

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

In the Matter of Union Electric Company)	
d/b/a Ameren Missouri’s 4 th Filing to)	
Implement Regulatory Changes in Furtherance)	File No. EO-2023-0136
of Energy Efficiency as Allowed by MEEIA.)	
)	

**APPLICATION TO APPROVE DSIM AND DEMAND-SIDE MANAGEMENT
PORTFOLIO AND PLAN, REQUEST FOR VARIANCES,
AND MOTION TO ADOPT PROCEDURAL SCHEDULE**

Under authority of and in accordance with Section 393.1075, RSMo, and Commission Rules 20 CSR 4240-2.060, 20 CSR 4240-20.093, and 20 CSR 4240-2.094, Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri” or “the Company”) files this application seeking: approval of a Demand-Side Investment Mechanism (“DSIM”) and a Demand-Side Management Portfolio and Plan, to be effective during the period January 1, 2024, through December 31, 2026 (the “MEEIA 4 Plan” or “Plan”); and variances from certain Commission rules. Explanatory and supporting information required by 20 CSR 4240-20.093 and .094 is being filed simultaneously.

I. APPLICANT

1. Ameren Missouri, a Missouri corporation, provides electric and gas utility services to customers in its Missouri service areas. It is an “electrical corporation,” a “gas corporation,” and a “public utility,” as each of those terms is defined in Section 386.020, RSMo, and therefore is subject to the Commission’s general regulatory jurisdiction and supervision, as provided by law. The Company’s principal office is at 1901 Chouteau Avenue, St. Louis, Missouri 63103.

2. Correspondence, communications, orders, and other documents and notices related to this application should be sent to the following representatives of the Applicant:

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3. In prior Commission cases, Ameren Missouri filed: (i) a certified copy of the Company's Articles of Incorporation (Case No. EA-87-105); (ii) a copy of its fictitious name registrations (File No. EN-2011-0069); and (iii) a copy of its Certificate of Corporate Good Standing (File No. EM-2022-0292). As authorized by 20 CSR 4240-2.060(1)(G), those documents are incorporated by reference and made a part of this application for all purposes.

4. The Company has no overdue Commission annual reports or assessment fees and has no pending or final unsatisfied judgments or decisions against it from any state or federal agency or court that involve customer service or rates and that have occurred within the three years immediately preceding the filing of this application. By the nature of its business, the Company has, from time-to-time, pending actions in state and federal agencies and courts involving customer service or rates.

5. In accordance with 20 CSR 4240-4.017(1), on October 17, 2022, the Company filed written notice of its intent to file this application. More than 60 days, but not more than 180 days, have elapsed since that notice.

II. THE MEEIA 4 FILING

6. The MEEIA 4 Plan is Ameren Missouri's fourth Missouri Energy Efficiency Investment Act ("MEEIA") related program filing. The Commission approved the Company's current MEEIA plan, MEEIA 3, in its *Order Approving Non-Unanimous Stipulation and Agreement* issued December 5, 2018, in File No. EO-2018-0211. The Commission approved the extension of MEEIA 3 through December 31, 2023.¹

7. The MEEIA 4 Plan is reflected in a report (including appendices) entitled *Ameren Missouri 2024-26 MEEIA Energy Efficiency Plan* ("Report"), which explains all aspects of the Company's proposal to operate demand-side programs under MEEIA. The Report is similar in format to reports the Commission Staff routinely files in general rate cases in that it includes the equivalent of testimony and schedules supported by an affidavit from the Company's subject matter expert. And, as with Ameren Missouri's two previous MEEIA plans, Commission approval of programs and processes proposed in this application is required before implementation can occur.

8. The MEEIA 4 Plan is designed to accomplish two primary objectives. First, it establishes or continues energy efficiency programs that encourage Ameren Missouri's customers to use energy more efficiently by creating, sustaining, or enhancing incentives for them to do so. Second, it provides a process that ensures timely cost recovery for the Company of all reasonable

¹ On May 13, 2020, Ameren Missouri submitted an *Application for Modification of Demand-side Management Plan, Approval of Associated Variances, and Adoption of a Procedural Schedule* to extend the MEEIA 3 Plan through December 31, 2022, and the Commission issued its *Order Approving Stipulation and Agreements* on August 5, 2020, with an effective date of September 4, 2020.

On July 2, 2021, Ameren Missouri submitted an *Application for Modification of Demand-Side Management Plan, Approval of Associated Variances* to extend the MEEIA 3 Plan through December 31, 2023, and the Commission issued its *Order Approving Stipulation and Agreement Regarding MEEIA Plan Year 2023, Approving Tariff Sheet, and Granting Variances* on October 27, 2021 with an effective date of November 12, 2021.

and prudent costs of delivering cost-effective demand-side programs, that the Company's interests are aligned with customer's interests in doing so, and that the Company is afforded a reasonable earnings opportunity, all as required by MEEIA. The four key elements of the MEEIA 4 Plan are as follows:

- Portfolio Overview – Ameren Missouri seeks approval of its portfolio of demand-side programs for a three-year term commencing January 1, 2024 and ending December 31, 2026. The MEEIA 4 Plan is designed to create \$439 million in net benefits to customers and produce a cumulative portfolio net energy savings of 814 GWh. These savings represent a 2.5% cumulative reduction to retail energy sales or an annual average of 0.8%. The cumulative portfolio demand savings of 510 MW represent a 6.7% cumulative reduction to retail demand, or an annual average of 2.2%. As compared to MEEIA 2019-21 annual averages, MEEIA 4 Plan has 1.74 times the annual budget, 1.2 times the annual energy savings, and 1.6 times the annual peak demand savings.
- Expansion of the Demand-Side Portfolio – Ameren Missouri is proposing a MEEIA 4 Plan that includes 25 programs, an increase in spending and market reach for Income-Eligible customers,² specific education initiatives, and a variety of products and channels in which customers can participate. The expansion of the Plan is reflected in the Company's 2022 IRP Annual Update filing and the 2023 Market Potential Study analysis and supported by indicative market pricing through a formal Request for Proposal ("RFP") process.
- New Programs – The portfolio will include two new programs: the Residential Whole Home New Construction and the Business Midstream. The Residential Whole Home New Construction program provides technical training, bonuses and incentives to builders and Home Energy Rating System ("HERS") raters to encourage builders to build new construction homes that meet the ENERGY STAR® certified homes and the Business Midstream program provides incentives for customers to purchase higher efficient measures at the wholesale point of sale.

² The meaning of Income-Eligible customers shall mean the same as low-income customers as used in the Missouri Energy Efficiency Investor Act (MEEIA), 393.1075 RSMo., and the Commission rules, 20 CSR 4240-20.094.

- Continuation of DSIM – The MEEIA 4 Plan builds on the successful and collaborative DSIM framework established in MEEIA 3 with few changes. The Company proposes to continue its DSIM under Energy Efficiency Investment Charge Rider ("Rider EEIC"). Rider EEIC will continue to reflect the three components – program costs, the throughput disincentive, and an earnings opportunity – and will operate in a similar fashion to how it operates for the MEEIA 3 plan. The Ameren Missouri Technical Resource Manual ("TRM") will continue to be the source for demand and energy savings along with updated net-to-gross data. The earnings opportunity performance metrics have been updated to reflect new market conditions and the new portfolio make-up.

9. The MEEIA 4 Filing includes exemplar tariff sheets demonstrating the implementation of the proposed portfolio of demand-side programs, which will be replaced with final compliance tariffs after the MEEIA 4 Plan is approved. Among their other features, those tariff sheets are designed to provide Ameren Missouri the flexibility it needs to modify and improve each proposed program to reflect changes in the marketplace. For example, the tariffs allow the Company to seek changes in incentives payable to customers if customer participation in one or more programs is less than expected. Allowing such flexibility is critical to providing demand-side programs that are and remain truly cost-effective and is like the flexibility reflected in Ameren Missouri's currently effective MEEIA 3 program tariffs.

10. Although Ameren Missouri expects this case to conclude no later than sometime early in the third quarter of 2023, the Company will require several months after the Commission issues a final order to ramp-up infrastructure necessary to implement approved programs. The schedule recommended in Section IV of this application represents a balance of providing parties enough time to fully respond to the Plan while also providing enough time after Commission approval to implement the Plan.

III. REQUEST FOR WAIVERS OR VARIANCES

11. In order to implement the DSIM and the portfolio of demand-side programs proposed in its MEEIA 4 Plan, Ameren Missouri will require waivers or variances from certain Commission rules. Therefore, in accordance with 20 CSR 4240-20.094(11), the Company seeks waivers or variances from 20 CSR 4240-20.094(4)(I)3 and 20 CSR 4240-20.094(2), and in accordance with 20 CSR 4240-14.010(2) seeks a waiver or variance from 20 CSR 4240-14.030(3).³ Additionally, Ameren Missouri also seeks waivers or variances from 20 CSR 4240-22.080(1) and 20 CSR 4240-22.080(3)(B) because of the interrelationship between the MEEIA 4 Plan and filings that will be due under Chapter 22 of the Commission's rules, in accordance with 20 CSR 4240-22.080(13). The reasons Ameren Missouri requires each of these waivers or variances are as follows:

A. Waiver/Variance Related to IRP Integration: Rule 20 CSR 240-20.094(4)(I)3 states, in relevant part, the Commission can approve demand-side programs or program plans that it finds have met the filing and submission requirements of the MEEIA rules and “[a]re included in the electric utility’s preferred plan or have been analyzed through the integration process required by 4 CSR 240-22.060 to determine the impact of the demand-side program and program plans on the net present value of revenue requirements of the electric utility.” While the 2022 IRP Annual Update filing (EO-2022-0362) preferred resource plan does include analyses of demand-side resource options, those analyses were based on the best information available at that time and does not include a market analysis to implement the MEEIA 4 Plan. The MEEIA 4 Plan budget is

³ Waivers of the requirements of 20 CSR 4240-20.094(4)(I)3. (formerly 4 CSR 240-20.094(3)(A)3), 4 CSR 240-094(2), and 4 CSR 240-14.030(3)), on similar or even the same bases, were previously requested in the *Non-Unanimous Stipulation and Agreement* submitted in Ameren Missouri's MEEIA Cycle 2 Plan (File No. EO-2015-0055) on February 5, 2016, and were approved through the Commission's *Order Approving Non-Unanimous Stipulation and Agreement* issued February 10, 2016 and requested in Ameren Missouri's MEEIA 3 Plan (File No. EO-2018-0211). The Commission approve the waivers for the MEEIA 3 Plan in its *Order Approving Stipulation and Agreement and Granting Waivers* issued on December 5, 2018 and effective January 4, 2019.

seven percent higher than 2022 IRP Annual Update's preferred resource plan and the increase in budget reflects an increase in incentives and labor costs to reflect the current market conditions expected over the next three years. Good cause for this waiver exists because requiring a revision of the 2022 IRP Annual Update preferred resource plan analyses to accommodate this filing does not warrant the time and effort that would be required to complete that revision.

B. Waiver/Variance Related to Annual Energy and Demand Savings Goals: Rule 20 CSR 4240-20.094(2) prescribes guidelines to review progress toward the expectation an electric utility's demand-side programs can achieve a goal of overall cost-effective demand-side savings. However, the rule expressly states that the prescribed guidelines are not mandatory and no penalty or other adverse consequence will result if a utility is unable to achieve annual savings goals specified in those guidelines. To eliminate any confusion regarding whether Ameren Missouri's MEEIA 4 Plan programs are required to meet those "soft" goals related to kWh and kW load reductions, the Company seeks a waiver of this rule. Alternatively, the Commission could include a statement in its final order approving the MEEIA 4 Plan that Ameren Missouri will not be penalized in any way if it fails to meet goals expressed in the rule's guidelines.

C. Waiver/Variance Related to Promotional Practices: Rule 20 CSR 4240-14.030(3) states, in relevant part, an electric utility is prohibited from implementing any new promotional practice until after a tariff related to that practice has been filed with the Commission. The MEEIA 4 Plan anticipates the Company will be required to change certain elements of its promotional practices – most notably incentive payments – to reflect marketplace changes. Requiring Ameren Missouri to file tariffs before such changes can be implemented would be burdensome and would prevent the Company from quickly addressing conditions the promotional practice changes were designed to address. A waiver of this rule is necessary to give Ameren Missouri administrative

flexibility necessary to timely address marketplace changes so its MEEIA 4 Plan can achieve its objective of reducing energy use and demand as cost-effectively as possible.

**IV. PROPOSED PROCEDURAL SCHEDULE
AND PROCEDURAL REQUIREMENTS**

12. To enable the Commission and interested parties time to fully consider the MEEIA 4 Plan and still complete that review so Ameren Missouri can implement an approved plan by January 1, 2024, the Company recommends the Commission adopt the following procedural schedule and procedural requirements for this case:

EVENT	DATE
Filing Date	March 27, 2023
Rebuttal Testimony	May 1, 2023
Surrebuttal/Cross-Surrebuttal Testimony	May 30, 2023
Last Day to Request Discovery ⁴	June 6, 2023
List of Issues, List of Witnesses, and Order of Cross-Examination	June 6, 2023
Position Statements	June 12, 2023
Evidentiary Hearing	June 22, 2023
Initial Post-Hearing Briefs	July 19, 2023
Reply Briefs	August 2, 2023
Requested Order	August 24, 2023

⁴ By issuing Data Requests or other written discovery requests, subpoenas, or the last date by which a deposition may be taken.

Proposed Procedural Requirements

- (a) For rebuttal and surrebuttal/cross-surrebuttal testimony, all parties must comply with the requirements of Commission Rule 20 CSR 4240-2.130 for prepared testimony, including the requirement that testimony be filed with line-numbered pages.
- (b) Although not all parties may agree upon how each issue should be described or on whether a listed issue is in fact a proper issue in this case, the parties shall agree upon and file a list of the issues to be heard, the witnesses to appear on each day of the hearing, the order in which they will be called, and the order of cross-examination for each witness. The list of issues should be detailed enough to inform the Commission of each issue that must be resolved. The Commission will view any issue not contained in this list of issues as uncontested and not requiring resolution by the Commission.
- (c) Each party shall file a simple and concise statement summarizing its position on each disputed issue.
- (d) All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 20 CSR 4240-2.080. Briefs shall follow the same list of issues as filed in the case and must set forth and cite the proper portions of the record concerning the remaining unresolved issues that are to be decided by the Commission.
- (e) If part of testimony or documents are prefiled and served upon the parties before a hearing, a party need only provide a copy of the testimony or document to the court reporter for marking as an exhibit. If not prefiled and served upon the parties, then a party who has a document marked for use at the hearing shall have sufficient copies of the document to provide a copy not only to the court reporter, but also to each of the Commissioners, the presiding officer, and counsel for each other party.
- (f) All parties shall provide copies of testimony (including schedules), exhibits, and pleadings to other counsel by electronic means and in electronic form, essentially concurrently with the filing of such testimony, exhibits, or pleadings where the information is available in electronic format (.PDF, .DOC, .WPD, .XLS, etc.). Parties are not required to put information that does not already exist in electronic format into electronic format for purposes of exchanging.
- (g) Public documents filed in the Commission's Electronic Filing and Information System ("EFIS") shall be considered properly served by serving the same on counsel of record for all other parties via e-mail. The parties agree confidential documents may be obtained from EFIS and so agree not to serve those documents via e-mail.
- (h) Counsel for each party shall receive electronically from all other parties serving a data request, an electronic copy of the text of the "description" of that data request contemporaneously with service of the data request. Data requests issued to or by Staff shall be submitted and responded to in EFIS, if feasible, or in electronic format on compact disc, or by other means agreed to by counsel, if infeasible. Also regarding Staff-issued data

requests, if the description contains highly confidential or proprietary information, or is voluminous, a hyperlink to the EFIS record of that data request shall be considered a sufficient copy. If a party desires the response to a data request that has been served on another party, the party desiring a copy of the response must request a copy of the response from the party answering the data request. Data requests, objections to data requests, and notifications respecting the need for additional time to respond to data requests shall be sent by e-mail to counsel for the other parties. Counsel may designate other personnel to be added to the service list for data requests, but shall assume responsibility for compliance with any restrictions on confidentiality. Data request responses shall be served on counsel for the requesting party, unless waived by counsel, and on the requesting party's employee or representative who submitted the data request, and shall be served electronically, if feasible and not voluminous as defined by Commission rule. In the case of Ameren Missouri data request responses, Ameren Missouri shall post its data request responses on its Caseworks Extranet site; however, in the case of responses to data requests Staff issues, Ameren Missouri shall also submit the responses to Staff data requests in EFIS, if feasible, or in electronic format on compact disc or by other means agreed to by Staff counsel, if infeasible.

- (i) The parties shall make an effort to not include confidential information in data requests. If confidential information must be included in a data request, the confidential information shall be appropriately designated as such pursuant to Commission Rule 20 CSR 4240-2.135.
- (j) The response time for all data requests shall be fifteen (15) days, with five (5) business days to object or notify the requesting party that more than fifteen (15) days will be needed to provide the requested information. If a data request has been responded to, a party's request for a copy of the response shall be timely responded to without waiting the full response time allowed (except that, with the exception of responses to Staff, responses will not be needed for Ameren Missouri data request responses posted on Ameren Missouri's Caseworks Extranet site).
- (k) Workpapers prepared in the course of developing a testimony shall not be filed with the Commission, but shall be submitted to each party within two (2) business days following the filing of the testimony document, unless a party has indicated that it does not want to receive some or all of the workpapers. Workpapers containing confidential information shall be appropriately marked. If there are no workpapers associated with testimony, the party's attorney shall so notify the other parties within the time allowed for providing those workpapers.
- (l) Where workpapers or data request responses include models or spreadsheets or similar information originally in a commonly available format where inputs or parameters may be changed to observe changes in inputs, if available in that original format, the party providing the workpaper or response shall provide this type of information in that original format with formulas intact. With the exception of workpapers provided to Staff, Ameren Missouri may provide workpapers by posting the same on its Caseworks Extranet site, with e-mail notification to counsel for the parties to be provided essentially concurrently with the posting of workpapers on the Extranet site. Ameren Missouri shall provide its workpapers to Staff in electronic format by e-mailing or by delivery of a compact disc or other electronic storage.

- (m) Commission Rule 4 CSR 2.090's requirement that a party must seek a telephone conference with the presiding officer before filing a discovery motion shall be waived.

Ameren Missouri also proposes to hold technical conferences as necessary, commencing the week of April 24, 2023, with Staff, the Office of the Public Counsel, and any other party to the case interested in participating, and to continue those conferences for whatever period prior to the hearing date participants believe they are worthwhile. In order to identify parties who may wish to participate in those weekly conferences, the Company requests the Commission set a short intervention deadline and early prehearing conference in this case.

WHEREFORE, Ameren Missouri requests the Commission approve the DSIM and the MEEIA 4 Plan, and grant the waivers or variances requested in this application.

Respectfully submitted,

/s/ Jennifer S. Moore

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**Attorneys for Union Electric Company
d/b/a Ameren Missouri**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served on the Staff of the Commission and the Office of the Public Counsel on this via electronic mail (e-mail) on this 27th day of March, 2023.

/s/ Jennifer S. Moore _____
Jennifer S. Moore

VERIFICATION

The undersigned, being first duly sworn and upon his oath, hereby states that the foregoing *Application to Approve DSIM and Demand-Side Management Portfolio and Plan, Request for Variances, and Motion to Adopt Procedural Schedule*, including the associated *Ameren Missouri 2024-26 MEEIA Energy Efficiency Plan* and its associated appendices, is true and correct to the best of his knowledge, information, and belief.

ls\ Warren Wood
Warren Wood, Vice President
Regulatory & Legislative Affairs
Union Electric Company d/b/a
Ameren Missouri

This 27th day of March, 2023.