 percent of costs for this class are
15 demand related. They are not variable. That said, only
16 14 percent of the revenues for this class are collected
17 through demand charges. And for the SP class only 9.6
18 percent are collected.

19 Turning to the energy. In actuality, energy
20 costs are about 21 percent of total costs. But Ameren
21 collects almost 84 percent of its revenues from the LGS
22 class through energy charges. You see a complete
23 mismatch. What needs to happen is we need to collect
24 more costs through the demand charge and less through
25 the energy charge.

1 The implications of this are, if you continue
2 down this road, is to further exacerbate the inter class
3 subsidies. You are collecting more from the high load
4 factor customers in this class and less from the low
5 load factor customers. The other implication. It sends
6 wrong price signals. As you can see here, it is
7 indicating an energy charge should only be 20 percent of
8 your bill but in actuality it's 84 percent. So it's
9 sending the price signal that energy is the expensive
10 component. So customers aren't really looking at their
11 contribution to demand.

12 If you set these things properly, customers
13 would be saying wow, look at the demand cost, I need to
14 make sure that I move my usage and level out my usage
15 such that I don't incur these demand costs. We need to
16 send proper price signals.

17 So what is MCEG's proposal. MCEG recommends
18 that the Commission increase the demand charge by three
19 times the percent increase for the class. So for the
20 LGS, SP class, I mentioned earlier that we recommend an
21 overall 6.7 percent rate increase for the class.
22 Therefore, under this proposal demand charges should be
23 increased by 6.7 times 3, 20 percent. The remainder of
24 the increase for this class would be spread evenly
25 throughout all the energy charges.

1 So two more issues real quick. If you've ever
2 sat down, the LGS, SP rate design is based upon a
3 concept known as hours use structure. I dare you, I
4 dare you to sit down with the tariff for this and try to
5 understand this. I would say there's less than 20
6 people in the entire state that can understand this
7 hours use structure. It's impossible for customers to
8 understand. So price signals that are implicit in that
9 structure are lost. Customers can't understand it.
10 Customers can't calculate their bills. They are blindly
11 paying these bills because they can't sit down and price
12 things out.

13 Therefore, they're unable to take steps to try
14 to minimize electric bills. The hours use rate
15 structure is archaic. MEGC's proposal rather than use
16 this hours use structure and given the coming AMI
17 functions, we recommend that Ameren be required to
18 present an alternative in 2025 or when AMI is fully
19 deployed. That alternative would be more clear demand
20 charges and energy charges, not this hours use
21 structure.

22 I believe in its position statement Staff
23 agreed with this. So it's a proposal that we'd like to
24 see looked at for a future case.

25 Finally, Rider B issue. Rider B is a credit

1 that's given to customers served on the primary rate
2 schedules for providing their own substations. Small
3 primary and large primary are just that, customers
4 served at primary voltage.

5 So in order to get the voltage down to primary
6 levels for these customers, Ameren has to provide
7 substations for them. But all -- But Ameren doesn't
8 provide those substations for all customers. Some
9 customers have incurred the costs of constructing and
10 maintaining and operating these substations on their
11 own. So they shouldn't pay the same amount as the other
12 customers that rely on Ameren. So in order to fix this,
13 we back out, if you will, the costs of that substation
14 for these customers that provide their own substation.
15 This is the Rider B credit.

16 Staff wants to suspend the Rider B credit. I
17 think Mr. Wills in his testimony went through and said
18 this is punitive. He notes that this alone would lead
19 to an increase of 4 to 5 percent for many of these
20 customers. We can talk about that more, but this credit
21 has been around quite awhile. It makes no sense to try
22 to eliminate it at this point. That was all I had.

23 JUDGE WOODRUFF: Okay. Any questions for MECG
24 from the Commissioners?

25 MR. WOODSMALL: Thank you.

1 JUDGE WOODRUFF: Thank you. That would be the
2 last opening statement then. We'll take a break in a
3 little bit here, but I want to address one more thing
4 first. There's a couple pending motions. Mr. Keevil
5 mentioned Staff's motion in his opening. They are --
6 Staff filed a motion to amend its list of issues and
7 late-filed position statement. Then Ameren responded
8 with its own motion to late file a position statement on
9 the newly added issue that was added by Staff.

10 Does any party have any objection to those
11 motions? I'm seeing a lot of shaking heads out there.
12 I'll assume there are no objections. Both motions will
13 be granted. With that, let's go ahead and take a break.
14 We'll come back at 10:30.

15 (Off the record.)

16 JUDGE WOODRUFF: Let's go ahead and get
17 started here again. All right. I believe we're ready
18 to move ahead on Issue 17, which is residential time of
19 use rates. Dr. Marke is already on the stand. We had a
20 brief discussion before we came back on the record.
21 Mr. Poston?

22 MR. POSTON: Yeah. Dr. Marke has an
23 obligation this afternoon, and so we didn't know, well,
24 for one if parties even had cost of service questions
25 for him or if there was only one or two parties that did

1 if they would be willing to just ask those questions now
2 just so we make sure that he's off the stand in time for
3 his commitment.

4 JUDGE WOODRUFF: Does anyone have any
5 objection to that? Again, I'm seeing a lot of heads
6 shaking no. I assume that's okay. That will be okay
7 with the Commission then too. To make it clear,
8 cross-examination for Dr. Marke will occur both for
9 Issue 17 and for Issue 22, the class cost of service
10 issues while he's on the stand at this point.

11 MR. POSTON: Thank you.

12 (Witness sworn.)

13 JUDGE WOODRUFF: All right then. Mr. Poston,
14 you can inquire.

15 DR. GEOFF MARKE,
16 being sworn, testified as follows:

17 DIRECT EXAMINATION BY MR. POSTON:

18 Q. Could you please state your name?

19 A. It's Geoff Marke.

20 Q. By whom are you employed and what's your
21 position?

22 A. The Missouri Office of Public Counsel. I'm
23 the chief economist.

24 Q. Are you the same Dr. Marke that caused to be
25 prepared and filed exhibits that have been premarked as

1 Exhibits 401, 402 and 403 which is your direct, rebuttal
2 and surrebuttal in this electric docket?

3 A. Yes.

4 Q. Do you have any corrections or changes to your
5 testimony?

6 A. No.

7 Q. If I asked you the same questions today that
8 are in your testimony, would your answers be
9 substantially the same?

10 A. Yes.

11 MR. POSTON: Judge, I move to have Exhibits
12 401, 402 and 403 entered into the record.

13 JUDGE WOODRUFF: All right. 401, 402 and 403
14 have been offered. Are there any objections to their
15 receipt? Hearing none, they will be received.

16 (PUBLIC COUNSEL'S EXHIBITS 401, 402 AND 403
17 WERE RECEIVED INTO EVIDENCE AND MADE A PART OF THIS
18 RECORD.)

19 MR. POSTON: Thank you. I tender this witness
20 for cross-examine.

21 JUDGE WOODRUFF: For cross-examination, we
22 begin with Legal Services?

23 MR. BARRS: No questions. Thank you.

24 JUDGE WOODRUFF: And for Consumers Council?

25 MR. COFFMAN: No questions.

1 JUDGE WOODRUFF: For Staff?

2 MR. STOKES: No questions.

3 JUDGE WOODRUFF: For MECG? I'm sorry.

4 Mr. Woodsmall is not in the room. For MIEC?

5 MS. PLESCIA: No questions. Thank you.

6 JUDGE WOODRUFF: And for Ameren Missouri?

7 MS. GRUBBS: Just briefly, Your Honor.

8 JUDGE WOODRUFF: Go right ahead.

9 CROSS-EXAMINATION BY MS. GRUBBS:

10 Q. Dr. Marke, are you familiar with the Office of
11 Public Counsel's position statement?

12 A. Yes.

13 Q. I have it available if I need to circulate it,
14 but do you recall with regard to Issue 22C about the
15 revenue allocation issue describing that only two class
16 cost of service studies were performed, one by Ameren
17 Missouri, one by Commission Staff, and that both of
18 those studies showed most rate classes are within 5
19 percent of their class cost of service but the only
20 exceptions were LPS and another class. Do you recall
21 that?

22 A. I do.

23 Q. So with regard to the LPS class, in the
24 position statement OPC suggests that both studies
25 indicate that LPS may be underpaying its class cost of

1 service. Do you recall that?

2 A. Yes.

3 Q. Do you recall in Ameren Missouri's class cost
4 of service that it actually shows LPS is overpaying its
5 class cost of service?

6 A. I don't recall that.

7 MS. GRUBBS: I have an exhibit if I could
8 mark.

9 JUDGE WOODRUFF: You may. This would be
10 Ameren's 74.

11 MS. GRUBBS: I believe so, Your Honor. I
12 brought 14 copies. And if I may, I'll represent for the
13 record that this is just an excerpt, I was trying to
14 save trees, it's an excerpt of Michael Harding's direct
15 testimony and it's only the cover sheet through page 5.
16 May I proceed?

17 JUDGE WOODRUFF: You may.

18 BY MS. GRUBBS:

19 Q. So if we look at page 5 of what's now been
20 marked as Exhibit 74, looking at Table 2 at the top
21 there, that's described as the required change to
22 achieve equal return revenue requirement in that far
23 right column, right?

24 A. Correct.

25 Q. LPS then if we start over on the left-hand

1 side and trace that over to the far right column shows
2 0.2 or .2 percent, right?

3 A. Correct.

4 Q. But that reflects the originally proposed 12
5 percent increase. So if you subtracted 12 percent from
6 .2, LPS would be indicated as overpaying by 11.8
7 percent; is that correct?

8 A. I would have to -- that sounds about right.

9 Q. And if the allocation of revenue requirement
10 increase is limited as OPC has alternatively proposed
11 for residential customers to 5 percent and small
12 business customers to 7.1 percent, the result would be
13 to move residential customers farther away from their
14 class cost of service, wouldn't it?

15 A. For Ameren's class cost of service it would.

16 Q. And the result, another result would be to
17 increase other customer classes then approximately 15
18 percent?

19 A. Which other customers in particular were you
20 looking at?

21 Q. All but the residential.

22 A. Residential 15 percent. If we lowered
23 residential by 5 percent?

24 Q. Kept the increase capped is my understanding
25 of your alternative proposal at 5 percent.

1 A. Yes.

2 Q. And then small general service at 7.1?

3 A. Right.

4 MS. GRUBBS: Thank you. Those are all of my
5 questions. Thanks for your time.

6 JUDGE WOODRUFF: We'll move up for questions
7 from the bench. Any questions from the Commissioners
8 for Dr. Marke on either of the issues?

9 COMMISSIONER RUPP: Judge, it's Commissioner
10 Rupp. Is this a free for all or should we refrain
11 questions just to the class cost of study?

12 JUDGE WOODRUFF: Well, he's undergoing cross
13 right now on both issues, the residential time of use
14 rates as well as class cost of service.

15 COMMISSIONER RUPP: Okay. Great. Very good.
16 Then I do have a couple questions.

17 JUDGE WOODRUFF: Go right ahead.

18 QUESTIONS BY COMMISSIONER RUPP:

19 Q. Dr. Marke, good morning. I had asked a
20 question during opening that was referred to you which
21 is it still the case that a customer can opt out of any
22 of the TOU rate plans if they decide it's not right for
23 them?

24 A. Yes. Yeah, a customer can opt out at anytime.
25 For three particular rate designs, they have to -- If

1 they opt out of it, they have to wait a period of 12
2 months before they can re-opt in.

3 Q. Okay. So I know they said that OPC has kind
4 of had some issues with some of the confusion on names.
5 Setting that aside, is there anything that Ameren's
6 customer education or marketing materials that could
7 cause confusion or mislead anything about these rate
8 plans besides the names?

9 A. I think Ameren has done a pretty good job with
10 their marketing. In the FAQ, I had an opportunity to
11 pursue it. Sitting here listening to openings, we had
12 worked with the Company over that. I think the verbiage
13 is enough where it's clear. I think the biggest problem
14 is is just how many customers can you expect will go to
15 that website, will actively look at those FAQs so that
16 the concern, you know, we read Staff's testimony and we
17 ultimately agreed that there could be some confusion
18 over the positive affirmation of the time of use names
19 without more of an objective look. So the concern here
20 is really that it's all being framed as a reward and not
21 a risk. So not that I would advocate for a name change
22 that said Evening Savers and like Afternoon Losers, you
23 know, but you would want something that would be a
24 little bit more objective.

25 Q. Very good. I like that Afternoon Losers.

1 That's good. So short of like having them rename the
2 TOU rate plans, is there anything or any other
3 mitigating actions that we the Commission could direct
4 Ameren to take that you think would be beneficial?

5 A. That's a good question. We could monitor it,
6 I mean, clearly. I think we will know relatively
7 quickly if there is going to be a lot of customer
8 confusion. If we have a lot of customers that are
9 jumping off of rates or if they're filing complaints.
10 To the Company, a mitigating effort might be something
11 along the lines of having an updated report back to the
12 Commission that looked at adoption rates and savings
13 estimates.

14 In my testimony, Commissioner Rupp, I included
15 -- I know Mr. Coffman referenced APS as a utility that
16 got some backlash from their customers and ultimately
17 from their Commission in how they framed their time of
18 use rates. I've included a copy of that actual study,
19 the third-party study. There's all sorts of different
20 recommendations there. Admittedly, a lot of the
21 recommendations I think Ameren is following. So I
22 wouldn't put them in the same category as APS but we're
23 still in the early days of this.

24 Q. So without having them -- Without monitoring
25 it and having a quick report, when would we the

1 Commission see results of how if there is confusion if
2 we don't do anything? When would be the first they
3 would be mandated to give us information?

4 A. Well, I mean, if you request it or if you make
5 that a requirement, they'll have to follow it and follow
6 up with whatever you're requesting. In terms of when
7 you might first sort of a canary in the coal mine, I
8 think you'll hear --

9 Q. Assuming we don't --

10 A. Do anything?

11 Q. -- request it and we don't say you need to let
12 us know, when would be the first? Would it be the next
13 rate case?

14 A. It would be. It would be the next rate case
15 or it could be a follow up complaint case that could
16 arise. I think, you know, if APS is again sample size
17 of one, but if that's any indication of what worst-case
18 scenario would be, you would start to hear it in the
19 press. That could push a complaint case.

20 COMMISSIONER RUPP: I think that's all I had
21 on that issue. Let me look at the next one. Pause just
22 a moment, sir.

23 JUDGE WOODRUFF: Sure.

24 COMMISSIONER RUPP: I think that's all I had
25 for Dr. Marke today. Thank you very much.

1 THE WITNESS: Thank you.

2 JUDGE WOODRUFF: Thank you. Move on any other
3 questions from any other Commissioners? All right.
4 Then move to recross. Let me just ask does anyone wish
5 to recross?

6 MS. GRUBBS: Yes, Your Honor. Just briefly.

7 RECROSS-EXAMINATION BY MS. GRUBBS:

8 Q. I wanted to clarify in your discussion with
9 Commissioner Rupp you described the website that's
10 available on time of use rates. Are there also mailers
11 that go to customers that provide some details as well?

12 A. Yes, there are.

13 Q. And with regard to APS, which you mentioned,
14 was one of the notable differences between Ameren
15 Missouri's TOU residential roll out and APS' that APS'
16 old flat rates were not still available and instead they
17 were being shifted to what was deemed to be the best
18 rate for them; is that right?

19 A. I think that's accurate.

20 Q. There was also an unfortunate error in the
21 calculation of how the best rate was selected, right?

22 A. That is absolutely true. I think that's a
23 real compelling point where APS got penalized.

24 Q. And then under the APS roll out, there wasn't
25 flexibility to opt in to different rates the same

1 flexibility that Ameren Missouri's roll out is allowing,
2 right?

3 A. I don't know that off the top of my head.

4 MS. GRUBBS: Thank you very much for your
5 time. Thank you.

6 JUDGE WOODRUFF: Thank you. Any redirect?

7 MR. POSTON: Yes, thank you.

8 MR. STOKES: I apologize, Judge. I have just
9 one question.

10 JUDGE WOODRUFF: Go ahead.

11 RECROSS-EXAMINATION BY MR. STOKES:

12 Q. Dr. Marke, are you aware of how Ameren
13 Missouri on their website estimates the demand
14 determinant for the example bill under the Ultimate
15 Savers rate?

16 A. I do not.

17 JUDGE WOODRUFF: Redirect?

18 MR. POSTON: Thank you.

19 REDIRECT EXAMINATION BY MR. POSTON:

20 Q. Ameren asked you questions about our class
21 cost of service proposal. Did OPC do a cost study?

22 A. No.

23 Q. Is our position on class costs supported by
24 the Staff's --

25 A. Yes.

1 Q. -- class cost of service study?

2 A. Yes, it is.

3 MR. POSTON: Thank you. That's all.

4 JUDGE WOODRUFF: Thank you. Dr. Marke, you
5 can step down.

6 THE WITNESS: Thank you.

7 (Witness excused.)

8 JUDGE WOODRUFF: Before we move on to the next
9 witness for Ameren, you marked No. 74 as an exhibit. Do
10 you wish to offer that?

11 MS. GRUBBS: It is an excerpt of Mr. Harding's
12 --

13 JUDGE WOODRUFF: So it's already in.

14 MS. GRUBBS: -- direct testimony which is,
15 yes, which I believe is Exhibit No. 44 and he's going to
16 be presented later. So I guess we don't have to move it
17 in. Thank you.

18 JUDGE WOODRUFF: We'll move on then. The next
19 witness then is Robin Kliethermes for Staff. Please
20 raise your right hand.

21 (Witness sworn.)

22 JUDGE WOODRUFF: You may inquire.

23 MR. STOKES: Thank you.

24 ROBIN KLIETHERMES,
25 being sworn, testified as follows:

1 DIRECT EXAMINATION BY MR. STOKES:

2 Q. Good morning, Ms. Kliethermes. Can you state
3 and spell your name for the record, please?

4 A. My name is Robin Kliethermes,
5 K-l-i-e-t-h-e-r-m-e-s.

6 Q. Thank you, Ms. Kliethermes. How are you
7 employed?

8 A. I'm employed by the Missouri Public Service
9 Commission as a regulatory compliance manager of the
10 tariff and rate design department.

11 Q. And have you prepared for filing in this
12 proceeding direct, rebuttal and surrebuttal testimony,
13 as well as Staff's class cost of service report
14 premarked as Exhibits 204, 205, 214 and 230?

15 A. I have testimony sponsoring the cost of
16 service report, if that's what you're meaning rather
17 than testimony in the cost of service report. With that
18 clarification, yes.

19 Q. Thank you. And do you have any corrections to
20 make to any of those documents?

21 A. I do not.

22 Q. If I were to ask you the questions in those
23 documents, would your answers be the same?

24 A. Yes.

25 Q. And are those same answers true and correct to

1 the best of your knowledge and belief?

2 A. Yes.

3 MR. STOKES: I tender the witness for cross.

4 JUDGE WOODRUFF: Do you want to offer the
5 exhibits at this point or wait until --

6 MR. STOKES: Were we waiting until the end?

7 JUDGE WOODRUFF: We can go ahead and do it
8 now.

9 MR. STOKES: I would then offer Exhibits 204,
10 205, 214 and 230 into evidence.

11 JUDGE WOODRUFF: 204, 214 and 230 have been
12 offered. Are there any objections to their receipt?
13 Hearing none, they will be received.

14 (STAFF EXHIBITS 204, 214 AND 230 WERE RECEIVED
15 INTO EVIDENCE AND MADE A PART OF THIS RECORD.)

16 JUDGE WOODRUFF: Okay. For cross-examination,
17 we would begin with Legal Services?

18 MR. BARRS: No questions. Thank you.

19 JUDGE WOODRUFF: MECG is not in the room.
20 MIEC?

21 MS. PLESCIA: No questions.

22 JUDGE WOODRUFF: Consumers Council?

23 MR. COFFMAN: No questions.

24 JUDGE WOODRUFF: Public Counsel?

25 MR. POSTON: Just briefly.

1 CROSS-EXAMINATION BY MR. POSTON:

2 Q. Were you in the room when Dr. Marke was being
3 cross-examined on the time of use rates?

4 A. Yes.

5 Q. Do you know how the demand for Ameren's time
6 of use rates is calculated on Ameren's website?

7 A. So based on the technical conferences that we
8 had with Ameren Missouri, my understanding at that time
9 unless it's changed is that it's based on an average
10 household or average of the size, and so one of the
11 concerns is that demand in any given month can change
12 drastically. And demand is a new charge -- like billing
13 on kW for a residential customer is a new concept. And
14 so an average may not be a good picture of an average in
15 a winter month versus a shoulder month.

16 Q. So what is the significance of that to this
17 issue the way this issue is being framed about the
18 naming of these rate plans?

19 A. So the naming, and this is my understanding
20 based on the technical conferences that we had with
21 Ameren, is that so the naming is Ultimate Savers but my
22 understanding is that when you go on to the website it's
23 being kind of marketed as an equal to all the other rate
24 plans. So when you go to the rate comparison tool, you
25 have all of the available residential rate plans

1 including this rate. And so using that average demand
2 and you're looking at what your bill may be, it may
3 result in a large savings that may give the impression
4 that a customer is wanting to go to that rate because of
5 the large savings. But then you may go into a winter
6 month and have a bill that's \$20 higher than what you
7 expect it to be and the customer may be upset, because
8 not understanding that kW relationship and what can
9 change that customer's demand in any given month, that
10 rate may be given additional, because it shows a higher
11 savings that the average customers may be more inclined
12 to pick it and then be unaware of the consequences of a
13 later bill. So mainly with that there needs to be more
14 education and maybe if Ameren didn't display it as an
15 equal to all other rate plans and advertised it more as
16 an option with a lot of additional education, and I
17 stress education more than marketing, but education on
18 what impacts demand, a customer's demand. I think
19 there's education and information on energy, but demand
20 is a new concept for residential customers.

21 MR. POSTON: Thank you. That's all I have.

22 JUDGE WOODRUFF: For Ameren Missouri?

23 CROSS-EXAMINATION BY MS. GRUBBS:

24 Q. If a customer were to select a rate and then
25 be unhappy with that, they are able to opt out as even

1 Dr. Marke was describing, right?

2 A. So it's my understanding for the Ultimate
3 Savers and Smart Savers and the Evening/Morning, and I'm
4 naming off, there are opt outs available, but I mean,
5 generally, I mean, I would think the goal would be to
6 provide customers with adequate information that they
7 don't get an unexpected bill that causes them to opt
8 out. But yes, to answer your question, they can opt
9 out.

10 MS. GRUBBS: Thank you for your time.

11 JUDGE WOODRUFF: We'll move to questions from
12 the bench. And Ms. Kliethermes is up here right now for
13 the residential time of use rates issue. Any questions
14 from the Commissioners? Okay. I do have a question on
15 my own behalf.

16 QUESTIONS BY JUDGE WOODRUFF:

17 Q. Does Staff have concerns about the marketing
18 material for time of use rates in general or is its
19 concern only about the names?

20 A. Well, so the names and I think marketing, and
21 I would encourage you to ask this question to Sarah
22 Lange as well because she has more extensive testimony
23 on it.

24 Q. Okay.

25 A. And so it does come into -- So the naming kind

1 of leads into the marketing issue as well. And from the
2 technical conferences that we had with them where Staff
3 raised concerns with the concept is that the marketing
4 is based on lifestyle. So for example, like Anytime
5 Users, which is the traditional historical flat rate,
6 some customers could see that as if the blurb is oh, if
7 you're using energy anytime, you want this rate. So
8 then it gives the impression that the default rate which
9 is where we're wanting to transition customers to TOU
10 rates is less favorable for them even though it's not.
11 And so going on this current lifestyle marketing plan
12 has some, and leading to this Anytime Users, kind of
13 implies that the default rate isn't an adequate rate for
14 them and that's kind of where saying currently the
15 tariff for the historical flat rate is residential
16 basic. That's the tariff name. And so going to this
17 Anytime Users based on these lifestyle categories kind
18 of starts to confuse the rates and imply that they are
19 better than other which the goal is to move to TOU.

20 JUDGE WOODRUFF: Any recross based on
21 questions from the bench? Hearing none. Any redirect?

22 MR. STOKES: Yes, Your Honor.

23 REDIRECT EXAMINATION BY MR. STOKES:

24 Q. Ms. Kliethermes, so the Judge asked you about
25 names versus marketings and what Staff's concern is, and

1 were you in the room when Commissioner Rupp asked Dr.
2 Marke about outside of names what is something that
3 would be Dr. Marke's recommendation. Do you have any
4 recommendations outside of the names themselves other
5 than what you've stated just a minute ago?

6 A. So my general recommendation, and I think this
7 is the general recommendation of Staff's testimony, is
8 to provide more education, objective names, less
9 marketing on a certain and more education about why are
10 the rates different, shifting load, demand, how all of
11 this impacts a customer's bill so that customers can
12 make decisions to change their load and go to TOU rates.
13 So more education and less focus on marketing.

14 MR. STOKES: No further questions.

15 JUDGE WOODRUFF: You may step down, Ms.
16 Kliethermes.

17 (Witness excused.)

18 JUDGE WOODRUFF: The next witness is Sarah
19 Lange. Please raise your right hand.

20 (Witness sworn.)

21 JUDGE WOODRUFF: You may inquire.

22 SARAH LANGE,
23 being sworn, testified as follows:

24 DIRECT EXAMINATION BY MR. STOKES:

25 Q. Good morning, Ms. Lange. Can you state and

1 spell your name for the record, please?

2 A. Sarah Lynne Kliethermes Lange, S-a-r-a-h
3 L-y-n-n-e, Kliethermes as was spelled by the prior
4 witness and L-a-n-g-e.

5 Q. And how are you employed, Ms. Lange?

6 A. I am a regulatory economist with the Missouri
7 Public Service Commission Staff in the rate and tariff
8 department.

9 Q. And have you prepared for filing in this
10 proceeding certain portions of the class cost of service
11 report, rebuttal testimony and surrebuttal testimony
12 premarked as Exhibits 205, 215, 221 and 231?

13 A. Yes, and I believe there was also a late-filed
14 appendix to one of my testimonies. I'm not sure if that
15 is subsumed within that testimony.

16 Q. Yeah, that's Exhibit 221, and that was a
17 schedule for your rebuttal testimony, correct?

18 A. Correct.

19 Q. Do you have any corrections to those
20 documents?

21 A. Not that I'm aware of at this time other than
22 as noted in my rebuttal testimony I believe I noted a
23 correction to the CCOS.

24 Q. If I were to ask you the questions in those
25 documents, would your answers be the same as corrected

1 in the rebuttal testimony?

2 A. Yes, as of the time those testimonies were
3 filed with the understanding that they're all based on
4 Staff's direct revenue requirement and do not reflect
5 the settlement position of the parties to this case.

6 Q. Thank you. And are those answers true and
7 correct at the time of filing to the best of your
8 knowledge and belief?

9 A. Yes.

10 MR. STOKES: Your Honor, I would like to offer
11 Exhibits 205, 215, 221 and 231 into evidence.

12 JUDGE WOODRUFF: 205, which I believe has both
13 confidential and a public version, 215, and 231 have
14 been offered. Any objections to their receipt? Hearing
15 none, they will be received.

16 (STAFF'S EXHIBITS 205C, 205P, 215 AND 231 WERE
17 RECEIVED INTO EVIDENCE AND MADE A PART OF THIS RECORD.)

18 JUDGE WOODRUFF: For cross-examination, we
19 begin with Legal Services?

20 MR. BARRS: No questions.

21 JUDGE WOODRUFF: MIEC?

22 MS. PLESCIA: No questions.

23 JUDGE WOODRUFF: Consumers Council?

24 MR. COFFMAN: No questions, Your Honor.

25 JUDGE WOODRUFF: Public Counsel?

1 MR. POSTON: No questions.

2 JUDGE WOODRUFF: Ameren Missouri?

3 MS. GRUBBS: No questions.

4 JUDGE WOODRUFF: We'll come up for questions
5 from the bench then. Any Commissioner questions for Ms.
6 Lange?

7 COMMISSIONER RUPP: Judge, is she testifying
8 just on the TOU?

9 JUDGE WOODRUFF: Just on the TOU.

10 COMMISSIONER RUPP: No questions.

11 JUDGE WOODRUFF: All right. I'll ask a
12 question on my own behalf.

13 QUESTIONS BY JUDGE WOODRUFF:

14 Q. It's the same question I asked Ms.
15 Kliethermes. Does Staff have concerns about marketing
16 material for time of use in general or is its concern
17 only about the names?

18 A. As Ms. Kliethermes said, those concerns are
19 intertwined. I think there's an overarching concern
20 that more education can always be done and less
21 marketing focus can always be adopted. The counsel
22 spoke during their opening statement for Ameren
23 mentioned the focus groups. What we heard the takeaway
24 from the focus group was that customers don't like being
25 told that their bill is going to go up. If that is the

1 -- If that is the driving force behind the materials
2 that are being presented, then we're concerned that
3 those are going to be misleading, because in some cases
4 the result is that the customer's bill is going to go
5 up. So you know, we're concerned that as much
6 transparency as possible be provided. And I agree with
7 the comments of my supervisor, you know, to clarify that
8 these three optional TOU rates are more sophisticated
9 and are more appropriate for a customer who is
10 interested in actively managing their bill and that if
11 you are a customer who is not interested in actively
12 managing your bill, unless you just happen to be using
13 energy as the way favored by those rates already, you
14 will see a bill impact that you likely will not be happy
15 with.

16 Q. As far as concrete proposals in this case, the
17 only proposal Staff has made is to change the names; is
18 that correct?

19 A. We were hopeful that during the technical
20 conferences and settlement conferences that there would
21 be discussion among the parties on suitable names. That
22 is correct, we have not made formal proposals. I would
23 agree I think OPC threw out a color range of names and I
24 think they may have also thrown out Residential A,
25 Residential B. Frankly, those objective, you know,

1 Residential A, B, C, D seem to make sense. Or Active
2 Energy Managers rates for those three more sophisticated
3 rate options would seem to make sense. You know, I
4 can't -- I can't say what the best names for any one of
5 those would be, because I think that Ameren does know
6 things about their customers and what they're receptive
7 to and what their materials have said to date. We just
8 think there's a lot of room for improvement.

9 Q. You haven't made any specific proposals for
10 any other area of improvement other than the name
11 changes?

12 A. Not in filed testimony. We had quite a bit of
13 feedback during the process that Ameren's counsel
14 referred to and a limited amount of that was adopted.
15 There was additional feedback we provided at that time
16 that to my knowledge has not been adopted at this point,
17 but that was under the workshops that occurred under the
18 prior case docket, not in testimony in this case.

19 Q. And you're not asking the Commission to do
20 anything other than tell Ameren to change the names
21 formally?

22 A. That's tough. I think the Commission -- This
23 is an area that the Commission knows a lot about and has
24 a lot of opinions on, and I think that they have broad
25 discretion in how they would handle this issue.

1 Q. I don't really understand your answer there.

2 A. I'm sorry. I view this as we flagged a
3 problem and we acknowledged that we don't think us and
4 us alone can dictate the answer to this problem, but I
5 would hope that the Commission would take into account
6 what it knows of the subject through this and prior
7 cases, as well as what the other parties have raised, as
8 well as Ameren's responses to those other parties in
9 formulating the best course forward. I don't believe
10 the Commission is limited by the issue as stated in the
11 issues list might be the more direct answer to your
12 question.

13 Q. When the Commission issues an order, what
14 would you like to see in that order?

15 A. That is a very fair question for which I don't
16 have a good answer. At this time I think that ordering
17 that the parties present names within X number of days
18 is a reasonable answer and I think that as far as what
19 needs to be in the order in this case for tariff
20 purposes Residential A, B, C, D, E, F makes the most
21 sense because they're tariff names. Right now they're
22 Schedule Missouri R1, 2, 3, 4, 5, something like that.
23 Those names are perfectly adequate for a tariff. If
24 Ameren wishes to market under different names, I think
25 that doesn't need to be handled through a tariff and can

1 be handled through a more refined process that follows
2 the case or the Commission could simply order that those
3 more sophisticated rates have added to their names
4 Active Energy Management Rate A, B and C or something
5 like that.

6 Q. I think I understand.

7 A. Sorry. That was not a succinct answer. I
8 apologize.

9 JUDGE WOODRUFF: Just trying to be clear.
10 That's all the questions I have then. Any recross based
11 on those questions from the bench?

12 MS. GRUBBS: Yes, from the Company, Your
13 Honor.

14 JUDGE WOODRUFF: Go right ahead.

15 CROSS-EXAMINATION BY MS. GRUBBS:

16 Q. Just to clarify. Are you familiar with on the
17 Company's time of use rate plan website that for each of
18 the advanced rates, the Overnight Savers, Super Savers
19 and Ultimate Savers that at the top there's a yellow
20 flag that says advanced rate, more effort, and it's not
21 verbatim, but more effort required to potentially save.
22 Are you familiar with that?

23 A. I am not familiar with the specific colors or
24 language. I don't have a screenshot in front of me.

25 MS. GRUBBS: Thank you. Thank you for your

1 time.

2 JUDGE WOODRUFF: Thank you. Any redirect?

3 MR. STOKES: No, Your Honor.

4 JUDGE WOODRUFF: Ms. Lange, you can step down.
5 (Witness excused.)

6 JUDGE WOODRUFF: And the next witness then is
7 Dr. Faruqui who is on the telephone line. He just
8 unmuted. Welcome back, Dr. Faruqui.

9 THE WITNESS: My pleasure, Your Honor.

10 JUDGE WOODRUFF: Thank you for waiting so
11 patiently. If you'd please raise your right hand, I'll
12 swear you in.

13 (Witness sworn.)

14 JUDGE WOODRUFF: Thank you very much. You may
15 inquire.

16 DR. AHMAD FARUQUI,
17 being sworn, testified as follows:

18 DIRECT EXAMINATION BY MS. GRUBBS:

19 Q. Dr. Faruqui, please state your name for the
20 record and spell your last name.

21 A. Yes. The name is Ahmad Faruqui, A-h-m-a-d
22 first name, Faruqui, F-a-r-u-q-u-i last name.

23 Q. Thank you. On whose behalf are you appearing
24 today?

25 A. I'm sorry. I couldn't hear you.

1 Q. I'm sorry. On whose behalf are you appearing
2 today?

3 A. On behalf of Ameren Missouri.

4 Q. By whom are you employed and what is your
5 title?

6 A. I'm a principal at The Bratton Group.

7 Q. You are the same Dr. Faruqui who filed direct
8 testimony in the electric rate review case which has
9 been marked as Exhibit 25, correct?

10 A. Yes.

11 Q. Do you have any corrections or revisions to
12 make to your direct testimony?

13 A. No.

14 Q. Are you the same Dr. Faruqui who filed
15 rebuttal testimony in this case which has been marked as
16 Exhibit 73?

17 A. Yes, I am.

18 Q. Do you have any corrections or revisions to
19 make to your rebuttal testimony?

20 A. I have one correction. On page 1, line 15, I
21 want to change the word by to the word to. So with the
22 correction, the question would read as following: Staff
23 recommends that Ameren Missouri increase the
24 differential between peak and off-peak prices for the
25 default time-of-use rate to one penny per kWh.

1 Q. With that correction, if I asked you the
2 questions in your testimonies today, would your answers
3 be the same?

4 A. Yes.

5 MS. GRUBBS: I would tender Dr. Faruqui for
6 cross-examination but also offer his exhibits which have
7 been marked Exhibit 25 and 73.

8 JUDGE WOODRUFF: Exhibits 25 and 73 have been
9 offered. Any objections to their receipt? Hearing
10 none, they will be received.

11 (COMPANY EXHIBITS 25 AND 73 WERE RECEIVED INTO
12 EVIDENCE AND MADE A PART OF THIS RECORD.)

13 JUDGE WOODRUFF: For cross-examination, we
14 being with MECG?

15 MR. WOODSMALL: No questions, Your Honor.

16 JUDGE WOODRUFF: Legal Services?

17 MR. BARRS: No questions.

18 JUDGE WOODRUFF: Consumers Council?

19 MR. COFFMAN: No questions.

20 JUDGE WOODRUFF: MIEC?

21 MS. PLESCIA: No questions. Thank you.

22 JUDGE WOODRUFF: For Staff?

23 MR. STOKES: No questions. Thank you.

24 JUDGE WOODRUFF: Public Counsel?

25 MR. POSTON: No questions.

1 JUDGE WOODRUFF: All right. There was no
2 cross. Any questions from the bench from Commissioners?

3 COMMISSIONER RUPP: Judge, this is
4 Commissioner Rupp. I have a quick question.

5 JUDGE WOODRUFF: Sure, go right ahead.

6 QUESTIONS BY COMMISSIONER RUPP:

7 Q. Good morning, sir. I noticed that Staff did
8 make a recommendation in their testimony to make a small
9 increase to the differential of the default rate. I
10 really appreciate them doing that. This is something
11 that I've wanted to see happen. But I'm not sure if
12 that differential increase was approved in the
13 settlement or not. Can you speak to that?

14 A. Actually I have not seen the details of the
15 settlement. So that question might be best answered by
16 the Company witness Steve Wills.

17 COMMISSIONER RUPP: Okay. Will do. Thank
18 you.

19 JUDGE WOODRUFF: Anything else? Any recross
20 based on that question from the bench? Any redirect?

21 MS. GRUBBS: No.

22 JUDGE WOODRUFF: The next witness is
23 Mr. Wills. Dr. Faruqui, I believe, can be excused?

24 MS. GRUBBS: Yes, please.

25 JUDGE WOODRUFF: Dr. Faruqui, you're welcome

1 to keep listening if you wish or you can drop off the
2 line if you'd like.

3 THE WITNESS: I'll keep listening. Thank you
4 very much, Judge.

5 JUDGE WOODRUFF: Thank you.

6 (Witness excused.)

7 JUDGE WOODRUFF: Mr. Wills, please raise your
8 right hand.

9 (Witness sworn.)

10 JUDGE WOODRUFF: You may inquire.

11 STEVEN WILLS,

12 being sworn, testified as follows:

13 DIRECT EXAMINATION BY MS. GRUBBS:

14 Q. Mr. Wills, please state your name and spell
15 your last for the record.

16 A. Steven Wills, W-i-l-l-s.

17 Q. By whom are you employed and what is your
18 title?

19 A. I'm employed by Ameren Missouri as the
20 director of rates and analysis.

21 Q. You are the same Steven Wills who filed direct
22 testimony in the electric rate review case which has
23 been marked as Exhibit 17, correct?

24 A. That's correct.

25 Q. Do you have any revisions or corrections to

1 make to your direct testimony?

2 A. No, I don't.

3 Q. Are you the same Steven Wills who filed
4 rebuttal testimony in this electric rate case which has
5 been marked as Exhibit 18?

6 A. Yes.

7 Q. Do you have any revisions or corrections to
8 make to your rebuttal testimony?

9 A. I do. I have four small corrections all on
10 pages 43 and 44. On page 43, line 18, the second
11 parenthetical should read not doubling the price
12 differential. Instead of where the word tripling was
13 there it should be doubling. Page 44, line 1, the word
14 triple should be double. Page 44, line 3, the word
15 triple should be double and page 44, line 19, the word
16 tripled should be doubled.

17 Q. You are also the same Steven Wills who filed
18 surrebuttal in this electric rate case which has been
19 marked as Exhibit 19, right?

20 A. Yes.

21 Q. Do you have any corrections or revisions to
22 your surrebuttal testimony?

23 A. I do not.

24 Q. With those corrections that you mentioned for
25 your rebuttal testimony, if I asked you the questions in

1 all of your testimonies today, would your answers be the
2 same?

3 A. Yes.

4 MS. GRUBBS: Mr. Wills is tendered for
5 cross-examination and Exhibits 17, 18 and 19 are
6 offered.

7 JUDGE WOODRUFF: 17, 18 and 19 have been
8 offered. Any objections to their receipt? Hearing none
9 they will be received.

10 (COMPANY EXHIBITS 17, 18 AND 19 WERE RECEIVED
11 INTO EVIDENCE AND MADE A PART OF THIS RECORD.)

12 JUDGE WOODRUFF: For cross-examination we
13 begin with MECG?

14 MR. WOODSMALL: Your Honor, it's my
15 understanding that Mr. Wills is going to testify on the
16 class cost of service issues later and I can
17 cross-examine him on those later?

18 JUDGE WOODRUFF: Correct. At this point we're
19 just talking about the time of use rates.

20 MR. WOODSMALL: No questions then.

21 JUDGE WOODRUFF: Thank you. Legal Services?

22 MR. BARRS: No questions.

23 JUDGE WOODRUFF: Consumers Council?

24 MR. COFFMAN: No questions.

25 JUDGE WOODRUFF: MIEC?

1 MS. PLESCIA: I have a few questions.

2 CROSS-EXAMINATION BY MS. PLESCIA:

3 Q. Good morning, Mr. Wills. How are you?

4 A. Good morning.

5 Q. I just have a couple of questions about your
6 direct testimony regarding the SB 564 rate cap. It's in
7 your direct testimony at page 49.

8 A. I can turn to that.

9 Q. It goes through 49 to 54.

10 A. Okay. I'm turned to that.

11 Q. So your direct testimony there mentions that
12 Ameren Missouri is under rate caps because it has
13 elected to use PISA, plant-in-service accounting --

14 JUDGE WOODRUFF: Ms. Plescia, is this relevant
15 to the time of use issue? We were going to bring him
16 back for the class cost of service issue.

17 MS. PLESCIA: Oh, I'm sorry. No, it is not.
18 Sorry about that.

19 JUDGE WOODRUFF: Then for Staff?

20 MR. STOKES: No questions, Your Honor.

21 JUDGE WOODRUFF: Public Counsel?

22 MR. POSTON: Just a few.

23 CROSS-EXAMINATION BY MR. POSTON:

24 Q. I want to get an understanding of how many
25 customers have already opted into time of use rates. I

1 know some numbers were given earlier. Can you provide
2 how many now have opted into?

3 A. Sure. As of, and this is as of this morning I
4 checked our dashboard that we monitor that, there's a
5 total of 548 on the three what we're calling advanced
6 rates, the Overnight Savers, Smart Savers and Ultimate
7 Savers. 248 are on the Overnight Savers, 157 are on the
8 Smart Savers and 143 are on the Ultimate Savers as of
9 our dashboard this morning.

10 Q. Okay. I guess I heard some numbers in your
11 counsel's opening about a hundred thousand. I'm not
12 sure what that was referring to.

13 A. That's the default time of use rate that
14 customers are transitioned to six months after having an
15 AMI meter. We call that the Evening/Morning Savers
16 rate. As of this morning, there's actually 201,474
17 customers on that.

18 Q. And then Ameren has over 1 million customers
19 for residential; is that correct?

20 A. That's correct.

21 Q. Is the goal to transition all customers to a
22 time of use rate?

23 A. No, the goal is to give those customers
24 choices themselves to determine what rates are best for
25 them, but we do believe that there's a significant

1 number of customers that will appreciate the
2 opportunities to manage their energy bills and will want
3 to avail themselves of those time of use options.
4 Certainly those that don't make another election will be
5 transferred to the Evening/Morning Savers rate which is
6 the Company's new default rate as established in the
7 last rate case.

8 MR. POSTON: Thank you. That's all I have.

9 JUDGE WOODRUFF: All right. Then we'll come
10 up for questions from the bench. Commissioner
11 questions?

12 COMMISSIONER RUPP: Judge, it's Commissioner
13 Rupp.

14 JUDGE WOODRUFF: Yes.

15 QUESTIONS BY COMMISSIONER RUPP:

16 Q. Same question I had for Mr. Faruqui.
17 Basically Staff had recommended a small increase of a
18 differential rate of Ameren's default TOU rate, but I
19 have not been able to figure out if it made it into the
20 settlement. Can you speak to that?

21 A. Sure. No, the settlement believes that the
22 differential on the default rate the same as it has been
23 previously.

24 Q. That's disappointing.

25 A. Yeah, I understand.

1 Q. But thank you.

2 A. Commissioner Rupp, I think I would just say
3 our main concern is stability really in what we're
4 communicating to customers while customers are in the
5 transition process. So that's, you know, the small
6 increase in differential was not really a significant
7 price signal change but it was what we viewed as a
8 change that would potentially kind of, you know, cause
9 confusion and disruption to customers that were getting
10 communications about it. I understand your position.
11 That's just kind of what led to that outcome.

12 Q. Because you believe the customers are
13 examining everything down to a few decimal points and
14 that would cause them confusion to which they would not
15 participate?

16 A. I think for those who are paying close
17 attention it would cause confusion. I don't think the
18 average customer probably would notice it, but I do
19 think there are those who pay very close attention and
20 that they would have good reason to question why some of
21 the bill impact estimates might have changed on them.

22 COMMISSIONER RUPP: I understand. I would
23 argue that those that are actually paying attention
24 would probably applaud that change, but that's just my
25 opinion. Thank you for your answer.

1 THE WITNESS: Sure.

2 JUDGE WOODRUFF: Anything else from the
3 Commissioners? Anyone wish to recross based on that
4 question from the Commission? Seeing none. Any
5 redirect?

6 MS. GRUBBS: Yes, briefly, Your Honor.

7 REDIRECT EXAMINATION BY MS. GRUBBS:

8 Q. Just to clarify for the record. Counsel for
9 OPC had asked you some of the current data, but I don't
10 believe that you mentioned the anytime users count. How
11 many are on that existing flat rate?

12 A. Well, certainly anyone that doesn't have an
13 AMI meter or has been on the AMI meter for less than six
14 months and hasn't opted into a rate is on that. So
15 that's hundreds of thousands of customers that I don't
16 have that exact number. Of those who have gone into the
17 rate communication process and have had an AMI meter and
18 have the option, and this is not as of this morning
19 because I didn't have that on the dashboard, but as of
20 last week 29,732 had returned to the preexisting flat
21 rate.

22 MS. GRUBBS: Thank you. Thank you, Your
23 Honor.

24 JUDGE WOODRUFF: Thank you. And Mr. Wills,
25 you can step down.

1 (Witness excused.)

2 JUDGE WOODRUFF: I believe that completes
3 Issue 17 about the residential time of use rates. That
4 leads us then into the other issue for today, the Class
5 Cost of Service, Revenue Allocation and Rate Design
6 issue. I note that there are multiple subissues on this
7 with the same witnesses listed for each one. Do the
8 parties want to call everybody up at one time or should
9 we do each subissue separately?

10 MR. POSTON: Just once.

11 MS. GRUBBS: That would be the Company's
12 preference as well, do it all at once.

13 MR. STOKES: Staff's preference as well.

14 JUDGE WOODRUFF: Okay. Then the first witness
15 then would be Wills again.

16 MR. COFFMAN: Your Honor --

17 JUDGE WOODRUFF: Yes.

18 MR. COFFMAN: -- I was hoping to make a motion
19 to have my witness Jackie Hutchison waived from the
20 hearing. She really didn't address much in this area.
21 I've asked the parties who are here if they have any
22 questions, and I haven't noticed anyone who did. I
23 wanted to give the Commission an opportunity if they
24 have questions we can certainly make her available.
25 Otherwise, I would move to have her waived.

1 JUDGE WOODRUFF: Let me ask the Commissioners
2 on the line. Does anyone have any questions for Ms.
3 Hutchison?

4 COMMISSIONER RUPP: No, Judge.

5 JUDGE WOODRUFF: Then she can be excused.
6 When it comes time for her, we'll just go ahead and you
7 can offer her testimony in with that waiver in the
8 process.

9 MR. COFFMAN: Appreciate it. Thank you.

10 JUDGE WOODRUFF: All right. Mr. Wills, you're
11 still under oath.

12 THE WITNESS: Okay.

13 JUDGE WOODRUFF: Direct again?

14 STEVEN WILLS,
15 previously being sworn, testified as follows:

16 DIRECT EXAMINATION BY MS. GRUBBS:

17 Q. You have previously stated your first and last
18 name for the record. Would you spell your last name
19 again?

20 A. W-i-l-l-s.

21 Q. And you're the same Steve Wills who testified
22 earlier in this evidentiary hearing about Issue No. 17A?

23 A. Yes.

24 MS. GRUBBS: Mr. Wills is tendered for
25 cross-examination.

1 JUDGE WOODRUFF: And for cross-examination
2 beginning with MECG?

3 MR. WOODSMALL: Thank you, Your Honor. Good
4 morning, sir.

5 THE WITNESS: Good morning.

6 CROSS-EXAMINATION BY MR. WOODSMALL:

7 Q. You are the Ameren witness that testified on
8 rate design; is that correct?

9 A. On certain rate design issues.

10 Q. Okay. You were the Ameren witness that
11 testified on the SGS/LP rate design issues; is that
12 correct?

13 A. Yes, that's correct.

14 Q. Are you familiar with the concept known as
15 hours use rate design?

16 A. Yes, I am.

17 Q. In your most simplified fashion, can you
18 explain how the hours use rate design is calculated?

19 A. Sure. It's a block rate like we have block
20 rates in other classes except for the size of the energy
21 blocks that are applied to pricing are a function of
22 that customer's demand. So if you have a higher demand,
23 you have a higher block threshold. And if you have a
24 lower demand, you have a lower block threshold. As you
25 use energy, it proceeds through those prices more

1 quickly if you have a higher demand level.

2 Q. Do you believe that most customers in the LGS
3 and SP classes understand the hours use rate design?

4 A. I can't speak for all customers. I think that
5 there's probably a significant number that don't
6 understand fully that rate design.

7 Q. Okay. Does the customer bill to these
8 customers in these classes, do they reflect the amount
9 of usage that the customer is priced at in each of those
10 blocks?

11 A. I haven't reviewed it just coming into this
12 this morning. I believe it does, but I would have to
13 actually look at a bill to be 100 percent certain.

14 Q. So in order to price it out independently,
15 though, a customer would have to know how to derive the
16 amount of energy that they use that is associated with
17 each kW of demand; is that correct?

18 A. Yes, there's a relationship inherent in it
19 between demand and energy. So yeah, you'd have to know
20 that relationship to be able to develop the rate blocks
21 for the bill.

22 Q. And given your testimony, the Company believes
23 that there are more simplified rate designs possible for
24 these industrial classes. It's just a matter of how
25 soon it should be implemented and waiting until after

1 AMI is fully deployed; is that correct?

2 A. Yes. I think there's certainly more simple
3 rate designs. I think for them to be simple and cost
4 reflective, it would be most beneficial to have AMI data
5 in its entirety so we can use more sophisticated either
6 time variation or things like that which wouldn't be
7 possible with the Legacy meters necessarily. So in
8 general, yes, I agree with what you said.

9 Q. When do you anticipate that AMI will be fully
10 deployed for LGS, SP and LP classes?

11 A. I believe it's scheduled to be subject to
12 meeting that schedule around the end of 2024. So going
13 into 2025.

14 MR. WOODSMALL: No further questions, Your
15 Honor. Thank you.

16 JUDGE WOODRUFF: For Legal Services?

17 MR. BARRS: No questions.

18 JUDGE WOODRUFF: Consumers Council?

19 MR. COFFMAN: No questions.

20 JUDGE WOODRUFF: MIEC?

21 MS. PLESCIA: Yes.

22 CROSS-EXAMINATION BY MS. PLESCIA:

23 Q. I'll pick up on the line of questioning that I
24 accidentally started before. I'll try that again. We
25 were talking about the rate cap testimony that you have

1 in your direct starting on page 44 -- I'm sorry, 49.

2 A. Okay. I'm back to that.

3 Q. So in your testimony you talk about the rate
4 caps that are included in Senate Bill 564 and those rate
5 caps apply to residential customers -- they apply to all
6 customers but there are two different caps. There's one
7 of 2.85 percent for residential customers and then a sub
8 cap of 2 percent for large primary customers; is that
9 correct?

10 A. Well, I would say the 2.85 percent applies to
11 all customers, not just residential, but the entirety of
12 the customer population and then the 2 percent
13 specifically to our large power class which is large
14 primary service 11(M).

15 Q. Do you think that either of those caps will be
16 hit by the any rate increase in this case?

17 A. No, I do not.

18 MS. PLESCIA: I have no other questions.
19 Thank you.

20 JUDGE WOODRUFF: All right. For Staff?

21 MR. STOKES: No questions.

22 JUDGE WOODRUFF: Public Counsel?

23 MR. POSTON: No questions.

24 JUDGE WOODRUFF: All right. Let's come up for
25 questions from the bench. Any Commissioner questions

1 for Mr. Wills? I'm not hearing any but I do have a
2 question. It's kind of a general question.

3 QUESTIONS BY JUDGE WOODRUFF:

4 Q. For these classes we tend to use acronyms, and
5 so forth. For each of the rate classes that are
6 involved here, can you tell me what kind of customers
7 qualify for that rate in that rate class and can you
8 give me a sample or example of a customer who would fall
9 in those rate classes?

10 A. Sure, I'll do my best. I think hopefully
11 residential is pretty self-explanatory. Small general
12 service is any commercial or industrial, really any
13 non-residential account that the maximum demand is under
14 a hundred kilowatts. So basically it's going to be your
15 smaller commercial and industrial customers, you know,
16 small offices, small retail outlets, you know, just
17 basically small business.

18 The large general service is customers that
19 still take service at secondary voltages. So that's
20 really the defining difference between large general
21 service and the other classes. It's also commercial and
22 industrial customers, but they're going to be those that
23 have a demand above 100 kilowatts, so a little bit
24 larger businesses. You probably see maybe grocery
25 stores or other, you know, larger chain stores. You

1 know, you're going to see larger office buildings.

2 Q. If I can ask you to clarify something for me.
3 You've been using the term demand above 100 kilowatts.
4 What does that imply?

5 A. So you know, 100 kilowatts, I'm trying to
6 think to give you a good reference point. A home --
7 Very, very rough estimate of a home would maybe have 5
8 kilowatts of demand. So you're talking about the amount
9 of usage of maybe 20 homes or something like that. Is
10 that helpful?

11 Q. That is. Are we talking about kilowatt per
12 hour?

13 A. So it's a demand measurement. So demand can
14 be measured over different periods of time. For
15 purposes of these delineations between the rates it's
16 measured an average over 15 minutes. So if you ever
17 spend 15 minutes where you're averaging drawing over 100
18 kilowatts, then you would fall into that next rate
19 classification.

20 Q. Okay. Thank you. I interrupted you when you
21 were explaining the other rates. Go back to that,
22 please.

23 A. Okay. So then we go to the 4(M) small primary
24 service. Those are customers that take service at
25 higher voltages than the large general service but from

1 a size threshold they could be similar size. There tend
2 to be a little bit more industrial customers in that
3 class that are taking a primary service but there
4 certainly could be things like hospitals sometimes fall
5 into that class, other larger commercial and industrial
6 businesses that are significant energy users that may be
7 taking primary voltage service.

8 And then our 11(M) rate is large primary
9 service. And again, those are taking, you know, service
10 at higher voltages but they're also the largest users.
11 They're over 5 megawatts of demand. So that's 50 times
12 the 100 kilowatt threshold we talked about previously.
13 You're looking at larger industrial customers, like
14 maybe very large hospital or university complexes.
15 There are some commercial and industrial customers, but
16 they tend to be very large energy users at that point.

17 JUDGE WOODRUFF: That's all the questions I
18 had then. Anyone wish to recross based on those
19 questions from the bench?

20 MR. COFFMAN: Yes, Your Honor.

21 JUDGE WOODRUFF: Let's go to Mr. Coffman
22 first. I'm sorry. MEGC will be first.

23 RE-CROSS-EXAMINATION BY MR. WOODSMALL:

24 Q. Just one question. You're familiar with the
25 Rider B issue that's been talked about here?

1 A. Yes.

2 Q. Okay. Given the definitions that you just
3 gave to the Judge, is the Rider B issue only applicable
4 to customers that take service at primary voltage, so
5 the SP and the LP classes, or could it apply to others?

6 A. It's just an issue for the primary service
7 classes 4(M) and 11(M).

8 MR. WOODSMALL: Thank you.

9 JUDGE WOODRUFF: Consumers Council?

10 RECROSS-EXAMINATION BY MR. COFFMAN:

11 Q. My question is even more basic and this is
12 just for the purpose of general understanding. This is
13 confusing to many folks. When you were talking about
14 energy demand, could you give just your basic definition
15 of what energy demand is in contrast to energy usage?

16 A. So demand is like the rate of usage. So I
17 think maybe one of the better analogies that I've heard
18 is comparing it to like water flow. If you turned on a
19 faucet, the amount of water that is passing through the
20 faucet at any given time is like the demand. And if
21 it's accumulating in a bucket or a basin or a sink, the
22 amount of water that accumulates is equivalent to like
23 the energy. But it's a rate of usage versus an amount
24 of total consumption or usage.

25 MR. COFFMAN: That's good. I hadn't heard

1 that. Thank you.

2 JUDGE WOODRUFF: I believe Staff wanted to
3 cross?

4 MR. STOKES: Yes.

5 RECROSS-EXAMINATION BY MR. STOKES:

6 Q. So would an SGS also include a residential out
7 building such as a detached garage?

8 A. It could, yes.

9 JUDGE WOODRUFF: Public Counsel?

10 MR. POSTON: No questions.

11 JUDGE WOODRUFF: Any redirect?

12 MS. GRUBBS: Just briefly to clarify.

13 REDIRECT EXAMINATION BY MS. GRUBBS:

14 Q. You didn't describe the lighting classes. Can
15 you specify those for the bench, please?

16 A. Yes. I apologize for that. We have two
17 different classes of lighting service. One is our 5(M)
18 rate which is Company-owned lights. For those customers
19 we actually supply the light fixtures themselves, as
20 well as the energy, and then we have the 6(M)
21 customer-owned lighting rates in which case the
22 customers own the fixture itself that creates the light
23 but we just provide energy to those lights.

24 MS. GRUBBS: Thank you. That's all I have.

25 JUDGE WOODRUFF: I have one more clarifying

1 question.

2 QUESTIONS BY JUDGE WOODRUFF:

3 Q. It's about your last response about the
4 customer lighting.

5 A. Sure.

6 Q. Was that resolved -- Was there a resolution of
7 that issue in the stipulation and agreement?

8 A. No, that's a part of, you know, just the class
9 allocations. So those classes are still subject to the
10 determination of the revenue allocation.

11 JUDGE WOODRUFF: Okay. Thank you. I guess
12 I'll offer anybody wants to recross based on that
13 question again? I don't see anybody, any redirect based
14 on that.

15 MS. GRUBBS: No.

16 JUDGE WOODRUFF: Mr. Wills, you can step down.

17 THE WITNESS: Thank you.

18 (Witness excused.)

19 JUDGE WOODRUFF: And then the next witness
20 would be Thomas Hickman for Ameren.

21 THE WITNESS: Good morning.

22 JUDGE WOODRUFF: Good morning. Please raise
23 your right hand.

24 (Witness sworn.)

25 JUDGE WOODRUFF: You may inquire.

1 MS. GRUBBS: Thank you.

2 THOMAS HICKMAN,

3 being sworn, testified as follows:

4 DIRECT EXAMINATION BY MS. GRUBBS:

5 Q. Mr. Hickman, please state your name for the
6 record and spell your last name.

7 A. My name is Thomas Hickman. Last name is
8 H-i-c-k-m-a-n.

9 Q. By whom are you employed and what is your
10 title?

11 A. I'm employed by Ameren Missouri as a
12 regulatory rate specialist.

13 Q. You are the same Thomas Hickman who filed
14 direct testimony in this electric rate case which has
15 been marked as Exhibit 30, right?

16 A. Yes.

17 Q. Do you have any corrections or revisions to
18 make to your direct testimony?

19 A. I do not.

20 Q. Are you the same Thomas Hickman who filed
21 rebuttal testimony in this case which was marked as
22 Exhibit 31?

23 A. Yes.

24 Q. Do you have any corrections or revisions to
25 that rebuttal testimony?

1 A. I do not.

2 Q. If I asked you the questions contained in your
3 testimony today, would your answers be the same?

4 A. Yes.

5 MS. GRUBBS: Mr. Hickman is tendered for
6 cross-examination, and I would offer Exhibits 30 and 31.

7 JUDGE WOODRUFF: 30 and 31 have been offered.
8 Any objections to their receipt? Hearing none, they
9 will be received.

10 (COMPANY EXHIBITS 30 AND 31 WERE RECEIVED INTO
11 EVIDENCE AND MADE A PART OF THIS RECORD.)

12 JUDGE WOODRUFF: Again for cross-examination,
13 we would begin with MECG?

14 MR. WOODSMALL: Thank you, Your Honor. Good
15 morning, sir.

16 THE WITNESS: Good morning.

17 CROSS-EXAMINATION BY MR. WOODSMALL:

18 Q. Do you have your direct testimony in front of
19 you?

20 A. Yes, I do.

21 Q. Could you turn to page 19.

22 A. I'm on page 19.

23 Q. And the question and answer that starts on
24 line 9 of that, would you read the last two sentences
25 aloud starting with the cost allocation?

1 A. I'm sorry. Which lines?

2 Q. It's on lines 19 through 23.

3 A. Okay. Starting with the sentence on 19?

4 Q. Yes.

5 A. A cost allocation methodology that gives
6 weight to both class peak demands and class energy
7 consumption (average demands) is required to properly
8 address both of the above considerations associated with
9 capacity planning. The A&E methodology gives weight to
10 both of these considerations by its inclusion of both
11 average class demands, which are kilowatt hours divided
12 by total hours in the year (8,760 hours), and the excess
13 NCP demands of each class.

14 Q. Thank you. So what you're saying there is a
15 cost of production, fixed production cost allocator
16 must, you use the word required, must consider both
17 demand and energy; is that correct?

18 A. I would say that there are allocators that
19 don't consider both, but I think that the impacts of
20 both should be considered when selecting one to use. So
21 said another way of strictly coincident peak may not
22 consider energy, but I think in deciding whether to use
23 coincident peak you should consider energy as well.
24 Does that make sense?

25 Q. So the A&E version that you use considers both

1 of those; is that correct?

2 A. Yes.

3 Q. And you apply the A&E methodology to not only
4 fossil units, nuclear units, but also renewable units;
5 is that correct?

6 A. Correct.

7 Q. I'm going to hand you a document. I don't
8 need to mark it as an exhibit. I'll show it to your
9 counsel first. I'm going to hand you a document and ask
10 you first if you can identify that?

11 A. It appears to be rebuttal testimony of Will
12 Cooper in the 2010 electric case.

13 Q. Can you turn to the page, I didn't even mark
14 it on mine, I have a sticky note there. Can you tell me
15 what page that was on?

16 A. Page 5.

17 Q. Okay. Will you turn to that and read out loud
18 the provision that I have highlighted?

19 MR. STOKES: Objection, hearsay and inability
20 to cross-examine Mr. Cooper.

21 MR. WOODSMALL: It is the Company's position.
22 It's not so much just Mr. Cooper's position but the
23 Company filed it. So me asking -- I'm going to ask him
24 whether he as the Ameren witness in this case agrees to
25 that.

1 JUDGE WOODRUFF: It sounds like it's not being
2 offered for the truth of the matter asserted so it's not
3 hearsay. You can proceed.

4 BY MR. WOODSMALL:

5 Q. Would you read aloud the section that I've
6 highlighted?

7 Q. The question is, the Company and MIEC have
8 proposed the use of an A&E method for the allocation of
9 production plant investment, while Staff and one of
10 OPC's allocation methods proposes the use of the Peak
11 and Average method. Please comment on the use of the
12 A&E method vs. the P&A method for the allocation of
13 production plant investment. And the answer reads, the
14 use of the P&A method is inherently flawed as it double
15 counts the average demand of customer classes. This
16 double counting results from the previously described
17 use of class average demand for a portion of production
18 plant alteration (i.e., the 55 percent system load
19 factor weighting piece) and the use of class peak or
20 non-coincident peak demands, which include an average
21 demand component for the remaining allocation of
22 production plant (i.e., 45 percent). This double
23 counting results in customers with higher load factors
24 being allocated an inequitable share of production plant
25 investment. This result is driven by the high load

1 factor customers demonstrating a better correlation
2 between average demands and peak demands than do lower
3 load factor customers; therefore, higher load factor
4 customers receive a disproportionate share of the
5 non-average demand (i.e., 45 percent) portion of
6 production plant investment.

7 Q. Thank you. Do you agree with Ameren's
8 testimony from that 2010 case that the peak and average
9 double counts class energy usage?

10 A. Yes, I do.

11 MR. WOODSMALL: No further questions. Thank
12 you.

13 JUDGE WOODRUFF: Okay. Then for Legal
14 Services?

15 MR. BARRS: No questions, Your Honor.

16 JUDGE WOODRUFF: Consumers Council?

17 MR. COFFMAN: No questions.

18 JUDGE WOODRUFF: MIEC?

19 MS. PLESCIA: No questions.

20 JUDGE WOODRUFF: Staff?

21 CROSS-EXAMINATION BY MR. STOKES:

22 Q. How many total kilowatts of capacity does
23 Ameren Missouri have?

24 A. Total kilowatts of capacity? I don't have
25 that number offhand.

1 Q. How many accredited MISO kilowatts of capacity
2 does Ameren Missouri have?

3 A. I also don't have that number offhand.

4 Q. Do you know what reserve capacity is required
5 for Ameren Missouri?

6 A. Again, I don't have that number in front of
7 me, no.

8 Q. And do you know what the accredited capacity
9 of Ameren Missouri wind is?

10 A. No.

11 Q. Do you know what the total capacity of Ameren
12 Missouri wind is?

13 A. I do not.

14 MR. STOKES: No further questions.

15 JUDGE WOODRUFF: Okay. Any questions from
16 moving up questions from the -- I'm sorry. Public
17 Counsel?

18 MR. POSTON: No questions.

19 JUDGE WOODRUFF: Moving up for questions from
20 the bench. Any Commissioner questions?

21 COMMISSIONER RUPP: Judge, it's Commissioner
22 Rupp. I lost a little bit of audio there. Can you
23 confirm who's on the stand?

24 JUDGE WOODRUFF: This is Mr. Hickman.

25 COMMISSIONER RUPP: Okay. Great, yeah, I have

1 a quick question.

2 JUDGE WOODRUFF: Go ahead.

3 QUESTIONS BY COMMISSIONER RUPP:

4 Q. So Ameren has argued that Staff's method of
5 allocation production cost is inconsistent with Section
6 393.1620 that was passed in the legislative session just
7 recently. Can you speak to why that -- why you feel
8 that that is consistent and why you guys feel it was
9 okay to use and kind of combat Staff's argument?

10 A. I just want to be clear I understand you,
11 Commissioner. You're talking about production
12 allocations?

13 Q. Yes, production cost, yes.

14 A. I don't believe my testimony contended that
15 Staff's production allocations were not allowed under
16 the statute. I think that my understanding of Staff's
17 approach was that they showed a range of possible
18 outcomes. Within that range, all of the potential
19 outcomes that would have been allowed by virtue of the
20 statute allowing the use of the NARUC Manual were
21 included for consideration.

22 Q. So do you believe that the principles that
23 Staff used from the RAP Manual are appropriate in the
24 production costs?

25 A. I think it's difficult to answer that

1 specifically, because again they provided a range of
2 possible outcomes. My recollection is that they didn't
3 state a specific outcome as the outcome they were using.
4 They used one of the outcomes, one of their options to
5 illustrate some graphs and illustrations, but I don't
6 recall a specific outcome being proposed as the outcome.

7 Q. So from looking at it, it looks as if Staff
8 only used the RAP production allocation principles just
9 for renewable resources, but the law says also for
10 nuclear and fossil fuel. Is that how you viewed that
11 they did not apply it to the others?

12 A. Can you repeat that? I'm sorry.

13 Q. So the way I interpret it and the way I read
14 what Staff has done is they only use the -- they only
15 use the RAP production allocation principles for
16 renewable resources but when you go back and look at the
17 statute it also says for nuclear and fossil fuel
18 generating units.

19 A. So I would confirm that my understanding of
20 the statute is that it only applies to those and it
21 doesn't apply to the other renewable sources. So the
22 way in which they allocate those per the statute would
23 not be limited to the NARUC Manual. I do believe
24 there's a little. I mean, they propose different
25 options, and again they didn't state to have followed

1 one specific option. But my understanding is that the
2 peak and average method is not a method outlined in the
3 NARUC Manual. But again the question you're asking me
4 is a little bit tough because in my opinion Staff didn't
5 propose one single answer right.

6 Q. Okay.

7 A. I hope that's not confusing or muddying the
8 water. But to the question that you were asking in
9 terms of the applicability of the statute, my
10 understanding is that it only applies to nuclear and
11 fossil, correct, and that the other sources of
12 generation are not covered by the statute.

13 Q. So would you say that the Company's position
14 is that Staff's method was not consistent with Section
15 393.1620?

16 A. I would not say that. Again, part of the
17 challenge is that multiple options were proposed and so
18 options that were consistent with the statute were
19 proposed. I wouldn't allege that Staff didn't follow
20 the statute.

21 COMMISSIONER RUPP: Okay. Thank you. That
22 cleared it up. Thank you.

23 JUDGE WOODRUFF: Anything else, Commissioner?

24 COMMISSIONER RUPP: Not for this one.

25 JUDGE WOODRUFF: Okay. I have a couple

1 questions.

2 THE WITNESS: Sure.

3 QUESTIONS BY JUDGE WOODRUFF:

4 Q. Specifically this one is about the subsection
5 F which is MECG's proposed shift to increase demand
6 component for large general service and small primary
7 service. I believe Ameren Missouri expressed some
8 concern about the possible impact of that shift on its
9 efficient electrification program. Can you explain
10 that, what Ameren's concerns are?

11 A. I think that question would be better answered
12 probably by either Steve Wills or Mike Harding. My
13 testimony was more about our cost of service, and the
14 results of the cost of service don't necessarily tell
15 what to do with a specific demand charge or a specific
16 rate.

17 Q. I'll save it for Mr. Harding then. And then
18 the other question is about subsection G. That's MECG's
19 recommendation to require the Company to present
20 analysis of alternatives to the hours use rate design.
21 Ameren's position was that they should wait until after
22 the roll out of the AMI meters is completed. Again,
23 this may be it's a question for somebody else. Why is
24 the AMI data needed to redesign rates?

25 A. I think it would be better to ask another one

1 of our witnesses, but I think, you know, just
2 generically I understand that more information is always
3 better and so we're going to get considerably more data
4 out of the AMI technology than what we got out of the
5 AMR technology. So any extent of increased or more
6 accurate data that we have could lead to better
7 determination of the timing of price signals and things
8 like that. But for, you know, a better more complete
9 answer Mr. Wills or Mr. Harding would probably be a
10 better source.

11 Q. Okay. My final question is about subsection
12 H, just in general Staff's concern that they didn't have
13 enough information from Ameren Missouri. Is this a
14 question for you or would this be another one for
15 Mr. Harding?

16 A. I probably would be the right one for this.

17 Q. Okay. Do you understand what Staff is asking
18 for as far as additional information?

19 MS. GRUBBS: If I may, I thought that H was
20 how -- I'm sorry. I thought that was regarding the
21 distribution per customer classes.

22 JUDGE WOODRUFF: I'm not sure exactly where
23 this question falls under then. It may be H or it may
24 be I or J. It's kind of general. It crosses over the
25 various issues.

1 MS. GRUBBS: Sorry. I just wanted to clarify.

2 JUDGE WOODRUFF: If you can go ahead and
3 answer.

4 THE WITNESS: Can you repeat it?

5 BY JUDGE WOODRUFF:

6 Q. Staff has indicated that they would like to
7 have additional information from Ameren as far as
8 assignment of various costs. Do you understand what
9 Staff is asking for? The next question is, is it
10 possible for Ameren to be able to give it to them?

11 A. I think that's a difficult question to answer,
12 because I think there's different things that are being
13 asked for. You know, as I sit here today, I think some
14 of the things being asked for make sense, some of them
15 maybe not as much. It's not just one singular thing I
16 feel like is necessarily being asked for. And a
17 significant portion of what has been requested is not
18 information that the Company has and it's just sitting
19 there readily available to be produced. It's
20 conceivable that a certain amount of effort or
21 undertaking could be taken to answer some of the
22 questions. Some of the questions go really broad in
23 scope and require information, you know, on where
24 specific distribution assets are located for us to
25 answer. You know, due to the nature of mass property do

1 we know exactly where every pole is located on the
2 system. Generically, yes. Do we know exactly what size
3 conductor is connected to every pole? That's not within
4 our databases. That's a really big ask in terms of
5 data.

6 JUDGE WOODRUFF: I think that answers my
7 question. So recross based on questions from the bench?

8 MR. WOODSMALL: Yes, Your Honor.

9 JUDGE WOODRUFF: Go ahead.

10 RECROSS-EXAMINATION BY MR. WOODSMALL:

11 Q. Mr. Hickman, going to that last question from
12 the bench about distribution cost, can you tell me what
13 the difference is between assignment and allocation?

14 A. Sure. I can tell you my best understanding of
15 what the difference is or an interpretation. I think
16 allocation is trying to look at a subset of cost drivers
17 and kind of come up with some allocations that could be
18 applied more broadly to an entire balance of an account.
19 So you know, generally how are these assets used, what
20 percentage of these assets are used by which customers
21 and which class and then you apply it to an entire
22 balance, right. Direct assignment is in my opinion
23 considerably more specific. I know there's been some
24 discussion in terms of what exactly is being asked for
25 and what assets. But for example, to identify the exact

1 poles leading up to a large primary customer and to
2 identify the cost of those exact poles and allocate them
3 to the class base and the fact that that customer is
4 benefiting from those poles is kind of how I view direct
5 assignment. You're trying to identify the exact assets
6 that are used by that customer, either the exact cost or
7 a proxy of those exact costs and apply it to that
8 customer.

9 Q. In your response to the Judge's question you
10 mentioned the words mass property accounting. Do you
11 recall that?

12 A. Yes.

13 Q. Can you tell me what mass property accounting
14 is?

15 A. So I meant that I'm not an accountant. I can
16 give you my general understanding of it. So mass
17 property is how a lot of distribution accounts or
18 distribution assets are accounted for. The basic gist
19 of it is if we had to account for every single 40-foot
20 wood pole that the Company owns separately and
21 depreciate them all separately, that would be a lot of
22 data. We'd have to know exactly where they're located.
23 When we take a 40-foot wood pole out of service, we'd
24 have to know exactly which pole was taken out of
25 service, right, because you have to make an entry that

1 would reduce accumulated depreciation and everything and
2 it's on that one specific pole.

3 Mass property allows us to account for all
4 40-foot wood poles on more of an average basis. So in
5 that process specific location of those assets is not
6 required because again you're not tracking that that's
7 the exact 40-foot pole that was retired and mass
8 property applies to a couple of the different
9 distribution accounts, poles, conductors, transformers.

10 Q. In the ratemaking process, the class cost of
11 service process, is it true that we are setting rates
12 for, if you will, the average customer within a class?
13 We're not setting rates for a specific customer that's
14 served by X pole, by X transformer, by X substation; is
15 that correct?

16 A. Yes, I would agree with that.

17 MR. WOODSMALL: No further questions. Thank
18 you.

19 JUDGE WOODRUFF: Anyone else wish to recross?

20 MR. STOKES: Yes, Your Honor.

21 JUDGE WOODRUFF: Staff?

22 RE-CROSS-EXAMINATION BY MR. STOKES:

23 Q. Staff has not asked actually for the location
24 of every pole and wire; is that right?

25 A. Yes, I would agree with that.

1 Q. And earlier Commissioner Rupp was asking you
2 about the average and peak method and the NARUC Manual;
3 do you recall that?

4 A. Yes.

5 Q. And you can agree that there are average and
6 peak method variations discussed in the 1992 NARUC
7 Manual?

8 A. I think without having an exact definition of
9 what peak and average is that, yes, there are a variety
10 of different methods outlined in the NARUC Manual, yes.

11 Q. So average and peak is not defined under the
12 statute; is that right?

13 A. Not specifically, no.

14 Q. Is average and peak defined in the 1992 NARUC
15 Manual?

16 A. I don't have the manual in front of me to seek
17 out a specific definition, no.

18 MR. STOKES: No further questions.

19 JUDGE WOODRUFF: All right. Any redirect?

20 MS. GRUBBS: Just briefly, Your Honor.

21 REDIRECT EXAMINATION BY MS. GRUBBS:

22 Q. When you were discussing data collection or
23 retention with the Judge here, he was asking about
24 additional information, the Company though has agreed to
25 provide some additional data collection under the

1 stipulation in this case, have they not?

2 A. Yes.

3 MS. GRUBBS: Thank you very much.

4 JUDGE WOODRUFF: Thank you. With that, you
5 can step down.

6 (Witness excused.)

7 JUDGE WOODRUFF: It's 12:02 so it's time to
8 break for lunch. Let's come back at 1:15.

9 (Off the record.)

10 JUDGE WOODRUFF: It's 1:15. Let's go ahead
11 and get started again. Welcome back from lunch. The
12 next item would be -- next witness is Michael Harding.
13 Is he here? If you'd please raise your right hand.

14 (Witness sworn.)

15 JUDGE WOODRUFF: You may inquire.

16 MS. GRUBBS: Thank you.

17 MICHAEL HARDING,

18 being sworn, testified as follows:

19 DIRECT EXAMINATION BY MS. GRUBBS:

20 Q. Mr. Harding, please state your name and spell
21 your last name for the record.

22 A. Michael Harding, H-a-r-d-i-n-g.

23 Q. By whom are you employed and what is your
24 title?

25 A. Ameren Missouri, manager of rates and analysis

1 in the regulatory department.

2 Q. You are the same Michael Harding who filed
3 direct testimony in this electric rate case which has
4 been marked as Exhibit 44, correct?

5 A. Yes.

6 Q. Do you have any corrections or revisions to
7 your direct testimony?

8 A. No.

9 Q. Are you the same Michael Harding who filed
10 rebuttal testimony as well which has been marked as
11 Exhibit 45?

12 A. I am.

13 Q. And do you have any corrections or revisions
14 to Exhibit 45?

15 A. No.

16 Q. If I asked you the questions contained within
17 your testimony today, would your answers be the same?

18 A. Yes.

19 MS. GRUBBS: Mr. Harding is tendered for
20 cross-examination, and I would offer Exhibits 44 and 45
21 into the record.

22 JUDGE WOODRUFF: 44 and 45 have been offered.
23 Any objections to their receipt? Hearing none, they
24 will be received.

25 (COMPANY EXHIBITS 44 AND 45 WERE RECEIVED INTO

1 EVIDENCE AND MADE A PART OF THIS RECORD.)

2 JUDGE WOODRUFF: For cross-examination
3 beginning with MECG?

4 MR. WOODSMALL: Thank you, Your Honor. Good
5 afternoon, sir.

6 THE WITNESS: Good afternoon.

7 CROSS-EXAMINATION BY MR. WOODSMALL:

8 Q. Do you have your direct testimony in front of
9 you?

10 A. I do.

11 Q. Would you turn to page 5 of that testimony?

12 A. I am there.

13 Q. Okay. At the top of that page is a table,
14 Table 2 entitled Cost Based Rate Changes by Customer
15 Class. Do you see that?

16 A. I do.

17 Q. Would you agree that what that table shows
18 that under Ameren's class cost of service study LGS/SP
19 rate classes are currently paying rates above class cost
20 of service?

21 A. Yes.

22 Q. And that can be shown by the fact that while
23 at this time you were requesting a 12 percent rate
24 increase the LGS/SP class should only receive a 1.4
25 percent rate increase; is that correct?

1 A. To achieve exact class cost of service per the
2 Ameren study, yes, correct.

3 Q. Similarly at that time when you were
4 requesting a 12 percent rate increase the residential
5 class in order to achieve class cost of service would
6 have needed a 20.4 percent rate increase; is that
7 correct?

8 A. That is correct.

9 Q. The rate increase agreed to under the
10 stipulation was 8.81 percent; is that correct?

11 A. I believe so, around that.

12 Q. To put this table on a basis taking into
13 account that reduced revenue requirement, is it fair
14 then the difference between 12 percent and 8.81 is minus
15 3.19 percent. So the 20.4 percent for residential class
16 would now have to be reduced by roughly 3.19 percent?

17 A. That sounds right.

18 Q. Now turning to page 6, Table 3. Do you see
19 that?

20 A. I do.

21 Q. Okay. So again at this point in time you were
22 showing a rate increase of 11.93 percent. Do you see
23 that?

24 A. I do.

25 Q. And even then for the LGS and SP class you

1 were recommending an increase above that of 11.96 and
2 11.98 percent respectively; is that correct?

3 A. That is correct.

4 Q. So at a time you said on the previous page
5 that those classes are already paying rates above class
6 cost of service, you're recommending here an increase
7 above the system average; is that correct?

8 A. Above what the equal rate of return class cost
9 of service solely that has recommended changes to
10 achieve that, yes.

11 Q. The fact that you are recommending an increase
12 above the system average, wouldn't that exacerbate the
13 subsidy inherent in their rates?

14 A. Not necessarily.

15 Q. Could you explain that?

16 A. Well, it's a snapshot. So the class cost of
17 service is a snapshot in time. So there's lots of
18 factors when you take that snapshot that could change.
19 It's definitely in line with I think past settlements
20 that all parties have agreed to. I think it's
21 definitely in line with past Commission orders to have
22 that equal rate percentage. Obviously as we've heard
23 here many times, there's lots of different factors
24 beyond class cost of service that are considered. I
25 would say this. A very important factor, if not one of

1 the most important factors, is our basis for setting
2 rates.

3 Q. So you say you were talking about it's a
4 snapshot, that things can change. Would you agree that
5 it is not consistent to give this class an above system
6 average increase. It's not consistent with your
7 snapshot class cost of service study?

8 A. I think it's consistent though with what all
9 parties have agreed to in settlements.

10 Q. That's not what I asked you. Is it consistent
11 with your snapshot class cost of service study results?

12 A. It is not a move. It does not mirror what our
13 equal rate of return class cost of service recommends if
14 you want to go exactly to cost of service, correct.

15 Q. It doesn't mirror it but it doesn't even move
16 in the right direction. This moves it up whereas the
17 class cost of service snapshot would say they should get
18 less than the system average?

19 A. Agree.

20 Q. Turning to the residential class now, you said
21 on Table 2 that the residential class are paying rates
22 that are below their class cost of service results; is
23 that correct?

24 A. Yes.

25 Q. And according to Table 3, while you're looking

1 at an overall increase of 11.93 percent increase, you
2 propose to give the residential class only 11.90
3 percent. Is that what this shows?

4 A. Yes.

5 Q. So again, your recommendation regarding the
6 residential class is not consistent directionally with
7 the results of your snapshot class cost of service
8 study; is that correct?

9 A. No, it's consistent directionally. We're
10 showing in our equal rate of return class cost of
11 service study that the residential service is
12 underpaying to cost of service and that we're
13 recommending an increase for that class as well.

14 Q. But you're not recommending an increase --
15 Your recommended increase is below the system average?

16 A. Oh, as you referred to system average, our
17 equal rate of return class of service. Yes, that is
18 correct.

19 Q. Just to clear up. Your recommendation for
20 revenue allocation for the residential class is not
21 directionally consistent with the results of your class
22 cost of service study?

23 A. Well, when you say directionally consistent, I
24 would say that it is, but maybe we're talking past each
25 other. The equal rate of return class cost of service

1 shows that the residential class is underpaying and they
2 need an increase in rates and that's what they're
3 receiving through our direct recommendation is an
4 increase in their rates.

5 Q. But you're proposing an increase in
6 residential rates that are below the 11.93 percent
7 overall rate increase?

8 A. You're referring to the .03 percent
9 difference?

10 Q. Yes.

11 A. Okay. Yes, it's .3 percent lower than the
12 entire amount.

13 MR. WOODSMALL: I think that was all I had.
14 Thank you, sir.

15 THE WITNESS: Okay.

16 JUDGE WOODRUFF: All right. And for Legal
17 Services?

18 MR. BARRS: No questions, Your Honor.

19 JUDGE WOODRUFF: Consumers Council?

20 MR. COFFMAN: Yes, I have a couple. Good
21 afternoon.

22 THE WITNESS: Good afternoon.

23 CROSS-EXAMINATION BY MR. COFFMAN:

24 Q. I'm John Coffman, Consumers Council. I was
25 wanting to follow up on the questioning that you had

1 from Mr. Woodsmall. To the degree that there is a
2 differential, I guess from Mr. Woodsmall's perspective
3 it's a subsidy, is there any reason to believe that that
4 differential will grow between now and the next Ameren
5 rate case or is it also likely that that might go the
6 other direction?

7 A. That's hard to say. I don't really have a
8 great study or anything to point to or to refer to to
9 project how those dynamics could change.

10 Q. There's nothing in your testimony in this case
11 that would suggest that any differential between rates
12 and your Company's class cost of service study results
13 would grow or shrink either way; it is just a snapshot,
14 right?

15 A. That is correct.

16 Q. And were you involved in the previous Ameren
17 rate case?

18 A. Yes.

19 Q. Which was a rate decrease case, correct?

20 A. That is correct.

21 Q. And did the large customers in that case
22 receive a larger rate reduction on a percentage basis
23 than the residential class or subclasses?

24 A. Did the residential customers?

25 Q. Did the residential customers -- was it an

1 equal percentage rate reduction in that case?

2 A. I don't have that in front of me. I believe
3 we did equal. Honestly without that in front of me
4 right now I couldn't say for sure.

5 MR. COFFMAN: I guess I can't ask you my next
6 question then. Thank you.

7 JUDGE WOODRUFF: For MIEC?

8 MS. PLESCIA: No questions. Thank you.

9 JUDGE WOODRUFF: For Staff?

10 MR. STOKES: Yes. Thank you, Your Honor.

11 CROSS-EXAMINATION BY MR. STOKES:

12 Q. Do you recall Mr. Woodsmall asking you to
13 subtract 8 percent from 12 percent and I believe it was
14 Table 2 of your testimony?

15 A. Something to that effect, yeah.

16 Q. That was based on -- That table was based on
17 Ameren's proposed revenue requirement increase, correct?

18 A. Yes.

19 Q. As Ameren's proposed revenue, I guess now
20 stipulated, revenue requirement increase, is it mostly
21 related to fuel expense, rate of return, depreciation
22 rates, production capacity or some other factor?

23 A. That's a better question for accounting. I
24 don't know.

25 Q. And do you know -- So the costs and other

1 expenses, fuel expense, rate of return, depreciation,
2 production capacity, are those allocated evenly among
3 each class in the Ameren class cost of service study?

4 A. Allocated evenly? Which inputs? Could you
5 say that again? Could you rattle those off?

6 Q. Yeah, fuel expense, rate of return,
7 depreciation rates, production capacity.

8 A. Well, I know that at least one of those,
9 right, and the equal rate of return class cost of
10 service study that you're referring to there on Table 2,
11 in order to perform that study the rate of return is
12 equal and set to all classes. I can answer that one.
13 On the others, I'm not quite sure.

14 Q. Now, what about rate base? Is rate base
15 equally allocated among all classes?

16 A. Well, it's dependent on that equal rate of
17 return that I just mentioned to you. It's applied
18 against that.

19 Q. So if the rate base is not allocated equally
20 among all classes, then the rate of return associated
21 with that rate base won't be equally allocated among the
22 rate classes; is that right?

23 A. Could you restate that? I'm sorry.

24 Q. Yes. So I'll go back to one factor at a time.
25 So rate base is not equally allocated equally among all

1 the classes?

2 A. When you say equally, I would say it is. From
3 a rate of return perspective it is.

4 Q. So the rate base per kilowatt or per kilowatt
5 hour is not the same for all rate classes?

6 A. The rate base per kilowatt hour is not the
7 same for all? No.

8 Q. So just to be clear, when I'm talking about
9 evenly allocated, I'm talking about the rate of return
10 on rate base. So say, for example, if you know more
11 rate base were allocated to, you know, one class, then
12 the rate of return that goes with that rate base would
13 go with that rate class, right?

14 A. That sounds right.

15 Q. In dollars?

16 A. Okay. I think so. I think I'm jibing with
17 what you're saying.

18 MR. STOKES: No further questions.

19 JUDGE WOODRUFF: Public Counsel?

20 MR. POSTON: No questions.

21 JUDGE WOODRUFF: Come up for questions from
22 the bench. Any questions from the Commissioners for
23 Mr. Harding?

24 COMMISSIONER RUPP: No questions, Judge.

25 JUDGE WOODRUFF: I do have a couple questions

1 that Mr. Hickman deferred to you.

2 QUESTIONS BY JUDGE WOODRUFF:

3 Q. The first one is about subissue F. Ameren
4 expressed some concern that the proposed shift by MECG
5 to increase the demand component of the rates would have
6 a negative impact on efficient electrification program.
7 Can you explain what that impact might be?

8 A. I think he was referring just to the shift
9 away from energy to capacity primarily in that there
10 would be less incentive to reduce kilowatt hours if more
11 of the charge and more of the billing units were placed
12 into kW or capacity or demand charge.

13 Q. Would that imply then also an increased
14 interest in reducing capacity or is that part of
15 electrification?

16 A. I think it would increase. It would increase
17 people's desire to reduce their demand charge and find
18 ways to reduce their demand charge if you shift from the
19 energy into the demand charge.

20 Q. Is that something that will be beneficial for
21 Ameren's system?

22 A. Yeah, I do think that is beneficial.

23 Q. The other question is in subsection G, and
24 that's about the Commission's approval of MECG's
25 recommendation to require the Company to present

1 analyses of alternatives to the hours-use rate design by
2 2025. Ameren's position was that it should wait until
3 the roll out of AMI meters is complete. Can you explain
4 why AMI data is necessary to achieve efforts to
5 reconsider or redesign the rates?

6 A. I think it's just greater granularity in data
7 available to have the options for perhaps more
8 intelligent designs that better assign the cost to cost
9 causers. It just gives you more optionality and it will
10 be a little easier to roll that out once we have full
11 adoption and we can implement that as opposed to trying
12 to work with our software teams to have two systems in
13 place at the same time trying to track the data.

14 Q. And full adoption is planned for 2025?

15 A. That's my understanding.

16 JUDGE WOODRUFF: That's all the questions I
17 had. Are there any recross based on those questions
18 from the bench?

19 MR. WOODSMALL: Yes, Your Honor.

20 RECROSS-EXAMINATION BY MR. WOODSMALL:

21 Q. I sense that the record wasn't clear when you
22 were talking about the MECG proposal on rate design.
23 Maybe I just heard it wrong. So I wanted to kind of
24 clarify some of that. Is it your understanding that the
25 MECG proposal for the LGS/SP class would be to move more

1 costs into the demand charge taking costs out of the
2 energy charges; is that correct?

3 A. Solely within that class, yes.

4 Q. Okay. And that electrification will be
5 incented by higher energy charges; is that correct?

6 A. You're saying will that shift incent
7 electrification through higher energy charges?

8 Q. No, I'm trying to get and I think the problem
9 here was this was all in Mr. Will's testimony so it was
10 all dumped on you. But companies and parties will have
11 a greater incentive to undertake electrification if
12 energy charges are lower; is that correct?

13 A. I would say no. I would say when energy
14 charges are higher.

15 Q. I'm sorry. If energy charges are higher,
16 parties will have a greater incentive to engage in
17 electrification?

18 A. Absolutely.

19 Q. Okay. And the MECG proposal to move costs out
20 of the energy charge will reduce the energy charges; is
21 that correct?

22 A. Yes.

23 Q. Okay. So the lowering of energy charges will
24 decrease the incentive to engage in electrification?

25 A. Possibly.

1 Q. Okay. And that is just a theoretical
2 argument; that is not an argument that's based on class
3 cost of service; is that correct?

4 A. I would say that's fair, yeah. We don't know
5 what different business, different businesses models and
6 thresholds have for investing in efficient
7 electrification, but it's fair to say that depending on
8 the shift there could be some companies that no longer
9 find it appealing to maybe make those initial
10 investments where it just solely reduces energy costs.

11 Q. Here's the point where I'm going to. In his
12 direct testimony, Mr. Chriss stated based upon the
13 Company's class cost of service study that energy
14 charges are inflated right now, demand charges are
15 depressed. Do you have any reason to doubt that?

16 A. From our class cost of service study, they
17 look pretty close in line. For example, the
18 distribution demand charges, I believe there's 114
19 approximately million allocated distribution demand
20 between the 3 and 4(M) classes and after the settled
21 proposed amount is allocated to the demand charges
22 between 3 and 4(M) I think the amount was approximately
23 a hundred million. So the difference of about -- you're
24 talking about a difference of about 14 million, which I
25 wouldn't characterize as way out of whack for

1 allocations and using the class cost of service model to
2 approximate where rates should be.

3 Q. Do you have Mr. Chriss's direct testimony in
4 front of you?

5 A. I do not.

6 Q. Do you have any reason given all you just
7 stated to question Mr. Wills' conclusion that MECG's
8 rate design proposal is directionally correct?

9 A. I would agree it's directionally correct.

10 Q. Okay. So it is directionally correct to move
11 more cost into demand and take costs out of energy
12 charges; is that correct?

13 A. Yes. You could do that. There's still room
14 there. You could do that before those costs exceed what
15 we're showing in our class cost of service.

16 MR. WOODSMALL: Okay. I have no further
17 questions. Thank you.

18 JUDGE WOODRUFF: Any other recross?

19 MR. STOKES: I do, Your Honor.

20 JUDGE WOODRUFF: Go ahead.

21 RE-CROSS-EXAMINATION BY MR. STOKES:

22 Q. Following up on some EV questions, background
23 wise EVs can be charged slowly or quickly, right?

24 A. I love EVs. I don't have one yet. I'm not an
25 EV expert.

1 Q. But you're aware that you can charge EVs like
2 a slow charge or you can plug it in through like a high
3 wattage?

4 A. I've heard that.

5 Q. Now, under MECG's proposal, if somebody wanted
6 to charge that EV at a faster rate, would it be more
7 expensive or less expensive to do that under MECG's
8 proposal?

9 A. What was their proposal? It's not really in
10 my testimony and I can speculate on it if that's what
11 you're asking.

12 Q. So increasing -- By increasing the demand
13 charge and lowering the energy charge, would that make
14 it more expensive or less expensive to charge that EV
15 using like a high speed charger, like a quick charger?

16 A. You're asking for analysis that requires
17 assumptions on when they're charging, how long they're
18 charging. Short of having that data, I really don't
19 have an opinion or can't really answer that.

20 Q. That actually -- That time of use is actually
21 interesting. So under MECG's and MIEC's proposal where
22 you increase the demand charge, lower the energy charge,
23 would the charge for charging an EV change depending on
24 whether you're charging at any given point in the day?

25 A. Again, they're talking about 3 and 4(M)

1 customers and you're asking about EV charging. So you
2 know, now we're assuming that it's an EV charging at a
3 business. I don't know. So again, without more, you
4 know, data to provide me to help you come to an answer,
5 I really don't know.

6 Q. Were you Ameren's witness in the EV charging
7 docket?

8 A. No. Do I look like him? I've been told I
9 look like a lot of different people.

10 MR. STOKES: No further questions.

11 JUDGE WOODRUFF: Okay. Then to redirect?

12 MS. GRUBBS: None. Thank you.

13 JUDGE WOODRUFF: Thank you. You may step
14 down.

15 (Witness excused.)

16 JUDGE WOODRUFF: The next witness on the list
17 is Mr. Brubaker. Please raise your right hand.

18 (Witness sworn.)

19 JUDGE WOODRUFF: Thank you. You may inquire.

20 MAURICE BRUBAKER,

21 being sworn, testified as follows:

22 DIRECT EXAMINATION BY MS. PLESCIA:

23 Q. Good afternoon. Could you state your name and
24 business address for the record?

25 A. Sure. It's Maurice Brubaker, B-r-u-b-a-k-e-r,

1 16690 Swingley Ridge Road, Chesterfield, Missouri 63017.

2 Q. And on whose behalf are you testifying and in
3 what capacity?

4 A. The MIEC as a witness.

5 Q. And did you cause to be filed in this case
6 direct, rebuttal and surrebuttal testimony?

7 A. I did.

8 Q. And do you have any changes or corrections to
9 that testimony?

10 A. I do not.

11 Q. If I were to ask you the questions that are in
12 that testimony today, would your answers be the same?

13 A. Yes, they would.

14 MS. PLESCIA: I would request that Mr.
15 Brubaker's testimony be admitted into the record, and I
16 will tender him for cross.

17 JUDGE WOODRUFF: His direct is 500, his
18 rebuttal is 501 and his surrebuttal is 502. They've
19 been offered. Any objections to their receipt? Hearing
20 none, they will be received.

21 (MIEC'S EXHIBITS 500, 501 AND 502 WERE
22 RECEIVED INTO EVIDENCE AND MADE A PART OF THIS RECORD.)

23 JUDGE WOODRUFF: And for cross-examination we
24 begin with Public Counsel?

25 MR. POSTON: I have no questions. Thank you.

1 JUDGE WOODRUFF: Consumer Council?

2 MR. COFFMAN: No questions.

3 JUDGE WOODRUFF: MECG?

4 MR. WOODSMALL: Thank you, Your Honor. Good
5 afternoon, sir.

6 THE WITNESS: Good afternoon.

7 CROSS-EXAMINATION BY MR. WOODSMALL:

8 Q. There was some comments that I made earlier in
9 my opening statement referring back to a Commission
10 order in which the Commission said that the peak and
11 average approach double counts class energy. Do you
12 recall that?

13 A. I do.

14 Q. And were you a witness in that 2010 case?

15 A. I was.

16 Q. I'm going to hand you --

17 MR. WOODSMALL: I might as well mark it as an
18 illustrative exhibit, Your Honor. 752?

19 JUDGE WOODRUFF: No, it would be 754.

20 BY MR. WOODSMALL:

21 Q. Do you have Exhibit 754 in front of you, sir?

22 A. I do.

23 Q. And again, this is just an illustrative
24 exhibit. I'm not going to offer it as evidence. Do you
25 recognize this document, first off?

1 A. It looks familiar.

2 Q. Okay. Would you be surprised if I told you it
3 came out of your testimony in that 2010 rate case?

4 A. I would not be surprised.

5 Q. Can you tell me based upon this illustrative
6 exhibit how the average and excess approach is
7 calculated?

8 A. Average and excess or average and P?

9 Q. Let's start with the aver and excess and then
10 we'll compare it to the peak and average.

11 A. So the average demand looks like is the green
12 dashed line. That would be the first component of the
13 average and excess demand allocation. Each class is
14 average demand. Then to that would be added a second
15 component which would allocate the difference for each
16 class between the class's average demand and the class's
17 peak demand to arrive at an allocation here of the
18 difference on a system basis between system average
19 demand and system peak demand.

20 Q. So for the average excess methodology, the
21 class average demand of 60 is multiplied by system load
22 factor; is that correct?

23 A. Yes.

24 Q. Okay. And then the excess component, in this
25 case 40, is multiplied times 1 minus the system load

1 factor; is that correct?

2 A. Right. And then allocated to classes based on
3 the extent to which their peak demand exceeds their
4 average demand.

5 Q. Okay. Can you tell me then how the peak and
6 average is calculated?

7 A. Peak and average would be just the sum
8 basically of the peak demands of each class and their
9 average demand.

10 Q. So under the peak and average, the class
11 average of 60 is multiplied again by the system load
12 factor; is that correct?

13 A. Yes.

14 Q. And then the excess is the full 100 multiplied
15 by one minus the system load factor; is that correct?

16 A. That's correct.

17 Q. So the class average demand is calculated
18 twice, one in the first portion and then again in the
19 second portion of the equation?

20 A. Right. The average demand is a component of
21 the peak demand. So it gets in there twice.

22 Q. You would agree then when the Commission found
23 that peak and average double counts class energy usage,
24 you would agree with that statement?

25 A. I would and that's a number of Commissions

1 have come to that conclusion when looking at the peak
2 and average allocation method.

3 Q. Moving on. Are you familiar with Staff's
4 class cost of service methodology for fixed production
5 costs?

6 A. I don't believe that I understand that the
7 Staff has a single cost allocation methodology for that.

8 Q. Fair enough. You're familiar with their
9 testimony in this case?

10 A. I am.

11 Q. Okay. And their testimony would allocate
12 fossil and nuclear units one way but then would allocate
13 all renewable investment according to the energy
14 allocator; is that correct?

15 A. Correct.

16 Q. Okay. Can you tell me given your 50 years of
17 experience in 40 states, is the energy allocator a NARUC
18 recognized methodology for the allocation of fixed
19 production costs?

20 A. No, it is not.

21 Q. Do you believe that renewable assets,
22 renewable generation provide a contribution to the
23 utility meeting its system peak?

24 A. Yes. All the forms of renewable generation
25 that I'm familiar with including solar, wind, hydro, be

1 it run of river or pondage or Taum Sauk which is a
2 mountain reservoir on the top and on the bottom it
3 allows the water to flow from the top to bottom through
4 turbines and generate electricity. All those, as well
5 as biomass, all have a demand component because they
6 contribute to the meeting of system demand.

7 Q. Okay. Are you familiar with the Midcontinent
8 Independent System Operator, MISO?

9 A. Yes, or words to that effect. I always have
10 trouble remembering that acronym.

11 Q. I have too. I'm like is it Midcontinent or
12 Midamerican.

13 A. Midcontinent I think is how it is now.

14 Q. Anyway, is it your understanding that MISO to
15 some degree assures that each utility meets certain
16 resource adequacy requirements?

17 A. MISO specifies a requirement, and it's up to
18 the utility to actually make that happen.

19 Q. And under the MISO resource adequacy
20 guidelines, are renewable generation assets provided a
21 capacity value?

22 A. They are, yes.

23 Q. So MISO recognizes that there's a capacity
24 component with renewable energy; is that true?

25 A. Correct.

1 Q. Are you generally familiar with the Public
2 Service Commission's IRP rule?

3 A. Yes.

4 Q. Okay. Is it fair to say that the Missouri
5 Commission's IRP rule basically in very general terms
6 provides for a 20-year load forecast, looks at the
7 current generation assets, determines if there's any
8 shortfall between the load forecast and current capacity
9 and then seeks to meet that difference with future
10 supply-side additions or demand-side management?

11 A. Generally, yeah, that's part of the analysis
12 and part of the reason for having the IRP process.

13 Q. Can you tell me under the Commission's IRP
14 rule whether the Commission provides for a capacity
15 value for renewable energy?

16 A. Yes, I think that would be accurate.

17 Q. So the Commission's IRP implicitly finds that
18 there's capacity value for renewable energy and that
19 renewable resources are not there solely for energy
20 generation?

21 A. I think that's the way it's looked at,
22 although I don't think that the Commission itself
23 specifies what that attribution of capacity value is. I
24 think that's really driven by MISO, but the Commission
25 is part of MISO. So when the Commission looks at

1 adequacy, it looks at it through the lens of the MISO
2 requirements.

3 Q. But the Commission's IRP rule specifically
4 states to look at the capacity for "all" generating
5 resources?

6 A. Yes, I believe that's correct.

7 Q. Final questions. Were you here for the
8 opening statements in this case?

9 A. I was.

10 Q. Did you hear Staff's opening statement?

11 A. I did.

12 Q. Okay. Mr. Keevil made some comments about
13 there's no harm with the subsidies because all classes
14 except for Company-owned lighting are recovering their
15 cost even though they're not recovering their return on
16 equity. Do you recall those statements?

17 A. I recall that, yes.

18 Q. Do you believe that return on equity is a cost
19 to the utility?

20 A. Yeah, I was a little confused by his
21 statement. Certainly return on equity along with the
22 associated income taxes and debt is part of the overall
23 return requirement. So to say that your rate of return
24 is below average doesn't mean that you're covering your
25 cost. It means the opposite, you're not.

1 Q. And so if you're not recovering that return
2 and income tax cost, some other customer class is
3 covering that cost; is that correct?

4 A. At the end of the day, if the utility's rates
5 are set to meet its revenue requirement, that would be
6 true.

7 MR. WOODSMALL: No further questions. Thank
8 you, sir.

9 JUDGE WOODRUFF: For Legal Services?

10 MR. BARRS: No questions.

11 JUDGE WOODRUFF: For Staff?

12 CROSS-EXAMINATION BY MR. STOKES:

13 Q. Just to be careful, I know Exhibit 754 is not
14 in the record, but in this case Exhibit 754 has the
15 words Staff Approach at the top. That is not accurate
16 for this case, correct?

17 A. Yeah, I think that was accurate for the case
18 in which this exhibit was actually presented, that's
19 correct.

20 MR. STOKES: That's the only question.

21 MR. WOODSMALL: My apologies.

22 THE WITNESS: Although I would say one of
23 Staff's allocation methods is average and peak. So it's
24 got the same problems that we talked about in connection
25 with this illustrative exhibit.

1 MR. STOKES: No further questions.

2 JUDGE WOODRUFF: Anything else from Staff?

3 MR. STOKES: No.

4 JUDGE WOODRUFF: Then for Ameren Missouri?

5 MS. GRUBBS: No questions. Thank you.

6 JUDGE WOODRUFF: Come up for questions from
7 the bench. Any Commissioner questions for Mr. Brubaker?
8 I don't have any questions either. So there's no need
9 for recross. Any redirect?

10 MS. PLESCIA: I don't have any redirect.
11 Thank you.

12 JUDGE WOODRUFF: Mr. Brubaker, you can step
13 down.

14 MR. BRUBAKER: Thank you, Judge.
15 (Witness excused.)

16 JUDGE WOODRUFF: Let's go ahead and take a
17 break. It's 1:55 now. We'll take a ten-minute break,
18 come back at 2:05.

19 (Off the record.)

20 JUDGE WOODRUFF: It's clicked over to 2:05.
21 Let's go ahead and get started again. The next witness
22 is Robin Kliethermes. Ms. Kliethermes, you're still
23 under oath from earlier. You may inquire.

24 MR. STOKES: Thank you.

25 ROBIN KLIETHERMES,

1 previously being sworn, testified as follows:

2 DIRECT EXAMINATION BY MR. STOKES:

3 Q. Ms. Kliethermes, you're the same Robin
4 Kliethermes that testified to Exhibits 204, 205, 214 and
5 230 earlier, correct?

6 A. Yes.

7 MR. STOKES: No further questions.

8 JUDGE WOODRUFF: Okay. For cross-examination,
9 begin with Legal Services?

10 MR. BARRS: No questions, Your Honor.

11 JUDGE WOODRUFF: MECG?

12 MR. WOODSMALL: No questions.

13 JUDGE WOODRUFF: MIEC? Ms. Plescia is not in
14 the room.

15 JUDGE WOODRUFF: Consumers Council?

16 MR. COFFMAN: Thank you.

17 CROSS-EXAMINATION BY MR. COFFMAN:

18 Q. Ms. Kliethermes, were you involved in the
19 previous Ameren rate case which was a rate decrease
20 case?

21 A. Yes, in ER-2019-0335, yes.

22 Q. Okay. And do you recall how that case was
23 resolved with regard to class allocation, revenue
24 allocation among classes?

25 A. I do not.

1 MR. COFFMAN: Never mind.

2 JUDGE WOODRUFF: Public Counsel?

3 CROSS-EXAMINATION BY MR. POSTON:

4 Q. Okay. So what's the basic difference between
5 I guess questions that are appropriate for you and
6 questions that are appropriate for Sarah? Is there kind
7 of a delineation there?

8 A. You can try and then I'll tell you if they're
9 more appropriate for Sarah or not.

10 Q. In general terms, what are the primary
11 differences between the Staff's class cost of service
12 study, Ameren's class cost of service study, and why is
13 Staff's study better?

14 A. So I do think that would be a good question
15 for Staff witness Ms. Lange. I will say from my
16 understanding the primary differences are the allocation
17 of renewables and the allocation of distribution plant.

18 Q. Okay. Is rate shock an issue the Commission
19 should consider when it decides how to allocate costs?

20 A. So rate shock is one of the things that we
21 list. There's a list of consideration. Rate shock is
22 one of them.

23 Q. And do you think it's important for the
24 Commission to consider public feedback when it considers
25 things, policy issues or policy concerns like rate

1 shock?

2 A. Yes. I think like -- So rate shock is
3 something in policy regarding rate shock is something
4 that the Commission should consider for all customers.

5 Q. Would public comments that have been submitted
6 to the Commission from the public about this case be
7 somewhere the Commission could look to see concerns that
8 the public has expressed about things like rate shock?

9 A. Yeah, I think all public comments should be
10 reviewed.

11 Q. Have you ever looked at public comments
12 submitted with the Commission through the Electronic
13 Filing Information System otherwise known as EFIS?

14 A. So I have looked at -- I've looked at public
15 comments for an array of cases. For this case
16 specifically, I have looked at a few public comments. I
17 can't say exactly which public comments. I mean, we
18 look at public comments for all the cases.

19 MR. POSTON: I'd like to have an exhibit
20 marked. I've put it on my exhibit list as Exhibit No.
21 400, public comments.

22 JUDGE WOODRUFF: Okay.

23 MR. POSTON: I've labeled it confidential just
24 because it has customer specific information in it. Can
25 I approach with this?

1 JUDGE WOODRUFF: You may.

2 BY MR. POSTON:

3 Q. If you could take a moment and look through
4 that.

5 A. So it looks like it is a copy of public
6 comments filed in the case.

7 Q. And does this document, if you look at the
8 very back, does this document appear to have been
9 certified by the Commission?

10 A. Yes.

11 Q. And what was the date and is there a name that
12 certified that?

13 A. It was November 9, 2021, and it was Judge
14 Woodruff.

15 JUDGE WOODRUFF: Actually it would be
16 Secretary Woodruff for that context.

17 THE WITNESS: Sorry.

18 MR. POSTON: So I guess at this point I'd like
19 to offer this exhibit into evidence.

20 JUDGE WOODRUFF: Exhibit 400 has been offered.
21 Any objections to its receipt?

22 MS. GRUBBS: Yes, this is the Company. We
23 would object as to lack of foundation and hearsay.

24 JUDGE WOODRUFF: Response?

25 MR. POSTON: Well, there's been foundation.

1 Ms. Kliethermes looked at these comments, appears to be
2 the comments that the Commission has filed. This has
3 been certified by the Commission as is required. The
4 Commission can take it -- It's not hearsay. The
5 Commission can consider these as statements of the
6 public, not necessarily as for the truth of the matters
7 asserted. So I think this -- And from a practical
8 aspect, the Commission has requested the public to
9 comment on this case, and so what is the purpose of
10 requesting public comment if the Commission is not even
11 going to consider anything the public has taken their
12 time to write the Commission to explain the concerns
13 they have.

14 JUDGE WOODRUFF: Mr. Coffman?

15 MR. COFFMAN: Yes. I'd like to, on behalf of
16 my client, support the entry of these comments into the
17 record. I think there is some question as to exactly
18 what its legal status is. In the public hearing,
19 witnesses who testify are sworn in. That's usually --
20 That's considered evidence in this record and often it's
21 customary for individuals to bring letters and comments
22 that are also entered into the record at these public
23 hearings, and I think that most members of the public
24 who receive the information that they can place these
25 comments on the Commission's website believe that this

1 is part of some record and that at least the
2 Commissioners can consider it in the decision of this
3 case. And so I think it would be appropriate to include
4 it as with other comments in the case. The Commission
5 is sophisticated enough to consider this whether it's
6 some concern about hearsay or other comments that it's
7 -- I don't think that any other technical evidentiary
8 concerns should be a barrier to entering this into the
9 record because it is something the Commission can
10 understand, you know, its origin and understand
11 generally that these are actual comments from the
12 public.

13 MR. WOODSMALL: Your Honor, I'll weigh in too
14 then. These are hearsay out-of-court statements offered
15 for the truth of the matter asserted. So if Mr. Poston
16 is offering them for the fact that there were public
17 comments offered, I'll stipulate that there were.
18 But he's offering them I think for the contents of those
19 statements which are much different. That is hearsay.
20 So if he wants to offer them to show that the public has
21 made comments, no problem. If he wants to offer them so
22 that he can then in his brief say John Doe said X, Y and
23 Z, then it's hearsay.

24 MR. POSTON: If I can respond?

25 JUDGE WOODRUFF: Please do.

1 MR. POSTON: I want to refer to 386.410. It
2 says and in all investigations, inquiries or hearings
3 the Commission or Commissioners shall not be bound by
4 the technical rules of evidence. So I think the
5 Commission is well within its right to take these in and
6 to consider them however they want to consider them.

7 JUDGE WOODRUFF: Do you wish to respond?

8 MS. GRUBBS: Yes, I would. Thank you. It
9 does lack foundation in that it's not been established
10 that Ms. Kliethermes actually relied upon any of these
11 comments, didn't recall even reviewing them in full, and
12 similarly it is being used and it's a fundamental
13 evidentiary principle that hearsay not be allowed. So
14 these are, as MECG's counsel explained, being used to
15 prove the truth of the contents of them and should be
16 not admitted.

17 JUDGE WOODRUFF: All right. I'm going to
18 overrule the objection. The documents will be received
19 into evidence.

20 (PUBLIC COUNSEL'S EXHIBIT 400 WAS RECEIVED
21 INTO EVIDENCE AND MADE A PART OF THIS RECORD.)

22 JUDGE WOODRUFF: Did you have any further
23 cross-examination?

24 MR. POSTON: I do not. Thank you.

25 JUDGE WOODRUFF: For Ameren?

1 MS. GRUBBS: I have no questions for this
2 witness. Thank you.

3 JUDGE WOODRUFF: Thank you. Come up for
4 questions from the bench then. Do the Commissioners
5 have any questions for Ms. Kliethermes? Hearing none.
6 Nothing for me. There's no need for recross. Any
7 redirect?

8 MR. STOKES: No, Your Honor.

9 JUDGE WOODRUFF: All right. Then Ms.
10 Kliethermes, you can step down.

11 (Witness excused.)

12 JUDGE WOODRUFF: And the next witness is Sarah
13 Lange. Ms. Lange, you are also still under oath. You
14 may inquire.

15 MR. STOKES: Good afternoon, Ms. Lange.

16 SARAH LANGE,
17 previously being sworn, testified as follows:

18 DIRECT EXAMINATION BY MR. STOKES:

19 Q. Are you the same Sarah Lange that testified as
20 to Exhibits 205, 215, 221 and 231 earlier today?

21 A. Yes.

22 MR. STOKES: No further questions.

23 JUDGE WOODRUFF: For cross-examination, we'll
24 begin with Legal Services?

25 MR. BARRS: No questions, Your Honor.

1 JUDGE WOODRUFF: MECG?

2 MR. WOODSMALL: No questions.

3 JUDGE WOODRUFF: MIEC?

4 MS. PLESCIA: Yes, I have a few questions.

5 Good afternoon, Ms. Lange. How are you?

6 THE WITNESS: Good, thanks. Yourself? I
7 guess you can't answer that.

8 MS. PLESCIA: Fine, thanks. I just want to
9 have -- I have a document I would like to show Ms. Lange
10 and I guess it would be a hearing exhibit from MIEC.

11 JUDGE WOODRUFF: Okay. Your next number is
12 508.

13 MS. PLESCIA: Thank you.

14 CROSS-EXAMINATION BY MS. PLESCIA:

15 Q. Ms. Lange, I'm going to hand you a document.
16 I wonder if you recognize that document?

17 A. If you are representing that you have printed
18 this out of EFIS, then, yes, I do recognize this
19 document. However, I haven't done a side-by-side
20 comparison to ensure it is accurately reproduced.

21 Q. Subject to check, would you accept that it is
22 a response to an MIEC data request?

23 A. Yes.

24 Q. Could you go ahead and read the questions and
25 the answer or summarize the questions or if you'd like

1 for you me to, I will. I'm more interested in your
2 answer being on the record. I'm happy to summarize the
3 questions or you can read the questions.

4 A. I think the questions asked who contributed to
5 the report and which section and to please indicate the
6 relevant college coursework that that witness has taken.
7 I indicated that with the exception of the sections
8 authored by Staff Witness Brooke Mastrogiannis I
9 generally prepared the Staff CCOS report and listed the
10 coursework that I have taken related to power system
11 economics, energy markets and structures, energy
12 economics and finance.

13 Q. I'm sorry to interrupt. Could you just go
14 ahead and read your response into the record?

15 A. I suppose I could take the Court's time to do
16 that.

17 Q. Okay.

18 A. 828.1-1.a Sarah Lange, 828.1-1.b Sarah Lange,
19 828.1-2.a Sarah Lange has not taken courses specifically
20 entitled Electrical Engineering, and is without
21 knowledge as to the extent that her coursework
22 overlapped with those required for Electrical
23 Engineering. Coursework includes 2014 Spring "ETST 276
24 Power System Economics," Fall 2014 "ENRG 420 Energy
25 Markets and Structures," and Spring 2015 "ENRG 412

1 Energy Economics and Finance," completed at Bismarck
2 State College and "TG126 70 COMP AIDED DRAFTING," and
3 "TG100 01 INTRO TO DRAFTING," completed at Southeast
4 Missouri State University, approximately 2002-2004.
5 828.1-2.b b Sarah Lange has not conducted an "in-depth
6 analysis of the design and operation of the distribution
7 system," of Ameren Missouri nor any other electric
8 utility. Sarah Lange has conducted similar reviews of
9 the investment records of The Empire District Electric
10 Company as part of its last general rate case. Sarah
11 Lange has not conducted an analysis of the expense
12 records of Ameren Missouri nor any other electric
13 utility. 828.1-3 These provisions are generally
14 similar, except that LPS requires a minimum demand of
15 5,000 kW at Primary Voltage and Rider I as currently
16 promulgated requires a minimum demand of 100 kW at
17 Secondary Voltage. To the extent that the Commission
18 orders implementation of Staff's recommendation that
19 Ameren Missouri require, on a non-optional basis, that
20 non-residential customers participate in Rider I, which
21 incorporates a time of use element to customers' billing
22 as those customers obtain AMI metering equipment, the
23 more specific requirement of the LPS schedule concerning
24 minimum demands would govern, and clarifying language
25 would be implemented as part of compliance tariffs. DR

1 Response provided by Sarah Lange and then it provides my
2 email address.

3 MS. PLESCIA: Thank you. If you can keep
4 that. I'd like to have that exhibit admitted into the
5 record.

6 JUDGE WOODRUFF: All right. It's been marked
7 as 508. It's been offered.

8 MR. STOKES: Your Honor, can we limit Exhibit
9 508 to the second and third page? The first page is
10 really irrelevant.

11 JUDGE WOODRUFF: I've not seen a copy of it.

12 MR. STOKES: The first page is just an
13 objection letter to the extent that it is calling for
14 attorney-client privilege or work product privilege.

15 JUDGE WOODRUFF: Ms. Plescia, do you agree
16 with that?

17 MS. PLESCIA: I don't have a problem with
18 taking the cover letter off.

19 JUDGE WOODRUFF: The cover letter is gone.
20 With that modification, is there any objection to 508?
21 Hearing no objection, 508 will be received.

22 (MIEC'S EXHIBIT 508 WAS RECEIVED INTO EVIDENCE
23 AND MADE A PART OF THIS RECORD.)

24 MS. PLESCIA: That's all I have. Thank you.

25 JUDGE WOODRUFF: And Consumers Council?

1 MR. COFFMAN: Good afternoon, Ms. Lange.

2 THE WITNESS: Good afternoon.

3 CROSS-EXAMINATION BY MR. COFFMAN:

4 Q. Do you recall the resolution of the previous
5 Ameren rate case, Ameren Electric rate case?

6 A. I took the second half of my manager's
7 cross-examination to attempt to look that up. I got as
8 far as determining that that was calculated in Appendix
9 J or Exhibit J to the Non-Unanimous Stipulation and
10 Agreement, which was I believe approved by the
11 Commission in Case No. ER-2019-0335. I did not get far
12 enough to completing the math, but the numbers that I
13 can see on that page coupled with my general
14 recollection of the case is that we followed a
15 multi-step process in that case and that under that
16 multi-step process the normalized revenue with the tax
17 reduction applied was the starting point for cost
18 allocation. So if you go back to the prior non-tax rate
19 case, you had whatever the class revenue requirements
20 were in that case, those were then modified on a
21 non-equal percentage basis by the tax case with more
22 favorable treatment broadly speaking being given to the
23 LPS, LGS and SPS classes, less favorable treatment
24 broadly speaking being given to the RES and SGS classes.
25 And so that was at the starting point for the last rate

1 case. So there's some difficulty in your question in
2 saying whether that change is part of the last rate case
3 or the prior implementation of the tax reduction case.
4 Then from there it appears that a series of steps were
5 followed that results in other than an equal percentage
6 increase, but the details of that I'm sure are going to
7 recall exactly who was treated most favorably and who
8 was treated least favorably.

9 Q. Thank you for that very thorough answer. But
10 suffice it to say that the largest customer classes were
11 treated more favorably in the way that the revenue
12 change was applied in the Ameren rate case just previous
13 to this one?

14 A. Again, the question is whether you view that
15 tax case as being a full implementation. But if you go
16 back to from general rate case to general rate case, I
17 would agree with your statement.

18 MR. COFFMAN: Okay. Thank you.

19 JUDGE WOODRUFF: All right. Public Counsel?

20 MR. POSTON: Yes, thank you.

21 CROSS-EXAMINATION BY MR. POSTON:

22 Q. I want to ask you the question that I asked
23 Ms. Kliethermes. So in general terms, what are the
24 primary differences between Staff's class cost of
25 service study and Ameren's class cost of service study

1 and why is the Staff's study more reliable for the
2 Commission?

3 A. I guess I would preface by saying that even
4 under the Ameren study you get the same results
5 essentially as Staff's study. So I wouldn't really
6 focus on what between those two is more reliable because
7 they draw the same conclusion in general. That said, we
8 attempted to account at least to some level of customer
9 specific infrastructure that is ignored in the Ameren
10 study and we attempted to just apply some basic logic to
11 the consistency of the treatment of generation plant and
12 the revenues that are received from the market value of
13 that energy that is generated. And where that really
14 comes most to light is wind. Under the wind generation,
15 it's effectively all capacity cost. If you effectively
16 allocate the entire cost of the wind using a capacity
17 allocator such as the A&E or any other capacity
18 allocator and you don't really have any energy cost to
19 assign like you would typically have fuel or gas or coal
20 or nuclear fuel with any other type of generating plant,
21 you really are just allocating capacity. If you're just
22 allocating capacity as capacity but then you allocate
23 revenues on energy, you end up with just patently
24 unreasonable mismatch. So that's what I've sought to
25 avoid. There's a number of ways you could seek to avoid

1 it. Under the time that was available in this case and
2 under the methods available in this case, I think that
3 my approach of generally looking at the renewables on a
4 kWh basis is the more reasonable approach than the
5 Company approach.

6 Q. Similar question but in regards to the
7 modifications that the industrials have proposed. Why
8 are those -- One, do you agree with any of the
9 modifications they made? If you don't agree, why?

10 A. No. I mean, they're not really big enough to
11 have any different opinion on than the Company approach.
12 They're just not significant.

13 Q. So what is the RAP Manual?

14 A. The RAP Manual is a document put out by the
15 Regulatory Assistance Project. There's been a series of
16 documents put out by the Regulatory Assistance Project.
17 Several deal with rate design. Several deal with cost
18 allocation. The RAP Manual came out I believe in 2019.
19 I think I appended it to my rebuttal testimony. I would
20 defer to the date on that. Effectively it's an attempt
21 to look at various approaches one could take in
22 allocating costs that begins to acknowledge the changes
23 we've seen in the electric industry particularly in the
24 last ten years but really over the last twenty to thirty
25 years. The advent of retail wheeling in the nineties

1 was just kind of a possibility when the '92 NARUC Manual
2 came out. Now we have our utilities, especially Ameren,
3 participating in full blown energy markets some. It's
4 just a different world, and RAP attempts to summarize.
5 A lot of the RAP Manual is really summarizing regulatory
6 decisions that have been reached around the country and
7 summarizing them in a way that is more accessible to the
8 average analyst who doesn't have time to read every
9 decision in every case.

10 Q. So you talk about it looking at changes and
11 things in the last twenty, thirty years. Is the
12 methodology that Ameren has used, is it an older
13 methodology that was developed I guess before 1992 I
14 would assume?

15 A. Well, when you say methodology, there's a
16 couple different areas where I criticize Ameren's
17 approach. One of those is an allocation of production
18 costs. One of those is in classification of
19 distribution costs. The production cost allocation
20 Ameren used definitely predates the RAP, it predates
21 NARUC. It goes back to when you didn't have frankly
22 electric calculators. So yeah, it predates RAP on the
23 production side.

24 Q. Mr. Brubaker's testimony criticizes the RAP
25 Manual for being "heavily influenced by consideration of

1 greenhouse gas reduction mandates." Do you rely on the
2 RAP Manual because of the environmental benefits of the
3 approaches that they propose?

4 A. I was legitimately confused by Mr. Brubaker's
5 testimony on this point, because my reliance on the RAP
6 Manual primarily related to distribution side of things
7 and no, the costs that you allocate on a customer basis
8 to a class is not in any way, shape or form influenced
9 by greenhouse gas emissions. I didn't catch that.

10 Q. So I mean, your approach seems to rely more on
11 energy use than their approach, right, as far as how you
12 allocate costs?

13 A. Well, it's not just the allocation of costs.
14 It's the allocation of revenues. I would say their
15 approach ignores the energy approach in that it does not
16 attempt to levelize capacity costs across energy and it
17 doesn't attempt to convert the revenues generated by
18 capacity to the offset of the costs of the classes that
19 that are paying for those revenues -- I'm sorry, for
20 that capacity.

21 Q. Okay. Did Staff have problems with the data
22 that Ameren provided in conducting your study?

23 A. So on the distribution side, yes, we had
24 significant difficulties in obtaining the data that I
25 believe was appropriate to check Ameren's distribution

1 classification and related allocators and we had
2 therefore difficulty in formulating our own distribution
3 classification and intended allocators. However, in
4 large part those data concerns have been addressed
5 through the non-unanimous stipulation and agreement. So
6 I'm not sure how much detail I can get into that here
7 today.

8 Q. Okay. So that didn't as much impact your
9 class cost study?

10 A. Okay. There may be some confusion here. So
11 the class cost study looks at all of the costs and it
12 looks at all of the revenues. Ameren and Staff did very
13 different -- well, didn't do very different things.
14 Ameren and Staff did different things on distribution
15 costs and expenses. The industrials I believe adopted
16 that position whole cloth on distribution. Ameren and
17 Staff did somewhat different things on some of the areas
18 of production costs, and again the industrials deviated
19 somewhat from Ameren on some of those production cost
20 allocations, but most of the costs and most of the
21 revenues for most of the studies are allocated very
22 similarly if not essentially using the same allocator on
23 different amounts. The differences draw more from the
24 interpretation of those results and the failure of
25 certain parties to adjust those results for the actual

1 revenue requirement recommendation they provided.

2 MR. POSTON: Thank you. That's all I have.

3 JUDGE WOODRUFF: Ameren Missouri?

4 MS. GRUBBS: No questions. Thank you.

5 JUDGE WOODRUFF: Come up for questions from
6 the bench. Do we have any questions for Ms. Lange? All
7 right. I do have some questions.

8 QUESTIONS BY JUDGE WOODRUFF:

9 Q. Both questions are about Issue I which is
10 about the Rider B credits and their possible suspension.
11 First of all, can you explain to me what Staff's
12 proposal is assuming there's no suspension or anything?
13 How are the Rider B customer credits going to be -- are
14 they going to be increased in proportion to the
15 percentage of increase in the revenue requirement? Is
16 that Staff's position also?

17 A. That's where it gets tough and that's where it
18 matters what happens on revenue allocation and rate
19 design. So right now there's -- and this is a tariff so
20 we can correct it in the briefs if we need to if I'm
21 wrong here, but my recollection is that for LPS and SPS
22 class the Rider B credit level is set at the same amount
23 within the tariff without regard to which of those two
24 rate schedules a customer is served under. If, for
25 example, the LGS/SPS revenue requirement changes

1 disproportionately or in a different direction or by a
2 dissimilar amount in the same direction as the LPS
3 schedule, then it may not be appropriate to adjust those
4 evenly. Under the Staff's proposal, everything moves
5 the same. It's not a concern. You just find the
6 percent and apply it to everything.

7 Q. I think I understand that. Just to be clear,
8 your proposal to suspend the Rider B credits would only
9 take effect if the Commission were to order something
10 other than an across-the-board increase; is that
11 correct?

12 A. Yes, and we made that recommendation hoping it
13 wouldn't come to this. We just need to know what the
14 amount is in order to make sure that the credit equates
15 to that amount. And without cost data, we can't say
16 what amount to adjust it by. We're hopeful that there
17 will be productive back and forth moving forward that
18 this will not be an issue in future cases.

19 Q. As to J3 which was the late adopted position,
20 why do you believe that further study of Rider B issues
21 is needed?

22 A. For the exact reason you just said. I've got
23 the DR response included in my testimony somewhere, but
24 we asked Ameren just as a check, hey, give us your Rider
25 B workpapers and they said well, adjust them by the same

1 amount as the class. We said no, really what is the
2 cost for this substation that you would need to impute?
3 And again I can't get into a lot of details because of
4 the stipulation we've agreed to, but we just need to
5 know what the approximate cost of one of these
6 substations is so that we can know if the credit is
7 somewhere close to that cost or not, if it's too much or
8 if it's too little and if it's being assessed on the
9 proper determinants.

10 Q. Would this study be necessary if the
11 Commission were to approve across-the-board increase
12 rather than something else?

13 A. Yes. So the study is forward looking. The
14 study is when we get to this next rate case how do we
15 avoid everything that's happened in this case and the
16 deterioration in communication that occurred in this
17 case.

18 Q. So the study is your proposal doesn't matter
19 how the Commission decides rate design; is that right?

20 A. Yes.

21 JUDGE WOODRUFF: I believe that's all the
22 questions I have. Any recross based on those questions
23 from the bench?

24 MR. WOODSMALL: Yes, Your Honor.

25 JUDGE WOODRUFF: Mr. Woodsmall?

1 CROSS-EXAMINATION BY MR. WOODSMALL:

2 Q. Now I'm very confused. Do you have the
3 Staff's class cost of service report in front of you?

4 A. I do.

5 Q. Page 54. Let me know when you're there,
6 please.

7 A. I'm there.

8 Q. Okay. Line 9 you state -- Well, line 8 that
9 the discounts provided to primary customers under Rider
10 B be suspended. Are you now recommending still that
11 they be suspended or that the Commission simply tell you
12 how much of any revenue increase be applied to Rider B?

13 A. I think if you look at our position statement
14 and I think there it cites in testimony where I made
15 this clarification. What we are after or where we are
16 as a recommendation at this point through subsequent
17 rounds of testimony is if you are not making shifts of
18 revenue responsibility away from the classes that are
19 served at primary, we can let the existing proportion of
20 Rider B credits float for now because it falls within
21 the range of our study results where we did attempt to
22 make an inferred level of Rider B -- or of customer
23 specific substation investment. However, if your
24 proposal is accepted or MIEC's proposal where those
25 primary service classes are getting a less than system

1 average increase, then that moves it off of Staff's
2 study. If it's moved off of Staff's study, then we know
3 that the Company didn't make allowance for these imputed
4 costs and so then we cannot recommend that those credits
5 increase proportionately.

6 Q. Okay. So if the parties agree that any
7 revenue change for the primary classes not be applied to
8 Rider B, that it only be applied to base rates, if you
9 will, then this issue of them being suspended isn't an
10 issue; that we just leave them at current levels?

11 A. So that's not what I just said, but for these
12 purposes if we get a robust study going forward and we
13 fix this going forward, I think that that might be a
14 reasonable resolution. We're sympathetic to these
15 customers. We think there should be some rate
16 difference, but right now I think for customers who are
17 not receiving Rider B credits they're not getting
18 treated fairly.

19 Q. Now I'm further confused. Under the
20 non-unanimous stipulation there is -- the second
21 stipulation, not the non -- or the unanimous one, I'm
22 sorry, the smaller second one, there is some record
23 keeping requirements that would affect how Rider B is
24 calculated going forward?

25 A. There is not in what was filed.

1 Q. It wasn't included in that second stipulation?

2 A. It was not.

3 Q. It's not in any of the stipulations?

4 A. It is not.

5 Q. Why was that issue I thought taken out of the
6 issue list then, the record keeping stuff?

7 A. I believe that is the issue that was
8 reinserted into the issues list when I logged in the
9 next morning following the filings.

10 Q. So it was in the issue list, fell off the
11 issue list, then Staff inserted it back into the issue
12 list?

13 A. And Ameren as well as Staff provided position
14 statements on that issue.

15 Q. Okay. So as of right now, it is your opinion
16 that there is no agreement as to what information will
17 be provided going forward in order to allow you to do I
18 think you said robust study?

19 A. At this point I have not reviewed the amended
20 Ameren position statement. It has been relayed to me
21 that Ameren did not agree to the study and provided a
22 position statement rebutting the need for the study and
23 stated they will not do the study. I defer to Ameren's
24 position statement for that. In light of that, I think
25 that's correct. I think Ameren could have come back and

1 said we agree to the study. I just haven't seen it yet.

2 Q. So bottom line. In order for me to educate my
3 clients, is it Staff's position that these clients that
4 have these customers that have installed their own
5 substation, Staff wants to take that credit away from
6 them?

7 A. No, because Staff's recommendation does not
8 require that under Staff's recommendation. If you get
9 your rate shift recommendation and for the clarity of
10 the record you being MECG, then because that would
11 reduce class revenues below the level that is assumed in
12 the Staff's study, then we would either need to suspend
13 those credits or frankly I do like your suggestion you
14 threw out and I don't have a management approval to say
15 this but I'll say it anyway, you know, just to lock them
16 in at the current level of discount and not grow that
17 discount proportionate with the demand charge increase
18 which would otherwise be the way they're grown.

19 Q. So just speaking for yourself, there is a
20 resolution of this issue short of suspending the
21 credits?

22 A. Sure, order Staff's shifts.

23 MR. WOODSMALL: No further questions. Thank
24 you.

25 JUDGE WOODRUFF: Okay. Any other recross?

1 MS. PLESCIA: I have a question.

2 JUDGE WOODRUFF: All right. Back to MIEC?

3 RECROSS-EXAMINATION BY MS. PLESCIA:

4 Q. Ms. Lange, isn't it true that in order to
5 obtain Rider B credits the customer has to pay for and
6 bear the costs of the investment in that substation?

7 A. That's not the issue.

8 Q. It's a yes or no question, I believe.

9 A. Well, the what that substation is makes it not
10 able to be a yes or no question.

11 Q. Let me ask the question again. Is it true
12 that in order to obtain Rider B credits, the customer
13 has to pay for the substation and bear the costs of
14 investment in the substation; is that correct?

15 A. I don't know what the substation is.

16 Q. The substation that the Rider B credits are
17 meant to compensate for in the tariff. The substation
18 that the credits are being received for. The customer
19 has to pay for it and invest in it and pay for the
20 investment in it; is that correct?

21 A. The Rider B credit is to refund to the
22 customer the cost of a Company substation that the
23 customer isn't using.

24 MS. PLESCIA: No other questions, Your Honor.

25 JUDGE WOODRUFF: Okay.

1 MS. GRUBBS: I do have some additional cross
2 then just to clarify.

3 JUDGE WOODRUFF: Anybody else before Ameren?
4 For Ameren?

5 MS. GRUBBS: Sorry.

6 JUDGE WOODRUFF: That's all right.

7 RECROSS-EXAMINATION BY MS. GRUBBS:

8 Q. So I just want to clarify, you're saying that
9 Rider B credits are not to credit back to the customers
10 who invested in their own dedicated substation?

11 A. I am not aware of anything that would tie the
12 cost of a Rider B credit to the cost of what a customer
13 chooses to invest in. If a customer chose to build an
14 indoor substation when an outdoor substation would have
15 done, Rider B doesn't adjust for that. If a customer
16 chooses to buy the latest and greatest transformers out
17 of Sweden or whatever Scandinavian country it is we get
18 all our transformers from nowadays, Rider B doesn't
19 adjust for that. My understanding is that Rider B is
20 intended to compensate a customer who is being charged
21 an LPS or SPS bill for the value that the Company did
22 not have to include in revenue requirements for a
23 substation that the Company did not have to build.

24 MS. GRUBBS: Okay. Thank you.

25 JUDGE WOODRUFF: Okay. Any redirect?

1 MR. STOKES: Yes, Your Honor.

2 REDIRECT EXAMINATION BY MR. STOKES:

3 Q. Ms. Lange, are you familiar with the 1992
4 NARUC Manual?

5 A. I am.

6 Q. You were asked about that earlier. Does that
7 1992 NARUC Manual discuss average and peak methods?

8 A. It does.

9 Q. And earlier you also concluded a statement
10 about how the recommended revenue requirements serve as
11 a basis for some of these class cost of service study
12 recommendations from like MECG and MIEC?

13 A. Yes.

14 Q. Can you explain how those different
15 assumptions changed the outcomes?

16 A. That's kind of the crux of this issue, and one
17 of the best illustrations of it is the exchange that
18 Mr. Woodsmall had earlier with Mr. Hickman where he
19 asked him to do some simple arithmetic of subtracting
20 the percent of requested increase and the percent of
21 increase that was contemplated in the stipulation, and
22 that's just a fundamentally inappropriate approach to
23 how you look at the issue because that assumes that that
24 change in revenue requirement increase is allocated
25 evenly among all the classes. We simply know that's not

1 true. We know that the allocated cost of service for
2 the SGS and residential classes is significantly higher
3 than the allocated cost of service for the LPS and SPS
4 and LGS classes. So to take the same amount out of each
5 of those figures is just illogical. That's really where
6 you come up with this mismatch where on the one hand you
7 have industrial interests who are saying you should have
8 a reduced ROE or you should have a reduced rate base and
9 renewables or you should have a lower or average energy
10 cost but then they allocate the Company's full cost of
11 service. And you can't just smoothly take those
12 percentages away from each other because they're not
13 allocated smoothly. You have to go back through line by
14 line, and that's why it's important to do an independent
15 study that ties to that party's revenue requirement to
16 have any credibility in the class cost of service arena.

17 Q. Finally, when we're talking about who pays for
18 wind and who receives the benefit of wind, can you
19 expand on that a little bit what MECG's proposal would
20 actually result in?

21 A. The failure to acknowledge the unique costs
22 and revenue arrangement of generation that does not have
23 significant variable energy costs undermines the
24 credibility of any study. You could still use it for
25 general purposes of saying are you in the ballpark, that

1 kind of thing. You just need to be very aware that if
2 you're allocating all of the cost of wind on capacity as
3 opposed to something like the levelized cost of energy
4 but you're allocating revenues generated by that
5 facility on energy that you've created a mismatch and in
6 this case that mismatch is easy to quantify. It's 65
7 percent of the costs are going to SGS and RES and only I
8 believe it's 55 percent of the revenues. But those
9 numbers can easily be obtained from review of any of the
10 witnesses' testimony in this class by a comparison of
11 their energy allocators and a comparison of their
12 capacity allocators except for Staff's because Staff's
13 we did take that into account. We did look at the
14 revenue requirement and the net revenue requirement with
15 each generation type so that we could look at if they
16 needed to be allocated differently and we could do what
17 we did, which was look at a high case and a low case to
18 determine if there was anything in this case that
19 merited further study.

20 Q. And then is the allocation of renewables on
21 kilowatt hour energy consistent with the recovery of
22 renewables via the Company's RESRM meaning the Renewable
23 Energy Standard Recovery Mechanism?

24 A. It would result in the similar treatment and
25 it would also be consistent with the Company's fuel

1 adjustment clause and the treatment of net energy cost
2 within the FAC.

3 MR. STOKES: No further questions.

4 JUDGE WOODRUFF: All right. Then Ms. Lange,
5 you can step down. I almost called you Kliethermes.

6 THE WITNESS: Old habits die hard. I do it
7 too.

8 (Witness excused.)

9 JUDGE WOODRUFF: All right. The next witness
10 then is Mr. Chriss. I believe he's on the line.
11 Mr. Chriss, are you there? He was here a minute ago.
12 He's shown as being on the WebEx screen here. He may
13 have just stepped away for a moment.

14 MR. WOODSMALL: They're waiting on you.
15 Thanks. Steve, are you on?

16 JUDGE WOODRUFF: Mr. Chriss, are you there
17 yet?

18 THE WITNESS: I am here. Can you guys hear
19 me?

20 JUDGE WOODRUFF: Loud and clear.

21 THE WITNESS: Awesome.

22 JUDGE WOODRUFF: We're ready for you to take
23 the stand here. If you'd please raise your right hand,
24 I'll swear you in.

25 (Witness sworn.)

1 JUDGE WOODRUFF: You may inquire.

2 MR. WOODSMALL: Thank you, Your Honor.

3 STEVE CHRISS,

4 being sworn, testified as follows:

5 DIRECT EXAMINATION BY MR. WOODSMALL:

6 Q. Would you state your name and business address
7 for the record, please?

8 A. My name is Steve W. Chriss. Last name is
9 spelled C-h-r-i-s-s. Business address is 2608 Southeast
10 J Street, Bentonville, Arkansas 72716-0550.

11 Q. Do you have in front of you your direct and
12 your surrebuttal testimony?

13 A. Yes.

14 Q. Can you hear me okay just in case?

15 A. I can, yes, you're good.

16 Q. I'll tell you that your direct has been marked
17 as Exhibit No. 750 and your surrebuttal has been marked
18 as Exhibit No. 751. Do you have any changes to Exhibit
19 750, your direct testimony?

20 A. No.

21 Q. Do you have any changes to your surrebuttal
22 testimony, Exhibit 751?

23 A. No.

24 Q. If I were to ask you the questions contained
25 in Exhibit 750 and 751, would your answers be the same

1 here today?

2 A. Yes.

3 MR. WOODSMALL: With that, I'd move for the
4 admission of Exhibit 750 and Exhibit 751 and tender the
5 witness for cross-examination.

6 JUDGE WOODRUFF: 750 and 751 have been
7 offered. Any objections to their receipt? Hearing
8 none, they will be received.

9 (MECG'S EXHIBITS 750 AND 751 WERE RECEIVED
10 INTO EVIDENCE AND MADE A PART OF THIS RECORD.)

11 JUDGE WOODRUFF: For cross-examination, we
12 begin with MIEC?

13 MS. PLESCIA: No questions. Thank you.

14 JUDGE WOODRUFF: For Ameren?

15 MS. GRUBBS: Just briefly, please.

16 CROSS-EXAMINATION BY MS. GRUBBS:

17 Q. Mr. Chriss, you would agree that charging --
18 that the charging of electric vehicle fleets would
19 generally put upward pressure on a non-residential
20 customer's demand, right?

21 A. So timing matters. To the extent that
22 charging is done at a time other than when the customer
23 is otherwise peaking, it can be managed. If you are
24 charging coincident with the otherwise applicable peak
25 of that customer, then it could, yes.

1 Q. So your proposal to increase the LGS and SPS
2 customers' summer and winter demand charges by three
3 times the percent class increase potentially then could
4 have a chilling effect on EV fleet adoption. Would you
5 agree?

6 A. No. Ameren's demand charges are really low.
7 Within the context of where the industry is for demand
8 charge levels, it would probably take quite a bit more
9 to do that. Also, I don't necessarily think that
10 adjusting charges for a single purpose is good public
11 policy because ultimately you're turning the SPS and LGS
12 rate into a single purpose rate if you're making
13 specific adjustments because of one particular usage.
14 So you know, within the context of this I'm not sure
15 that's the way to go. Other states have taken a look at
16 this and have, you know, created targeted demand
17 limiters and other provisions in their otherwise
18 applicable rates that can help to incent EV charging
19 and, you know, that's fine. Ultimately at some point
20 within the customer's journey on EV charging, you would
21 hope that they would get to a point where the charger
22 usage is high enough that the load factor increases over
23 and above where it would be just on -- I guess that's
24 part of the other thing is that the customer's load
25 factor matters too. So if a customer is above a certain

1 load factor on either of those schedules, the demand
2 charge isn't going to be as impactful as it might be if
3 they're a very low load factor customer. There's a lot
4 of factors that play into it and certainly just
5 cautioning us making this discussion into a single use
6 sort of discussion for customers on the rates.

7 MS. GRUBBS: Those are all my questions.
8 Thank you.

9 JUDGE WOODRUFF: Okay. Then for Legal
10 Services?

11 MR. BARRS: No questions.

12 JUDGE WOODRUFF: Consumers Council?

13 MR. COFFMAN: Hello, Mr. Chriss, this is John
14 Coffman, and I have no questions for Mr. Chriss. Thank
15 you.

16 JUDGE WOODRUFF: For Public Counsel?

17 MR. POSTON: No questions.

18 JUDGE WOODRUFF: For Staff?

19 MR. STOKES: No questions, Your Honor.

20 JUDGE WOODRUFF: All right. Then we'll come
21 up for questions from the bench. Any Commissioner
22 questions for Mr. Chriss? All right. Well, I do have a
23 question I'm going to try and ask.

24 QUESTIONS BY JUDGE WOODRUFF:

25 Q. It's about the allocation of the rate increase

1 to the various customer classes. I believe you provided
2 charts in your testimony that would show what would
3 happen if the larger classes were -- the industrial
4 classes had 41 percent move towards actual cost of
5 service. Is there a way to calculate what that
6 percentage would be if, say, the Commission moved to 20
7 percent closer, some smaller amount or larger amount?
8 Is there a way to easily translate that numbers into
9 your chart into using different percentages?

10 A. That is a good question. I believe there is.
11 It would basically just be the same model and with this
12 target, excuse me, a different outcome. So instead of
13 the 41 percent, it would just be a matter of calculating
14 such that the reduction would be the number chosen.

15 Q. Is there anything -- The 41 percent that you
16 chose, is there anything magical about that number or is
17 it just a suggestion on moving towards the full
18 adjustment?

19 A. So that the 41 percent itself is more of an
20 outcome. So the recommendation talks about using 50
21 percent of the reduction for the revenue neutral shift
22 and then using 50 percent to lower the impact for all
23 classes. So what you would basically just do is instead
24 of -- So if you wanted to go down to 20, 25 percent,
25 something lower, instead of the 50 percent of reduction

1 used for never having a neutral shift you'd probably
2 move it down to 25 percent of reduction used for the
3 shift and then apply the rest on an equal percentage.
4 As you adjust that percentage up and down, that will
5 change the impact. But as the amount used for the
6 revenue neutral shift goes down, the reduction of
7 subsidy will also go down. Then you'll have those top
8 ending increases will come down below and increases will
9 come up.

10 JUDGE WOODRUFF: Thank you. That's helpful.
11 That's all the questions I had for you, Mr. Chriss. Was
12 there any recross based on that question? Staff?

13 RECROSS-EXAMINATION BY MR. STOKES:

14 Q. Mr. Chriss, on page 23 of your direct
15 testimony, there's a Table 5 at line 10?

16 A. I see it.

17 Q. On the right column of Table 5 it says rate of
18 return index value. Can you tell me what that means?

19 A. So the rate of return index value is
20 essentially the relationship of the rate of return for a
21 particular class versus the total rate of return. So
22 parity would be a 1.00. So if everything is set at cost
23 for the revenue requirement for that class, it will be
24 1.00. If it's above cost, it will be above 1. If it's
25 below cost, it will be below 1. And so essentially if

1 the number is above 1, that class is subsidizing other
2 classes. If the number is below 1, that class is being
3 subsidized.

4 Q. And looking at the last row of Table 5 where
5 it says present case and the rate of return index value
6 is 1.54, do you see that?

7 A. I do.

8 Q. 1.54 is the lowest rate of return index value
9 on that chart, correct?

10 A. Correct.

11 Q. So the rate of return index value in the
12 present case is the lowest it's been since at least
13 2007; is that right?

14 A. That's correct. But still in a position of
15 subsidizing other classes.

16 MR. STOKES: No further questions.

17 JUDGE WOODRUFF: Okay. Any redirect?

18 MR. WOODSMALL: Yes, very briefly.

19 REDIRECT EXAMINATION BY MR. WOODSMALL:

20 Q. Working backwards, you had a question from the
21 bench referring to I believe Table 7 on page 28 of your
22 direct. Do you recall that where it talks about a 41
23 percent reduction of the subsidy?

24 A. I do.

25 Q. Now, just to make sure the record is clear,

1 you said that that 41 -- So your methodology would take
2 the difference between what was requested in this case,
3 what is authorized and apply half of that to eliminating
4 the residential subsidy; is that correct?

5 A. That's correct.

6 Q. And so by way of example, the Company asked
7 for a \$300 million rate increase in this case. The
8 stipulation provides for a \$220 million rate increase.
9 The difference is 80 million. It would take half of
10 that 40 million and use that to address the residential
11 subsidy. Is that the correct calculation?

12 A. Correct.

13 Q. So if the Commission -- So the 41 percent, as
14 you said, is a fallout from applying half of the
15 difference, correct?

16 A. That's correct.

17 Q. Okay. So if the Commission wanted to use
18 something different, for instance, if the Commission
19 wanted to use one-quarter of the difference, then it
20 would be 20 million of the \$80 million difference would
21 be applied to reducing the residential subsidy, am I
22 doing my math correctly?

23 A. That's correct.

24 Q. And so the 41 percent would then be a fallout
25 from that number?

1 A. Well, it would be a different number that
2 would fall out from reducing that number, but yes.

3 Q. And then you had a question from Ameren
4 regarding the possibility that your proposed rate design
5 for LGS/SP may drive an increased demand. Do you recall
6 that question?

7 A. I do.

8 Q. Okay. Would you agree that demand for those
9 classes are determined based upon a 15-minute interval?

10 A. Yes, that's my understanding.

11 Q. And check the math if you want to, but there
12 are 35,040 distinct 15-minute intervals during the year;
13 is that correct?

14 A. That's correct. I mean, ultimately the 35,000
15 intervals are then broken into the 12 billing months.
16 Essentially it's whatever the 15 minutes during the
17 billing month is.

18 Q. In order for your proposal to drive an
19 increased demand, the usage, the electrification would
20 have to occur at that specific 15-minute interval that
21 the Company is otherwise incurring its peak demand; is
22 that correct?

23 A. So it would have to occur coincident with when
24 the customer is otherwise increasing its peak demand.
25 As an example say in the month of June we had a store

1 that set its peak demand at 5:00 p.m. and that peak
2 demand was a megawatt. If a charger was added and the
3 charger operated during that same interval, then you
4 would add the charger's demand on top of that. But if
5 it's noon and the store is sitting at 600 kW and you add
6 the charger's demand and that charger's demand is less
7 than the 400 kW difference, it won't change the demand,
8 the billing demand for the month. So it really is the
9 extent to which that charger being on that meter
10 increases the billing demand and a lot of that will be
11 dependent on what else is going on behind that meter.

12 MR. WOODSMALL: I understand. I was applying
13 8,660 -- 8,760 times four because I was accounting for a
14 demand ratchet, but that only applies to facility's
15 demand, blah, blah, blah. I understand your response
16 now. Thank you. I have no further questions.

17 JUDGE WOODRUFF: Then Mr. Chriss, you're
18 finished for today.

19 THE WITNESS: I appreciate it. Thank you.
20 (Witness excused.)

21 JUDGE WOODRUFF: The next witness was Dr.
22 Marke. He's already testified and been cross-examined
23 on these issues. Then Ms. Hutchison for Consumers
24 Council, and we indicated she would be excused. Do you
25 want to go ahead and offer her testimony at this point?

1 MR. COFFMAN: Yes, I would offer into the
2 record Exhibits 700 and 701 which are Jackie Hutchison's
3 direct and surrebuttal prepared testimony in this case.

4 JUDGE WOODRUFF: 700 and 701 have been
5 offered. Any objections to their receipt? Hearing
6 none, they will be received.

7 (CONSUMER COUNCIL'S EXHIBITS 700 AND 701 WERE
8 RECEIVED INTO EVIDENCE AND MADE A PART OF THIS RECORD.)

9 JUDGE WOODRUFF: And that takes care of the
10 evidence for today. We still need to take care of the
11 testimony that is coming in by way of the stipulation
12 and agreement issues. Those have already been assigned
13 numbers by the lists that were presented by the parties.
14 So I'll just go through them.

15 No. 1 is Wood Direct, 2C and P is Wood
16 Surrebuttal, 3 is Miniz Surrebuttal, 4 is Lansford
17 Direct, 5 is Lansford Rebuttal, 6 is Lansford
18 Surrebuttal, 7 is Byrne Direct, 8 is Byrne Rebuttal, 9
19 is Byrne Surrebuttal, 10C and P are Bowden Direct, 11 is
20 Bowden Rebuttal, 12 is Bowden Surrebuttal, 13C and P is
21 Arora Rebuttal, 14 is Arora Surrebuttal, 15 is Reed
22 Direct, 16 is Reed Surrebuttal, 17, 18 and 19 were Wills
23 testimony that's already in, 20 is Bulkley Direct, 21C
24 and P is Bulkley Rebuttal, 22 is Bulkley Surrebuttal, 23
25 is Sagel Direct, 24C and P is Sagel Rebuttal, Faruqui

1 was No. 25 and that's in. Hasenfratz Rebuttal, 26C and
2 P, 27 is Spanos Direct, 28 is Spanos Rebuttal, 29 is
3 Spanos Surrebuttal. Hickman's are 30 and 31, they've
4 been in. 32 is Selby Rebuttal, 33 is Peters Direct, 34
5 is Meyer Direct, 35 is Meyer Rebuttal, 36 is Meyer
6 Surrebuttal, 37 is Moore Direct, 38 is Moore Rebuttal,
7 39C and P is Moore Rebuttal, 39C and P is Birk Rebuttal,
8 40 is Birk Surrebuttal, 41 is Huss Rebuttal, 42 is
9 Nauert Direct, 43 is Nauert Surrebuttal. 44 and 45,
10 those are Harding's testimony. Those are in. Then the
11 other one for electric would be Faruqui's Rebuttal which
12 is 73 and that's also in. So I'll get to the gas in a
13 moment. Any objection to the electric ones? Hearing
14 none --

15 MR. LOWERY: Your Honor, just to clarify the
16 record. I might have misheard you. But I think you
17 said 16 was Reed Surrebuttal. It's Reed Rebuttal just
18 so the record is clear.

19 JUDGE WOODRUFF: You are correct. You are
20 correct. Glad to know somebody is listening to me.
21 Anyway, those exhibits are going to be received into
22 evidence.

23 (COMPANY EXHIBITS 1, 2C, 2P, 3, 4, 5, 6, 7, 8,
24 9, 10C, 10P, 11, 12, 13C, 13P, 14, 15, 16, 20, 21C, 21P,
25 22, 23, 24C, 24P, 26C, 26P, 27, 28, 29, 32, 33, 34, 35,

1 36, 37, 38, 39C, 39P, 40, 41, 42, 43 AND 44 WERE
2 RECEIVED INTO EVIDENCE AND MADE A PART OF THIS RECORD.)

3 JUDGE WOODRUFF: Moving over to the Ameren Gas
4 one, 46 is Wood Direct, 47 is Muniz Rebuttal, 48 is
5 Lansford Direct, 49 is Lansford Rebuttal, 50 is Lansford
6 Surrebuttal, 51 is Byrne Direct, 52 is Byrne Rebuttal,
7 53 is Byrne Surrebuttal, 54 is Klein Direct, 55 is Klein
8 Rebuttal, 56 is Klein Surrebuttal, 57 is Bulkley Direct,
9 58C and P are Bulkley Rebuttal, 59 is Bulkley
10 Surrebuttal, 60 is Sagel Direct, 61C and P are Sagel
11 Rebuttal, 62 is Hasenfratz Rebuttal, both C and P. 63
12 is Spanos Rebuttal, 64 is Spanos Surrebuttal, 65 is
13 Harding Direct, 66 is Harding Rebuttal, 67 is Eggers
14 Direct. That's both C and P. 68 is Eggers Rebuttal, 69
15 is Berg Direct, 70 is Selby Direct, 71 is Moore Direct
16 and 72 is Moore Rebuttal. I believe that's all for the
17 gas. Any objections to receipt of those documents?
18 Hearing none, they will be received.

19 (COMPANY EXHIBITS 46, 47, 48, 49, 50, 51, 52,
20 53, 54, 55, 56, 57, 58P, 58C, 59, 60, 61P, 61C, 62P,
21 62C, 63, 64, 65, 66, 67P, 67C, 68, 69, 70, 71, AND 72
22 WERE RECEIVED INTO EVIDENCE AND MADE A PART OF THIS
23 RECORD.)

24 JUDGE WOODRUFF: Moving on to Staff. First
25 we'll do the electric side. 200 is Ferguson Direct,

1 201C and P are the Staff Report for Cost of Service, 202
2 are Staff Accounting Schedules, 203 is Ferguson's Direct
3 Late-Filed Affidavit, 204 and 205 are already in.
4 That's Kliethermes Direct and Staff Report on Class Cost
5 of Service. 206 is Boustead Rebuttal, 207C and P is
6 Cassidy Rebuttal, 208C and P is Chari Rebuttal, 209 is
7 Coffer Rebuttal, 210 is Cox Rebuttal, 211 is Cunigan
8 Rebuttal, 212C and P is Eubanks Rebuttal, 213 is
9 Ferguson Rebuttal, 214 and 215 are already in, 216C and
10 P is Shawn Lange's Rebuttal, 217C and P Luebbert's
11 Rebuttal, 218 is Mastrogiannis Rebuttal, 219 is
12 Oligschlaeger Rebuttal, 220 is Stahlman Rebuttal, 221 is
13 an Order Granting a Motion to Late-File Schedule, 222 is
14 Amenthor Surrebuttal and True Up Direct, 223C and P is
15 Bolin Surrebuttal, 224C and P is Caldwell
16 Surrebuttal/True Up Direct, 225C and P is Chari
17 Surrebuttal, 226 is Cox Surrebuttal and True Up Direct,
18 227 is Cunigan Surrebuttal, 228C and P is Dhority
19 Surrebuttal and True Up Direct, 229C and P is Eubanks
20 True Up Direct, 230 and 231 are already in, 232C and P
21 is Shawn Lange True Up Direct, 233C and P is Luebbert
22 Surrebuttal, 234C and P Lyons Surrebuttal and True Up
23 Direct, 235 is Majors Surrebuttal, 236 is Mastrogiannis
24 Surrebuttal/True Up Direct, 237C and P is Oligschlaeger
25 Surrebuttal, 238 is Roling True Up Direct, 239C and P is

1 Young Surrebuttall/True Up Direct, 240C and P is Staff
2 Accounting Schedules, 241C and P is Ferguson Surrebuttall
3 True Up Direct. That's all for the electric. Any
4 objections to their receipt? Hearing none, they will be
5 received.

6 MR. STOKES: Your Honor, I don't have any
7 objections. On 205, I'm not sure if you also noted that
8 they're both public and confidential version of 205 as
9 well.

10 JUDGE WOODRUFF: That is correct. I believe I
11 did overlook that.

12 (STAFF EXHIBITS 200, 201C, 201P, 202, 203,
13 206, 207P, 207C, 208C, 208P, 209, 210, 211, 212C, 212P,
14 213, 216C, 216P, 217C, 217P, 218, 219, 220, 221, 222,
15 223C, 223P, 224C, 224P, 225C, 225P, 226, 227, 228C,
16 228P, 229C, 229P, 232C, 232P, 233C, 233P, 234C, 234P,
17 235, 236, 237C, 237P, 238, 239C, 239P, 240C, 240P, 241C
18 AND 241P WERE RECEIVED INTO EVIDENCE AND MADE A PART OF
19 THIS RECORD.)

20 JUDGE WOODRUFF: All right. Then moving on to
21 the gas for Staff. 242 is Ferguson Direct, 243C and P
22 is Staff Report/Cost of Service for gas, 244 is Staff
23 Accounting Schedules, 245 is Late-Filed Affidavit of
24 Ferguson, 246 is Poston Direct, 247 is Staff
25 Report/Class Cost of Service for gas, 248 is Bocklage

1 Rebuttal, 249 is Boustead Rebuttal, 250 is Ferguson
2 Rebuttal, 251 is McNutt Rebuttal, 252 is Oligschlaeger
3 Rebuttal, 253C and P is Patterson Rebuttal, 254 is
4 Stahlman Rebuttal, 255 is Dr. Won's Rebuttal, 256 is
5 Amenthor Surrebuttal/True Up Direct, 257 is Bocklage
6 Surrebuttal, 258C and P is Bolin Surrebuttal, 259 is
7 Buttig Surrebuttal, 260 is Caldwell True Up Direct, 261C
8 and P is Dhority Surrebuttal and True Up Direct, 262C
9 and P is Ferguson Surrebuttal/True Up Direct, 263 is
10 Majors Surrebuttal, 264 is McNutt Surrebuttal, 265C and
11 P is Oligschlaeger Surrebuttal, 266C and P is Young
12 Surrebuttal/True Up Direct, 267C and P is Won
13 Surrebuttal/True Up Direct, 268C and P is Staff
14 Accounting Schedules for gas. I believe that's it for
15 gas for Staff. Any objections to the receipt? Hearing
16 none, they will be received.

17 (STAFF EXHIBITS 242, 243C, 243P, 244, 245,
18 246, 247, 248, 249, 250, 251, 252, 253C, 253P, 254, 255,
19 256, 257, 258C, 258P, 259, 260, 261C, 261P, 262C, 262P,
20 263, 264, 265C, 265P, 266C, 266P, 267C, 267P, 268C AND
21 268P WERE RECEIVED INTO EVIDENCE AND MADE A PART OF THIS
22 RECORD.)

23 JUDGE WOODRUFF: Moving over to Public Counsel
24 for electric first. 400 through 403 are already in, 404
25 is Riley Rebuttal, 405C and P is Murray Direct, 406 is

1 Murray Rebuttal, 407C and P is Murray Surrebuttal, 408
2 is Robinett Rebuttal, 409 is Mantle Direct, 410 is
3 Mantle Rebuttal, 411 is Mantle Surrebuttal, 412C is
4 Public Comments on gas.

5 MR. POSTON: We can just cross that out. I
6 did not enter those.

7 JUDGE WOODRUFF: And any objections to the
8 electric exhibits? Hearing none, they will be received.

9 (PUBLIC COUNSEL'S EXHIBITS 404, 405C, 405P,
10 405, 407P, 407C, 408, 409, 410 AND 411 WERE RECEIVED
11 INTO EVIDENCE AND MADE A PART OF THIS RECORD.)

12 JUDGE WOODRUFF: Moving on to gas then.
13 Murray Direct is 413C and P, 414 is Murray Rebuttal,
14 415C and P is Murray Surrebuttal, 416 is Mantle Direct,
15 417 is Mantle Surrebuttal, 418 is Robinett Rebuttal, 419
16 is Robinett Surrebuttal and 420 is Marke's Direct on
17 gas. Any objections to the receipt of those documents?
18 Hearing none, they will be received.

19 (PUBLIC COUNSEL'S EXHIBITS 413C, 413P, 414,
20 415C, 415P, 416, 417, 418, 419 AND 420 WERE RECEIVED
21 INTO EVIDENCE AND MADE A PART OF THIS RECORD.)

22 JUDGE WOODRUFF: Moving over to MIEC which I
23 believe are all electric. 500 through 502 was
24 Brubaker's Testimony. That's already in. 503 is
25 Andrews Direct, 504 is Andrews Surrebuttal, 505 is Meyer

1 Direct, 506 is Meyer Rebuttal, 507C and P is Meyer
2 Surrebuttal. Any objection to the receipt of those
3 documents? Hearing none, they will be received.

4 (MIEC EXHIBITS 503, 504, 505, 506, 507C AND
5 507P WERE RECEIVED INTO EVIDENCE AND MADE A PART OF THIS
6 RECORD.)

7 JUDGE WOODRUFF: And then moving over to
8 Consumers Council. That was Hutchison's Direct and
9 Surrebuttal. That's already in.

10 MIEG. Chriss's testimony which is 750 and 751
11 is in. So then 752 is Teague Direct and 753 is Teague
12 Surrebuttal. Any objections to their receipt? Hearing
13 none, they will be received.

14 (MIEG'S EXHIBITS 752 AND 753 WERE RECEIVED
15 INTO EVIDENCE AND MADE A PART OF THIS RECORD.)

16 MR. WOODSMALL: One question, Your Honor.
17 Exhibit 754, not offering it into evidence because it's
18 illustrative. I'm just wondering does that go into EFIS
19 for the clarity of the record if someone is reading the
20 transcript or how is that handled?

21 JUDGE WOODRUFF: I believe it will be shown in
22 EFIS for that purpose.

23 MR. WOODSMALL: That was my only question.
24 Thank you.

25 JUDGE WOODRUFF: 800 which is for Renew

1 Missouri is Owen Rebuttal. Any objection? It will be
2 received.

3 (RENEW MISSOURI'S EXHIBIT 800 WAS RECEIVED
4 INTO EVIDENCE AND MADE A PART OF THIS RECORD.)

5 JUDGE WOODRUFF: School Boards' Association.
6 850 is Ervin Direct, 851 is Ervin Surrebuttal and 852 is
7 Vognsen Surrebuttal. And those will be all for the gas
8 case. Any objection to the receipt? Hearing none, they
9 are received.

10 (SCHOOL BOARDS' ASSOCIATION EXHIBITS 850, 851
11 AND 852 WERE RECEIVED INTO EVIDENCE AND MADE A PART OF
12 THIS RECORD.)

13 JUDGE WOODRUFF: And I believe that's
14 everything. One more thing I wanted to mention while
15 we're still on the record. The Commission is looking at
16 having an On-The-Record Presentation regarding the
17 stipulations for next Wednesday the 15th and looking at
18 10:45 a.m. So it will be after Agenda. I'll be issuing
19 an order subsequently that will give the details of
20 that. Anything else we need to take up while we're on
21 the record? Well, thank you then. After reading all
22 those testimony, I'm very glad you were able to work it
23 out and settle a lot of these issues. With that, we are
24 adjourned. Thank you.

25 (Off the record.)

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CERTIFICATE OF REPORTER

I, Beverly Jean Bentch, RPR, CCR No. 640, Certified Court Reporter with the firm of Tiger Court Reporting, LLC, within the State of Missouri, do hereby certify that I was personally present at the proceedings had in the above-entitled cause at the time and place set forth in the caption sheet thereof; that I then and there took down in Stenotype the proceedings had; and that the foregoing is a full, true and correct transcript of such Stenotype notes so made at such time and place.

Beverly Jean Bentch

Beverly Jean Bentch, RPR, CCR No. 640

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