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Issues:	Solar CCN
Witness:	James Owen
Sponsoring Party:	Renew Missouri Advocates
Type of Exhibit:	Surrebuttal Testimony
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MISSOURI PUBLIC SERVICE COMMISSION

EA-2022-0245

SURREBUTTAL TESTIMONY

OF

JAMES OWEN

ON BEHALF OF

RENEW MISSOURI ADVOCATES

January 18, 2023

TABLE OF CONTENTS

I. Introduction

Q: Please state your name, title, and business address.

A: James Owen, Executive Director, Renew Missouri Advocates d/b/a Renew Missouri ("Renew Missouri"), 409 Vandiver Dr. Building 5, Suite 205, Columbia, MO 65202.

Q: Please describe your education and background.

A: I obtained a law degree from the University of Kansas as well as a Bachelor of Arts in Business and Political Science from Drury University in Springfield. Relevant to this matter, I have also practiced law for a number of years and served as an Associate Circuit Court Judge in Webster County, Missouri.

Q: Please summarize your professional experience in the field of utility regulation.

A: Before becoming Executive Director of Renew Missouri, I served as Missouri's Public Counsel, a position charged with representing the public in all matters involving utility companies regulated by the State. While I was Public Counsel, I was involved in several rate cases, CCN applications, mergers, and complaints as well as other filings. As Public Counsel, I was also involved in answering legislators' inquiries on legislation impacting the regulation of public utilities. In my role as Executive Director at Renew Missouri, I continue to provide information and testimony on pieces of proposed legislation that may impact how Missouri approaches energy efficiency and renewable energy.

Q: Have you been a member of, or participant in, any workgroups, committees, or other groups that have addressed electric utility regulation and policy issues?

A: In May 2016 I attended the National Association of Regulatory Utility Commissioners ("NARUC") Utility Rate School. In the Fall of 2016, I attended Financial Research Institute's 2016 Public Utility Symposium on safety, affordability, and reliability. While I

was Public Counsel, I was also a member of the National Association of State Utility Consumer Advocates ("NASUCA") and, in November of 2017, the Consumers Council of Missouri named me the 2017 Consumer Advocate of the Year. Most recently, I was appointed to the Missouri Net Metering Task Force that was created by statute in 2022.

Q: Have you testified previously, participated in cases, or offered testimony before the Missouri Public Service Commission?

A: In my prior role as Acting Public Counsel, I participated in a number of cases before the Missouri Public Service Commission (the "Commission" or "PSC") as an attorney and director of that office. During that time, I also offered testimony in rulemaking hearings before the Commission. Since becoming Executive Director of Renew Missouri, I have contributed to Renew Missouri's filed testimony in a number of matters. Attached as **Schedule JO-1** is a list of my case participation.

Q: Have you testified previously, participated in cases, or offered testimony before any other state regulatory bodies?

A: Yes, in my capacity as an expert witness employed by Renew Missouri, I have provided testimony on behalf of a coalition of clean energy advocates before the Kentucky Public Service Commission involving Kentucky Power Company's 2020 rate case with a specific emphasis on the Company's proposed rates for net-metered customers. In addition, I was recently retained to serve as an expert witness before the Kansas Corporation Commission in Evergy's pending KEEIA Cycle-One portfolio. I have also provided consulting for clean energy advocates around the country regarding on-bill finance tariff programs such as Pay As You Save®.

II. Purpose and summary of testimony

Q: What is the purpose of your testimony?

A: First, to respond to the testimony filed by the Office of Public Counsel ("OPC") witness Dr. Geoff Marke. Dr. Marke testifies to legal procedural matters that could be improperly construed as evidence. Further, while I do not necessarily disagree with conditions he testifies should be attached to the requested Certificate of Convenience and Necessity ("CCN") or to the program (for expediency at times I shall refer to both the CCN and the Renewable Energy Solutions program as "Boomtown"), I question why these conditions are required for solar projects but not for other forms of generation.

Second, I respond to the testimony filed by representatives of the Missouri Public Service Commission Staff ("Staff") who want the Commission to apply a draconian standard that a utility must prove a project is immediately necessary to serve customers before the Commission will grant a CCN as well as approval of the program. That is not the law and ignores the myriad of reasons why solar projects are beneficial and in the public interest. Further, I discuss whether the CCN and the program are in the public interest considering Staff's general antipathy towards renewable energy in this testimony. Finally, I address some of the alternatives Staff offers in how corporate parties should seek to meet their renewable needs and why those options are not sufficient.

Q: What is Renew Missouri's interest in this application?

A: Renew Missouri advocates for energy efficiency and renewable energy policy. As a state-wide advocate, Renew Missouri has an interest in Ameren Missouri ("Ameren" or the "Company") increasing the solar energy produced for its customers who have specific shareholder-originated demands for sustainable energy as well as hastening the Company's

transition to a clean energy future. This is all the more urgent given the flood of federal resources that will become available from the Inflation Reduction Act ("IRA"), as well as the widespread demand for clean energy from the public generally and from large-scale industrial and commercial customers specifically.

Q: What is your recommendation to the Commission in this case?

A: The Commission should grant Ameren's requested CCN as well as approve the associated Renewable Solutions Program. With the Commission's approval, this program will satisfy meaningful, existing demand for renewable energy from Ameren's larger customers, lower the cost of renewable energy projects that support Ameren's transition to clean energy resources, and reduce the underperformance risk for planned renewable energy resource additions.[1]

In addition to allowing customers to benefit from economically viable renewable generation, solar projects create a variety of other benefits, including payments to landowners, construction jobs, and increased state and local tax revenues. Moreover, a growing number of customers want more access to renewable energy resources to meet their own sustainability metrics. This is evidenced by the ten major companies that have signed on to subscribe to the Boomtown project.[2] With this pressure from large utility customers that represent oversized consumption of energy, Missouri utilities like Ameren must continue to look to renewable generation to meet these customers' needs and preferences. The Commission should grant the requested CCN and allow this program to move forward as to enable Ameren to meet those needs and preferences. Further, this

[1] EFIS File No. EA-2022-0245, Doc No. 4 *Direct Testimony of Lindsey J. Forsberg*, p. 3.
[2] *Ibid*.

project will allow Ameren to continue towards its goal of net zero carbon emissions by 2045[3] and to take full advantage of opportunities under the IRA.

III. Response to OPC's Witness Marke

Q: Please summarize the testimony offered by Dr. Marke in this case.

A: Dr. Marke's testimony supports OPC's position that this Application should be rejected and the CCN and the Renewable Solutions Program should not be a part of the same docket. Dr. Marke also notes a number of "liabilities" that would need resolution before he could endorse the project at a future time.

Q: How do you respond?

A: In terms of Dr. Marke's request to separate the proposals as well as to strike Ameren witness Steve Wills' testimony from the record, these requests are more appropriate for legal filings than factual testimony. While Dr. Marke is an exceptional economist and expert witness, he is not a lawyer and not professionally licensed to make a prayer to this tribunal through his testimony.

Q: Turning to the other portion of Dr. Marke's testimony, how do you respond to his concerns?

A: Dr. Marke lists off a number of issues he identifies as "liabilities" that should be addressed before the Commission should approve the CCN or before OPC could give its approval of the application. These include "proper utility-scale solar conservation habitat practices, appropriate storm water run-off management plans, the need to confirm that solar panel selections were not sourced from Chinese forced Uyghur labor camps; and plans over end-of-life management considerations."[4] While I do not necessarily oppose these conditions

[3] *Id*. at 6.
[4] EFIS File No. EA-2022-0245, Doc. No. 47 *Rebuttal Testimony of Dr. Geoff Marke*, p. 4.

being addressed for the CCN, raising these matters suggests a moral dubiousness for solar energy that simply isn't applied to any other sources of energy generation. Moreover, I question whether some of these conditions would even be necessary.

Q: What conditions might be unnecessary?

A: The first two conditions Dr. Marke speaks to are wildlife mitigation and stormwater run-off. Such measures are very specific to the siting of utility-scale solar. Federal and state agencies as well as local land-use management offices may apply mitigating requirements to protect fish and wildlife as well as stormwater run-off if there is federal funding involved or whether preliminary reviews merit permitting and further action.[5] Nowhere in Dr. Marke's testimony does he explain whether the siting or construction of this specific project would require governmental permitting or whether the location of this area would require additional safeguards. I am willing to concede that perhaps the location would require such safeguards and, if so, should be put in place to the maximum extent of the law or to the extent Ameren is willing to go beyond the law to protect habitation and water sources. But there's nothing on the record to indicate it is necessary here.

Q: What about the issue of the Uyghur forced labor camps?

A: I do not believe forced labor should be used to make anything. But I can find nowhere in the past where OPC has insisted utilities ensure fossil fuels are not mined or otherwise extracted by forced labor, or that metal and concrete used to construct power plants are not manufactured through forced labor, or that the cell phones used by utility personnel are not made by forced labor. There's an indirect suggestion that the solar industry is unique in its

[5] Fraas, Arthur, Buffa, Valkyrie, and Rich, Lindsay, "Establishing Utility-Scale Solar Projects: Federal Involvement," Resources for the Future, May 2021. Accessed at: https://media.rff.org/documents/WP_21-11_Solar_Federal_Process.pdf.

challenges to avoid relying on forced labor for the production of its equipment, which it is not. If this is the standard OPC seeks to employ, the Commission should employ it toward all utility expenditures pursuant to a properly adopted administrative rule. I would note neither myself nor Renew Missouri oppose the Commission setting forward social justice goals that would uniformly apply this to all decisions made by the Commission. Again, Dr. Marke only seeks this standard toward solar in this specific case, and that is the main point of my concern.

Q: Why is that point such a concern?

A: There is a lot of incendiary misinformation about solar power in the *zeitgeist*. One can easily run across claims that solar panels suck energy from the sun, cause cancer, and deprive nearby plants of sunlight.[6] Such outrageous distortions about solar exist everywhere in the public sphere. I believe singling out solar energy as being more societally problematic than other forms of electric generation contributes to the negative public perceptions about clean energy, and there should be context placed around these references in the record.

Q: What is your opinion about Dr. Marke's concern about disposing of solar panels?

A: Again, like any form of electric generation, there is a question of waste and disposal after facilities and equipment go past their usefulness. Like any other form of generation, there should be a plan in place for dealing with solar panels when they no longer work. It is not a reason to deny this application, but certainly something that could be addressed in a

[6] Hoggard, Keith, "Woodland Rejects Solar Farm," The Roanoke-Chowan News-Herald (December 8, 2015). Accessed at: https://www.roanoke-chowannewsherald.com/2015/12/08/woodland-rejects-solar-farm/?utm_source=fark&utm_medium=website&utm_content=link.

workshop, rulemaking, or other docket. Renew Missouri would welcome that conversation as this docket and other solar dockets move forward.

IV. Response to Staff

Q: Please summarize the testimony offered by Staff.

A: Staff witness J Luebbert and Shawn Lange testify the CCN does not meet the *Tartan* standard and thus should be rejected. Staff witness Luebbert further summarizes Staff's position that Boomtown is not needed for native load, reserve capacity requirements, or RES mandates, and he explains Staff's belief that Ameren's modeling of the project benefits is flawed. Staff witness Cedrick E. Cunigan testifies that the Renewable Solutions Program is not needed as the customers it proposes to serve are able to procure renewable energy through other means. Staff witness Cunigan goes on to note neither the CCN nor the program itself offers benefits to non-subscribing customers. Staff witness Michael L. Stahlman testifies that, while this CCN will provide renewable energy to some customers, the application proposes to "dilute" its fossil fuel fleet and further goes on to say renewable energy is neither reliable nor consistent. Further, Staff witness Stahlman states these projects are not needed for Ameren to meet its customer load requirements and explains his view that building the solar farms places too much risk on customers.

It is clear that – while claiming not to oppose renewable generation generally – Staff would prefer that Ameren not pursue these projects or pursue a net-zero carbon emissions goal as part of its regulated operations. As I mentioned above, Staff's witnesses want the Commission to apply a standard that the utility must prove a project is absolutely necessary or else hold customers 100% harmless before the Commission will grant a CCN or any kind of program.

Q: How do you respond?

A: In terms of Staff's issue with how they define the needs of a project, their standard is out of date. When considering CCN applications, "the term 'necessity' does not mean 'essential' or 'absolutely indispensable,' but that an additional service would be an improvement justifying its cost."[7] Staff's testimony repeats that these projects are not necessary for Ameren to provide safe and adequate service to its customers. Even if true, that fact does not mean the Commission should not grant a CCN. The Commission has broad discretion to determine when a project is in the public interest and can approve CCNs that are not immediately necessary to serve customers. Two recent examples are decisions granting solar CCNs in EA-2016-0208 and EA-2015-0256. In its *Report and Order* in Case No. EA-2016-0208, the Commission found customers "have a strong interest in the development of economical renewable energy sources to provide safe, reliable, and affordable service while improving the environment and reducing the amount of carbon dioxide released into the atmosphere." Similarly, in File No. EA-2015-0256, the Commission concluded:

> "[C]ustomers and the general public have a strong interest in the development of economical renewable energy sources to provide safe, reliable, and affordable service while improving the environment and reducing the amount of carbon dioxide released into the atmosphere."

The overarching consideration for a CCN is whether the proposed project serves the public interest, and developing economical renewable generation does just that.

As an example of this public interest, in File No. EO-2018-0092 the Commission granted certain accounting authority and established depreciation rates necessary for

[7] *State ex rel. Intercon Gas, Inc. v. Pub. Serv. Commission of Missouri*, 848 S.W.2d 593, 597 (Mo. Ct. App. 1993).

Liberty-Empire to move forward with its Customer Savings Plan ("CSP"), which included a plan to acquire 600 MW of wind. The Commission recognized that "Empire's proposed acquisition of 600 MW of additional wind generation assets is clearly aligned with the public policy of the Commission and this state"[8] and "that the millions of dollars in customer savings and the addition of renewable wind energy resulting from the CSP and the Joint Position could be of considerable benefit to Empire's customers and the entire state."[9] Such a conclusion would be consistent in the Commission granting Ameren's application for the Boomtown project in this instance.

Q: But Staff's witnesses' say the model for Boomtown is only benefiting a handful of customers. Isn't that a significant difference from these other cases you cite?

A: Yes, the cases are different, but ratepayers can also see the benefit more broadly. Staff witnesses Cunigan and Luebbert both testify to their belief that the CCN and the program do not benefit other ratepayers, but that answer ignores how solar has tangible benefits to non-participating customers. Michigan Tech University published a report in March of 2021 that outlines how grid-tied solar can benefit all customers.[10] Such benefits include, but are by no means limited to:

- Avoided operation and maintenance costs (fixed and variable);
- Avoided fuel;
- Avoided generations capacity;
- Avoided reserve capacity; and

[8] EFIS File No. EO-2018-0092, Doc. No. 228 *Report and Order*, p. 20.
[9] *Id*. at 22.
[10] Soulemane Hayibo, Kaomi, and Pearce, Joshua M., "A Review of the Value of Solar Methodology with a Case Study of the U.S. VOS," Renewable and Sustainable Energy Reviews, 137 (2021). Accessed at: .https://digitalcommons.mtu.edu/michigantech-p/14539/.

- Environmental and health liability costs associated with forms of electric generation that are polluting.[11]

There is no way for Staff witnesses to state non-solar customers get nothing in return from the Boomtown project when the benefits of solar are articulated in the extensive outside research performed on this subject. Without considering those benefits, Staff's testimony is incomplete in analyzing how Ameren's customers can benefit from the CCN or from utility-owned solar projects in general.

Q: You mention that Staff wants the Commission to require Ameren to hold customers harmless as a condition of a CCN. Do you agree that is an appropriate condition?

A: No, I don't think it is reasonable. Staff's approach would require CCN applicants to either prove a project is immediately necessary to serve its customers or guarantee customers are held harmless. As I discussed above, the law does not require a project be essential or absolutely indispensable and there is no basis for requiring a "hold harmless" guarantee if this is not shown. Applying those absolute terms could discourage companies from making any investments in renewable generation.

Q: **Staff witnesses also state they do not believe other customers should pay for this project. How do you respond to that?**

A: I would note Ameren witness Steve Wills' response to Staff Data Request Number 104:

> "The value of 102.4% suggests that, based on the modeling of the program costs at that time, the program revenues arising from application of the Renewable Resource Charge were sufficient to more than cover the cost of the resource during the program period on a net present value."

Staff witnesses may be reading this differently, but it seems that subscription costs of the customers voluntarily engaging with this project are covering the costs.

[11] *Id.*

Q: Do you believe Staff witnesses have concerns about renewable energy in general?

A: Yes, I do. Throughout their submitted testimony, Staff witnesses repeatedly say they think Ameren should be moving toward their goals of net-zero carbon emissions, but they oppose efforts Ameren makes in doing so and they go out of their way to disparage renewable energy.

Staff witness Stahlman argues that the program and CCN are insufficient and would not provide for "reliable, consistent"[12] energy multiple times throughout his testimony. Yet, concurrent to this criticism, Staff witness Stahlman notes this CCN and the program "give the appearance of being 'greener,' but the fossil-fueled resources will remain and continue to be dispatched."[13] At any given point, Staff witness Stahlman argues Ameren relies too much on renewables, but then asserts at other points it is not enough. It appears his thinking is that Boomtown and the Renewable Solutions Program shouldn't be approved because Ameren is relying on too much renewable energy, but regardless, Ameren is still heavily relying too much on coal and gas. This makes little sense.

Staff witness Luebbert states, "Staff recognizes that the electric utilities that provide service in Missouri should be evaluating the move to more renewables as generation needs are identified…",[14] but then goes on to say the "subset" of Ameren customers who support renewable energy couldn't possibly understand the implications of transitioning to renewable energy.[15] In other words, Ameren's large commercial and

[12] EFIS File No. EA-2022-0245, Doc. No. 54 *Rebuttal Testimony of Michael L. Stahlman*, p. 10.
[13] *Id.* at 3.
[14] EFIS File No. EA-2022-0245, Doc. No. 53 *Rebuttal Testimony of J Luebbert*, p. 6.
[15] *Id.* at 19.

industrial customers are not nearly nuanced or intelligent enough to understand their business needs or how energy works.

Staff witness Luebbert also puts forward an unpersuasive "straw man" argument, stating: "it would also not be appropriate for Ameren Missouri to justify the addition of a large coal-fired plant, to be paid by all ratepayers, based primarily on that subset of ratepayers' desires."[16] When asked whether or not there are customers who want to be served only with fossil fuel generation, Mr. Luebbert's only response is "Probably" without any other explanation. In fact, I challenge any of Staff's witnesses to find a single corporate customer who has sought such a project before this Commission from any utility in Missouri or has even stated such a goal publicly.

Q: Is there anything already on the record that counters Staff's concerns about capacity?

A: Yes. Matt Michels, in response to Data Request #107, states the project is needed for capacity purposes. Here is the relevant portion of that response.

> "(T)he Boomtown project is needed as part of a long-term transition of Ameren resource portfolio to ensure continued reliable service at a reasonable cost, given that if Boomtown and other projects are not steadily built over the next few years, Ameren could find itself short of either capacity or energy in various scenarios, such as higher than expected loads, loss of capacity earlier than expected, or inability to add capacity when currently contemplated. These and other risks have been discussed in the Company's IRP filings and referenced above and in testimony in this case."

Q: How do you respond to Staff arguments that the CCN and the associated Renewable Solutions Program are not in the public interest?

[16] *Ibid*.

A: Staff witness Luebbert argues the CCN and the program outlined in this application are not in the public interest. Mr. Luebbert's explanation of what the public interest may or may not be entirely ignores significant shifts towards clean energy projects from the private and public sector. As an example, look at the corporate interest in renewables that led to this filing to begin with. According to a study conducted by McKinsey & Company, global sustainable investments reached $30 trillion in 2019 and are only continuing to grow.[17] In fact, 90% of corporate executives believe sustainable energy is critical to their organization's long-term wellbeing.[18] One-fifth of the world's two-thousand largest companies have committed to net-zero goals.[19] In 2013, when the Rockefeller Foundation launched 100 Resilient Cities, a network to help cities become more sustainable, few cities had a resilience or sustainability officer. In 2023, in just ten years, more than 250 U.S. communities and 1,000 local government professionals are part of the Urban Sustainability Directors Network.[20]

Mr. Luebbert's testimony also ignores the role renewable energy plays in companies moving operations to Missouri. Recall Meta's decision to locate an $800 million data center to the Kansas City area that would employee 100 people and would be served by renewable energy.[21] The deal was publicly announced only after this

[17] Henisz, Witold, Koller, Tim, and Nuttall, Robin, "Five Ways that ESG Creates Value," McKinsey Quarterly (November 14, 2019). Accessed at: https://www.mckinsey.com/~/media/McKinsey/Business%20Functions/Strategy%20and%20Corporate%20Finance/Our%20Insights/Five%20ways%20that%20ESG%20creates%20value/Five-ways-that-ESG-creates-value.ashx.
[18] *Id. See also* Hoffman, Andrew J., "The Next Phase of Business Sustainability," Stanford Social Innovation Review (2018). Accessed at: https://ssir.org/articles/entry/the_next_phase_of_business_sustainability.
[19] "Taking Stock: A Global Assessment of Net Zero Targets," The Energy and Climate Intelligence Unit and Oxford Net Zero, March 2021. Accessed at: https://ca1-eci.edcdn.com/reports/ECIU-Oxford_Taking_Stock.pdf?v=1616461369.
[20] "100 Resilient Cities," The Rockefeller Foundation. Accessed at: https://www.rockefellerfoundation.org/100-resilient-cities/.
[21] "Kansas City Data Center," Facebook (March 24, 2022). Accessed at: https://www.facebook.com/KansasCityDataCenter/.

Commission approved the special package where Evergy could sell renewable energy directly to the social media giant. How Staff can entirely ignore that case from just last year by saying renewable energy doesn't have a direct economic impact on our state is hard to believe. There is no way that any reasonable person could look at the success of economic development using renewable energy and tell the residents of Kansas City that this decision isn't in the public interest.[22]

Further, it should be noted that the federal government is about to invest $370 billion in clean energy through the IRA with a goal of reaching 100 percent carbon pollution-free electricity by 2035; a 50-52% reduction from 2005 levels in economy-wide net greenhouse gas pollution in 2030; and net zero emissions economy-wide by no later than 2050.[23] Money will be available to utility companies through tax credits, loans, and grants. The PSC Staff need not define the "public interest" of projects like Boomtown where Congress and the President have already done so.

Q: Do you agree that the customers benefiting from this program could go behind the meter or purchase PPA's as Staff witnesses suggest?

A: I certainly believe that customers with sufficient space and resources can install locally-sited solar behind the meter. With respect to PPA's in Missouri, the law is extremely prohibitive in this matter. It is not nearly as simple as stated by Staff witness Cunigan who says, "(t)he subscribers targeted by this program are large enough to purchase renewable energy through purchased power agreements ('PPA') or own their own generation sources outright.[24]" As Staff witness Luebbert points out, Ameren enjoys a

[22] EFIS File No. EO-2022-0061.
[23] "Building a Clean Energy Economy Guidebook," Version 2 (January 2023). Accessed at: https://www.whitehouse.gov/wp-content/uploads/2022/12/Inflation-Reduction-Act-Guidebook.pdf.
[24] EFIS File No. EA-2022-0245, Doc. No. 48 *Rebuttal Testimony Cedric E. Cunigan*, p. 5.

monopoly status,[25] granted by this Commission by its authority conferred through the Missouri Legislature. This severely limits how large-scale customers can take advantage of renewable energy opportunities and ultimately presents no cost-effective ways to obtain solar and wind-generated power without working with a single utility. Such limitations include laws that allow utilities such as Ameren to have an oversized presence in any decision a large industrial or commercial customer has in whether they pursue energy independence. These limitations can include approving distributive connections as well as approving how customers' demand programs would interact with the electricity procured through other private actors.

Further, there is a well-documented fear that large-scale customers leaving the grid altogether would lead to a "death spiral" whereby more expenses must be incurred by smaller customers who cannot afford such behind-the-meter generation. While Renew Missouri does not adopt the idea of this theory, it is within the realm of possibility to see regulators and consumer advocates raising concerns about such a "death spiral" as they have in the past.[26] Concerns raised about large-scale customers leaving the grid and adopting distributive energy resources include: decreased sales for the utility, a shift in increased rates on remaining customers, and leading to an unsustainable marketplace that places all actors in a state of disruptive uncertainty.[27] It is another instance where Ameren would be criticized by Staff if they took an entirely different approach. Again, there are lots of arguments against the theory of the "death spiral," but one thing that clean energy

[25] EFIS File No. EA-2022-0245, Doc. No. 53 *Rebuttal testimony of J Luebbert*, p. 8-11.
[26] Graffy, Elisabeth and Kihm, Steve, "Does Disruptive Competition Mean a Death Spiral for Electric Utilities?" Energy Law Journal, 35 (2014).
[27] Hyman, Leonard S. and Tille, William, "The Sun Will Set on Electric Utilities," Barron's Magazine (July 9, 2016).

advocates have suggested to combat the *threat* of a "death spiral" is that utilities would adjust their business models and simply offer their customers more options for renewable energy. This approach is precisely what Ameren has done here. The Company should be applauded for changing its approach to better serve its commercial and industrial customers rather than to be told by Staff to simply let its customers go off-grid.

Corporate parties have made attempts to modify the law that would allow them to enter into PPAs to generate renewable energy without the need for working directly with the utilities, but those efforts were thwarted by the utilities themselves. That includes efforts to change the law to allow for third-party PPAs, community solar, and expansion of net metering laws. All of these reasonable changes have faced insurmountable opposition in the Legislature. I know this because I have worked directly with many of these corporate parties for years. Quite simply, the testimony of Staff's witnesses fails to address the realities of Ameren's monopoly status in how large-scale customers seek out access to renewable energy to achieve their sustainability goals.

Q: Does this conclude your testimony?

A: Yes.

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Union Electric Company d/b/a Ameren Missouri for Approval of a Subscription-Based Renewable Energy Program	))))	Case No. EA-2022-0245

AFFIDAVIT OF JAMES OWEN

STATE OF MISSOURI)
) **ss**
COUNTY OF GREENE)

COMES NOW James Owen, and on his oath states that he is of sound mind and lawful age; that he prepared the attached surrebuttal testimony; and that the same is true and correct to the best of his knowledge and belief.

Further the Affiant sayeth not.

James Owen

Subscribed and sworn before me this 12th day of January 2023.

Lori A. Ralls- Notary Public

My commission expires: 8-20-25

LORI RALLS
Notary Public – Notary Seal
STATE OF MISSOURI
Greene County
My Commission Expires Aug. 20, 2025
Commission #13742816

CASE PARTICIPATION OF
JAMES OWEN

Date	**Proceeding**	**Docket No.**	**On Behalf of:**	**Issues**
10/20/2017	In the Matter of a Working Case to Explore Emerging Issues in Utility Regulation	EW-2017-0245	Renew Missouri Advocates	**Comments:** Distributed Energy Resources
2/7/2018	In the Matter of the Application of The Empire District Electric Company for Approval of Its Customer Savings Plan	EO-2018-0092	Renew Missouri Advocates	**Rebuttal**: Customer savings plan, wind generation, Asbury retirement, federal tax changes
Rebuttal 7/27/2018 Surrebuttal (9/4/2018)	In the Matter of KCP&L Greater Missouri Operations Company's Request for Authority to Implement a General Rate Increase for Electric Service In the Matter of Kansas City Power & Light Company's Request for Authority to Implement a General Rate Increase for Electric Service	ER-2018-0145/ER-2018-0146	Renew Missouri Advocates	**Rebuttal:** Demand Response Program **Surrebuttal:** Demand Response Program
6/8/2018	In the Matter of the Application of Union Electric	ET-2018-0063	Renew Missouri Advocates	**Surrebuttal:** Eligibility parameters, wind generation

	Company d/b/a Ameren Missouri for Approval of 2017 Green Tariff			
9/17/2018	In the Matter of Union Electric Company d/b/a Ameren Missouri's 3rd Filing to Implement Regulatory Changes in Furtherance of Energy Efficiency as Allowed by MEEIA	EO-2018-0211	Renew Missouri Advocates	**Surrebuttal:** Statutory Requirements of MEEIA
9/28/2018	In the Matter of the Application of Union Electric Company d/b/a Ameren Missouri for Permission and Approval and a Certificate of Public Convenience and Necessity Authorizing it to Construct a Wind Generation Facility	EA-2018-0202	Renew Missouri Advocates	**Surrebuttal:** Second Non-unanimous Stipulation and Agreement; Need for the project; Conservation conditions
11/16/2018	In the Matter of the Application of Union Electric Company d/b/a Ameren Missouri for	ET-2018-0132	Renew Missouri Advocates	**Surrebuttal:** Charge Ahead Programs

	Approval of Efficient Electrification Program			
1/15/2019	In the Matter of a Workshop Docket to Explore the Ratemaking Process	AW-2019-0127	Renew Missouri Advocates	**Comments:** Ratemaking Process
1/22/2019	In the Matter of the Application of Union Electric Company d/b/a Ameren Missouri for Permission and Approval and a Certificate of Convenience and Necessity Authorizing it to Construct a Wind Generation Facility	EA-2019-0021	Renew Missouri Advocates	**Surrebuttal:** Conservation conditions; Tax revenue; Benefits of wind generation
1/28/2019 9/16/2019	In the Matter of Kansas City Power & Light Company's Notice of Intent to File an Application for Authority to Establish a Demand-Side Programs Investment Mechanism	EO-2019-0132/ EO-2019-0133 (GMO)	Renew Missouri Advocates	**Rebuttal:** PAYS Program **Surrebuttal:** Energy Efficiency Policy; Additional programs
3/5/2019	In the Matter of the Application of The Empire	EA-2019-0010	Renew Missouri Advocates	**Surrebuttal:** Benefits of wind generation;

	District Electric Company for Certificates of Convenience and Necessity Related to Wind Generation Facilities			Conservation conditions; OPC's CCN standard
3/27/2019	In the Matter of the Joint Application of Invenergy Transmission LLC, Invenergy Investment Company LLC, Grain Belt Express Clean Line LLC and Grain Belt Express Holding LLC for an Order Approving the Acquisition by Invenergy Transmission LLC of Grain Belt Express Clean Line LLC	EM-2019-0150	Renew Missouri Advocates	**Rebuttal:** Commission standard; Benefits of transaction
7/15/2019	In the Matter of the Application of Union Electric Company d/b/a Ameren Missouri for Permission and Approval and a Certificate of Public Convenience and Necessity	EA-2019-0181	Renew Missouri Advocates	**Rebuttal:** Benefits of wind generation

	Under 4 CSR 240-3.105			
10/7/2020	Electronic Application of Kentucky Power Company for (1) A General Adjustment of its Rates for Electric; (2) Approval of Tariffs and Riders; (3) Approval of Accounting Practices to Establish Regulatory Assetts and Liabilities; (4) Approval of a Certificate of Public Convenience and Necessity; and 5) All Other Required Approvals and Relief	KPSC Case No. 2020-00174	Mountain Association, Kentuckians For The Commonwealth, and the Kentucky Solar Energy Association	**Rebuttal:** AMI meters, Net-metering, Energy Efficiency Programs, PAYS®, Economic Impacts, Rate design, Customer charge
3/5/2021	Electronic Application of Kentucky Utilities Company for an Adjustment of its Electric Rates, a Certificate of Public Convenience and Necessity to Deploy Advanced Metering	KPSC Case No. 2020-00349 / Case No. 2020-00350	Mountain Association, Kentuckians For The Commonwealth, the Metropolitan Housing Coalition, and the Kentucky Solar Energy Association.	**Direct:** AMI meters, Energy Efficiency Programs, PAYS®, Economic Impacts, Rate design, Customer charge

7/13/2021 8/5/2021	Infrastructure, Approval of Certain Regulatory and Accounting Treatments, and Establishment of a One-Year Surcredit. Electronic Application of Louisville Gas and Electric Company for an Adjustment of its Electric and Gas Rates, a Certificate of Public Convenience and Necessity to Deploy Advanced Metering Infrastructure, Approval of Certain Regulatory and Accounting Treatments, and Establishment of a One- Year Surcredit.			**Supplemental Direct Testimony:** Value of Solar **Supplemental Rebuttal Testimony:** Value of Solar
4/16/2021	In the Matter of the Investigation into the Sustainability Transformation Plan of Evergy Metro, Inc., Evergy Kansas Central, Inc., and Evergy	Kansas Corporation Commission Docket No. 21-EKME-088-GIE	Climate + Energy Project ("CEP")	**Comments:** DER, Electrification, Securitization, Transmission upgrades, Solar Resources, Wind Resources, Equitable access

	South, Inc. (collectively Evergy)			to sustainable energy
4/30/2021				**Cross-Answer Comment of Climate + Energy Project** Investment in Transmission and Distribution, Merger Conditions,
6/29/2021	In the Matter of the Capital Plan Compliance Docket for Kansas City Power & Light Company and Westar Energy, Inc. Pursuant to the Commission's Order in 18-KCPE- 095-MER	Kansas Corporation Commission Docket No. 19-KCPE-096-CPL	Climate + Energy Project ("CEP")	**Comments:** Capital Plan, Transmission investments, Energy Efficiency investments, Renewable Investments,
11/1/2021				**Comments:** IRP modeled Scenarios overview, PVRR analysis, Emissions analysis by Scenario, DSM Plans,
10/15/2021	In the Matter of Union Electric Company d/b/a Ameren Missouri's Tariffs to Adjust	ER-2021-0240	Renew Missouri Advocates	**Rebuttal:** High Prairie Wind Energy Center; Keeping Current Program

	its Revenues for Electric Service			
4/22/2022	In the Matter of the Electronic 2021 Joint Integrated Resource Plan of Louisville Gas and Electric Company and Kentucky Utilities Company	KPSC Case No. 2021-00393	Mountain Association, Kentuckians For The Commonwealth, and the Kentucky Solar Energy Association	**Comments:** Pay As You Save ®/On-Bill Financing
5/27/2022	In the Matter of the Petition of The Empire District Electric Company d/b/a Liberty to Obtain a Financing Order that Authorizes the Issuance of Securitized Utility Tariff Bonds for Energy Transition Costs Related to the Asbury Plant	EO-2022-0193	Renew Missouri Advocates	**Surrebuttal Testimony:** Securitization
6/17/2022	In the Matter of the Application of Evergy Kansas Metro, Inc., Evergy Kansas South, Inc. and Evergy Kansas Central, Inc. for Approval of its Demand-Side Management Portfolio pursuant to the	Kansas Corporation Commission Docket No. 22-EKME-254-TAR	Climate + Energy Project ("CEP")	**Direct Testimony:** MEEIA Programs, Hard-to-Reach Homes Program, Pay As You Save®/On-Bill Financing, Non-Energy Benefits **Settlement Testimony:**

	Kansas Energy Efficiency Investment Act ("KEEIA"), K.S.A. 66-1283			Supporting Original Settlement Agreement on Programs and Financial Recovery, Opposing Alternative Settlement Agreement
7/13/2022	In the Matter of Evergy Metro, Inc. d/b/a Evergy Missouri Metro's Request for Authority to Implement a General Rate Increase for Electric Service In the Matter of Evergy Missouri West, Inc. d/b/a Evergy Missouri West's Request for Authority to Implement a General Rate Increase for Electric Service	ER-2022-0129/ ER-2022-0130	Renew Missouri Advocates	**Rebuttal Testimony:** Time-of-Use Rates for Distributed Generation Customers, Green Pricing REC Program, Energy Burden Data Sharing