

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

In the Matter of Union Electric Company d/b/a)
Ameren Missouri’s 2nd Filing to Implement) **File No. EO-2015-0055**
Regulatory Changes in Furtherance of Energy)
Efficiency as Allowed by MEEIA)

SIERRA CLUB’S STATEMENT OF POSITION

Pursuant to the Missouri Public Service Commission’s (“Commission”) March 21, 2018 Order Granting Second Joint Motion to Modify Procedural Schedule, Sierra Club, by and through undersigned counsel, hereby submits its Statement of Position in the above-captioned case.

Sierra Club has not sponsored a witness concerning Union Electric Company d/b/a Ameren Missouri’s (“Ameren Missouri”) application for approval of a flex pay pilot program and does not plan to provide an opening statement or conduct cross examination of any witnesses at the hearing.¹ However, Sierra Club does have concerns about the proposal related to whether the pilot is an energy efficiency program and whether it should be approved. Sierra Club offers its position on these questions, which are captured in 1.A. of the issues list Ameren Missouri submitted on April 11, 2018.

Sierra Club does not believe that the proposed pilot should be considered an energy efficiency program under the Commission’s Missouri Energy Efficiency Investment Act (“MEEIA”) rules or approved as such.² The rules provide that a demand-side program is any utility program that modifies net electricity consumption on the retail customer’s side of the meter, including energy efficiency and other programs “but not including deprivation of service.”³

¹ Concurrent with this submission, Sierra Club is filing a motion to be excused from the hearing.

² Ameren Missouri requests approval of the pilot as an “energy efficiency behavioral program pilot pursuant to 4 CSR 240-20.094(4)(G).” Application at 1.

³ 4 CSR 240-20.092(1)(M).

The pilot would subject certain participating customers to disconnection when their pre-paid account balance is exhausted.⁴ Sierra Club is concerned that this could deprive customers of service⁵ and that prepayment will not reduce the amount of electricity required to achieve a given end use.⁶ Sierra Club also notes that several parties have raised significant concerns about deprivation of electricity service and customer protections.

Sierra Club recommends that Ameren Missouri's request for approval of its proposed pilot as an energy efficiency program under MEEIA be denied.

Dated this 18th day of April, 2018.

Respectfully submitted,

/s/ Jill Tauber

Jill Tauber

Admitted *Pro Hac Vice*

Earthjustice

1625 Massachusetts Ave., NW, Ste. 702

Washington, D.C. 20036

Telephone: (202) 667-4500

Fax: (202) 667-2356

jtauber@earthjustice.org

⁴ Under the pilot, low income customers would not be disconnected, Application at 3; however, what should constitute “low income” for purposes of the pilot appears to be a contested issue. *See* List of Issues at 1.C.

⁵ Sierra Club recognizes that the Commission has determined that whether the program is a “deprivation of service” is a factual dispute to be resolved after hearing. Order Denying Motion for Determination on the Pleadings at 1 (Apr. 12, 2018).

⁶ 4 CSR 240-20.092(1)(W) (definition of “energy efficiency”).

/s/ Maxine I. Lipeles

Maxine I. Lipeles. MBE # 32529
Interdisciplinary Environmental Clinic
Washington University School of Law
One Brookings Drive, Campus Box 1120
St. Louis, MO 63130
Telephone: (314) 935-5837
Fax: (314) 935-5171
milipele@wulaw.wustl.edu

Attorneys for Sierra Club

CERTIFICATE OF SERVICE

I hereby certify that a true and correct PDF version of the foregoing was filed on EFIS and electronically mailed to all counsel of record on this 18th day of April, 2018.

/s/ Jill Tauber
Jill Tauber