

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 3rd day of January, 2014.

Ameren Missouri's Request for Waivers for its Missouri Energy Efficiency Investment Act Programs.

)
) **File No. EO-2014-0075**
) Tariff No. YE-2014-0223

ORDER APPROVING TARIFF AND REQUESTED VARIANCES

Issue Date: January 3, 2014

Effective Date: January 27, 2014

On November 20, 2013, Union Electric Company, d/b/a Ameren Missouri filed a tariff to implement a rider to recover the company's compliance costs related to the Missouri Energy Efficiency Investment Act (MEEIA). The tariff implements a provision in a stipulation and agreement approved by the Commission in File No. EO-2012-0142 on August 1, 2012.

The 2012 stipulation and agreement set up alternative means by which Ameren Missouri would be able to recover its MEEIA costs. The first alternative, which is currently in use by Ameren Missouri, allows the company to recover its costs in base rates and through a tracker. The second alternative allows Ameren Missouri to recover MEEIA costs through use of a Demand Side Programs Investment Mechanism (DSIM) rider if such rider was found to be lawful upon judicial review. The Missouri Court of Appeals found the DSIM rider to be lawful in 2013.¹ Ameren Missouri now seeks to implement the use of a DSIM rider through its tariff filing.

¹ *State ex rel. Public Counsel v. Public Serv. Com'n*, 397 S.W.3d 441 (Mo. App. W.D. 2013).

Along with its tariff, Ameren Missouri requested certain additional variances from the Commission's rules to allow for use of the DSIM rider as described in the 2012 stipulation and agreement.² The Commission approved certain variances from its rules when it approved the 2012 stipulation and agreement, but in drafting the implementing tariffs, Ameren Missouri identified two other provisions of the regulation that would be inconsistent with the DSIM rider and for which variances should be granted. First, Ameren Missouri asks the Commission for a variance from the semi-annual adjustment provisions of 4 CSR 240-20.093(1)(N), 4 CSR 240-20.093(2)(I), and 4 CSR 240-20.094(1)(L) to allow for a single annual adjustment as provided in the DSIM rider. Second, Ameren Missouri asks the Commission for a variance from the provision of 4 CSR 240-20.093(5)(A) that would allow the DSIM rider to remain in effect for only four years, as it will take Ameren Missouri more than four years to recover its costs under the approved DSIM rider.

In response to Ameren Missouri's November 20 filing, the Commission ordered its Staff to file a recommendation no later than December 10. The Commission also allowed any party until December 20 to respond to Staff's recommendation.

Staff filed its recommendation on December 10. Staff advised the Commission to approve Ameren Missouri's tariff and to grant the variances requested by the company. Staff also identified an additional rule provision for which a variance should be granted. Specifically, Staff advises the Commission to grant a variance from the requirement of 4 CSR 240-20.093(2)(J) that would require an approved utility-incentive-component to be binding on the electric utility for the entire term of the DSIM. A variance from that provision

² Ameren Missouri's motion asks for "waivers", while Staff's recommendation advises the Commission to grant "variances". The two terms tend to be used interchangeably, but the 2012 stipulation and agreement refers to "variances" so that term will be used in this order.

may be required to allow Ameren Missouri to implement the DSIM rider in place of the existing recovery in base rates and through a tracker. Neither Ameren Missouri nor any other party filed a response to Staff's recommendation.

After reviewing Ameren Missouri's tariff and its request for variances, along with Staff's recommendation, the Commission finds and concludes that the tariff should be approved and that the variances requested by Ameren Missouri and the additional variance recommended by Staff should be granted.

THE COMMISSION ORDERS THAT:

1. The tariff sheets submitted under Tariff No. YE-2014-0223 by Union Electric Company, d/b/a Ameren Missouri are approved, effective on and after January 27, 2014.

The specific tariff sheets approved are:

MO. P.S.C. No. 6

- 1st Revised Sheet No. 54, Cancelling Original Sheet No. 54**
- 1st Revised Sheet No. 54.1, Cancelling Original Sheet No. 54.1**
- 1st Revised Sheet No. 54.4, Cancelling Original Sheet No. 54.4**
- 1st Revised Sheet No. 55, Cancelling Original Sheet No. 55**
- 1st Revised Sheet No. 55.1, Cancelling Original Sheet No. 55.1**
- 1st Revised Sheet No. 55.3, Cancelling Original Sheet No. 55.3**
- 1st Revised Sheet No. 55.4, Cancelling Original Sheet No. 55.4**
- 1st Revised Sheet No. 56, Cancelling Original Sheet No. 56**
- 1st Revised Sheet No. 56.1, Cancelling Original Sheet No. 56.1**
- 1st Revised Sheet No. 56.3, Cancelling Original Sheet No. 56.3**
- 1st Revised Sheet No. 56.4, Cancelling Original Sheet No. 56.4**
- 1st Revised Sheet No. 57, Cancelling Original Sheet No. 57**
- 1st Revised Sheet No. 57.1, Cancelling Original Sheet No. 57.1**
- 1st Revised Sheet No. 57.4, Cancelling Original Sheet No. 57.4**
- 1st Revised Sheet No. 57.5, Cancelling Original Sheet No. 57.5**
- 1st Revised Sheet No. 61, Cancelling Original Sheet No. 61**
- 1st Revised Sheet No. 61.1, Cancelling Original Sheet No. 61.1**
- 1st Revised Sheet No. 61.4, Cancelling Original Sheet No. 61.4**
- 1st Revised Sheet No. 62, Cancelling Original Sheet No. 62**
- 1st Revised Sheet No. 70, Cancelling Original Sheet No. 70**
- 1st Revised Sheet No. 90, Cancelling Original Sheet No. 90**
- Original Sheet No. 90.1**

Original Sheet No. 90.2
Original Sheet No. 90.3
Original Sheet No. 90.4
Original Sheet No. 90.5

2. Union Electric Company, d/b/a Ameren Missouri is granted a variance from the following rule provisions:

- (A) The semi-annual adjustment provisions of 4 CSR 240-20.093(1)(N), 4 CSR 240-20.093(2)(I), and 4 CSR 240-20.094(1)(L);
- (B) The provision of 4 CSR 240-20.093(5)(A) that would allow the DSIM rider to remain in effect for only four years; and
- (C) The requirement of 4 CSR 240-20.093(2)(J) that would require an approved utility incentive component to be binding on the electric utility for the entire term of the DSIM

2. This order shall become effective on January 27, 2014.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

R. Kenney, Chm., Stoll, W. Kenney,
and Hall, CC., concur.

Woodruff, Chief Regulatory Law Judge