

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 25th day of May, 2022.

In the Matter of Union Electric Company d/b/a)
Ameren Missouri’s 3rd Filing to Implement) **File No. EO-2018-0211**
Regulatory Changes in Furtherance of Energy)
Efficiency as Allowed by MEEIA)

**ORDER APPROVING STIPULATION AND AGREEMENT
REGARDING STANDARD AND CUSTOM INCENTIVE PROGRAMS**

Issue Date: May 25, 2022

Effective Date: June 4, 2022

On August 5, 2020, the Commission approved a stipulation and agreement which extended Union Electric Company d/b/a Ameren Missouri’s Missouri Energy Efficiency Investment Act (MEEIA) plan through Plan Year 2022 (PY 2022) (referred to herein as the “PY 2022 Stipulation”). On October 27, 2021, the Commission issued an order approving another stipulation and agreement that extended the PY 2022 Stipulation with some modifications through Plan Year 2023.

The PY 2022 Stipulation contained a provision allowing Ameren Missouri a one percent contingency within which to operate in managing the budget for the incentive programs. Ameren Missouri’s current projection shows that two of its business programs – the Standard Incentive Program and the Custom Incentive Program – will exhaust their PY 2022 funding during the fall or summer of 2022. Rather than discontinue accepting applications for these business programs in the Spring of 2022, Ameren Missouri, the Staff of the Commission, and the Office of the Public Counsel (jointly referred to as the “Signatories”) reached an agreement to increase the Standard and Custom Incentive

Programs' overall spending limits. The Signatories agreed that all the other programs would remain unchanged. Thus, on April 13, 2022, the Signatories filed a *Stipulation and Agreement Regarding Funding for Standard and Custom Incentive Programs* (referred to as the "Standard and Custom Stipulation").

The Signatories agreed that an additional \$6.7 million could be added to the one percent contingency for the Standard and Custom Incentive Programs' budgets with the one percent being calculated on the original budgets as set forth in the PY 2022 Stipulation. The Signatories also specifically agreed that the calculation of the plus one percent contingency shall not include the \$6.7 million increase. The Signatories further agreed that Ameren Missouri need not spend the entire additional \$6.7 million and is not prohibited from seeking an additional increase if that amount is insufficient to continue the Standard and Custom Incentive Programs through the remainder of PY 2022. The Signatories also agreed to the allocation of funds between the two programs but that those funds may be shifted between the programs based on the program requirements throughout the year.

Because not all parties signed the Standard and Custom Stipulation it is a nonunanimous agreement. Commission Rule 20 CSR 4240.2.115(2) allows non-signatory parties seven days in which to object to a nonunanimous stipulation and agreement. If no party objects within that period, the Commission may treat the stipulation and agreement as unanimous. More than seven days have passed since the Standard and Custom Stipulation was filed and no party has objected. The Commission will treat the Standard and Custom Stipulation as unanimous.

Having reviewed the Standard and Custom Stipulation, the Commission finds that it is a reasonable resolution of the matters contained therein. The Standard and Custom Stipulation will be approved without condition or modification.

So that the Standard and Custom Incentive Programs can continue without interruption, the Commission finds it reasonable to make this order effective in ten days.

THE COMMISSION ORDERS THAT:

1. The *Stipulation and Agreement Regarding Funding for Standard and Custom Incentive Programs* filed on April 13, 2022, is approved. A copy of the agreement is attached to this order. The Signatories are ordered to comply with the provisions of the stipulation and agreement.

2. This order shall be effective on June 4, 2022.



BY THE COMMISSION

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

Morris L. Woodruff
Secretary

Silvey, Chm., Rupp, Coleman, Holsman, and
Kolkmeier CC., concur.

Dippell, Deputy Chief Regulatory Law Judge

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

In the Matter of Union Electric Company d/b/a)
Ameren Missouri's 3rd Filing to Implement) File No. EO-2018-0211
Regulatory Changes in Furtherance of Energy)
Efficiency as Allowed by MEEIA.)

**STIPULATION AND AGREEMENT REGARDING
FUNDING FOR STANDARD AND CUSTOM
INCENTIVE PROGRAMS**

COME NOW Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri" or the "Company"), Staff of the Missouri Public Service Commission ("Staff"), and the Office of the Public Counsel ("OPC," collectively referred to as "Signatories") and submit this *Stipulation and Agreement Regarding Funding for Standard and Custom Incentive Programs* ("Standard and Custom Stipulation") for approval by the Missouri Public Service Commission ("Commission"). All parties to this proceeding were made aware of the Standard and Custom Stipulation and some have either signed this Standard and Custom Stipulation or have indicated they will not oppose this Standard and Custom Stipulation.¹

In support of this Standard and Custom Stipulation, the Signatories respectfully state as follows:

BACKGROUND

1. On June 4, 2018, Ameren Missouri filed in this case its *Application to Approve DSIM and Demand-Side Management Portfolio and Plan, Request for Variances, and Motion to Adopt Procedural Schedule* ("Application"), together with a report, including associated appendices, entitled *Ameren Missouri 2019-24 MEEIA Energy Efficiency Plan* (the "Report"). Ameren Missouri filed its Application and Report under the Missouri Energy Efficiency Investment Act ("MEEIA") and the Commission's MEEIA rules seeking

¹Renew Missouri Advocates d/b/a Renew Missouri; Missouri Division of Energy have indicated that while they are not Signatories to the Standard and Custom Stipulation, they do not oppose its approval; Natural Resources Defense Council; Consumers Council of Missouri; National Housing Trust; Midwest Energy Consumers Group; Tower Grove Neighborhood Community Development Corporation; Evergy Metro, Inc. d/b/a Evergy Missouri Metro; Evergy Missouri West, Inc. d/b/a Evergy Missouri West; and Spire Missouri, Inc. were provided a copy of the Standard and Custom Stipulation.

approval of its proposed MEEIA Cycle 3 plan. On October 25, 2018, as a result of extensive settlement negotiations, Ameren Missouri entered into an agreement with several parties in this proceeding for approval of a three-year plan ("MEEIA 2019-21"). The resulting *Stipulation and Agreement* ("MEEIA 2019-21 Stipulation") was approved by the Commission in an order dated December 5, 2018.

2. On May 13, 2020, Ameren Missouri submitted an *Application for Modification of Demand-side Management Plan, Approval of Associated Variances, and Adoption of a Procedural Schedule*. On July 10, 2020, several parties to this proceeding submitted a *Unanimous Stipulation and Agreement Regarding the Implementation [of] Certain MEEIA Programs Through Plan Year 2022* ("PY 2022 Stipulation"), which extended the existing MEEIA 2019-21, with modifications, through plan year ("PY") 2022. The PY 2022 Stipulation added a new Pay as You Save® ("PAYS®") program starting in PY 2021 and continuing through PY 2022. The Commission approved the PY 2022 Stipulation on August 5, 2020, with an effective date of September 4, 2020.

3. On July 2, 2021, Ameren Missouri submitted an *Application for Modification of Demand-Side Management Plan, Approval of Associated Variances*. On October 13, 2021, a *Non-Unanimous Stipulation and Agreement Regarding the Implementation [of] Certain MEEIA Programs Through Plan Year 2023 and Motion for Expedited Treatment* was submitted to extend the existing PY 2022 Stipulation, with modifications, through PY 2023. The Commission issued its *Order Approving Stipulation and Agreement Regarding MEEIA Plan Year 2023, Approving Tariff Sheet, and Granting Variances* on October 27, 2021 with an effective date of November 12, 2021.

4. The PY 2022 Stipulation and Appendix A contained a provision allowing Ameren Missouri a 1% contingency (i.e., plus 1% budget) within which to operate in managing the budget. With this contingency in place, Ameren Missouri's current projection shows that two of its business

programs – the Standard and Custom Incentive Programs – will exhaust their PY 2022 funding during the coming summer or fall months. Rather than discontinue accepting applications for these business programs in the beginning of Spring 2022, the Signatories determined it would be more beneficial to increase the Standard and Custom Incentive Programs' overall spending limits and allow the contingencies relating to the plus 1% budget for the other programs to remain unchanged. In light of the foregoing, the Signatories to this Standard and Custom Stipulation agree to the following terms and conditions.

SPECIFIC TERMS AND CONDITIONS

5. Budget. The Signatories agree that an additional \$6.7 million can be added to the 1% contingency for the Standard and Custom Incentive Programs' budgets. The plus 1% contingency shall be calculated on the original budgets of the Standard and Custom Incentive Programs as set forth in the PY 2022 Stipulation. The calculation of the plus 1% contingency shall not include the \$6.7 million increase identified herein. These Programs provide incentives for prescriptive and non-prescriptive measures, such as HVAC units in the Custom Incentive Program when not defined in the Standard Incentive Program. Ameren Missouri need not spend the entire additional \$6.7 million, and is not prohibited from seeking an additional increase should it discover that the \$6.7 million is insufficient to continue the Programs through the remainder of PY 2022. The initial budget allocation will be \$2.01 million for the Standard Incentive Program's budget and \$4.69 million for the Custom Incentive Program's budget. These allocations may be shifted between the Standard and Custom Incentive Programs based on program requirements throughout the year.

GENERAL PROVISIONS

6. This Standard and Custom Stipulation is being entered into solely for the purpose of settling the issues specifically related to the budgets for the Standard and Custom Programs, and represents a settlement on a mutually-agreeable outcome without resolution of specific issues of law or fact. This Standard and Custom Stipulation is intended to relate *only* to the specific matters

referred to herein; no Signatory waives any claim or right which it may otherwise have with respect to any matter not expressly provided for herein. No party will be deemed to have approved, accepted, agreed, consented, or acquiesced to any substantive or procedural principle, treatment, calculation, or other determinative issue underlying the provisions of this Standard and Custom Stipulation. Except as specifically provided herein, no Signatory shall be prejudiced or bound in any manner by the terms of this Standard and Custom Stipulation in any other proceeding, regardless of whether this Standard and Custom Stipulation is approved.

7. This Standard and Custom Stipulation has resulted from extensive negotiations, and the terms hereof are interdependent. If the Commission does not approve this Standard and Custom Stipulation, approves it with modifications or conditions to which a party objects, or issues an order in another Commission case that negates its approval or conditions or modifies the Standard and Custom Stipulation in a manner to which any party objects, then this Standard and Custom Stipulation shall be null and void, and no Signatory shall be bound by any of its provisions.

8. If the Commission does not approve this Standard and Custom Stipulation unconditionally and without modification, and notwithstanding its provision that it shall become void, neither this Standard and Custom Stipulation, nor any matters associated with its consideration by the Commission, shall be considered or argued to be a waiver of the rights that any Signatory has for a decision in accordance with Section 536.080 RSMo 2016 or Article V, Section 18 of the Missouri Constitution, and the Signatories shall retain all procedural and due process rights as fully as though this Standard and Custom Stipulation had not been presented for approval, any suggestions or memoranda, testimony or exhibits that have been offered or received in support of this Standard and Custom Stipulation, shall become privileged as reflecting the substantive content of settlement discussions and shall be stricken from and not be considered as part of the administrative or evidentiary record before the Commission for any further purpose whatsoever.

9. If the Commission unconditionally accepts the specific terms of this Standard and

Custom Stipulation without modification, the Signatories waive, with respect only to the issues resolved herein: their respective rights (1) to call, examine and cross-examine witnesses pursuant to Section 536.070(2), RSMo 2016; (2) their respective rights to present oral argument and/or written briefs pursuant to Section 536.080.1, RSMo 2016; (3) their respective rights to seek rehearing pursuant to Section 386.500, RSMo 2016; and (4) their respective rights to judicial review pursuant to Section 386.510, RSMo 2019 Supp. These waivers apply only to a Commission order issued in this above-captioned proceeding respecting this Standard and Custom Stipulation, and do not apply to any matters raised in any prior or subsequent Commission proceeding, or any matters not explicitly addressed by this Standard and Custom Stipulation.

10. This Standard and Custom Stipulation contains the entire agreement of the Signatories concerning the issues addressed herein.

11. This Standard and Custom Stipulation does not constitute a contract with the Commission and is not intended to impinge upon any Commission claim, right, or argument by virtue of the Standard and Custom Stipulation's approval. Acceptance of this Standard and Custom Stipulation by the Commission shall not be deemed as constituting an agreement on the part of the Commission to forego the use of any discovery, investigative or other power which the Commission presently has or as an acquiescence of any underlying issue. Thus, nothing in this Standard and Custom Stipulation is intended to impinge or restrict in any manner the exercise by the Commission of any statutory right, including the right to access information, or any statutory obligation.

12. The Signatories agree that this Standard and Custom Stipulation, except as specifically noted herein, resolves all issues related to the specifically addressed topics, and that the agreement should be received into the record without the necessity of any witness taking the stand for examination.

WHEREFORE, the Signatories respectfully request that the Commission approve the Standard and Custom Stipulation and amend the PY 2022 Stipulation as specifically referenced herein.

Respectfully submitted,

/s/ Wendy K. Tatro

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**Attorney for the Staff of the Missouri
Public Service Commission**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served on all parties of record via electronic mail (e-mail) on this 13th day of April, 2022.

/s/Wendy K. Tatro
Wendy K. Tatro

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 25th day of May, 2022.





Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

May 25, 2022

File/Case No. EO-2018-0211

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive style with a large, prominent "M" and "W".

Morris L. Woodruff
Secretary

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.