# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

The Staff of the Missouri Public Service Commission,

Complainant,

VS.

Case No. EC-2015-0315

Union Electric Company d/b/a Ameren Missouri,

Respondent.

## STAFF RESPONSE TO COMMISSION ORDER DIRECTING FILING

**COMES NOW** the Staff of the Missouri Public Service Commission, by and through undersigned counsel, and for its Response, states as follows:

1. On November 2, 2016, the Commission issued it Order Approving Stipulation And Agreement Regarding Performance Incentive Award resulting from

Ameren Missouri's Cycle 1 of it Missouri Energy Efficiency Investment Act (MEEIA).<sup>1</sup>

2. Paragraph 14 of the approved stipulation and agreement<sup>2</sup> provided Ameren Missouri a resolution of the avoided costs issue should the Supreme Court of Missouri rule in Ameren Missouri's favor:<sup>3</sup> "Should Ameren Missouri prevail in the Avoided Cost Appeal, it will recalculate and correct its Performance Incentive based on the revised avoided cost."

<sup>&</sup>lt;sup>1</sup> Case No. EO-2012-0142 styled as *In the Matter of Union Electric Company d/b/a Ameren Missouri's Filing to Implement Regulatory Changes in Furtherance of Energy Efficiency as Allowed by MEEIA.* 

<sup>&</sup>lt;sup>2</sup> See Order Approving Stipulation And Agreement Regarding Performance Incentive Award, Attachment A, "Revised Non-Unanimous Stipulation And Agreement Addressing Ameren Missouri's Performance Incentive Award", p.5, para. 14. (EFIS Item No. 359).

<sup>&</sup>lt;sup>3</sup> The Court ruled in Ameren Missouri's favor on July 3, 2018 when it vacated the Commission's Order Granting Staff's Motion for Summary Determination and Denying Ameren Missouri's Motion for Summary Determination which had become effective December 18, 2015 in the instant complaint.

3. Accordingly, Ameren Missouri is expected to make its recalculation using the revised avoided cost and include it as an adjustment to be made in the company's November Energy Efficiency Investment Charge (Rider EEIC) rate adjustment filing, which would be docketed as a new tariff case file, for the Commission's review and approval.

4. There is nothing left for the Commission to do in the matter of the abovecaptioned complaint.

**WHEREFORE** Staff prays the Commission accept its response to the Commission's Order Directing Filing.

Respectfully submitted,

#### /s/ Robert S. Berlin

Robert S. Berlin Missouri Bar No. 51709 Deputy Staff Counsel Attorney for the Staff of the Missouri Public Service Commission P. O. Box 360 Jefferson City, MO 65102 (573) 526-7779 (Telephone) (573) 526-6969 (Fax) bob.berlin@psc.mo.gov

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or First Class United States Postal Mail, postage prepaid, on this 6<sup>th</sup> day of September, 2018 to all counsel of record.

### /s/ Robert S. Berlin