

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of Union Electric Company d/b/a)
Ameren Missouri’s Filing to Implement Regulatory)
Changes in Furtherance of Energy Efficiency) **File No. EO-2012-0142**
As Allowed by MEEIA)

**RESPONSE OF NRDC, SIERRA CLUB,
AND RENEW MISSOURI TO STAFF’S MOTION ON DETERMINATION OF
VARIANCES**

Come now Sierra Club, Earth Island Institute d/b/a Renew Missouri, and the Natural Resources Defense Council (collectively “NRDC”), in response to Staff’s motion state the following.

1. Staff’s “Motion for Variance Determinations and Motion for Expedited Treatment” requires the Commission to balance the need to resolve the variance issues raised by both Ameren and Staff with the need for an expeditious conclusion of this docket.

2. Not all the variance requests are created equal. Some may be resolved simply by consulting the rules and the statute. Others, such as the use of a Technical Resource Manual to estimate energy savings, or the use of gross savings rather than net, or the sharing of lifetime net benefits rather than annual net benefits, may require considerable analysis and discussion before they can be addressed on the merits. In the Joint Motion to Establish Procedural Schedule, NRDC took the position, along with all other non-utility parties except MDNR, that the variances should be decided early; however, we no longer believe that this is practicable within a reasonable time frame.

3. NRDC also hopes that some variance requests may become moot as a result of settlement discussions or technical conferences.

4. Settling variances before the filing of a case is a good procedure and has been done in IRP cases. However, NRDC is aware of no rule or statute that explicitly requires this procedure. To apply such a requirement retroactively, after the filing has been made, is not appropriate.

5. NRDC continues to believe that because of the variance issues a 60-day extension of the 120-day schedule in 4 CSR 240-20.094(3) is necessary and warranted.

WHEREFORE, Sierra Club, Renew Missouri, and the Natural Resources Defense Council respectfully ask the Commission to grant the 60-day extension requested in the Joint Motion to Establish Procedural Schedule and allow the variance requests to be decided during the course of the case.

/s/ Henry B. Robertson
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct PDF version of the foregoing was filed on EFIS and sent by email on this 24th day of February, 2012, to all counsel of record:

/s/ Henry B. Robertson
Henry B. Robertson