BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of Union Electric Company d/b/a AmerenUE's Tariff to Increase Its Annual Revenues for Electric Service

Case No. ER-2011-0028

<u>PUBLIC COUNSEL'S OBJECTION TO NONUNANIMOUS STIPULATION AND</u> <u>AGREEMENT REGARDING LOW INCOME WEATHERIZATION EVALUATION</u>

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COMES NOW the Office of the Public Counsel for its Objection to Nonunanimous Stipulation and Agreement Regarding Low Income Weatherization Evaluation states as follows:

1. On May 18, 2011, Ameren Missouri and the Department of Natural Resources (DNR) filed a nonunanimous stipulation and agreement that reflects an agreement – just as between those two parties – about evaluations of Ameren Missouri's low-income weatherization program.

2. Public Counsel objects to that agreement pursuant to 4 CSR 240-2.115(2)(B). The agreement requires that up to 5% of the low-income weatherization funds be diverted from providing weatherization services to performing evaluations of both process and impact. The agreement further provides that this diversion will continue into perpetuity. Nothing in the record supports recurring evaluations of process and impact every two years, and nothing in the record supports devoting up to 5% of the program funds for evaluations.

3. The only evidence in the record concerning evaluation of the low-income weatherization is a single sentence in the rebuttal testimony of Ameren Missouri witness Laurent, who states: "Ameren Missouri recommends that a portion of the funds be spent on <u>an</u> independent third party evaluation of the program as the last evaluation included the period 4/1/06 through 10/31/08." (Laurent Rebuttal, page 8, lines 13-15; emphasis added) Nothing in

the record supports a requirement that recurring evaluations be conducted every two years, which would consume money that would otherwise be used to provide weatherization services.

4. Public Counsel is not requesting that the record be reopened or that the hearing be resumed. Public Counsel believes that the record on this issue is adequate, and that it in no way supports the provision in the agreement that requires the perpetual diversion of funds away from weatherization into chronic evaluations.

WHEREFORE, Public Counsel respectfully requests that the Commission reject the Nonunanimous Stipulation and Agreement Regarding Low Income Weatherization Evaluation.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

/s/ Lewis R. Mills, Jr.

By:_

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I hereby certify that a copy of the foregoing has been emailed to parties of record this 25th day of May 2011.

/s/ Lewis R. Mills, Jr.