

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

In the Matter of Union Electric Company)	
d/b/a Ameren Missouri's 3 rd Filing to)	
Implement Regulatory Changes in)	File No. EO-2018-0211
Furtherance of Energy Efficiency as)	
Allowed by MEEIA.)	

**JOINT AGREEMENT ON UPDATED POTENTIAL STUDY TO FORM AMEREN
MISSOURI'S MISSOURI ENERGY EFFICIENCY INVESTMENT ACT APPLICATION**

COMES NOW Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri" or the "Company"), the Staff of the Missouri Public Service Commission ("Staff") and the Office of the Public Counsel ("OPC") (collectively, the "Signatories"), and submit this *Joint Agreement on Updated Potential Study to Form Ameren Missouri's Missouri Energy Efficiency Investment Act Application* ("*Agreement*"). In support of their position, the Signatories state as follows:

INTRODUCTION

1. On March 14, 2022, OPC filed a Motion For Commission Order¹ requesting the Commission direct Ameren Missouri to use a 2023 Market Potential Study to inform its anticipated 2024-2026 Missouri Energy Efficiency Investment Act ("MEEIA") application, or (2) provide written or verbal affirmation that the Commission agrees with OPC's concerns. OPC expressed concern because the 2020 Market Potential Study ("2020 Study") the Company proposed to file used "stale" 2019 data. The Company filed the 2020 Study in this docket on July 2, 2021, as Attachment 2 to the Application, and the 2020 Study was also included as part of the Company's 2020 IRP filing as Appendix B to Chapter 8.²

¹ In support of its Motion, OPC filed a supporting Memorandum and affidavit of Dr. Marke.

² See File No. EO-2021-0021.

2. On March 24, 2022, the Company responded to the OPC's Motion, and Staff filed its response on March 29, 2022. In its response, Ameren Missouri pointed out OPC's concerns are not yet ripe for the Missouri Public Service Commission's ("Commission") decision. In its response, Staff did not oppose OPC's recommendation for Ameren Missouri to use a 2023 Market Potential Study to inform its MEEIA Cycle 4 application.

3. In its Order issued April 13, 2022, the Commission denied OPC's Motion. The Commission noted "[n]evertheless, the matters raised in Public Counsel's motion do cause the Commission concern. It is important that Ameren Missouri's 2024-2026 MEEIA application be supported by appropriate and timely information." Order at page 2. The Commission also encouraged "the parties to work together to devise a timeline that is acceptable to all." *Id.*

SPECIFIC TERMS TO UPDATE POTENTIAL STUDY TO FORM AMEREN MISSOURI'S MISSOURI ENERGY EFFICIENCY INVESTMENT ACT APPLICATION

4. Since the Commission issued its order, Ameren Missouri discussed the timing of the Market Potential Study with its consultant, GDS Associates, Inc. ("GDS"), who will perform the Market Potential Study. Ameren Missouri also discussed the data inputs and timing of an updated Market Potential Study for 2023 with OPC, Commission Staff, and other stakeholders. As result of these discussions and collaboratives, Ameren Missouri agreed to use the sensitivity analyses portion of the 2023 Market Potential Study and associated data to inform its fourth MEEIA application to be implemented on January 1, 2024 ("MEEIA 4"). GDS agreed to adjust the study timeline so that the sensitivity analyses for the 2023 Market Potential Study are completed by the end of this year.

5. Under 20 CSR 4240-20.094 (3)(A)(1)-(4), Ameren Missouri is required to file a market potential study and the study shall (1) consider both primary and secondary data in its service territory; (2) be updated with primary data and analysis no less frequently than every three years; (3)

be prepared by an independent third party; and (4) include an estimate of the achievable potential, regardless of the cost effectiveness, of energy savings from low-income demand-side programs.

6. The Signatories agree the Market Potential Study Ameren Missouri will use to inform its MEEIA 4 Application will comply with 20 CSR 4240-20.094 (3)(A)(1)-(4). The Signatories further agree that under 20 CSR 4240-20.094(3)(A)(1) the primary and secondary data in the Ameren Missouri service territory will include eleven sensitivities related to the residential and business programs and five sensitivities related to demand response. The signatories agree with the sensitivities for the 2023 Market Potential Study outlined in the attached Exhibit A.

GENERAL PROVISIONS

7. This *Agreement* is being entered into solely for the purpose of settling the issues specifically set forth above and represents a settlement on a mutually-agreeable outcome without resolution of specific issues of law or fact. This *Agreement* has resulted from negotiations, and the terms hereof are interdependent. This *Agreement* is intended to relate *only* to the specific matters referred to herein; no Signatory waives any claim or right which it may otherwise have with respect to any matter not expressly provided for herein. No party will be deemed to have approved, accepted, agreed, consented, or acquiesced to any substantive or procedural principle, treatment, calculation, or other determinative issue underlying the provisions of this *Agreement*.

8. This *Agreement* does not constitute a contract with the Commission and is not intended to impinge upon any Commission claim, right, or argument by virtue of the *Agreement*. Acceptance or acknowledgement of this *Agreement* by the Commission shall not be deemed as constituting an agreement on the part of the Commission to forego the use of any discovery, investigative or other power which the Commission presently has or as an acquiescence of any underlying issue. Thus, nothing in this *Agreement* is intended to impinge or restrict in any manner

the exercise by the Commission of any statutory right, including the right to access information, or any statutory obligation.

9. The Signatories agree that this *Agreement*, except as specifically noted herein, resolves all issues related to the Market Potential Study related to Ameren Missouri's MEEIA 4 Application.

WHEREFORE, the Signatories respectfully request that the Commission take notice of this *Agreement* related to Ameren Missouri's upcoming Missouri Energy Efficiency Investment Act Application.

Respectfully submitted,

/s/ Wendy K. Tatro

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**Attorney for the Office of the
Public Counsel**

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 21st day of September, 2022.

/s/ Wendy K. Tatro _____
Wendy K. Tatro