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MISSOURI PUBLIC SERVICE COMMISSION

REGULATORY REVIEW DIVISION

REBUTTAL TESTIMONY

OF

MICHAEL L. STAHLMAN

UNION ELECTRIC COMPANY d/b/a AMEREN MISSOURI

CASE NO. GT-2011-0410

*Jefferson City, Missouri
September 2011*

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

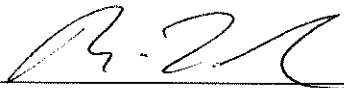
In the Matter of the Union Electric)
Company's (d/b/a Ameren Missouri) Gas)
Service Tariffs Removing Certain)
Provisions for Rebates from Its Missouri)
Energy Efficient Natural Gas Equipment)
and Building Shell Measure Rebate)
Program.)

File No. GT-2011-0410

AFFIDAVIT OF MICHAEL L. STAHLMAN

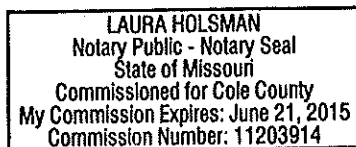
STATE OF MISSOURI)
) ss
COUNTY OF COLE)

Michael L. Stahlman, of lawful age, on his oath states: that he has participated in the preparation of the following Rebuttal Testimony in question and answer form, consisting of 16 pages of Rebuttal Testimony to be presented in the above case, that the answers in the following Rebuttal Testimony were given by him; that he has knowledge of the matters set forth in such answers; and that such matters are true to the best of his knowledge and belief.



Michael L. Stahlman

Subscribed and sworn to before me this 8 day of September, 2011.





Notary Public

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UNION ELECTRIC COMPANY d/b/a AMEREN MISSOURI

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I. Introduction

A. The purpose of my rebuttal testimony is to address issues discussed by Union Electric Company d/b/a Ameren Missouri (Ameren Missouri or Company) witnesses, Mr. Gregory W. Lovett and Mr. Kyle Shoff in their direct testimonies. This testimony will also provide additional information about the energy efficiency programs as described in Section 6 of the Unanimous Stipulation and Agreement (Stipulation) in Case No. GR-2010-0363 (Energy Efficiency Programs) not included in either Mr. Lovett's or Mr. Shoff's direct testimonies.

II. Rebuttal of Mr. Lovett

Q. Do you agree with Mr. Lovett's assertion that the revised tariff sheets "remove measures which are not cost effective" (page 2, line 8)?

A. No, I do not. Mr. Lovett is asserting as fact that the measures Ameren Missouri proposes to remove are not cost-effective. Staff is not willing to make such a statement. The Stipulation requires a specific analysis of the energy efficiency measures which are listed in Appendix C to the Stipulation (attached hereto as Appendix C). The analysis required by paragraph 6.C. of the Stipulation to determine the effectiveness of the programs has yet to be completed.

Q. Do you agree with Mr. Lovett's assertion that terms of the Stipulation require Ameren Missouri to "...analyze the cost effectiveness of its current natural gas energy efficiency programs..." (page 2, lines 16-17)?

A. Yes, I agree that Ameren Missouri is to determine the cost-effectiveness of its Energy Efficiency Programs. However, paragraph 6.C. of the Stipulation requires: "The Company shall perform a **post-implementation** evaluation of the effectiveness of its non low income weatherization energy efficiency programs" (emphasis added). The Stipulation goes on to list additional requirements for performing this post-implementation evaluation. Specifically, in paragraph 6.C. on page 4 the Stipulation requires:

Post-implementation evaluations of all programs or measures shall include usage data for program participants through the end of the month of April, 2012, and be completed by December 31, 2012. Post-implementation evaluations will generally be performed by an outside firm and include both a process evaluation and an impact evaluation.

1 In contrast to these requirements, Ameren Missouri's "evaluation" on which it is basing
2 its proposal to remove certain measures from its tariff, was not conducted by an outside
3 firm and does not include usage data through the end of the month of April, 2012 as
4 required by the terms of the Stipulation.

5 Q. Do you agree with Mr. Lovett's statement that "Ameren Missouri's
6 decision to analyze the cost effectiveness of its current natural gas energy efficiency
7 programs was driven by the terms of the Unanimous Stipulation and Agreement in Case
8 No. GR-2010-0363" (page 2, lines 16-18)?

9 A. No. If Ameren Missouri had concerns about the cost-effectiveness of the
10 measures contained in Appendix C to the GR-2010-0363 Stipulation, it should have
11 raised those issues during settlement discussions. Instead, Ameren Missouri raised the
12 issue three months after it agreed to "provide for uninterrupted availability of these
13 energy efficiency programs through December 31, 2012" as required by paragraph 6.G.
14 of the Stipulation and three months after it began collecting \$700,000 in rates for annual
15 funding of Energy Efficiency Programs as provided in paragraph 2 of the Stipulation.

16 Q. Have the specimen tariff sheets in Attachment C to the Stipulation,
17 *Missouri Energy Efficient Natural Gas Equipment and Building Shell Measure Rebate*
18 *Program*, containing the measures of Ameren Missouri's Energy Efficiency Programs,
19 been implemented?

20 A. Yes, Ameren Missouri filed the tariffs in accordance with paragraph 6.G.
21 of the Stipulation and they became effective on February 20, 2011.

22 Q. Do you agree with Mr. Lovett's assertion in his direct testimony that
23 "paragraph 6B of the Stipulation requires the Company to limit its energy efficiency

1 funding to ‘expenditures prudently-incurred on cost effective programs’” (page 2, lines
2 18-20)?

3 A. Yes, however the programs in question, attached as Appendix C to the
4 Stipulation, have already been declared cost-effective with pre-implementation analysis
5 in accordance with 4 CSR 240-14 Utility Promotional Practices rule, and 4 CSR 240-
6 3.255 Filing Requirements for Gas Utility Promotional Practices in Case No. GR-2010-
7 0363. The questions regarding the cost-effectiveness of measures raised by parties in the
8 rate case were resolved and settled by the Stipulation and approved by the Commission as
9 a resolution of Case No. GR-2010-0363.

10 Q. Is there any requirement, other than paragraph 6.C. of the Stipulation, for
11 the Company to analyze the post-implementation cost-effectiveness of the programs?

12 A. No.

13 Q. Is there any requirement for the Company to reanalyze the pre-
14 implementation cost-effectiveness?

15 A. No. Had Staff thought it necessary to perform a pre-implementation cost-
16 effectiveness analysis of the measures and programs, Staff would have raised that issue
17 and included that requirement in the Stipulation.

18 Q. Do you agree with Mr. Lovett’s statement that “the Company was faced
19 with the obligation to amend its tariffs to remove what it believed (and continues to
20 believe) are non-cost effective measures” (page 4, lines 4-6)?

21 A. No. Per paragraph 6.G. of the Stipulation, the tariff sheets attached as
22 Appendix C requires that Ameren Missouri: “shall provide for uninterrupted availability
23 of these energy efficiency programs through December 31, 2012.” Furthermore,

1 paragraph 6.C. of the Stipulation requires post-implementation evaluations to “include
2 usage data for program participants through the end of the month of April, 2012” and to
3 “generally be performed by an outside firm and include both a process evaluation and an
4 impact evaluation.” The determination of cost-effectiveness should be based on a formal
5 evaluation on more than speculative pre-implementation data in accordance with
6 paragraph 6.C. of the Stipulation and not Ameren Missouri’s “beliefs.”

7 Q. Do you agree with Mr. Lovett’s statement that “Paragraph 6G of the
8 Stipulation allows Ameren Missouri to file revised tariff sheets if it believes the
9 circumstances warrant changes after circulating those sheets for review by the [Energy
10 Efficiency Advisory Group]” (page 4, lines 6-8)?

11 A. Yes, I agree that paragraph 6.G. does allow for Ameren Missouri to file
12 revised sheets. This sentence was included because Staff realized that Ameren Missouri
13 would have to file new measures to ramp up to meet the third year \$850,000 target of
14 paragraph 6.B. of the Stipulation. The purpose of this sentence was not to limit Ameren
15 Missouri’s measures to those listed in Appendix C of the Stipulation, but to allow
16 Ameren Missouri to file revised tariff sheets in order to ramp up to the target in paragraph
17 6.B. Additionally, although Ameren Missouri may file revised sheets, this does not
18 remove Staff’s right to question the prudence of the changes to those tariff sheets per
19 paragraph 6.D. of the Stipulation, nor does it remove the parties’ other obligations under
20 the Stipulation.

21 Q. Were the proposed tariff sheets in Ameren Missouri’s tariff filing, JG-
22 2011-0597, Ameren Missouri’s energy efficiency tariff filing prior to the current case JG-
23 2011-0620, filed on May 27, 2011 and then subsequently withdrawn, circulated to the

1 Energy Efficiency Advisory Group (EEAG) in accordance with paragraph 6.G. of the
2 Stipulation?

3 A. No.

4 Q. Were the proposed tariff sheets in this tariff filing, JG-2011-0620 filed on
5 June 8, 2011, circulated to the EEAG in accordance with paragraph 6.G. of the
6 Stipulation?

7 A. No.

8 Q. Do you agree with Mr. Lovett's conclusion that "This tariff modification
9 is required by the terms of the Stipulation because non-cost effective programs have been
10 identified and is necessary so that Ameren Missouri can prudently administer its Natural
11 Gas Energy Efficient Equipment programs" (page 5, lines 3-5)?

12 A. No. The prudent administration of the Energy Efficiency Programs is to
13 evaluate the programs per paragraph 6.C. of the Stipulation on data gathered from the
14 programs through April, 2012 and to comply with the terms of the Stipulation. This
15 includes maintaining the uninterrupted availability of the programs, as shown in the
16 specimen tariffs in Appendix C of the Stipulation, until December 31, 2012, in
17 accordance with paragraph 6.G. of the Stipulation.

18 **III. Rebuttal of Mr. Shoff**

19 Q. Did Mr. Shoff "evaluate the cost-effectiveness of Ameren Missouri's
20 natural gas energy efficiency portfolio" (page 2, lines 11-12) in accordance with
21 paragraph 6.C. of the Stipulation?

22 A. No. Paragraph 6.C. of the Stipulation requires post-implementation
23 evaluations to "include usage data for program participants through the end of the month

1 of April, 2012” and to “generally be performed by an outside firm and include both a
2 process evaluation and an impact evaluation.” The measures in question, attached in
3 Appendix C to the Stipulation, have already been declared cost-effective with pre-
4 implementation analysis in accordance with 4 CSR 240-14, the Utility Promotional
5 Practices rule, and 4 CSR 240-3.255, Filing Requirements for Gas Utility Promotional
6 Practices. Questions of the parties regarding the evaluations of measures prior to the
7 Stipulation were resolved and settled by the Stipulation approved by the Commission as a
8 resolution of GR-2010-0363.

9 Q. Would Mr. Shoff be considered an outside firm?

10 A. No. On page 1, lines 9-12, Mr. Shoff identifies himself as a DSM Planning
11 Consultant in the Corporate Planning Department of Ameren Services which is affiliated
12 with Ameren Missouri.

13 Q. Did Mr. Shoff perform a process and impact evaluation as required by
14 paragraph 6.C. of the Stipulation?

15 A. No. On page 2, line 12 Mr. Shoff states that to evaluate the portfolio,
16 “[He] calculated [the Total Resource Cost test] for each measure and program.”

17 Q. Do you agree with Mr. Shoff’s definition of the Total Resource Cost Test
18 on page 2, lines 15-22?

19 A. Staff would disagree with using any “proposed” tariff language as a
20 retroactive basis for determining cost-effectiveness. Neither 4 CSR 240-14, 4 CSR 240-
21 3.255, nor the Stipulation address the Total Resource Cost Test (TRC), nor does it allow
22 it to be the sole determination as to whether a measure or program is cost-effective.

1 Q. Do you agree with Mr. Shoff that “A TRC ratio greater than 1.0 indicates
2 that a measure is cost-effective” (page 2, line 22)?

3 A. I do agree that Mr. Shoff’s pre-implementation TRC it is a measurement
4 of cost-effectiveness but it should not necessarily be the sole determinant of whether a
5 measure is cost-effective or not. The definition of cost-effective is defined in 4 CSR 240-
6 14.010(D), the Utility Promotional Practices rule. “Cost-effective means that the present
7 value of life-cycle benefits is greater than the present value of life-cycle costs to the
8 provider of an energy service.” There is nothing in any Commission rule regarding the
9 cost-effectiveness of natural gas energy efficiency measures or programs nor does the
10 Stipulation state that the TRC will be the sole criteria or address pre-implementation
11 analysis.

12 Q. Do you agree with Mr. Shoff’s statement on page 2, line 23, that the TRC
13 can “be calculated at the measure level”?

14 A. Yes, however Mr. Shoff’s analysis is contrary to the requirements of
15 paragraph 6.C. of the Stipulation which requires post-implementation evaluations to
16 “include usage data for program participants through the end of the month of April,
17 2012” and to “generally be performed by an outside firm and include both a process
18 evaluation and an impact evaluation.”

19 Q. Was Mr. Shoff’s evaluation of Ameren Missouri’s energy efficiency
20 measures using “*ex-ante* savings and cost estimates” (page 3, line 18 emphasis added)
21 consistent with the requirements of paragraph 6.C. of the Stipulation?

22 A. No. Mr. Shoff explains that:

23 The measure level data was developed *using best practice*
24 *databases* and, *if available*, actual field data based on load

1 reduction impact assessments from independent evaluation,
2 measurement, and verification contractors. Missouri specific
3 weather, Ameren Missouri specific building and heating/cooling
4 system types, and Ameren Missouri specific building vintages (age
5 of home) were applied as appropriate (emphasis added).

6 Paragraph 6.C. of the Stipulation requires post-implementation evaluations to “include
7 usage data for *program participants* through the end of the month of April, 2012”
8 (emphasis added). Using “*ex-ante* savings and cost estimates” (page 3, line 18) is typical
9 of pre-implementation analysis, as noted in Mr. Shoff’s direct testimony on page 6, lines
10 1-4. The pre-implementation analysis was completed for these measures under Case No.
11 GR-2010-0363 in accordance with 4 CSR 240-14, the Utility Promotional Practices rule,
12 and 4 CSR 240-3.255, Filing Requirements for Gas Utility Promotional Practices, and the
13 measures and programs were determined to be cost-effective. Questions regarding the
14 evaluations of measures prior to the Stipulation were resolved and settled by the
15 Stipulation and approved by the Commission as a resolution of GR-2010-0363.

16 Q. Do you expect the cost-benefit ratio calculated on the building shell
17 measures using actual data from the program participants to be different from the cost-
18 benefit ratio that Mr. Shoff calculated *ex-ante*?

19 A. Yes. Mr. Shoff is basing his analysis on Ameren Missouri’s *typical*
20 *electric residential and commercial customers*. The program requires that, before
21 Ameren Missouri provides a rebate for a measure, an audit must be performed on the
22 residence and the measure must be shown to be cost-effective for the residence.
23 Therefore, the likelihood that the measure will only be installed on Ameren Missouri’s
24 *typical electric residential and commercial customers* is very small which would result in
25 a different cost-benefit ratio than what Mr. Shoff calculated *ex-ante*. This is why it is

1 important to use post-implementation data to determine the cost-effectiveness of energy-
2 efficiency measures and programs.

3 Q. Do you agree with the Company that measures with a pre-implementation
4 TRC below one “should be removed from the natural gas programs” (page 3, lines 22-
5 23)?

6 A. No. Per paragraph 6.G. of the Stipulation, the specimen tariff sheets
7 attached as Appendix C “shall provide for uninterrupted availability of these energy
8 efficiency programs through December 31, 2012.” There is nothing in the rules
9 regarding natural gas energy efficiency or in the Stipulation that states that the TRC will
10 be the sole criteria for determining whether or not a measure is retained in the program.
11 Further, Mr. Shoff’s analysis is contrary to the requirements of paragraph 6.C. of the
12 Stipulation which requires **post-implementation** evaluations to “include usage data for
13 program participants through the end of the month of April, 2012” and to “generally be
14 performed by an outside firm and include both a process evaluation and an impact
15 evaluation.”

16 Q. Do you agree with Mr. Shoff that “a program is a bundle of measures”
17 (page 5, line 13)?

18 A. Yes. The programs consist of measures and are to be uninterrupted
19 available through December 31, 2012, per paragraph 6.G. of the Stipulation.

20 Q. Do you agree with Mr. Shoff that the TRC test would be “considered best
21 practices for estimating the cost-effectiveness of energy efficiency measure, programs,
22 and portfolios” (page 5, lines 20-21)?

1 A. No, I do not. 4 CSR 240-14, 4 CSR 240-3.255 and the Stipulation do not
2 address the TRC. Additionally, Mr. Shoff's analysis does not "include usage data for
3 program participants through the end of the month of April, 2012" and was not
4 "performed by an outside firm and include both a process evaluation and an impact
5 evaluation."

6 Q. Do you agree with Mr. Shoff that the "TRC is the de facto standard in the
7 NAPEE guide '*Understanding Cost-Effectiveness of Energy Efficiency Programs: Best
8 Practices, Technical Methods, and Emerging Issues For Policy-Makers*' dated November
9 2008" (page 6, lines 14-17)?

10 A. No. "De facto" is defined in Webster's New World Dictionary as
11 "existing or being such in actual fact though not by legal establishment." However, a
12 cursory look at the National Action Plan for Energy Efficiency (NAPEE) guide
13 referenced by Mr. Shoff (attached as Appendix B) references five different tests as the
14 "standard" tests. In fact, on the first page of its Executive Summary, it states: "There is
15 no single best test for evaluating the cost-effectiveness of energy efficiency". I did not
16 see a statement in that document where it refers to the TRC as the "de facto standard."

17 Q. Do you agree with Mr. Shoff that "There are resources in both the public
18 and private domains...that capture the essence of measure level savings energy savings
19 on an *ex ante* basis" (page 6, lines 18-20)?

20 A. Yes. However, Mr. Shoff defines "*ex ante*" as "before implementation"
21 on page 6, line 2 of his direct testimony. As mentioned above, the measures and
22 programs examined by Mr. Shoff and attached as Appendix C to the Stipulation were
23 considered to be cost-effective and were included in programs implemented as required

1 by paragraph 6.G. of the Stipulation. Thus these programs should be examined on an *ex*
2 *post* basis, defined by Mr. Shoff as “after implementation” on page 6, line 2, and
3 including “usage data for program participants through the end of the month of April,
4 2012” as required by paragraph 6.C. of the Stipulation.

5 Q. Do you agree with Mr. Shoff that “the Commission does not have specific
6 rules for natural gas energy efficiency programs” (page 7, lines 4-5)?

7 A. No. Staff concedes there are no specific Commission rules for energy-
8 efficiency programs specific to natural gas. However, 4 CSR 240-14, the Utility
9 Promotional Practices rule and 4 CSR 240-3.255 Filing Requirements for Gas Utility
10 Promotional Practices rule apply to natural gas demand-side programs which include
11 energy-efficiency programs.

12 Q. Do you agree with Mr. Shoff that “cost-effectiveness should [not] be
13 measured differently for natural gas and electricity” (page 7, lines 8-10)?

14 A. No. Mr. Shoff references rule 4 CSR 240-22.050 Demand-Side Analysis
15 of Chapter 22 Electric Utility Resource Planning just prior to that statement. The Electric
16 Utility Resource Planning Chapter does not apply to natural gas. Natural gas resource
17 utility planning is different from electric utility planning in that natural gas companies
18 deliver a commodity directly to its customers where as electric companies take a
19 commodity to generate electricity to deliver to their customers. Staff does not believe it is
20 reasonable to apply select portions of the electric rule ad hoc in natural gas.

21 Q. Do you agree with Mr. Shoff that, “it [is] common to use *ex ante* measure
22 level savings values to estimate the cost-effectiveness of programs” (Shoff Direct page 7,
23 lines 11-13)?

1 A. It is common for pre-implementation analysis which was completed for
2 these measures under Case No. GR-2010-0363 in accordance with 4 CSR 240-14, the
3 Utility Promotional Practices rule, and 4 CSR 240-3.255, Filing Requirements for Gas
4 Utility Promotional Practices. However, post-implementation analysis requires “[ex
5 post] usage data for program participants through the end of the month of April, 2012” by
6 paragraph 6.C. of the Stipulation.

7 Q. Do you agree with Mr. Shoff assertion that 76 percent of all respondents to
8 an American Gas Association (AGA) and Consortium for Energy Efficiency survey of
9 member utilities used “the TRC as the primary evaluation tool for energy efficiency
10 programs” (page 8, lines 8-9)?

11 A. No, a cursory look at the AGA “Natural Gas Programs Report: 2009
12 Program Year” (attached as Appendix A) cites the TRC as a common test on page 24;
13 however it does **not** state that the TRC was the **sole** criterion. That AGA report does not
14 discuss primary evaluation tools. However, a brief look at the NAPEE guide,
15 “*Understanding Cost-Effectiveness of Energy Efficiency Programs: Best Practices,*
16 *Technical Methods, and Emerging Issues for Policy-Makers*” (2008) reveals that it does
17 discuss primary cost-effectiveness tests in Tables 5-1 and 5-3. The tables indicate that
18 while six out of fifty states and the District of Columbia use the TRC as the primary test,
19 it is much more common to not specify a primary cost-effectiveness test. The NAPEE
20 “*Guide to Resource Planning with Energy Efficiency*” (2007) does state, “Thus,
21 regulators of most states use the TRC as the primary cost test for evaluating their energy
22 efficiency programs” (pages 5-3), but it is unclear what analysis, if any, NAPEE did to
23 justify that statement and this statement contradicts the analysis in NAPEE (2008).

1 Q. Was the TRC designed to be the sole method used to determine cost-
2 effectiveness?

3 A. No. The previously cited NAPEE guide states that there are five standard
4 tests, which originated with the California Standard Practice Manual (attached as
5 Appendix D). A cursory look at the California Standard Practice Manual shows that,

6 The tests set forth in this manual are not intended to be used
7 individually or in isolation. The results of tests that measure
8 efficiency, such as the Total Resource Cost Test, the Societal Test,
9 and the Program Administrator Cost Test, must be compared not
10 only to each other but also to the Ratepayer Impact Measure Test.
11 This multi-perspective approach will require program
12 administrators and state agencies to consider tradeoffs between the
13 various tests.” (page 6)

14 Q. Do you agree with Mr. Shoff that “the TRC test is the best method to
15 evaluate the cost-effectiveness of natural gas energy efficiency measures and programs”
16 (page 8, lines 17-19)?

17 A. No, I do not. The TRC is one of a group of standard tests. Staff does not
18 rely on just one test to evaluate the cost-effectiveness of a measure or program. Staff
19 looks forward to reviewing the results of the TRC and other cost-effectiveness tests that
20 meet the requirements of paragraph 6.C. of the Stipulation which requires post-
21 implementation evaluations to “include usage data for program participants through the
22 end of the month of April, 2012” and to “generally be performed by an outside firm and
23 include both a process evaluation and an impact evaluation” are met.

24 Q. Do you agree that “Ameren Missouri utilized best-practice approaches in
25 conducting its cost-effectiveness screening” (page 2, lines 4-5)?

26 A. No. It is Staff’s position that the best-practice approach includes
27 evaluating the programs in accordance with the Stipulation.

IV. Additional Information

Q. Is Ameren Missouri collecting money in rates to fund the Energy Efficiency Programs?

A. Yes. Per paragraphs 2 and 6.A. of the Stipulation, the Company is receiving \$700,000 in annual funding from rates for Energy Efficiency Programs; \$263,000 of which is to be used for low income weatherization programs leaving \$437,000 for non-low income weatherization energy efficiency programs.

Q. Did Ameren Missouri agree in the Stipulation to ramp up spending on Energy Efficiency Programs?

A. Yes. Per paragraph 6.B. of the Stipulation, Ameren Missouri agreed to ramp up spending over three years to a target level of approximately \$850,000.

Q. How much money has Ameren Missouri spent on the Energy Efficiency Programs since the new tariffs came into effect on February 20, 2011?

A. In response to a Staff data request, the Company indicated that expenditures on the current non-low income weatherization programs that became effective February 20, 2011 are \$64,217. Of this amount, \$39,734 was rebated for the measures that the Company is now seeking to remove from its program.

Q. If Ameren Missouri keeps all the current measures, is it likely to exceed the \$437,000 they are currently collecting in rates?

A. No. Ameren Missouri's Quarterly Update indicates that as of the end of the second quarter, if the assumption is made that all program reservations are paid in full, Ameren Missouri has spent less than one third of the money collected in rates.

1 Unless expenditures double for the next two quarters Ameren will not rebate \$437,000 to
2 its customers.

3 **V. Conclusion**

4 Q. What is Staff's recommendation?

5 A. Staff recommends that the Commission reject Ameren Missouri's
6 proposed tariff sheets since they contradict the terms of the Commission Approved
7 Unanimous Stipulation and Agreement for Case No. GR-2010-0363.

8 Q. Does this end your testimony?

9 A. Yes it does.