

Exhibit No.:
Issue(s): MEEIA Programs
Witness: J Luebbert
Sponsoring Party: MoPSC Staff
Type of Exhibit: Surrebuttal Testimony
Case No.: EO-2018-0211
Date Testimony Prepared: September 17, 2018

MISSOURI PUBLIC SERVICE COMMISSION

COMMISSION STAFF DIVISION

SURREBUTTAL TESTIMONY

OF

J LUEBBERT

**UNION ELECTRIC COMPANY
d/b/a AMEREN MISSOURI**

CASE NO. EO-2018-0211

*Jefferson City, Missouri
September 2018*

1 **SURREBUTTAL TESTIMONY**

2 **OF**

3 **J LUEBBERT**

4 **UNION ELECTRIC COMPANY**
5 **d/b/a AMEREN MISSOURI**

6 **CASE NO. EO-20118-0211**

7 Q. What is your name?

8 A. My name is J Luebbert.

9 Q. Are you the same J Luebbert who sponsored the Avoided Costs section and
10 contributed to the Demand-Side Program Design Section used in Staff’s Report in the review
11 of Ameren Missouri’s MEEIA Cycle 3 Application (“Application”)?

12 A. Yes.

13 Q. What is the purpose of your Surrebuttal Testimony?

14 A. My surrebuttal testimony will respond to Office of the Public Counsel
15 (“OPC”) witness Geoff Marke’s Rebuttal testimony in this case regarding exclusion of
16 opt-out customers from MEEIA programs.

17 Q. On pages 26 and 27 of his rebuttal testimony, Dr. Marke discusses
18 OPC’s agreement with the position that Ameren has taken regarding exclusion of opt-out
19 customers from MEEIA programs. What is Ameren Missouri’s opinion regarding exclusion
20 of opt-out customers?

21 A. In response to OPC data request 2008 Ameren Missouri states,
22 **Ameren Missouri does not believe that opt-out customers are**
23 **eligible for any MEEIA programs (including demand response)**
24 **that are proposed in the MEEIA 2019-24 Plan.** Customers that do
25 not contribute financially to the costs of a MEEIA program generally

1 should not have their participation subsidized by other customers,
2 unless specifically allowed by statute (i.e., low-income customers).

3 **Further, Ameren Missouri does not consider its programs**
4 **(specifically, its demand response programs) to be either an**
5 **interruptible or curtailable rate**, since those are typically offered for
6 a variety of reasons (e.g., reliability concerns) and are not strictly tied
7 to energy efficiency. **Per the MEEIA statute and rule (Section**
8 **393.1075 RSMo and 4 CSR 240-20.094(7)(M), respectively), opt-out**
9 **customers could still participate in a non-MEEIA interruptible or**
10 **curtailable rate option.**
11 **(Emphasis added.)**

12 Q. Does OPC agree with the position that Ameren Missouri has taken in the
13 response to OPC data request 2008?

14 A. Yes. Within his rebuttal testimony Dr. Marke goes on to state,

15 **OPC is of the opinion that the opt-out provision in MEEIA**
16 **is categorically unfair to customers who do not have that option.**
17 Opt-out customers already benefit from MEEIA without bearing any of
18 the costs. **It would disingenuous to allow opt-out customer the**
19 **ability to further benefit from MEEIA with no associated “skin in**
20 **the game.”¹**

21 Q. Does Staff agree with the positions taken by Ameren Missouri and OPC
22 regarding opt-out customers’ potential participation within MEEIA programs?

23 A. Not entirely. Staff agrees that none of the programs that have been proposed in
24 the Application are designed as interruptible and curtailable rates.² As such, Staff also agrees
25 that the exceptions provided in Section 393.1075.10³ and 4 CSR 240-20.094(7)(M) do not
26 apply to the Business Demand Response Program or any other program that was proposed
27 within the Application. However, Staff does not believe that opt-out customers are precluded

¹ Rebuttal testimony of OPC witness Geoff Marke page 27, lines 4 through 7.

² Ameren Missouri response to OPC data request 2008.

³ 393.1075.10. Customers electing not to participate in an electric corporation's demand-side programs under this section shall still be allowed to participate in interruptible or curtailable rate schedules or tariffs offered by the electric corporation.

1 from participating in MEEIA programs that are designed as interruptible or curtailable rate
2 schedules because Section 393.1075.10 and 4 CSR 240-20.094(7)(M) explicitly allow such
3 participation.

4 Q. Are any of the proposed programs in the Application affected by this positional
5 clarification?

6 A. No. As constituted, none of the proposed programs within the application are
7 properly designed as interruptible or curtailable rate schedules.

8 Q. Does this conclude your testimony?

9 A. Yes.

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

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

AFFIDAVIT OF J LUEBBERT

STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

COMES NOW J LUEBBERT and on his oath declares that he is of sound mind and lawful age; that he contributed to the foregoing Surrebuttal Testimony; and that the same is true and correct according to his best knowledge and belief.

Further the Affiant sayeth not.

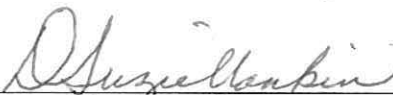


J LUEBBERT

JURAT

Subscribed and sworn before me, a duly constituted and authorized Notary Public, in and for the County of Cole, State of Missouri, at my office in Jefferson City, on this 17th day of September 2018.

D. SUZIE MANKIN
Notary Public - Notary Seal
State of Missouri
Commissioned for Cole County
My Commission Expires: December 12, 2020
Commission Number: 12412070



Notary Public