

Exhibit No.:
Issue(s): *EEI Membership Fees,
Dues and Donations, Power Plant
Maintenance, Advertising*

Witness: *Antonija Nieto*
Sponsoring Party: *MoPSC Staff*
Type of Exhibit: *Surrebuttal/True-up Direct Testimony*
Case No.: *ER-2022-0337*
Date Testimony Prepared: *March 13, 2023*

MISSOURI PUBLIC SERVICE COMMISSION
FINANCIAL AND BUSINESS ANALYSIS DIVISION
AUDITING DEPARTMENT

SURREBUTTAL/TRUE-UP DIRECT TESTIMONY

OF

ANTONIJA NIETO

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

Case No. ER-2022-0337

Jefferson City, Missouri
March 13, 2023

**** Denotes Confidential Information ****

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7
8
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10
11
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TABLE OF CONTENTS OF
SURREBUTTAL/TRUE-UP DIRECT TESTIMONY OF
ANTONIJA NIETO
UNION ELECTRIC COMPANY,
d/b/a AMEREN MISSOURI
CASE NO. ER-2022-0337

EXECUTIVE SUMMARY1
EDISON ELECTRIC INSTITUTE DUES.....2
DUES AND DONATIONS.....10
NON-LABOR POWER PLANT MAINTENANCE.....15
ADVERTISING EXPENSE.....15
TRUE-UP15

1 **SURREBUTTAL/TRUE-UP DIRECT TESTIMONY**

2 **OF**

3 **ANTONIJA NIETO**

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

6 **CASE NO. ER-2022-0337**

7 Q. Please state your name and business address.

8 A. My name is Antonija Nieto. My business address is 615 East 13th Street, Kansas
9 City, MO 64106.

10 Q. By whom are you employed and in what capacity?

11 A. I am a Senior Utility Regulatory Auditor with the Missouri Public Service
12 Commission ("Commission").

13 Q. Are you the same Antonija Nieto that filed direct and rebuttal testimony in this
14 case?

15 A. Yes.

16 **EXECUTIVE SUMMARY**

17 Q. What is the purpose of your surrebuttal testimony?

18 A. In my surrebuttal testimony I will respond to the rebuttal testimony of Union
19 Electric Company, d/b/a Ameren Missouri's ("Ameren Missouri" also "the Company") witness
20 Laura M. Moore regarding Edison Electric Institute ("EEI") membership dues and to the
21 rebuttal testimony of Ameren Missouri's witness Charles Steib regarding dues and donations.
22 Additionally, I will respond to Ameren Missouri witness Mitchell Lansford's rebuttal testimony
23 in regard to non-labor power plant maintenance and advertising expense.

1 **EDISON ELECTRIC INSTITUTE DUES**

2 Q. What is Staff's position regarding EEI dues?

3 A. Staff recommends removal of all EEI dues from the Company's revenue
4 requirement.

5 Q. Please explain Ameren Missouri's position on EEI dues.

6 A. The Company removed the lobbying portion from the revenue requirement and
7 is of the opinion that no other amounts associated with EEI dues should be excluded from the
8 Company's cost of service.

9 Q. Why does Staff recommend the removal of all EEI dues?

10 A. Starting on page 2, line 9 and concluding on page 7, line 15 of my rebuttal
11 testimony, I explain Staff's reasoning behind recommending the removal of all EEI dues from
12 the Company's revenue requirement. Staff based its recommendation for removal of EEI dues
13 from the test year on several prior Commission Reports and Orders.

14 In the Commission's *Report and Order* in KCPL¹ Case No. ER-81-42, the Commission
15 stated the following:

16 The rule has always been that dues to organizations may be allowed as
17 operating expenses where a direct benefit can be shown to accrue to the
18 ratepayers of the company. Conversely, where that sort of benefit does
19 not appear, disallowance of the dues is required. It follows that the mere
20 fact that an activity might fall within the very broad general definition of
21 lobbying as used by Public Counsel should not necessarily mean that it
22 is an improper expense for ratemaking purposes. This question is one of
23 benefit or lack of benefit to the ratepayers.²

¹ Evergy Missouri Metro, formerly known as Kansas City Power & Light Company (KCPL).

² Commission Reports, 25 Mo. P.S.C. (N.S.), page 244.

1 In the Commission's *Report and Order* in KCPL Case No. ER-83-49, the Commission adopted
2 a criterion to determine whether some portion of EEI dues should be allowed in rates:

3 The Commission finds that the Company's analysis to be faulty in that
4 the Company has quantified the benefits to the ratepayers but has ignored
5 any potential benefit to the shareholders. It is entirely possible that the
6 amount of monetary benefit to the shareholders could exceed the amount
7 of alleged benefit to the ratepayers. In that event the shareholders should
8 bear a larger portion of the EEI dues than the ratepayers. Thus, the
9 Company has not met its burden of proof of the proper assignment of
10 EEI dues based on the respective benefit to the two involved groups. In
11 the absence of that allocation the EEI dues should be excluded as an
12 expense for setting the permanent rates in this matter.³

13 Staff's disallowance of EEI dues in this case is consistent with the Commission's guidance in
14 Commission's order in Case No. ER-83-49 because the Company has not quantified the benefits
15 of this membership to shareholders. The Commission also found EEI dues should not be
16 included in rates in KCPL's 1982 rate case, Case No. ER-82-66.

17 In Case No. ER-82-66, the Commission stated the following:

18 ...until the Company (KCPL) can better quantify the benefit and the
19 activities that were the causal factor of the benefit, the Commission must
20 disallow EEI dues as an expense⁴.

21 Staff also listed several specific examples when EEI engaged in activities in the interest of
22 utility shareholders including:

- 23 - Supreme Court Case No. 13-787, KCP&L Greater Missouri Operation's
24 ("GMO")⁵ appeal⁶ of the Missouri Commission's *Report and Order* in Case
25 No. ER-2012-0175. EEI demonstrated that it primarily represents utility
26 interests when it filed an *Amicus Curiae* brief in support of the petitioner,
27 GMO, on February 3, 2014. This brief specifically concerned GMO's

³ Commission Reports, 26 Mo. P.S.C. (N.S.), page 115.

⁴ See *In the Matter of Kansas City Power & Light Co.*, 28 MO P.S.C. (N.S.) 228, 259 (1986).

⁵ GMO is now doing business as Evergy Missouri West.

⁶ WD 75038, Missouri Court of Appeals, Western District.

1 attempt to overturn the Missouri Commission’s prior rate decision regarding
2 recovery of plant investment and transmission costs related to Crossroads
3 Energy Center (“Crossroads”).

- 4 - In response to Staff Data Request No. 0445 in Case No. ER-2016-0156,
5 GMO stated that ** [REDACTED]
6 [REDACTED]. ** The response to this data request is attached to my
7 rebuttal testimony as Confidential Schedule AN-r7.
- 8 - EEI also filed an amicus brief on February 27, 2003, in support of the
9 petitioner in File No. 3-10909 United States of America before the Securities
10 and Exchange Commission, In the Matter of Application of Enron Corp. for
11 Exemptions Under the Public Utility Holding Company Act of 1935 (File
12 Nos. 70-9661 and 70-10056).

13 Q. Why does Staff find these litigation expenses objectionable?

14 A. Ratepayers should not be responsible for advocating positions in the courts
15 (Supreme or otherwise) that may or may not benefit ratepayers especially when EEI is filing
16 these briefs against government entities.

17 Q. In your direct and rebuttal testimony you also listed some recent activities in
18 which EEI participated that possibly do not benefit ratepayers.

19 A. Yes. My direct and rebuttal testimony also discuss some recent activities in
20 which EEI participated that possibly do not benefit the ratepayer. I attached the June 2021 and
21 June 2022 EEI “Membership Matters” pamphlets that describe the prior years’ activities as
22 Schedules AN-d2 and AN-d3 to my direct testimony in this proceeding. Admittedly, some
23 items EEI provides to its members may benefit the ratepayer. The instances I have listed in
24 which these reports focus on lobbying and benefiting the shareholders include:

- 1 - an advertising campaign during “Earth Week” which ran on cable and
- 2 Politico that could only be described as “institutional” advertising,
- 3 - the EEI’s success in keeping disconnection moratorium language out of the
- 4 draft “American Rescue Plan” federal legislation,
- 5 - lobbying the Financial Accounting Standards Board (“FASB”) to change
- 6 lease accounting,
- 7 - lobbying Federal Energy Regulatory Commission (“FERC”) and U.S.
- 8 lawmakers regarding FERC’s proposal to eliminate financial incentives for
- 9 utilities that join regional transmission organizations (“RTO”)

10 To my direct testimony, I also attached the Zack Hale S&P Global articles published on
11 June 15, 2021, and June 30, 2021 (Schedule AN-d4 and AN-d5 respectively), discussing EEI’s
12 attempt to influence a decision on Federal Energy Regulatory Commission (“FERC”) issued
13 notice of proposed rulemaking (RM20-10) to increase regional transmission organization
14 (“RTO”) adder from 50 to 100 bases points, drawing a partial dissent from then FERC
15 Commissioner Richard Glick “who argued the administrative record failed to show that the
16 existing incentive was dissuading utilities from leaving RTOs after joining.” The article states:
17 “As chairman, Glick issued a supplemental proposal in April to eliminate RTO adder after three
18 years, a move estimated to save consumers approximately \$350 million annually.” EEI argued
19 that: “Due to the risks associated with RTO/ISO membership, the ROE adder is more
20 appropriate now than ever.”

21 My direct and rebuttal testimony also discuss one of the notable recent examples of EEI
22 engaging in activities designed to benefit utility shareholders - EEI urging FERC to give
23 incumbent utilities the right of first refusal (“ROFR”) for transmission development projects
24 without a bidding process. According to Ethan Howland article published in Utility Dive on

1 October 18, 2021; “U.S. transmission investment grew to \$170.1 billion in 2020, up from
2 \$95.2 billion in 2014, with only about 3% of transmission projects coming through competitive
3 bidding...”⁷ The article further notes: “Transmission projects that go through competitive
4 processes are roughly a third less expensive than utility-backed proposals...”

5 Furthermore, EEI itself made contributions of \$585,000 to dozens of charitable
6 organizations on behalf of its member utilities ranging from the Alzheimer’s Association to the
7 Massachusetts Institute of Technology (“MIT”) and The U.S. Conference of Mayors. I have
8 attached this lobbying report as Schedule AN-d6 to my direct testimony.

9 Q. Ameren Missouri witness Laura Moore mentions in her rebuttal testimony that
10 she quantified specific benefits to the ratepayers obtained by the Company’s participation in
11 the mutual assistance program during the recovery effort after one storm that would justify
12 including the EEI dues in the Company’s revenue requirement.⁸ Did Staff respond to that
13 justification?

14 A. Yes. I provide a response to the Company’s quantification of the alleged
15 customer benefits from Ameren Missouri’s membership in EEI during one storm in my rebuttal
16 testimony starting on page 8, line 4 and concluding on page 9, line 8. According to the National
17 Association of Regulatory Utility Commissioners’ (“NARUC”) *Regional Mutual Assistance*
18 *Groups: A Primer* report supported by the U.S. Department of Energy and published in
19 November 2015 (attached to my rebuttal testimony as Schedule AN-r8); “Mutual assistance
20 refers to voluntary partnerships among utilities in the same region, where utilities can get help
21 from other utilities in the same mutual assistance network. Utilities may also belong to two or

⁷ [EEI, utilities want first crack at transmission development as FERC mulls new rules, incentives | Utility Dive](#)

⁸ Rebuttal testimony of Laura M. Moore, page 2, lines 16-22.

1 more regional networks.” The report continues to say on page 2: “Agencies like the National
2 Weather Service, the US Forest Service, the US Army Corps of Engineers, US Department of
3 Homeland Security, Federal Bureau of Investigation, and the US Department of Energy can
4 play a supportive role in communicating impending threats, and associations like the Edison
5 Electric Institute (EEI), American Public Power Association (APPA), and NARUC *can help*
6 *disseminate that information* [Emphasis added].” It is Staff’s position that Ameren Missouri
7 does not have to be a member of EEI to obtain the help and potential savings provided by the
8 membership in one or more of the Regional Mutual Assistance Groups (“RMAG”). Mutual
9 assistance agreements between investor owned utilities are managed by RMAGs which,
10 according to the NARUC’s report, page 6, are “... groups of utilities in a state, region or across
11 the country that have agreements to offer mutual aid assistance when a request is made.”

12 Q. Company witness Moore also states that Ameren Missouri recorded the
13 lobbying portion of the EEI dues “below-the-line” and that no other amounts need to be
14 removed from the Company’s revenue requirement.”⁹ Has the Commission provided guidance
15 on how to approach EEI lobbying costs in prior cases?

16 A. Yes. In Case No. ER-82-39 the Commission Report and Order states:

17 The two percent figure, however is based solely on the amount reported
18 by EEI pursuant to the Federal Registration of Lobbying Act, 2 U.S.C.
19 Section 267(a). That federal statute requires any person engaged for pay
20 in attempting to influence the passage or defeat of any legislation by the
21 United States congress to register with the Clerk of Congress and to file
22 a quarterly verified report of all money received and expended by such
23 person during the previous calendar quarter in carrying on his work. By
24 its own terms, the Act does not apply to any person who “merely appears
25 before a committee of the Congress of the United States in support of or
26 in opposition to legislation.” Nor does the Federal Registration of
27 Lobbying Act require EEI to report expenditures related to its efforts to

⁹ Rebuttal testimony of Laura M. Moore, page 1, lines 17-19 and page 2, lines 1-2.

1 influence the Executive Branch of the federal government, regulatory
2 commissions and Presidential task forces, or its efforts related to its
3 support of witnesses testifying before Congressional committees.

4 The Report and Order continues to say:

5 The Commission has heard this two percent argument concerning EEI's
6 lobbying activities on numerous occasions in the past, and has uniformly
7 rejected that argument. The Commission holds that the fact that EEI
8 reports two percent of its expenditures as lobbying expense under the
9 Federal Regulation of Lobbying Act is irrelevant to the Commission's
10 consideration of this issue¹⁰

11 In this case, the reported portion of EEI dues relating to influencing legislation and
12 political campaign activity in 2022 is estimated to be ** [REDACTED] **, as seen in the invoice for
13 Membership Dues attached to my testimony as a Confidential Schedule AN-s1.

14 Q. Did Staff provide any examples of prior Commission orders regarding EEI dues?

15 A. Yes, in my rebuttal testimony I provided quotes from the Commission's Report
16 and Order in Cases No. ER-81-42¹¹ and ER-82-66¹² that rejected inclusion of the EEI dues in
17 the Company's revenue requirement. Additionally, the Commission Report and Order in Case
18 No. ER-83-40 states: "... the Commission notes that Company did not attempt to allocate
19 EEI-related expenses between ratepayers and shareholders. That is, Company attempted to
20 prove only what benefits flowed to ratepayers from EEI activities." The order continues to say:
21 "It remains entirely possible that the amount of monetary benefit to shareholders could exceed
22 the amount which may benefit the ratepayers. In that event the shareholders should bear a larger
23 portion of the EEI dues than the ratepayers."¹³

¹⁰ Commission Reports, 25 Mo. P.S.C. (N.S.), page 145.

¹¹ Commission Reports, 25 Mo. P.S.C. (N.S.), page 244.

¹² Commission Reports, 26 Mo. P.S.C. (N.S.), page 115.

¹³ Commission Reports, 26 Mo. P.S.C. (N.S.), page 87.

1 In this case, the Company did not quantify the benefits of EEI membership to its
2 shareholders, but to the ratepayers only. If the shareholders benefitted more from the EEI
3 provided services than the ratepayers did, the shareholders should be held responsible for
4 paying a proportionate amount of the EEI membership expense.

5 Q. Please summarize Staff's recommendation on EEI dues.

6 A. Although Staff recognizes that EEI might provide some benefits to the
7 consumers, EEI's primary role is to benefit utilities' bottom line and its shareholders' interests.
8 Staff is also of the position that Ameren Missouri does not have to be a member of EEI to
9 obtain the help and potential savings provided by the membership in one or more of the
10 Regional Mutual Assistance Groups. This would fall under the established criteria when dues
11 and donations expenses should not be included in customer rates – expenses that are supportive
12 of activities that are duplicative of those performed by other organizations to which the
13 Company belongs or pays dues. Additionally, although Ameren Missouri quantified alleged
14 customer savings resulting from the use of the mutual assistance vendors during one storm
15 recovery, Ameren Missouri failed to quantify the benefits to its shareholders. If shareholders
16 benefits were greater than those of the consumers, the shareholders should bare a greater portion
17 of the membership cost.

18 Ameren Missouri did not prove that the services provided by EEI are not duplicative of
19 the services provided by other agencies or groups, nor did Ameren Missouri justify the proper
20 assignment of EEI dues based on the respective benefit to the two involved groups, specifically
21 shareholders. Since the Company failed to support the cost, Staff recommends disallowance of
22 the entire amount of EEI dues recorded above-the-line in Ameren Missouri's test year.

1 **DUES AND DONATIONS**

2 Q. Please summarize Ameren Missouri's position on rate recovery of membership
3 dues.

4 A. Witness Charles Steib states in his rebuttal testimony that Ameren Missouri
5 agrees with the Staff's removal of Chamber of Commerce dues. However, Ameren Missouri
6 disagrees with Staff disallowing \$303,580 in dues paid to Greater St. Louis Inc. ("GLSI"),
7 \$195,095 dues paid to Hunton Andrews Kurth, and additional \$119,993 dues paid to 16 other
8 organizations.¹⁴

9 Q. Has the Commission provided guidance in prior cases as to the rate recovery of
10 dues?

11 A. Yes. As stated in my direct testimony, the Commission's *Report and Order* in
12 Case No. EO-85-185, page 261, four criteria were established by Staff, and accepted by the
13 Commission, for disallowance of dues and donations:

- 14 (1) involuntary ratepayer contributions of a charitable nature;
15 (2) supportive of activities which are duplicative of those performed
16 by other organizations to which the Company belongs or pays dues;
17 (3) active lobbying activities which have not been demonstrated to
18 provide any direct benefit to the ratepayers; or,
19 (4) costs of other activities that provide no benefit or increased service
20 quality to the ratepayer.¹⁵

21 Staff used the four criteria listed in the Commission's *Report and Order* from Case No.
22 EO-85-185 to establish the appropriate disallowances of dues and donations. The attached

¹⁴ Rebuttal testimony of Charles Steib, page 3, lines 4-7.

¹⁵ Commission Reports, 28 Mo. P.S.C. (N.S) page 261.

1 Confidential Schedule AN-s2 lists the specific criteria Staff used as justification for
2 removing the dues paid to each individual organization that was included in Staff's adjustment.

3 Q. You removed dues Ameren Missouri pays to Greater St. Louis Inc. ("GSLI").
4 What is GSLI?

5 A. GSLI is a regional economic development organization established to attract,
6 retain, and expand business opportunities throughout the St. Louis metropolitan area.
7 According to their website, "Greater St. Louis, Inc. represents best-in-class, evidence-based
8 framework to align, structure, and invest significant resources to create a St. Louis economy
9 that is both more competitive and more inclusive."¹⁶

10 Q. You also proposed disallowance of Hunton Andrews Kurth charges comprised
11 of Utility Water Act Group ("UWAG") dues and consulting fees related to Clean Air Act. Who
12 is Hunton?

13 A. According to their website, Hunton Andrews Kurth "...serves clients across a
14 broad range of complex transactional, litigation and regulatory matters."¹⁷

15 Q. What is UWAG?

16 A. According to their website, UWAG "is a voluntary, non-profit, unincorporated
17 group formed in 1973 and comprised of individual energy companies and three national trade
18 associations of energy companies: the Edison Electric Institute (EEI), the National Rural
19 Electric Cooperative Association (NRECA), and the American Public Power Association
20 (APPA). The individual energy companies operate power plants and other facilities that
21 generate, transmit, and distribute electricity to residential, commercial, industrial, and

¹⁶ [Greater St. Louis, Inc. \(greaterstlinc.com\)](http://greaterstlinc.com)

¹⁷ [Hunton Andrews Kurth LLP \(huntonak.com\)](http://huntonak.com)

1 institutional customers nationwide.” The site continues to say that; “UWAG advocates on
2 behalf of its members in agency proceedings and, where necessary, in litigation but does not
3 lobby Congress. With the concurrence of the membership, UWAG may consult with and
4 provide input to the policy and legislative efforts of association members (APPA, EEI, and
5 NRECA)”¹⁸.

6 Q. Has the Commission determined the standard for recovery of dues and
7 donations?

8 A. Yes. In the *Report and Order* in GR-96-285, a Missouri Gas Energy rate case,
9 the Commission affirmed its decision in KCPL Case Nos. EO-85-185, ER-83-49, ER-82-66,
10 and Missouri Power & Light ER-82-180. The Commission stated:

11 The rule has always been that dues to organizations may be allowed as
12 operating expenses where a direct benefit can be shown to accrue to the
13 ratepayers of the company. Conversely, where that sort of benefit does
14 not appear, disallowance of the dues is required.¹⁹

15 Q. For the dues and donations Staff has removed from the cost of service, is Staff
16 claiming that it was imprudent for Ameren Missouri to contribute to these organizations?

17 A. No. Much like utilities’ contributions to charitable organizations, it is
18 management’s prerogative to contribute dues to organizations that promote economic
19 development, provide community benefits, or promote general goodwill. However, like
20 charitable contributions, ratepayers should not be responsible for expenses that Ameren
21 Missouri cannot demonstrate have clear benefits to ratepayers, or are not necessary in the
22 provision of utility service, as the Commission recognized in the 2014 KCPL Rate Case.

¹⁸ utilitywateractgroup.org

¹⁹ Commission Reports, 5 Mo. P.S.C 3d., page 455.

1 In KCPL Case No. ER-2014-0370 *Report and Order*, page 68, the Commission
2 recognized a distinction between the prudence to incur an expense and the benefit to ratepayers
3 from the expenditure:

4 Prudence is not the only consideration in determining what costs should
5 be included in rates; the benefit to customers must also be considered
6 when deciding what costs are reasonable for customer rates.

7 Q. Did Ameren Missouri provide and quantify the correlation of paying dues to
8 GSLI and UWAG (through Hunton) and ratepayers' benefits?

9 A. No.

10 Q. The Company agreed with Staff to remove certain Chamber of Commerce dues,
11 but disagrees with Staff's removal of some other organizations. Aside from GSLI and Hunton
12 Andrews Kurth dues, what other dues is Staff recommending for disallowance?

13 A. In addition to above mentioned dues, Staff recommended disallowance of dues
14 to the following organizations:

- 15 • Associated Industries
- 16 • Earthways Center
- 17 • Illinois Environment
- 18 • Iowa Taxpayers Association
- 19 • Jefferson County – bronze membership dues Lincoln Stoll
- 20 • Midwest Energy Association
- 21 • Missouri Society of Professional Engineers
- 22 • St. Louis area business
- 23 • Taxpayers federation of Illinois
- 24 • Terre Du Lac Association
- 25 • U S Green Building
- 26 • University of Missouri
- 27 • Western Coal Traffic
- 28 • American Association of Blacks in Energy

29 Q. In his rebuttal testimony witness Steib states: "These memberships and fees for
30 industry resources, economic development, and diversity equity and inclusion all provide

1 benefits to customers and should be included in the revenue requirement.”²⁰ Do you agree with
2 that statement?

3 A. No. While Staff does believe that some of these organizations can provide an
4 economic benefit to the communities they serve, the benefits Mr. Steib identifies primarily
5 benefit the Company and its shareholders, and are not necessary for the provision of safe and
6 adequate service. While Staff certainly agrees that companies such as Ameren Missouri should
7 be good community corporate citizens, it is Staff’s position that Ameren Missouri’s
8 shareholders should be responsible for paying membership dues when the dues violate one of
9 Staff’s criteria previously listed. By requiring its customers to pay these dues in rates, it is
10 Ameren Missouri’s customers putting forth the effort to demonstrate good corporate
11 citizenship, not Ameren Missouri itself. When customers pay the membership dues, it is the
12 utility company that receives all the benefits of good will without having to make any payment
13 (contribution). Customers, in effect, become forced contributors to a given organization.

14 Q. Please summarize your testimony on dues and donations.

15 A. Staff recommends that the Commission should not allow the membership dues
16 Staff excluded. Ameren Missouri has not shown a clear benefit for the ratepayers associated
17 with these contributions nor are these contributions necessary for the provision of the safe and
18 adequate utility service.

²⁰ Rebuttal testimony of Charles Steib, page 11, lines 3-5.

1 **NON-LABOR POWER PLANT MAINTENANCE**

2 Q. The Company agreed, in part, with Staff's proposed normalized non-labor
3 power plant maintenance adjustment. What was Ameren Missouri in disagreement with
4 regarding Staff's proposed adjustment?

5 A. Ameren Missouri disagreed with Staff removing all of the maintenance costs
6 from the test year for Meramec Energy Center. After a discussion with Ameren Missouri and a
7 further review of the ongoing physical security costs of the site until the site is fully
8 decommissioned, Staff agrees that \$395,040 of the ongoing cost should be included in the
9 revenue requirement. Staff will include this expense in true up.

10 **ADVERTISING EXPENSE**

11 Q. The Company accepts Staff proposed adjustment regarding removing certain
12 advertising expense associated with institutional and promotional advertising, but notes an error
13 in Staff's workpaper?

14 A. The amount entered into Staff's direct filed accounting schedules was by
15 omission slightly different than the amount identified in the Staff's workpapers. With the true
16 up filing, Staff will correct the difference between Staff's workpaper and the direct filed
17 accounting schedules noted by the Company.

18 **TRUE-UP**

19 Q. What adjustments are you sponsoring for True-Up period?

20 A. The following is the list of adjustments I will be sponsoring for Staff's True-Up
21 revenue requirement based on the 12 months ending December 31, 2022. The same

1 methodology was used to calculate the adjustments in support of Staff's recommended revenue
2 requirement filed concurrently with its direct testimony:

- 3 • Call center costs
- 4 • Callaway refueling
- 5 • Customer convenience fees
- 6 • Insurance expense
- 7 • Plant in Service Accounting (PISA) – amortization and rate base
- 8 • Non-labor power plant maintenance
- 9 • Non-labor software maintenance costs
- 10 • Software rental revenue and expense.

11 Q. Does this conclude your surrebuttal/true-up direct testimony?

12 A. Yes it does.

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 Adjust)
Its Revenues for Electric Service)

Case No. ER-2022-0337

AFFIDAVIT OF ANTONIJA NIETO

STATE OF MISSOURI)
) ss.
COUNTY OF JACKSON)

COMES NOW ANTONIJA NIETO and on her oath declares that she is of sound mind and lawful age; that she contributed to the foregoing *Surrebuttal/True-Up Direct Testimony of Antonija Nieto*; and that the same is true and correct according to her best knowledge and belief.

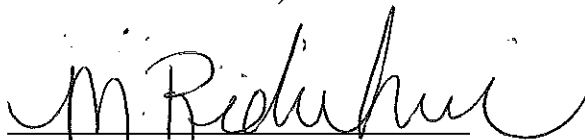
Further the Affiant sayeth not.



ANTONIJA NIETO

JURAT

Subscribed and sworn before me, a duly constituted and authorized Notary Public, in and for the County of Jackson, State of Missouri, at my office in Kansas City, on this 8th day of March 2023.



Notary Public



M. RIDENHOUR
My Commission Expires
July 22, 2023
Platte County
Commission #19603483

SCHEDULE AN-s1 and

SCHEDULE AN-s2

HAVE BEEN DEEMED

CONFIDENTIAL

IN ENTIRETY