

**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 RESPONSE TO CHANGE REQUESTS FOR ADJUSTMENT TO  
AMEREN MISSOURI’S REPORT OF 2013 ANNUAL ENERGY SAVINGS AND NET  
BENEFITS FROM MEEIA PROGRAMS**

COMES NOW the Office of the Public Counsel (“Public Counsel”) in response to the Staff of the Missouri Public Service Commission’s *Staff’s Change Request For Adjustment To Ameren Missouri’s Report of 2013 Annual Energy Savings And Net Benefits From MEEIA Programs* and Union Electric Company d/b/a Ameren Missouri’s (“Ameren Missouri” or “Company”) *Application For Approval of Change Request*, offers these comments as follows:

1. In 2012, Ameren Missouri and the parties to this case submitted to the Commission a Stipulation and Agreement (“2012 Stipulation”) related to the Company’s implementation of the Missouri Energy Efficiency Investment Act (“MEEIA”).<sup>1</sup> The Commission issued an order approving the 2012 Stipulation on August 1, 2012 and as amended on December 19, 2012.

2. The 2012 Stipulation requires Ameren Missouri to complete Evaluation, Measurement and Verification Reports (“EM&V”) on its MEEIA programs and file final EM&V Reports after the end of each MEEIA Program Year. Further, the 2012 Stipulation contained provisions related to the EM&V of energy efficiency measures undertaken by Ameren Missouri, including procedures whereby a party may request changes to the Final EM&V Report for each

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<sup>1</sup> MEEIA is the Missouri Energy Efficiency Investment Act of 2009, § 393.1075 RSMo. The Commission MEEIA Rules include 4 CSR 240-3.163, 4 CSR 240-3.164, 4 CSR 240-20.093 and 4 CSR 240-20.094; File No. EO-2012-0142, *Unanimous Stipulation and Agreement Resolving Ameren Missouri’s MEEIA Filing*, pp. 15-19.

year. Additionally, all stakeholders in the case are provided an opportunity to respond to any Change Request.<sup>2</sup>

3. Accurate EM&V results are important because all Signatories to the 2012 Stipulation are bound by the impact evaluation portion of the final EM&V Reports, as they may be modified by the Commission's resolution of any Change Request. The accuracy of the impact evaluation in each final EM&V Report is significant because it determines the level of performance incentive Ameren Missouri will receive for its implementation of each MEEIA program. Ameren Missouri will begin to bill its customers for the awarded incentive amounts following the three year cycle of MEEIA programs.<sup>3</sup>

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<sup>2</sup> *Unanimous Stipulation and Agreement Resolving Ameren Missouri's MEEIA Filing*, pp. 15-19 (In pertinent part, the agreed to procedure is listed in the Stipulation as follows: "Any stakeholder group participant who wants a change to the impact evaluation portion of a Final EM&V Report will have 21 days from the issuance of the Final EM&V Report to file a request with the Commission to make such a change ("Change Request"). Any stakeholder group participant filing a Change Request will set forth all reasons and provide support for the requested change in its initial Change Request filing. Responses to a Change Request may be filed by any stakeholder group participant and are due 21 days after the Change Request is filed. The response should set forth all reasons and provide support for opposing or agreeing with the Change Request. Within two business days after the deadline for filing a Change Request (if a Change Request is filed), the Signatories agree that the stakeholder group participants will hold a conference call/meeting to agree upon a proposed procedural schedule that results in any evidentiary hearing that is necessary to resolve the Change Request to be completed within 60 days of the filing of the Change Request, and which will recommend to the Commission that the Commission issue its Report and Order resolving the Change Request within 30 days after the conclusion of such a hearing. The Signatories anticipate a hearing with live testimony may be required to resolve a Change Request, but if a hearing is not required, they agree to cooperate in good faith to obtain Commission resolution of a Change Request as soon as possible. The Signatories will be parties to a Change Request resolution proceeding without the necessity of applying to intervene. The procedural schedule for such a Change Request proceeding will provide that data request objections must be lodged within 7 days and responses will be due within 10 days (notifications that additional time is required to respond will also be due within 7 days).").

<sup>3</sup> *Id* at pp. 4-5 ("After the conclusion of the three-year Plan period, using final Evaluation, Measurement and Verification ("EM&V") results (with EM&V to be performed after each of the program years 1, 2 and 3), Ameren Missouri will be allowed to recover the performance incentive, which is a percentage of NSB as described on Appendix B attached hereto and incorporated herein by this reference (the "Performance Incentive Award"). The cumulative net megawatt-hours ("MWh") determined through EM&V to have been saved as a result of the MEEIA Programs will be used to determine the amount of Ameren Missouri's Performance Incentive Award, with the cumulative net MWh performance achievement level (expressed as a percentage) being equal to cumulative net MWh savings determined through EM&V divided by Ameren Missouri's total targeted 793,100 MWh (which is the cumulative annual net MWh savings in the third year of the three-year Plan period). The targeted net energy savings shall be adjusted annually for full program year impacts on targeted net energy savings caused by actual opt-out. Actual net energy savings for each program year will be determined through the EM&V, including full retrospective application of net-to-gross ratios at the program level using EM&V results from each of the three program years, with the sum of the three years' actual net energy savings to be used to determine the amount of the Performance

4. As a first step in the EM&V process, Ameren Missouri hired The Cadmus Group, Inc. (“Cadmus”) to prepare an EM&V Report for each of its residential MEEIA programs, and ADM Associates, Inc., (“ADM”) to prepare an EM&V Report for its commercial and industrial MEEIA programs. Ameren Missouri has now completed the first year of energy efficiency measures, and the third party evaluators, Cadmus and ADM, have completed EM&V activities culminating in the filing of the Reports as revised on June 12, 2014.

5. In accordance with Commission Rule 4 CSR 240-20.093(7), the Commission issued a Request For Proposals and subsequently hired Johnson Consulting Group, LLC, (“Johnson Consulting” or “Auditor”), as its “...independent contractor to audit and report on the work of each utility’s independent EM&V contractor.” 4 CSR 240-20.093(7). On July 2, 2014, the Commission’s Auditor filed its *EM&V Auditor Final Report and Appendix A: Auditor Market Effects Sales Analysis*. Johnson Consulting Group later filed its updated third *Final EM&V Auditor Report and Supporting Documentation* on August 27, 2014.

6. On July 3, 2014, consistent with the Change Request procedure contained in the 2012 Stipulation, Staff filed *Staff’s Change Request For Adjustment To Ameren Missouri’s Report of 2013 Annual Energy Savings And Net Benefits From MEEIA Programs*. The same day, Ameren Missouri filed its *Application For Approval of Change Request* seeking to make certain changes to the EM&V reports that were filed by the Company’s third party evaluators, Cadmus and ADM.

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Incentive Award. Recovery of the Performance Incentive Award is addressed in paragraph 6.c.”)(internal citations omitted).

7. Thereafter, a series of procedural schedules were proposed,<sup>4</sup> modified,<sup>5</sup> and suspended.<sup>6</sup> During the time when the procedural schedule was suspended, 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 consistent with the 2012 Stipulation.

8. 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.

9. On October 3, 2014, the Commission issued its *Order Establishing Partial Procedural Schedule to Consider Change Requests*. That procedural schedule established a date for stakeholder response to any Change Request filed. Pursuant to that order, and the 2012 Stipulation, Public Counsel submits its response to the Change Requests, attached herein as Appendix A, and incorporated by reference, for the purpose of determining the 2013 incremental annual energy and demand savings and net benefits calculation for Ameren Missouri's MEEIA programs.

WHEREFORE, the Office of the Public Counsel submits this *Response to Change Requests For Adjustment To Ameren Missouri's Report of 2013 Annual Energy Savings and Net Benefits From MEEIA Programs*.

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<sup>4</sup> On July 7, 2014, 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*.

<sup>5</sup> On July 30, 2014, Ameren Missouri joined Staff, Public Counsel, and the Division of Energy in the *Motion to Modify Procedural Schedule*.

<sup>6</sup> *Order Staying Procedural Schedule, Iss'd August 20, 2014*.

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 6<sup>th</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

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/s/ Tim Opitz