

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

In the Matter of Union Electric Company d/b/a)
Ameren Missouri's Tariffs to Implement Changes)
to its Electric Energy Efficiency Programs)
Case No. ET-2012-0011

MISSOURI DEPARTMENT OF NATURAL RESOURCES'
STATEMENT REGARDING TARIFF RECOMMENDATIONS

COMES NOW Missouri Department of Natural Resources (MDNR), by and through counsel, and for its *Statement Regarding Tariff Recommendations*, respectfully states the following:

1. On October 25, 2011, Union Electric Company d/b/a Ameren Missouri (Ameren) filed a request for approval of Residential Electric Energy Efficiency Bridge Tariffs, filing letter and tariff sheets with the Missouri Public Service Commission (PSC). All sheets bear an issue date of October 25, 2011 and an effective date of November 24, 2011.

2. On October 26, 2011, the PSC issued a *Notice of Tariff Filing and Order Establishing Time to File Recommendations*. The Order set a November 9, 2011 deadline for interested parties to intervene and a November 14, 2011 deadline for interested parties to file a recommendation.

3. Ameren's *Request for Approval of Residential Electric Energy Efficiency Bridge Tariffs* stated that the tariffs "are designed to bridge the gap between the expiration of the Company's former energy efficiency programs (which expired on September 30, 2011) and when the Commission issues an order on the Company's Missouri Energy Efficiency Investment Act (MEEIA) filing." The tariffs would be effective through June 30, 2012.

4. Under the new MEEIA law, 4 CSR 240-20.094(3) provides that: "The commission shall approve, approve with modification acceptable to the electric utility, or reject such

applications for approval of demand-side program plans within one hundred twenty (120) days of the filing of an application under this section only after providing the opportunity for a hearing.”

5. The tariffs propose a “bridge” that covers neither the near end of the gap (due to Ameren allowing its energy efficiency tariffs to expire September 30) nor the far end of the gap (depending on the date Ameren chooses to submit its MEEIA filing). If Ameren makes its MEEIA filing after March 2, 2012, and the Commission requires the entire 120 days to decide the case (which is not unlikely), the tariffs will expire prior to the MEEIA decision and another disruptive, unproductive gap in energy efficiency programs will occur. If Ameren were to make its MEEIA filing before March 2, 2012 then a Commission decision in the MEEIA case would be due before the June 30, 2012 expiration of these bridge programs, but if the Commission were to reject Ameren’s MEEIA filing or to approve a MEEIA plan with modification/s not “acceptable to the electric utility” then Ameren’s tariffs would expire before the end of the “bridge” period. Thus, the proposed June 30, 2012 expiration date of the proposed tariffs (and programs) is inappropriate. The tariffs, as submitted, would leave Ameren’s Residential customers without energy efficiency programs, stranded on the edge of an unfinished bridge.

6. The tariffs also propose woefully inadequate energy efficiency savings and support a limited portfolio of programs. In fiscal year 2011, Ameren spent \$31 Million on Energy Efficiency programs which saved more than 272,000 MWh. In contrast, the proposed tariffs are only seeking to reduce energy use by 20,000 MWh during the bridge period (between 11/24/2011 and 6/30/2012) with a budget of \$5.1 Million. Even if the timing issue identified above were addressed so that the bridge programs spanned the divide, they would be wholly inadequate in scope and breadth.

7. Because the programs included in the bridge tariffs are preferable to not having energy efficiency programs at all, MDNR cannot recommend the suspension of the bridge tariffs.

However, in light of the inappropriate expiration date and inadequate scope of the proposed energy efficiency programs, neither can MDNR recommend that the Commission approve the tariffs.

WHEREFORE, the Missouri Department of Natural Resources respectfully submits this Statement Regarding Tariff Recommendations,

Respectfully submitted,

CHRIS KOSTER
Attorney General

/s/ Jessica L. Blome

Jessica L. Blome

Assistant Attorney General

Agriculture & Environment Division

Missouri Bar No. 59710

P.O. Box 899

Jefferson City, Missouri 65102

Telephone: (573) 751-3640

Fax: (573) 751-8796

E-mail Jessica.Blome@ago.mo.gov

Attorney for Missouri Department of Natural Resources

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been served electronically on all counsel of record this 14th day of November, 2011.

/s/ Jessica L. Blome

Jessica L. Blome