

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 8th day of October, 2014.

In the Matter of Union Electric Company d/b/a)
Ameren Missouri's Filing to Implement Regulatory) **File No. EO-2012-0142**
Changes in Furtherance of Energy Efficiency)
as Allowed by MEEIA)

**ORDER ESTABLISHING PROCEDURAL SCHEDULE TO CONSIDER THE
PROGRAM YEAR 2013 CHANGE REQUESTS**

Issue Date: October 8, 2014

Effective Date: October 8, 2014

This order concerns Union Electric Company, d/b/a Ameren Missouri's implementation of its Missouri Energy Efficiency Investment Act (MEEIA) programs. One aspect of the implementation of those programs requires the utility to engage the services of an independent auditor to evaluate, measure, and verify (EM&V) the utility's energy efficiency measures. Ameren Missouri hired Cadmus and ADM to conduct that audit. The Commission's Staff hired Johnson Consulting Group to perform an independent audit. Cadmus and ADM filed their EM&V Report on June 12, 2014, and Johnson Consulting Group filed its EM&V Report on July 2 (updated on August 27).

On July 3, both Ameren Missouri and Staff filed motions asking the Commission to make certain changes to the EM&V reports. The Commission established a procedural schedule to consider those motions at a hearing scheduled for August 28 and 29. That procedural schedule was subsequently extended, and later indefinitely stayed to allow Ameren Missouri and Staff more time to settle their differences.

On September 19, Staff and Ameren Missouri filed a non-unanimous stipulation and agreement to settle the program year 2013 change requests. Public Counsel objected to the stipulation and agreement on September 26.

Thereafter, the Commission directed the parties to submit a proposed procedural schedule. Staff and Ameren Missouri proposed a procedural schedule that would give the parties an opportunity to submit prefiled direct, rebuttal, and surrebuttal testimony, and would culminate in an evidentiary hearing on January 6 and 7, 2015. Public Counsel submitted a competing procedural schedule that would schedule an evidentiary hearing on October 23 and 24, 2014, without allowing for the pre-filing of testimony. Public Counsel's subsequent comments on the proposed procedural schedules suggests that, aside from the change requests and the responses to those requests, no further evidence is needed for the Commission to make a decision and suggests that the parties be precluded from offering such evidence.

Both proposed schedules agreed that Public Counsel and other parties should file their responses to the change requests on October 6. For that reason, the Commission ordered the parties to file their responses to the change requests no later than October 6, and indicated it would consider the balance of the submitted procedural schedules at this agenda meeting.

Public Counsel submitted its response to Ameren Missouri's and Staff's proposed change requests on October 6. That response explains Public Counsel's opposition to the change request proposed by Ameren Missouri and supports Staff's original argument that market effects should not be included for the LightSavers program and should not be applied to the final estimate of the net-to-gross ratio for program year 2013. Public Counsel opposes

the stipulation and agreement as a black-box settlement that does not address the market effects question that will arise again in future years.

This case raises important issues that deserve the Commission's full consideration. Public Counsel's proposed procedural schedule that would set a hearing on October 23 and 24 would not allow enough time for the Commission to give this matter the attention it deserves. Furthermore, there does not appear to be any reason that an expedited decision from the Commission is needed as the program results for program year 2013 will not be tallied until 2016.

The Commission will adopt the procedural schedule proposed by Staff and Ameren Missouri. But one aspect of the arguments put forth by Ameren Missouri and Staff in support of their proposed procedural schedule requires comment. Both suggest that the issue that will be before the Commission in the evidentiary hearing is whether the Commission should approve the non-unanimous stipulation and agreement submitted by Staff and Ameren Missouri. That argument misunderstands the status of the stipulation and agreement after Public Counsel objected to it.

Commission Rule 4 CSR 240-2.115(2)(D) establishes that non-unanimous stipulations and agreements to which an objection is raised become merely a non-binding joint position of the signatory parties. Staff and Ameren Missouri may continue to support that joint position, and the Commission can decide to adopt that position if it is supported by competent and substantial evidence in the record. But the Commission cannot "approve" the non-unanimous stipulation and agreement as, by rule, it ceased to exist when a timely objection to it was filed. As a result, the parties are free to offer any evidence they believe is relevant to the question of whether any change request should be adopted.

THE COMMISSION ORDERS THAT:

1. The following procedural schedule is established:

Direct Testimony	October 22, 2014
Rebuttal Testimony	November 17, 2014
Surrebuttal Testimony	November 26, 2014
List of Issues, Order of Witnesses, and Order of Cross	December 15, 2014
Position Statements and Pre-Trial Motions	December 30, 2014
Evidentiary Hearing	January 6-7, 2015
Initial Briefs	January 30, 2015
Reply Briefs	February 11, 2015

2. The parties shall comply with the following procedural requirements:

(A) Testimony shall be prefiled as defined in Commission Rule 4 CSR 240-2.130. All parties must comply with this rule, including the requirement that testimony be filed on line-numbered pages.

(B) The parties shall agree upon and Staff shall file a list of the issues to be heard, the witnesses to appear on each day of the hearing, the order in which they will be called, and the order of cross-examination for each witness. The list of issues should be detailed enough to inform the Commission of each issue that must be resolved. The Commission will view any issue not contained in this list of issues as uncontested and not requiring resolution by the Commission.

(C) Each party shall file a simple and concise statement summarizing its position on each disputed issue.

(D) All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 4 CSR 240-2.080. Briefs shall follow the same list of issues as filed in the case and must set forth and cite the proper portions of the record concerning the remaining unresolved issues that are to be decided by the Commission.

(E) All parties shall bring an adequate number of copies of exhibits that they intend to offer into evidence at the hearing. If an exhibit has not been prefiled, the party offering it must bring, in addition to the copy for the court reporter, a copy for each Commissioner, the Presiding Judge, and all counsel.

3. The hearing shall be held at the Commission's office at the Governor Office Building, Room 310, 200 Madison Street, Jefferson City, Missouri. This building meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations to participate in this hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

4. This order shall become effective upon issuance.

BY THE COMMISSION



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

Morris L. Woodruff
Secretary

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

Woodruff, Chief Regulatory Law Judge