

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

In the Matter of the First Prudence Review of                    )  
Union Electric Company d/b/a Ameren Missouri's                )  
Implementation of Energy Efficiency Programs in                )  
Furtherance of the Missouri Energy Efficiency                 )  
Investment Act (MEEIA)    )  
**File No. EO-2015-0029**

**AMEREN MISSOURI'S RESPONSE TO OFFICE OF THE  
PUBLIC COUNSEL'S MOTION FOR EXTENSION OF TIME  
AND REQUEST FOR EVIDENTIARY HEARING**

COMES NOW Union Electric Company d/b/a Ameren Missouri (Ameren Missouri or Company) and for its Response to Office of the Public Counsel's (OPC) Motion for Extension of Time and Request for Evidentiary Hearing (Response) states as follows:

1. On January 2, 2014, OPC filed a Motion for Extension of Time and Request for an Evidentiary Hearing (Motion) in the above-captioned matter. With respect to the request for hearing, OPC's filing was made on the last possible day for such a request pursuant to the requirements of 4 CSR 20.093(10), which requires that such a request be filed within 160 days of the commencement of audit activities by Missouri Public Service Commission Staff (Staff)(July 28, 2014). In the Motion, OPC requests additional time (10 days) to file a Response to Staff's Report that was filed on December 23, 2014.

2. The opportunity to participate in this proceeding has been afforded to OPC since the time the case was opened by the Commission on July 30, 2014. Clearly, the rule specifically allowed for OPC to conduct its own audit and present its findings if it so desired. An audit undertaken by OPC is specifically mentioned in the rule. 4 CSR 20.093(10)(B)(1). OPC has only recently expressed an interest in Staff's audit. While OPC has made a timely *request for hearing* under a strict reading of the rule by filing such a request within the 160-day period, its failure to conduct any auditing activity during the pendency of Staff's review should not be

ignored. OPC leaves the Commission with a request for a hearing, but without any reason to conduct one.

3. The rule clearly sets an expedited process under which the case is to be conducted, anticipating an Order in 210 days, absent a hearing. The rule also contemplates parties potentially requiring additional time to conduct an audit and to seek extensions from the timetable to complete audit work. However, those provisions are applicable only in the event there is undue delay caused by a utility in responding to data requests from "...Staff, Public Counsel or other party auditing the DSIM<sup>1</sup>..." *Id.* No such circumstance is applicable here, nor does OPC allege that such a problem exists.

4. There is no reason indicated in OPC's Motion as to why it could not have participated more actively in the preceding earlier. Additionally, OPC has not identified or described the factual nature of its concerns or general subject matter that it wishes to investigate; rather, they simply offer "abundance of caution" as the justification for their inquiry into Staff's Report.

5. All parties have a clear interest in the timely and efficient resolution of this case. The present annualized period subject to audit will conclude on June 30 of this year and future audits are expected to follow this case in routine fashion. All parties would be disadvantaged by an environment where multiple prudence dockets are running concurrently, or where decisions in uncontested proceedings become unnecessarily delayed as a matter of course. Additionally, the Company has a clear interest in resolving the prudence review for the period of 2013, moving forward with preparing for the upcoming review, and focusing on effectively managing present program activities in light of the findings resolved with respect to prior prudence reviews. Unnecessarily extending the procedural schedule to accommodate a party that did not make good

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<sup>1</sup> Demand Side Investment Mechanism

use of available time should not be entertained. Otherwise, future cases could become unreasonably delayed and the policies established under MEEIA rules in order to provide for timely resolution of DSIM-related matters would be undermined.

6. Accordingly, in response to OPC's Motion, Ameren Missouri requests that the Commission grant OPC's Motion only on the condition that it file its objections, if any, no later than 5:00 pm on January 12, 2014, and, further, that such objection be accompanied by factual support for claims. Amorphous and general excuses such as "abundance of caution" present no meaningful rationale to schedule and conduct an evidentiary hearing. The basis for a hearing is to resolve contested facts, and factual claims must be identified. Further, given that OPC states the need to review Staff's Report as the basis for its requested extension, the granting of OPC's motion should require that any OPC objection pleading or cause be confined to the information and findings contained in Staff's Report. OPC should not be allowed to wait over five months after the initiation of the case to begin its own separate audit. To do so would prejudice the other parties, the Commission, and the regulatory process generally.

7. From the Company's perspective, it is imperative that OPC provide more than a general description of any issues it finds and articulate with specificity the facts and circumstances that support its contentions, and also that they do so in a timely manner. Waiting to present claims until after the other parties have identified issues, participated in discovery, and presented evidence is inimical to fair regulatory process in a manner that disadvantages other parties. Accordingly, the Company requests that should OPC's opportunity for objection be permitted, if it be permitted at all, that it be made in a timely manner without delay and in accordance with the recommendations contained herein.

WHEREFORE, Ameren Missouri submits its Response to OPC's Motion for Extension of Time and Request for Evidentiary Hearing and asks that the Commission issue an order resolving OPC's Motion in accordance with the Company's recommendations contained in this Response.

Respectfully Submitted,

/s/ Matthew R. Tomc

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**ATTORNEYS FOR UNION ELECTRIC  
COMPANY d/b/a AMEREN MISSOURI**

**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered, transmitted by e-mail or mailed, First Class, postage prepaid, this 9<sup>th</sup> day of January, 2015 to counsel for all parties on the Commission's service list in this case.

*/s/ Matthew R. Tomc*