

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of Union Electric Company)
d/b/a Ameren Missouri's 4th Filing to)
Implement Regulatory Changes in)
Furtherance of Energy Efficiency as)
Allowed by MEEIA)

Case No. EO-2023-0136

RESPONSE IN OPPOSITION TO MOTION TO ADOPT PROCEDURAL SCHEDULE

COMES NOW the Office of the Public Counsel (the "OPC") and the Staff of the Public Service Commission of the State of Missouri ("Staff") and in response to Union Electric Company d/b/a Ameren Missouri's ("Ameren") Application to Approve DSIM and Demand-Side Management Portfolio and Plan, Request for Variances, and Motion to Adopt Procedural Schedule (the "Application and Motion to Adopt Procedural Schedule") (Doc. 2) respectfully request that the Public Service Commission of the State of Missouri (the "Commission") reject the procedural schedule Ameren proposed and schedule a prehearing conference to discuss a more appropriate procedural schedule for this matter.¹ In support, the OPC and Staff state as follows:

1. On March 27, 2023, Ameren filed the Application and Motion to Adopt Procedural Schedule.
2. As a part of the Application and Motion to Adopt Procedural Schedule, Ameren proposed an expedited procedural schedule, which included, in part, a Rebuttal Testimony filing date of May 1, 2023; Surrebuttal/Cross-Surrebuttal Testimony filing date of May 30, 2023; and an evidentiary hearing date of June 22, 2023.
3. This proposed schedule gives intervening parties only 35 days to conduct discovery and prepare and file testimony in response to Ameren's application for a new

¹ The OPC and Staff reserve the right to respond to the substance of Ameren's MEEIA Cycle 4 Application in forthcoming testimony.

MEEIA program, which is proposed to span 3 years, cost nearly \$500 million,² and encompass 25 programs. (Application & Mot. to Adopt Procedural Schedule 8; Ameren 2024-2026 MEEIA Energy Efficiency Plan (“MEEIA Plan”) 6, 63, 70).

4. Though the OPC and Staff understand that Ameren will need time to implement the MEEIA Cycle 4 plan before the proposed January 1, 2024 start date, the times allowed for review in Ameren’s proposed procedural schedule are insufficient. The OPC and Staff, and likely other intervening parties, will require additional time to prepare thoughtful and well-reasoned responses to Ameren’s MEEIA Cycle 4 Application.
5. Therefore, the OPC and Staff request that the Commission reject Ameren’s proposed procedural schedule³ and schedule a prehearing conference⁴ so that all parties to this matter may discuss a more appropriate procedural schedule.

² This nearly \$500 million includes \$367 million in investment, \$55 million in expected earnings opportunity payouts, and \$75 million in estimated total throughput disincentive. (MEEIA Plan 6, 63, 70).

³ Neither the OPC nor Staff oppose Ameren’s request to shorten the data request response time to 15 days, with 5 business days to object or notify the requesting party that more than 15 days will be needed to provide the requested information. (*See* Appl. & Mot. to Adopt Procedural Schedule 10).

⁴ The OPC and Staff note that in its March 27, 2023 Order Directing Notice of Application and Establishing Intervention Filing Date (the “March 27, 2023 Order”), the Commission stated that it would set an early prehearing conference. (Mar. 27, 2023 Order 1, Doc. 3). However, the Commission did not set a date for the prehearing conference in that Order. (*See id.*).

WHEREFORE, the Office of the Public Counsel and Staff respectfully request that the Commission reject the procedural schedule proposed in the Application and Motion to Adopt Procedural Schedule and schedule a prehearing conference.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing have been mailed, emailed, or hand-delivered to all counsel of record this 6th day of April 2023.

/s/ Lindsay VanGerpen