

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of Union Electric Company d/b/a            )  
Ameren Missouri's 3<sup>rd</sup> Filing to Implement            )       File No. EO-2018-0211  
Regulatory Changes in Furtherance of Energy        )  
Efficiency as Allowed by MEEIA.                        )

**AMENDMENT TO THE NON-UNANIMOUS STIPULATION AND AGREEMENT  
REGARDING THE IMPLEMENTATION OF CERTAIN MEEIA PROGRAMS  
THROUGH PLAN YEAR 2023**

COME NOW Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri" or the "Company"), Staff of the Missouri Public Service Commission ("Staff"), and the Office of the Public Counsel ("OPC"), (collectively referred to as "Signatories"), and submit this *Amendment to the Non-Unanimous Stipulation and Agreement Regarding the Implementation of Certain MEEIA Programs through Plan Year 2023* ("*Amended Stipulation PY 2023*")<sup>1</sup> for approval by the Missouri Public Service Commission ("Commission").

In support of this *Amended Stipulation PY 2023*, the Signatories respectfully state as follows:

**BACKGROUND**

1. The Commission issued an Order on October 27, 2021, approving the Stipulation and Agreement Regarding MEEIA Plan Year 2023 ("Stipulation PY 2023"). Since the Commission's approval of the Stipulation PY 23, Ameren Missouri has re-evaluated the benefits of its demand side program and determined it beneficial to extend the maximum number of events from ten to fifteen. The ability to call fifteen demand side events will allow the Company more

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<sup>1</sup> Renew Missouri Advocates d/b/a Renew Missouri has indicated that while it is not a Signatory to the *Amended Stipulation PY23*, Renew Missouri does not oppose its approval.

flexibility to use more demand side resources and also create system availability in response to a system emergency called by the Midcontinent Independent Transmission Operator ("MISO"). To accommodate the change, Ameren Missouri is also filing an amended tariff sheet to allow fifteen demand side events contemporaneously with this filing.

2. The Signatories agree that Ameren Missouri should be allowed to extend the maximum number of demand side events from ten to fifteen. In light of the foregoing, the Signatories to this Amended *Stipulation PY 2023* agree to the following amendments to Section 8 of the portfolio section of the *Stipulation PY 2023's* terms and conditions.

### **AMENDED TERMS AND CONDITIONS**

3. The Signatories agree to delete the portion of Section 8, Portfolio, entitled "*Residential Demand Response*," of *Stipulation PY 2023*, and replace with the following:

- *Residential Demand Response:*
- Ameren Missouri will conduct a maximum of 15 residential demand response events.
  - No more than 10 events will qualify for the Earnings Opportunity Performance Bonus.
  - No more than 5 test events will be included for the Earnings Opportunity Performance Bonus, unless additional test events above the first five test events are specifically called for:
    - Locational demand purposes; or
    - Off-peak capability, such as during a winter peaking period
  - The Company may or may not be able to call the remaining non-test events to hit the performance cap, depending on actual system resource conditions and needs.

## GENERAL PROVISIONS

4. This *Amended Stipulation PY 2023* is being entered into solely for the purpose of settling the issues specifically set forth above and represents a settlement on a mutually agreeable outcome without resolution of specific issues of law or fact. This *Amended Stipulation PY 2023* is intended to relate *only* to the specific matter referred to herein; no Signatory waives any claim or right which it may otherwise have with respect to any matter not expressly provided for herein. No party will be deemed to have approved, accepted, agreed, consented, or acquiesced to any substantive or procedural principle, treatment, calculation, or other determinative issue underlying the provisions of this *Amended Stipulation PY 2023*. Except as specifically provided herein, no Signatory shall be prejudiced or bound in any manner by the terms of this *Amended Stipulation PY 2023* in any other proceeding, regardless of whether this *Amended Stipulation PY 2023* is approved.

5. This *Amended Stipulation PY 2023* has resulted from negotiation, and the terms hereof are interdependent. If the Commission does not approve this *Amended Stipulation PY 2023*, approves it with modifications or conditions to which a party objects, or issues an order in another Commission case that negates its approval or conditions or modifies the *Amended Stipulation PY 2023* in a manner to which any party objects, then this *Amended Stipulation PY 2023* shall be null and void, and no Signatory shall be bound by any of its provisions.

6. If the Commission does not approve this *Amended Stipulation PY 2023* unconditionally and without modification, and notwithstanding its provision that it shall become void, neither this *Amended Stipulation PY 2023*, nor any matters associated with its consideration by the Commission, shall be considered or argued to be a waiver of the rights that any Signatory has for a decision in accordance with Section 536.080 RSMo 2016 or Article V, Section 18 of the

Missouri Constitution, and the Signatories shall retain all procedural and due process rights as fully as though this *Amended Stipulation PY 2023* had not been presented for approval, any suggestions or memoranda, testimony or exhibits that have been offered or received in support of this *Amended Stipulation PY 2023*, shall become privileged as reflecting the substantive content of settlement discussions and shall be stricken from and not be considered as part of the administrative or evidentiary record before the Commission for any further purpose whatsoever.

7. If the Commission unconditionally accepts the specific terms of this *Amended Stipulation PY 2023* without modification, the Signatories waive, with respect only to the issues resolved herein: their respective rights (1) to call, examine and cross-examine witnesses pursuant to Section 536.070(2), RSMo 2016; (2) their respective rights to present oral argument and/or written briefs pursuant to Section 536.080.1, RSMo 2016; (3) their respective rights to seek rehearing pursuant to Section 386.500, RSMo 2016; and (4) their respective rights to judicial review pursuant to Section 386.510, RSMo 2019 Supp. These waivers apply only to a Commission order respecting this *Amended Stipulation PY 2023* issued in this above-captioned proceeding, and do not apply to any matters raised in any prior or subsequent Commission proceeding, or any matters not explicitly addressed by this *Amended Stipulation PY 2023*.

8. This *Amended Stipulation PY 2023* contains the entire agreement of the Signatories concerning the issues addressed herein.

9. This *Amended Stipulation PY 2023* does not constitute a contract with the Commission and is not intended to impinge upon any Commission claim, right, or argument by virtue of the *Amended Stipulation PY 2023's* approval. Acceptance of this *Amended Stipulation PY 2023* by the Commission shall not be deemed as constituting an agreement on the part of the Commission to forego the use of any discovery, investigative or other power which the

Commission presently has or as an acquiescence of any underlying issue. Thus, nothing in this *Amended Stipulation PY 2023* is intended to impinge or restrict in any manner the exercise by the Commission of any statutory right, including the right to access information, or any statutory obligation.

10. The Signatories agree that this *Amended Stipulation PY 2023*, except as specifically noted herein, resolves all issues related to these topics, and that the agreement should be received into the record without the necessity of any witness taking the stand for examination.

11. The Signatories agree except as expressly amended by the terms of this *Amended Stipulation PY 2023*, the *Stipulation PY 2023* is hereby ratified and confirmed as being in full force and effect.

**WHEREFORE**, the Signatories respectfully request that the Commission approve Ameren Missouri's *Amended Stipulation PY 2023* as amended herein.

Respectfully submitted,

/s/ Jennifer S. Moore

**Jennifer S. Moore**

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**For UNION ELECTRIC COMPANY  
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**For THE OFFICE OF THE PUBLIC  
COUNSEL**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing was served on all parties of record via electronic mail (e-mail) on this 9<sup>th</sup> day of March, 2023.

*/s/ Jennifer S. Moore*

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Jennifer S. Moore