

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

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.)
File No. EO-2012-0142

**STAFF’S RESPONSE IN OPPOSITION TO
PUBLIC COUNSEL’S MOTION TO ACCEPT AMENDED CORRECTIONS TO OFFICE
OF THE PUBLIC COUNSEL WITNESS DR. GEOFF MARKE’S
DIRECT, REBUTTAL, AND SURREBUTTAL TESTIMONY**

COMES NOW Staff of the Missouri Public Service Commission, by and through undersigned counsel, and hereby files *Staff’s Response in Opposition to Public Counsel’s Motion to Accept Amended Corrections to Office of Public Counsel Witness Dr. Geoff Marke’s Direct, Rebuttal, and Surrebuttal Testimony* (“Staff’s Response”) and in support states:

1. On January 12, 2015, Office of Public Counsel (“OPC”) filed, among other things, Public Counsel’s Motion to Accept Amended Corrections to Office of Public Counsel Witness Dr. Geoff Marke’s Direct, Rebuttal, and Surrebuttal Testimony (testimony styled as Corrected Direct Testimony of Geoff Marke, Corrected Rebuttal Testimony of Geoff Marke, and Corrected Surrebuttal Testimony of Geoff Marke). The Commission issued its *Order Establishing Time To Respond To Motion To Accept Amended Corrections To Testimony* and set no later than January 16, 2015 for party responses.

2. The Staff has reviewed Dr. Marke’s Corrected Direct, Corrected Rebuttal, and Corrected Surrebuttal testimony and two distinctly different sets of workpapers that Public Counsel provided to Staff on January 12th and 13th. As a result of Staff’s review

of both sets of workpapers together, as explained in greater detail in Staff's verified Memorandum attached as Appendix A, the Staff does not accept the amended corrections to Dr. Marke's Corrected Direct, Corrected Rebuttal, and Corrected Surrebuttal testimony for the following reasons.

3. First, the two sets of workpapers provided to Staff on January 12th and 13th are distinctly different and in their entirety do not allow the Staff to verify all the number corrections contained in Dr. Marke's Corrected Direct, Corrected Rebuttal and Corrected Surrebuttal testimony. Further, as stated in the Memorandum, Staff received from Public Counsel a hard copy version of workpapers on January 12th, and electronic workpapers on January 13th. Staff is not clear on whether Public Counsel provided the hard copy workpapers that it presented to Staff on January 12th to any other party counsel.

4. In addition, as explained in the Memorandum, Staff has identified seven (7) instances where Public Counsel has supplemented its earlier testimony by including new number quantities and calculations associated with issues that Public Counsel did not raise in its direct testimony.

5. Commission rule 4 CSR 240-2.130(10) prohibits parties from supplementing prefiled prepared direct, rebuttal, or surrebuttal testimony unless ordered by the Commission. Public Counsel's testimony goes beyond making corrections to existing calculations. Though the Staff is not able to complete its verification of all proposed changes due to deficiencies in the workpapers provided by OPC, the Staff has identified seven (7) instances where Public Counsel is supplementing its testimony in its most recent amended/corrected versions of its direct, rebuttal, and

surrebuttal testimony. As a matter of further explanation, Staff notes that Public Counsel included an Amended Corrected Response that was made a part of Dr. Marke's Corrected Direct testimony. This Response was first filed by OPC on October 6, 2014 and later corrected and attached as Appendix A to OPC's first direct testimony filed on October 22, 2014. Public Counsel seeks to correct or amend its Response in its most recent Corrected Direct Testimony, but it is not labelled as Appendix A. This is a source of additional confusion.

WHEREFORE, for the reasons discussed above and in Staff's attached Memorandum, Staff respectfully requests the Commission not accept Public Counsel's Corrected Direct, Corrected Rebuttal, and Corrected Surrebuttal testimony of Dr. Geoff Marke.

Respectfully submitted,

/s/ Robert S. Berlin

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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been electronically mailed this 16th day of January, 2015 to all counsel of record in this proceeding.

/s/ Robert S. Berlin

MEMORANDUM

TO: Missouri Public Service Commission Official Case File
Case No. EO-2012-0142
Union Electric Company d/b/a Ameren Missouri

FROM: John Rogers, Utility Regulatory Manager

DATE: /s/ Natelle Dietrich 01/16/15 /s/ Robert S. Berlin 01/16/15
Director of Tariff, Safety, Economic Staff Counsel's Office / Date
& Engineering Analysis / Date

SUBJECT: Staff's Response to Public Counsel's Motion to Accept Amended
Corrections to Office of Public Counsel Witness Dr. Geoff Marke's
Direct, Rebuttal, and Surrebuttal Testimony.

DATE: January 16, 2015

Discussion

On January 12, 2015, the Office of Public Counsel ("OPC") filed *Public Counsel's Motion to Accept Amended Corrections to Office of Public Counsel Witness Dr. Geoff Marke's Direct, Rebuttal, and Surrebuttal Testimony* ("Motion"). The Motion included what is represented as Dr. Marke's amended corrected direct, rebuttal and surrebuttal testimony. On January 13, 2015, the Commission ordered any party wishing to respond to OPC's Motion to do so by January 16, 2015. In late afternoon of January 13, 2015, Staff received – through Staff Counsel - OPC's work papers to support OPC's Motion.

Staff has completed its review of Dr. Marke's amended corrected testimonies and the work papers provided in support of Dr. Marke's amended corrected testimonies and concludes that:

1. The work papers provided by OPC in late afternoon of January 13, 2015, do not allow Staff to verify any of the amended corrected values in Dr. Marke's amended corrected testimonies;
2. Public Counsel provided Staff a hard copy of additional work papers from Dr. Marke on January 12, 2015. Only by examining the hard copy work papers was Staff able to "piece together" work papers that allowed Staff to verify most – but not all - of the amended corrected values in Dr. Marke's amended corrected testimonies;
3. All of Dr. Marke's amended corrected testimonies are to some extent supplemental testimony, because each contains some values which are impacted by OPC's estimates of the LightSavers program's non-participant spillover ("NPSO") adjustment resulting from OPC's new approach to determining the LightSavers NPSO adjustment "based on weighted ratios" as described – for the

first time - in paragraph 7 of OPC's January 12th Motion. Dr. Marke's approach to determine a value for LightSavers NPSO "based on weighted ratios" is never discussed in any of Dr. Marke's initial testimonies or amended corrected testimonies;

4. Appendix A of Dr. Marke's first direct testimony filed on October 22, 2014 is a corrected version of Dr. Marke's initial 64 page Response to Change Request filed by OPC on October 6, 2014. The most recent version of Dr. Marke's Appendix A (which is not even labelled as Appendix A in the Corrected Direct Testimony of Geoff Marke filed on January 12th) is to some extent supplemental testimony, because what should be labeled amended corrected Appendix A contains a number of estimated values as the result of Dr. Marke's recently taken position that there should be an adjustment for LightSavers rebound effect, a position which Dr. Marke did not introduce until his first direct testimony; and
5. Additionally, Dr. Marke's amended corrected direct testimony is to some extent supplemental testimony, because Dr. Marke's amended corrected direct testimony contains a number of new estimated values which are the result of Dr. Marke's recently taken position that the total resource cost ("TRC") costs should be used (and not the utility cost test ("UCT") costs) when calculating the annual net shared benefits, a position which Dr. Marke did not introduce until his rebuttal testimony.

The following chart is provided to illustrate items 3, 4 and 5 above:

Chronology of When Issues Were Presented in Testimony of Office of Public Counsel

	Initial Response 10/6/2014	Revised Response (1) 10/22/2014	Initial Direct 10/22/2014	Initial Rebuttal 11/17/2014	Initial Surrebuttal 12/3/2014	Amended Corrected Response 1/12/2015	Amended Corrected Direct 1/12/2015	Amended Corrected Rebuttal 1/12/2015	Amended Corrected Surrebuttal 1/12/2015
LightSavers Free Riders	X	X	X	X	X	Corrections	Corrections	Corrections	Corrections
LightSavers PSO	X	X	X	X	X	Corrections	Corrections	Corrections	Corrections
LightSavers NPSO (2)	X	X	X	X	X	Not Applicable	Not Applicable	Not Applicable	Not Applicable
LightSavers NPSO (3)						Supplemental	Supplemental	Supplemental	Supplemental
LightSavers Market Effects	X	X	X	X	X	Corrections	Corrections	Corrections	Corrections
Financial Incentive in NSB	X	X	X	X	X	Corrections	Corrections	Corrections	Corrections
LightSavers Rebound			X	X	X	Supplemental	Corrections	Corrections	Corrections
TRC Costs in NSB				X	X	Supplemental	Supplemental	Corrections	Corrections

(1) OPC's Response to Change Requests was initially filed on 10/6/2014 and is also represented as Appendix A to the direct testimony filed on 10/22/2014 and, though not labelled, appears to be Appendix A to the amended corrected direct testimony filed on 1/12/2015.

(2) OPC adopted the Cadmus estimate of LightSavers NPSO.

(3) OPC presented for the first time as part of its Motion work papers its own new approach to determine a value for LightSavers NPSO "based on weighted ratios" as described in paragraph 7 of the Motion. OPC's new approach to determine a value for LightSavers NPSO "based on weighted ratios" is never discussed in any of Dr. Marke's initial testimonies or amended corrected testimonies.

Recommendation

Staff recommends that the Commission not accept the amended corrected direct, rebuttal and surrebuttal testimonies of Dr. Marke for the reasons stated above.

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File No. EO-2012-0142

AFFIDAVIT OF JOHN A. ROGERS

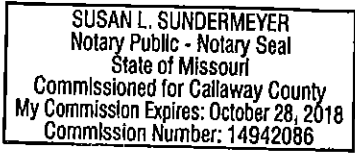
STATE OF MISSOURI)
) ss
COUNTY OF COLE)

John A. Rogers, employee of the Staff of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that he has participated in the preparation of the accompanying Staff Recommendation, in memorandum form, and the facts therein are true and correct to the best of his knowledge and belief.



John A. Rogers

Subscribed and sworn to before me this 16th day of January, 2015.





Notary Public