

**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)	Case No. GT-2011-0410
Energy Efficient Natural Gas Equipment)	
and Building Shell Measure Rebate)	
Program.)	

**PUBLIC COUNSEL'S MOTION TO REJECT
TARIFF FILING AND RESPONSE IN SUPPORT OF
THE STAFF'S MOTION TO REJECT OR SUSPEND**

COMES NOW the Missouri Office of the Public Counsel (OPC) and for its Motion to Reject Tariff Filing and Response in Support of the Staff's Motion to Reject or Suspend Tariff Filing, states:

1. On June 8, 2011, the Union Electric Company d/b/a Ameren Missouri (UE) filed a request to remove certain energy efficiency program measures contained in UE's Tariff Sheet Nos. 79 through 85.¹ The Commission's Staff filed a motion to reject or suspend the proposed tariff sheets on June 28, 2011.

2. OPC supports the Staff's request to reject or suspend UE's proposed tariff. Furthermore, OPC asks the Commission to reject or suspend UE's proposed tariff for the additional reasons stated herein.

3. OPC seeks a Commission order rejecting the tariff sheets due to: (1) UE's failure to file a notice of contested case pursuant to 4 CSR 240-4.020(2); (2) UE's violation of the Commission's Order Approving Stipulation and Agreement issued in Case Number GR-2010-0363 ordering UE to circulate proposed tariff changes to the

¹ UE's tariff filing, file number JG-2011-0620, is attached as Attachments A and B.

Energy Efficiency Advisory Group (EEAG) for review prior to filing; and (3) the fact that the proposed tariff changes are not consistent with the Commission's initiative to expand the natural gas energy efficiency services offered by Missouri gas utilities. In the alternative, OPC supports a Commission order suspending the tariff so that the proposed changes may be contested by OPC and Staff.

**a. OPC's Additional Motion to Reject Tariff
Filing for Violating of 4 CSR 240-4.020(2)**

4. On April 19, 2011, UE advised members of the EEAG of UE's desire to amend its tariffs. UE provided members of the EEAG with copies of proposed tariff changes. The EEAG also discussed UE's proposal during the EEAG's April 25, 2011 meeting.

5. In a May 20, 2011 e-mail to the EEAG, UE requested feedback by May 25, 2011 regarding UE's desire to amend its energy efficiency tariffs. On May 26, 2011, OPC and the Commission's Staff provided UE with feedback opposing UE's proposed tariff revisions.

6. The Staff's response to UE advised UE to have a third party perform an evaluation, and not to amend the tariffs until the results of the evaluation were known. OPC's e-mail response to UE and the EEAG generally agreed with the Staff's response, and stated:

Public Counsel does not support the proposed changes in your gas energy efficiency tariffs. OPC generally agrees with the email below that Staff sent out this afternoon. I have noticed that Ameren is still offering most of the same measures in its Illinois gas energy efficiency programs that you are proposing to eliminate in Missouri and that the TRC's that were calculated for the Illinois measures are generally much higher than the TRCs that Ameren has calculated for Missouri. One area where the Illinois gas energy efficiency program analysis has a low TRC that is well below 1.0 is for residential storage water heaters but this is not one of the

measures that Ameren Missouri proposes to discontinue due to poor cost effectiveness.

If Ameren Missouri is concerned that the Missouri residential home audit program will not achieve cost effective results then you might want to consider adopting some of the quality control program guidelines that are included in the Ameren Illinois program. Another way to ensure more cost effective results would be to offer this program as a joint program being offered by both the electric and gas service provider especially in those areas where Ameren provides both gas and electric service to Missouri utility customers.

7. After receiving OPC's e-mail response to the proposed tariff changes, UE knew that OPC and Staff opposed UE's proposed changes. UE knew or should have also known that OPC and/or Staff would seek to have the proposed tariff change suspended, and that UE's tariff filing would be contested, and that it would likely become a contested case.

8. Commission rule 4 CSR 240-4.020(2) requires regulated utilities to file a contested case notice as follows:

(2) Any regulated entity that intends to file a case likely to be a contested case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such case. Such notice shall detail the type of case and issues likely to be before the commission.

Accordingly, any case filed that is "likely to be a contested case" requires a sixty (60) day notice. OPC is not aware of any notice filing made by UE with the secretary of the Commission as required by 4 CSR 240-4.020(2).

9 Commission Rule 4 CSR 240-4.020(2)(A) requires "[a]ny case filed which is not in compliance with this section shall not be permitted and the secretary of the commission shall reject any such filing." OPC requests that the tariff filing be rejected and UE ordered to first file the required contested case notice if it wants to receive Commission consideration of its tariff change proposal.

b. UE's Tariff Filing Violates a Commission Order

10. OPC agrees with the Staff that the proposed tariff revision should be rejected due to UE's violation of the Commission's Order Approving Stipulation and Agreement, wherein the Commission ordered UE to abide by the terms and conditions of the Unanimous Stipulation and Agreement signed by UE in Case Number GR-2010-0363 requiring UE to circulate proposed tariff changes to the EEAG for review prior to filing.² While UE did provide the EEAG with copies of an initial tariff filing that UE made on May 27, 2011, UE did not provide the EEAG with the additional proposed changes made by UE after it withdrew the May 27, 2011 proposal and re-filed a new proposal with additional deleted measures that were not deleted in the draft tariff circulated to the EEAG. Those additional changes were never provided to the EEAG for feedback prior to UE's filing, and UE is therefore in violation of the Unanimous Stipulation and Agreement and the Commission's Order Approving Stipulation and Agreement. For these reasons, the Commission should reject UE's tariff changes proposed in File Number JG-2011-0620.

c. Alternative Motion to Suspend Tariff

11. If the Commission does not reject the tariff filing, OPC agrees with the Staff that the Commission should suspend UE's tariff filing to give the parties sufficient time to gather and provide evidence and argument to help the Commission determine if UE's proposed changes are just and reasonable.

² *In the Matter of Union Electric Company d/b/a Ameren UE for Authority to file Tariffs Increasing Rates for Natural Gas Service Provided to Customers in the Company's Missouri Service Area*, Case No. GR-2010-0363, Unanimous Stipulation and Agreement, January 4, 2011, p. 5. The Stipulation was approved and ordered by the Commission in its January 19, 2011, Order Approving Stipulation and Agreement, wherein the

12. OPC asserts that the proposed tariff changes are unjust and unreasonable in that they violate the rate case Stipulation wherein UE agreed that its tariffed energy efficiency programs would receive a process evaluation and an impact evaluation. It is unreasonable to make the proposed changes without guidance from an independent third party evaluation as recommended by the Commission's Staff.

13. The January 4, 2011 Stipulation entered into between UE, the Staff, OPC, and the Missouri Department of Natural Resources (DNR) during UE's last rate case, and ordered by the Commission, requires UE to have its energy efficiency programs evaluated as follows:

The Company shall perform a post-implementation evaluation of the effectiveness of its non low income weatherization energy efficiency programs. Non low income weatherization energy efficiency program funds may be used for the reasonable costs associated with program evaluation and for external administrative costs in addition to the programs' direct costs. 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. Proposed post-implementation evaluations shall be discussed with the Energy Efficiency Advisory Group (discussed below) prior to issuing RFPs for evaluations and again prior to the final selection of an outside firm to perform a post-implementation evaluation.

The parties agreed and stipulated that UE's energy efficiency programs are to be properly evaluated. The measures that UE seeks to remove have not been properly evaluated for effectiveness as agreed to by the parties and ordered by the Commission.

14. UE alleges that its tariff change proposal will delete energy efficiency measures from its tariff that "have a Total Resource Cost (TRC) value of less than 1.0." OPC opposes UE's attempt to delete programs without new estimates based on actual

Commission ordered "[t]he Stipulation and Agreement filed by the parties on January 4,

evaluation results of Missouri programs and without additional time for members of the EEAG to: (1) gather information related to UE's proposed tariff changes and the revised TRC calculations that UE claims provided support for those changes and (2) review and analyze and (2) review and analyze information that UE has already provided along with other information gathered through discovery and research.

15. Rather than dropping measures that were agreed upon by the parties to UE's rate case less than six (6) months prior to UE's filing, UE should adopt better quality control measures. By way of example, the TRC for Ameren Illinois building shell measures in Appendix B of the Ameren Illinois Utilities February 11, 2008 Natural Gas Energy Efficiency Plan are generally higher than the TRC recently calculated for similar UE measures, and adopting some of the quality and cost control measures that are included in the Ameren Illinois Home Energy Performance program should be considered prior to simply eliminating those measures.

16. Suspension of the tariff will allow the Commission to consider UE's reasons for dropping measures and programs that were recently *added* to other natural gas energy efficiency programs. Laclede Gas Company recently added water heater programs. Atmos Energy Corporation recently added an audit program with the same building shell measures that UE now proposes to drop. This inconsistency among natural gas companies regarding the energy efficiency services offered to their Missouri customers deserves heightened consideration by the Commission.

17. The best solution may be to reject UE's proposal and begin a rulemaking that provides guidelines and processes for planning, implementing, and evaluating natural gas energy efficiency programs. Such guidelines and processes are already established

2011, is approved and the parties shall abide by its terms and conditions."

for Missouri electric utilities through the Commission's IRP and MEEIA rules and should address issues such as program approval by the Commission, parameters for a TRC analysis, and evaluation guidelines.

WHEREFORE, the Office of the Public Counsel respectfully requests that tariff filing number JG-2011-0620 be rejected for violating 4 CSR 240-4.020(2) and for violating the Commission's Order Approving Stipulation and Agreement issued in Case No. GR-2010-0363; or in the alternative, that the Commission suspend the tariff filing to give OPC and the Staff an opportunity to gather additional information and assess whether the proposed changes are just and reasonable.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

By: /s/ Marc D. Poston
Marc D. Poston (#45722)
Deputy Public Counsel
P. O. Box 2230
Jefferson City MO 65102
(573) 751-5558
(573) 751-5562 FAX
marc.poston@ded.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 28th day of June 2011:

/s/ Marc Poston



June 8, 2011

Mr. Steven Reed
Secretary of the Commission
Missouri Public Service Commission
200 Madison Street, Suite 100
Jefferson City, MO 65102-0360

Dear Mr. Reed:

The accompanying tariff sheets issued by Union Electric Company d/b/a Ameren Missouri (Ameren Missouri or the Company), are being transmitted for filing as a revision of Schedule No. 2, Schedule of Rates for Gas Service:

<u>Filed</u>	<u>Canceling</u>
8th Revised Sheet No. 79	7th Revised Sheet No. 79
7th Revised Sheet No. 80	6th Revised Sheet No. 80
8th Revised Sheet No. 81	7th Revised Sheet No. 81
5th Revised Sheet No. 82	4th Revised Sheet No. 82
5th Revised Sheet No. 83	4th Revised Sheet No. 83
2nd Revised Sheet No. 84	1st Revised Sheet No. 84
1st Revised Sheet No. 85	Original Revised Sheet No. 85

These tariff sheets are being issued June 8, 2011 to become effective on and after July 8, 2011.

These tariff sheets are being filed in accordance with the provisions set forth in the agreement reached with the other parties and approved by the Commission in Ameren Missouri's Natural Gas Rate Case No. GR-2010-0363. The Stipulation and Agreement in that case specifically allows for tariff changes as outlined in 6 G, which reads "The Parties agree that Ameren Missouri may file with the Commission proposed revised tariff sheets concerning the Energy Efficiency programs, if Ameren Missouri believes circumstances warrant changes. Prior to filing any such proposed revised tariff sheets with the Commission, Ameren Missouri shall circulate those sheets for review and comment by the EEAG."

Ameren Missouri has identified seven residential and seven general service measures in the current natural gas tariffs for which circumstances warrant a change. These measures have a Total Resource Cost value of less than 1.0. These tariff sheet revisions remove these measures. Without these changes, the overall TRC value for the residential program suite is significantly less than 1.

As required by the Stipulation and Agreement, the proposed revision to Ameren Missouri's natural gas energy efficiency program has been discussed with the EEAG on numerous occasions starting on or about April 19, 2011.

Concurrent with this filing, the Company is providing Staff, Office of the Public Counsel, and the Missouri Department of Natural Resources work papers that show the TRC levels for all measures proposed to be eliminated.

Sincerely,

Wendy K. Tatro

Wendy K. Tatro
Associate General Counsel

Enclosures

Cc: Office of the Public Counsel
Tom Imhoff, MPSC

UNION ELECTRIC COMPANY GAS SERVICE

Applying to MISSOURI SERVICE AREA

MISSOURI ENERGY EFFICIENT NATURAL GAS EQUIPMENT AND BUILDING SHELL MEASURE REBATE PROGRAM (cont'd)

DEFINITIONS (cont'd)

Qualified Auditor - A nationally recognized contractor trained in natural gas equipment utilization systems and commercial and/or residential structures as an integrated whole building system. Residential training, certification, and accreditation are provided by the Building Performance Institute (BPI) and Residential Energy Services Network's (RESNET®). Commercial training and certification are provided by nationally-respected energy auditor certification organizations. Approved Energy Auditors are found in the Company's Value Added Partner Network.

EEAG - Energy Efficiency Advisory Group: Includes representatives from the Company, the Commission Staff, Office of the Public Counsel, and the Department of Natural Resources - Division of Energy. The EEAG will function as an advisory group for these programs.

- * Cost Effective Program - A program that has a Total Resource Cost (TRC) test greater than 1.0.
- * Total Resource Cost Test (TRC) - A test of the cost-effectiveness of demand side programs that compares the sum of the Company's avoided costs plus avoided probable environmental costs to the sum of all incremental costs of end-use measures that are implemented due to the program (including both Company and participant contributions), plus Company's costs to administer, deliver and evaluate each demand-side program to quantify the net savings obtained by substituting the demand-side program for supply resources.

AVAILABILITY

The Program is voluntary and a Participant may only receive one rebate per listed measure per calendar year. Rebates must be redeemed through the Administrator. Participating Retailers can be determined by visiting Company's Website (www.ameren.com) or by calling 314-342-1111 or 1-800-552-7583.

Residential rebates apply only to Residential customers purchasing ENERGY STAR® Qualified or programmable thermostats, ENERGY STAR Qualified residential natural gas utilization equipment, and other high energy efficient natural gas equipment and building shell measures as listed in Residential Measures.

General Service rebates apply only to General Service customers purchasing ENERGY STAR® Qualified or programmable thermostats, ENERGY STAR Qualified natural gas utilization equipment, high efficiency rated natural gas utilization equipment and other high efficiency equipment and building shell measures as listed in General Service Measures.

*Indicates Addition.

DATE OF ISSUE June 8, 2011 DATE EFFECTIVE July 8, 2011

ISSUED BY Warner L. Baxter President & CEO St. Louis, Missouri
Name of Officer Title Address

UNION ELECTRIC COMPANY GAS SERVICE

Applying to MISSOURI SERVICE AREA

**MISSOURI ENERGY EFFICIENT NATURAL GAS
EQUIPMENT AND BUILDING SHELL MEASURE REBATE PROGRAM (cont'd)**

***REBATES**

Each Participant will receive a rebate check from the Administrator within eight (8) to ten (10) weeks after the completed Rebate Form is submitted with proper documentation. Rebate Forms, applications and protocols are available on the Company's Website (www.ameren.com) or by calling 314-342-1111 or 1-800-552-7583.

The terms of the rebate(s) are as follows:

Residential Measures

- 1) Equipment: Thermostat - purchase and installation of one (1) unit.
Rated: ENERGY STAR® Qualified or Programmable.
Rebate: Twenty five dollars (\$25) or 50% of the equipment cost, whichever is lower.
- 2) Equipment: Natural Gas Furnace - purchase and installation of one (1) unit.
Rated: ENERGY STAR® Qualified high efficiency AFUE rated 92% to 95.9%.
Rebate: One hundred and fifty dollars (\$150) or 50% of the equipment cost, whichever is lower.
- 3) Equipment: Natural Gas Furnace - purchase and installation of one (1) unit.
Rated: ENERGY STAR® Qualified high efficiency AFUE rated 96% or higher.
Rebate: Two hundred dollars (\$200) or 50% of the equipment cost, whichever is lower.
- 4) Equipment: Natural Gas Boiler - purchase and installation of one (1) unit.
Rated: ENERGY STAR® Qualified high efficiency AFUE rated 90% or higher.
Rebate: One hundred and fifty dollars (\$150) or 50% of the equipment cost, whichever is lower.
- 5) Equipment: Natural Gas Tank Storage Water Heater (Tier I) - purchase and installation of one (1) unit.
Rated: High efficiency with an EF rating greater than or equal to 0.62 and less than 0.67.
Rebate: Fifty dollars (\$50) or 50% of the equipment cost, whichever is lower.

*Indicates Re-Issue.

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**MISSOURI ENERGY EFFICIENT NATURAL GAS
EQUIPMENT AND BUILDING SHELL MEASURE REBATE PROGRAM (cont'd)**

Residential Measures (cont'd)

- *6) Equipment: Building Shell Measures - Residential Home Energy Audit Improvement - purchase and installation of cost effective natural gas energy saving equipment and building shell measures as recommended from customer paid energy audit from a Qualified Auditor which are not included in other residential natural gas measures listed in this Program.
- Rated: Measures considered efficiency improvements include:
1. Window weather stripping
 2. Water heater wrap
 3. Hot water pipe wrap
 4. Switch and outlet insulation
 5. Caulking
 6. Faucet aerators
 7. Low flow shower heads
- Rebate: Two hundred and fifty dollars (\$250) or 50% of the equipment and building shell measures cost up to maximum rebate of two hundred and fifty dollars (\$250) whichever is lower.

*Indicates Change.

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**MISSOURI ENERGY EFFICIENT NATURAL GAS
EQUIPMENT AND BUILDING SHELL MEASURE REBATE PROGRAM (cont'd)**

***General Service Measures**

- 1) Equipment: Thermostat - purchase and installation of up to two (2) units.
Rated: ENERGY STAR® Qualified or Programmable.
Rebate: Forty dollars (\$40) per thermostat, eighty dollars (\$80) total or 50% of the equipment cost, whichever is lower.
- 2) Equipment: Natural Gas Furnace - purchase and installation of one (1) unit less than 150,000 BTU.
Rated: ENERGY STAR® Qualified high efficiency AFUE rated 92% to 95.9%.
Rebate: One hundred and fifty dollars (\$150) or 50% of the equipment cost, whichever is lower.
- 3) Equipment: Natural Gas Furnace - purchase and installation of one (1) unit of less than 150,000 BTU.
Rated: ENERGY STAR® Qualified high efficiency AFUE rated 96% or higher.
Rebate: Two hundred dollars (\$200) or 50% of the equipment cost, whichever is lower.
- 4) Equipment: Natural Gas Furnace - purchase and installation of one (1) unit of 150,000 BTU or greater.
Rated: High Efficiency AFUE rated 90% or higher.
Rebate: Four hundred seventy five dollars (\$475) or 50% of the equipment cost, whichever is lower.
- 5) Equipment: Steam Trap Replacement - purchase and replacement of up to twenty five (25) failing units.
Rated: Steam Trap replacement considered efficiency improvement.
Rebate: One hundred dollars (\$100) per steam trap; two thousand five hundred dollars (\$2,500) total or 50% of the equipment cost, whichever is lower.

*Indicates Change.

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**MISSOURI ENERGY EFFICIENT NATURAL GAS
EQUIPMENT AND BUILDING SHELL MEASURE REBATE PROGRAM (cont'd)**

General Service Measures (cont'd)

- *6) Equipment: Primary Air Damper - Purchase and replacement of one (1) damper unit.
Rated: Damper replacement considered efficiency improvement.
Rebate: Five hundred dollars (\$500) or 50% of the equipment cost, whichever is lower.
- *7) Equipment: Natural Gas Food Service Steamer - purchase and installation of one (1) food service steamer.
Rated: ENERGY STAR® Qualified.
Rebate: Four hundred seventy five dollars (\$475) or 50% of the equipment cost, whichever is lower.
- *8) Equipment: Natural Gas Food Service Fryer - purchase and installation of one (1) food service fryer.
Rated: ENERGY STAR® Qualified.
Rebate: Three hundred fifty dollars (\$350) or 50% of the equipment cost, whichever is lower.
- *9) Equipment: Natural Gas Tank Storage Water Heater (Tier I) - purchase and installation of up to two (2) units.
Rated: High efficiency with an EF rating greater than or equal to 0.62 and less than 0.67.
Rebate: Fifty dollars (\$50) per unit, one hundred dollars (\$100) total or 50% of the equipment cost, whichever is lower.
- *10) Equipment: Natural Gas Tank Storage Water Heater (Tier II) - purchase and installation of up to two (2) units.
Rated: ENERGY STAR® Qualified high efficiency with EF rating of at least 0.67 and higher.
Rebate: One-hundred and twenty-five dollars (\$125) per unit, two hundred and fifty dollars (\$250) total or 50% of the equipment cost, whichever is lower.

*Indicates Re-Issue.

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Name of Officer Title Address

UNION ELECTRIC COMPANY GAS SERVICE

Applying to MISSOURI SERVICE AREA

**MISSOURI ENERGY EFFICIENT NATURAL GAS
EQUIPMENT AND BUILDING SHELL MEASURE REBATE PROGRAM (cont'd)**

General Service Measures (cont'd)

- *11) Equipment: Natural Gas Tank Storage or Tankless Water Heater - purchase and installation of up to two (2) units.
Rated: ENERGY STAR® Qualified high efficiency with an EF rating of 0.82 or higher.
Rebate: Two hundred dollars (\$200) per unit, four hundred dollars (\$400) total or 50% of the equipment cost, whichever is lower.
- *12) Equipment: Natural Gas Boiler Replacement
Rated: Replace an existing boiler with a high efficient model.
Rebate: <300,000 Btuh and AFUE ≥ 85%: \$1.50/MBtuh input or \$500, whichever is lower. >300,000 Btuh and TE ≥ 90%: \$3/MBtuh input or \$2,000, whichever is lower.
- **13) Equipment: Building Shell Measures - Commercial Energy Audit Improvement - purchase and installation of cost effective natural gas energy saving equipment and building shell measures as recommended from a customer paid energy audit by a Qualified Auditor, which are not included in other commercial measures listed in this Program.
Rated: Measures considered efficiency improvements include:
1. Wall insulation
2. Window weather stripping
3. Door weather stripping
4. Water heater wrap
5. Hot water pipe wrap
6. Switch and outlet insulation
7. Caulking
8. Faucet aerators
9. Low flow shower heads
Rebate: One thousand dollars (\$1,000), or 50% of the equipment and building shell measures cost, whichever is lower
- *14) Equipment: Building Shell Measures - General Service Non-Energy Audit Improvement - purchase and installation of cost effective natural gas energy saving equipment and building shell measures that the customer believes are needed to improve the energy efficiency of their business and are not included in other commercial natural gas measures listed in this Program.

*Indicates Re-Issue.
**Indicates Change.

UNION ELECTRIC COMPANY GAS SERVICE

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**MISSOURI ENERGY EFFICIENT NATURAL GAS
EQUIPMENT AND BUILDING SHELL MEASURE REBATE PROGRAM (cont'd)**

***General Service Measures (cont'd)**

Rated: Measures considered efficiency improvements include:

1. Wall insulation
2. Window weather stripping
3. Door weather stripping
4. Water heater wrap
5. Hot water pipe wrap
6. Switch and outlet insulation
7. Caulking
8. Faucet aerators
9. Low flow shower heads

Rebate: Twenty five percent (25%) of the cost for equipment and building shell measures. A rebate will only be issued when the calculated rebate results in a minimum rebate of at least one hundred dollars(\$100) and the total rebate issued cannot exceed a maximum rebate of one thousand dollars (\$1,000).

PROGRAM FUNDS

Funding for these measures is set forth in the Stipulation and Agreement in Case No. GR-2010-0363.

PROGRAM TERM

The Program will conclude December 31, 2012.

This tariff will provide for uninterrupted availability of these energy efficiency programs through December 31, 2012. The Company may file with the Commission proposed revised tariff sheets concerning the Energy Efficiency program if Company believes circumstances warrant changes.

*Indicates Change.

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