

**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) File No. EO-2012-0142
Furtherance of Energy Efficiency as Allowed by MEEIA.)

**PUBLIC COUNSEL'S OBJECTION TO THE NON-UNANIMOUS
STIPULATION AND AGREEMENT ADDRESSING
AMEREN MISSOURI'S PERFORMANCE INCENTIVE AWARD**

COMES NOW the Office of the Public Counsel ("Public Counsel" or "OPC") and pursuant to Commission Rule 4 CSR 240-2.115(2)(B) hereby files its objection to the *Non-unanimous Stipulation and Agreement Addressing Ameren Missouri's Performance Incentive Award* ("Performance Incentive Stipulation") filed on September 2, 2016 by Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri") and the Commission's Staff ("Staff") as follows:

1. On September 2, 2016, Ameren Missouri and Staff filed their Performance Incentive Stipulation attempting to predetermine the performance incentive amount due Ameren Missouri under its Missouri Energy Efficiency Investment Act ("MEEIA") portfolio of programs for years 2013-2015 ("Cycle 1"). Doc. No. 326. Ameren Missouri and Staff represent the total performance incentive amount to be \$29,065,869.38. Doc. No. 326, p. 4. Of the total, Ameren Missouri intends to include \$15,164,801.42 in its November 2016 Rider Energy Efficiency Investment Charge ("EEIC") filing and an additional \$13,901,067.96 in November 2017. Doc. No. 326, p. 5.

2. Public Counsel objects to the agreement between Ameren Missouri and Staff because the performance incentive amount due Ameren Missouri is calculated incorrectly. Specifically, the filing (1) does not use the stipulated dollars for program year 2013, (2) deems

the Net-To-Gross ratio to 1.0 for program years 2014 and 2015, and (3) awards Ameren Missouri a percentage of the Utility Cost Test benefits rather than the Total Resource Cost Test benefits.

3. Each of these errors inflate the performance incentive amount and, if left uncorrected, result in Ameren Missouri being awarded a larger performance incentive than the MEEIA statute, Commission's rules, and prior stipulations and agreements so provide. Mo. Rev. Stat. § 393.1075; 4 CSR 240-20.093; 4 CSR 240-20.094; Doc. Nos. 119, 127, 128, and 130; Doc. Nos. 286 and 290. For the foregoing reasons Public Counsel submits this objection.

WHEREFORE, Public Counsel OBJECTS to the *Non-unanimous Stipulation and Agreement Addressing Ameren Missouri's Performance Incentive Award* filed on September 2, 2016.

Respectfully,

OFFICE OF THE PUBLIC COUNSEL

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 9th day of September 2016:

/s/ Tim Opitz
