

**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 as ) **Case No. EO-2012-0142**  
Allowed by MEEIA. )

**PUBLIC COUNSEL’S COMMENTS REGARDING  
PROPOSED PROCEDURAL SCHEDULES**

COMES NOW the Office of the Public Counsel (“Public Counsel”) in support of its proposed procedural schedule and in response to the *Proposed Procedural Schedule of Staff and Ameren Missouri* offers these comments as follows:

1. Public Counsel’s proposed procedural schedule filed on October 1, 2014 is the same schedule of events that has been agreed to by the parties and ordered by the Commission on two occasions. On July 7, 2014, the Staff of the Missouri Public Service Commission (“Staff”), Public Counsel, and the Missouri Department of Economic Development-Division of Energy (“Division of Energy”) filed the *Joint Proposed Procedural Schedule For Change Request* that contains the same schedule. The Commission adopted that schedule on July 17, 2014. Then, on July 30, 2014, Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri” or “Company”) joined Staff, Public Counsel, and the Division of Energy in the *Motion to Modify Procedural Schedule* filed on July 30, 2014. That schedule, containing the same schedule of events as Public Counsel’s proposed schedule, was adopted by the Commission on July 31, 2014.

2. On the motion of Ameren Missouri and Staff, the Commission issued its *Order Staying Procedural Schedule* August 20, 2014 to allow the parties time to continue to pursue settlement discussions. On September 19, 2014, Ameren Missouri and Staff filed a *Non-*

*Unanimous Stipulation and Agreement Settling the Program Year 2013 Change Requests.* Public Counsel objected and requested an evidentiary hearing.

3. In compliance with the Commission's *Order Directing The Parties To File A Proposed Procedural Schedule*, Public Counsel proposed the same procedural schedule that had been agreed to by the parties and ordered by the Commission on two occasions. Ameren Missouri and Staff would not agree to adopt the same procedural schedule and filed a competing procedural schedule on October 1, 2014 stating that their proposal:

(a) [*sic*] Provides the framework to establish an evidentiary basis to support the Commission's ultimate decision; (2) is cognizant of witness and party availability, and (3) recognizes scheduling challenges anticipated due to pending cases this winter and also upcoming holidays.

Public Counsel is certainly willing to agree to a schedule that is cognizant of witness and party availability. Public Counsel is also willing to agree to dates that accommodate the scheduling challenges anticipated due to other pending cases and upcoming holidays. Public Counsel is actively participating in many, if not all, of those cases. However, the attempt by Ameren Missouri and Staff to add direct, rebuttal, and surrebuttal to the procedural schedule does not add to the evidentiary record in a meaningful way and should be rejected. The date for a stakeholder response to Change Requests, included in both proposed procedural schedules, is the only event needed to provide a complete evidentiary record to the Commission.

4. Ameren Missouri and Staff seek to establish a procedural schedule that would allow them to supplement the record with testimony that unnecessarily and improperly bolsters their "black box" stipulation and agreement. The Commission should not permit Ameren Missouri and Staff to file new evidence for the purpose of supporting a "black box" stipulation and agreement. The record will be complete after stakeholders respond to the Change Requests, that is what was provided in both proposed procedural schedules, schedules which were

acceptable to Ameren Missouri and Staff at the time. If the Company and Staff wish to adopt a “black box” stipulation and agreement as a position statement, they have more than ample opportunity to explain their reasoning in oral argument or briefs. Testimony in support of the “black box” stipulation and agreement is not required and it will only serve to waste time and resources.

5. Certainly a complete and adequate evidentiary record is required for the Commission to decide a case. Here, the evidentiary basis to support a decision will be complete and adequate after responses to the Change Requests have been filed. Already on file are multiple Evaluation, Measurement, and Verification (“EM&V”) Reports completed by the Company’s evaluators, multiple EM&V Reports completed by the Commission’s Auditor, a Change Request from the Staff, and a Change Request from Ameren Missouri. Both the procedural schedule proposed by Public Counsel and the procedural schedule proposed by Ameren Missouri and Staff contain a date for stakeholders to respond to the Change Requests. Following Public Counsel’s proposed procedural schedule ensures that the Commission is presented with a complete and adequate evidentiary basis to determine, for purposes of the Ameren Missouri 2013 – 2015 performance incentive award amount in 2016, the PY2013 EM&V annual energy savings and the PY2013 net benefits amount.

WHEREFORE, the Office of the Public Counsel submits these comments regarding the proposed procedural schedules and asks the Commission adopt the procedural schedule proposed by Public Counsel.

Respectfully,

OFFICE OF THE PUBLIC COUNSEL

BY: /s/ Tim Opitz  
Tim Opitz  
Assistant Counsel  
Missouri Bar No. 65082  
P. O. Box 2230  
Jefferson City MO 65102  
(573) 751-5324  
(573) 751-5562 FAX  
Timothy.opitz@ded.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 2<sup>nd</sup> day of October 2014:

**Missouri Public Service Commission**  
Office General Counsel  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
staffcounsel@psc.mo.gov

**Missouri Public Service Commission**  
Nathan Williams  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
Nathan.Williams@psc.mo.gov

**Natural Resources Defense Council**  
Henry B Robertson  
319 N. Fourth St., Suite 800  
St. Louis, MO 63102  
hrobertson@greatriverslaw.org

**Renew Missouri**  
Henry B Robertson  
319 N. Fourth St., Suite 800  
St. Louis, MO 63102  
hrobertson@greatriverslaw.org

**Sierra Club**  
Henry B Robertson  
319 N. Fourth St., Suite 800  
St. Louis, MO 63102  
hrobertson@greatriverslaw.org

**Union Electric Company**  
James B Lowery  
111 South Ninth St., Suite 200  
P.O. Box 918  
Columbia, MO 65205-0918  
lowery@smithlewis.com

**Union Electric Company**  
Matthew R Tomc  
1901 Chouteau  
St. Louis, MO 63166  
AmerenMOService@ameren.com

**Union Electric Company**  
Wendy Tatro  
1901 Chouteau Avenue  
St. Louis, MO 63166-6149  
AmerenMOService@ameren.com

**Barnes-Jewish Hospital**  
Lisa C Langeneckert  
P.O. Box 411793  
St. Louis, MO 63141  
llangeneckert@att.net

**Kansas City Power & Light Company**  
James M Fischer  
101 Madison Street, Suite 400  
Jefferson City, MO 35101  
jfischerpc@aol.com

**Kansas City Power & Light Company**  
Roger W Steiner  
1200 Main Street, 16th Floor  
P.O. Box 418679  
Kansas City, MO 64105-9679  
roger.steiner@kcpl.com

**KCP&L Greater Missouri Operations Company**  
James M Fischer  
101 Madison Street, Suite 400  
Jefferson City, MO 35101  
jfischerpc@aol.com

**KCP&L Greater Missouri Operations  
Company**

Roger W Steiner  
1200 Main Street, 16th Floor  
P.O. Box 418679  
Kansas City, MO 64105-9679  
roger.steiner@kcpl.com

**Laclede Gas Company**

Michael C Pendergast  
720 Olive Street, Suite 1520  
St. Louis, MO 63101  
mpendergast@lacledegas.com

**Laclede Gas Company**

Rick E Zucker  
720 Olive Street  
St. Louis, MO 63101  
rick.zucker@thelacledegroup.com

**Missouri Division of Energy**

Jeremy D Knee  
301 West High Street  
P.O. Box 1157  
Jefferson City, MO 65102  
jeremy.knee@ded.mo.gov

**Missouri Industrial Energy Consumers  
(MIEC)**

Diana M Vuylsteke  
211 N. Broadway, Suite 3600  
St. Louis, MO 63102  
dmvuylsteke@bryancave.com

\_\_\_\_\_  
/s/ Tim Opitz