

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 27th day of July, 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 FUNDING FOR RESIDENTIAL
HEATING AND COOLING PROGRAM**

Issue Date: July 27, 2022

Effective Date: August 6, 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 its Residential Heating and Cooling Program will exhaust its PY 2022 funding during the fall or summer of 2022. Rather than discontinue accepting applications for this program in the late summer or fall 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

Residential Heating and Cooling Program's overall spending limits. The Signatories agreed that all the other programs would remain unchanged. Thus, on July 13, 2022, the Signatories filed a *Stipulation and Agreement Regarding Funding for Residential Heating and Cooling Program*.

The Signatories agreed that:

an additional \$2.5 million can be added to the 1% contingency for the Residential Heating and Cooling Program's budget. The plus 1% contingency shall be calculated on the original budgets of the Residential Heating and Cooling Program as set forth in the PY 2022 Stipulation. The calculation of the plus 1% contingency shall not include the \$2.5 million increase identified herein. This Program provides rebates for residential heating and cooling measures. Ameren Missouri need not spend the entire additional \$2.5 million, and is not prohibited from seeking an additional increase should it discover that the \$2.5 million is insufficient to continue the Program through the remainder of PY 2022.¹

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

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

So that the Residential Heating and Cooling Programs can continue without interruption, the Commission finds it reasonable to make this order effective in ten days.

¹ *Stipulation and Agreement Regarding Funding for Residential Heating and Cooling Program*, (filed July 13, 2022), paragraph 5.

THE COMMISSION ORDERS THAT:

1. The *Stipulation and Agreement Regarding Funding for Residential Heating and Cooling Program* filed on July 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 agreement.
2. This order shall be effective on August 6, 2022.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

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 RESIDENTIAL HEATING AND
COOLING PROGRAM**

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 the Residential Heating and Cooling Program* ("Residential Heating and Cooling Stipulation") for approval by the Missouri Public Service Commission ("Commission"). All parties to this proceeding were made aware of the Residential Heating and Cooling Stipulation and some have either signed this Residential Heating and Cooling Stipulation or have indicated they will not oppose this Residential Heating and Cooling Stipulation.¹

In support of this Residential Heating and Cooling 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").

¹ Consumers Council of Missouri, Renew Missouri Advocates d/b/a Renew Missouri, National Housing Trust, Midwest Energy Consumers Group, Missouri Division of Energy, Natural Resources Defense Council, 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. have indicated that while they are not Signatories to the *Heating and Cooling Stipulation*, they do not oppose its approval.

Ameren Missouri filed its Application and Report under the Missouri Energy Efficiency Investment Act ("MEEIA") and the Commission's MEEIA rules seeking 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 the Residential Heating and Cooling Program will exhaust its PY 2022 funding during the coming summer or fall months. Rather than discontinue accepting applications for the Residential Heating and Cooling Program late summer or fall of 2022, the Signatories determined it would be more beneficial to increase the Residential Heating and Cooling 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 Residential Heating and Cooling Stipulation agree to the following terms and conditions.

SPECIFIC TERMS AND CONDITIONS

5. Budget. The Signatories agree that an additional \$2.5 million can be added to the 1% contingency for the Residential Heating and Cooling Program's budget. The plus 1% contingency shall be calculated on the original budgets of the Residential Heating and Cooling Program as set forth in the PY 2022 Stipulation. The calculation of the plus 1% contingency shall not include the \$2.5 million increase identified herein. This Program provides rebates for residential heating and cooling measures. Ameren Missouri need not spend the entire additional \$2.5 million, and is not prohibited from seeking an additional increase should it discover that the \$2.5 million is insufficient to continue the Program through the remainder of PY 2022.

GENERAL PROVISIONS

6. This Residential Heating and Cooling Stipulation is being entered into solely for the purpose of settling the issues specifically related to the budget for the Residential Heating and Cooling Program, and represents a settlement on a mutually-agreeable outcome without resolution of specific issues of law or fact. This Residential Heating and Cooling 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 Residential Heating and Cooling Stipulation. Except as specifically provided herein, no Signatory shall be prejudiced or bound in any manner by the terms of this Residential Heating and Cooling Stipulation in any other proceeding, regardless of whether this Residential Heating and Cooling Stipulation is approved.

7. This Residential Heating and Cooling Stipulation has resulted from extensive negotiations, and the terms hereof are interdependent. If the Commission does not approve this Residential Heating and Cooling 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 Residential Heating and Cooling Stipulation in a manner to which any party objects, then this Residential Heating and Cooling 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 Residential Heating and Cooling Stipulation unconditionally and without modification, and notwithstanding its provision that it shall become void, neither this Residential Heating and Cooling 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 Residential Heating and Cooling Stipulation had not been presented for approval, any suggestions or memoranda, testimony or exhibits that have been offered or received in support of this Residential Heating and Cooling 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 Residential Heating and Cooling 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 Residential Heating and Cooling Stipulation, and do not apply to any matters raised in any prior or subsequent Commission proceeding, or any matters not explicitly addressed by this Residential Heating and Cooling Stipulation.

10. This Residential Heating and Cooling Stipulation contains the entire agreement of the Signatories concerning the issues addressed herein.

11. This Residential Heating and Cooling 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 Residential Heating and Cooling Stipulation's approval. Acceptance of this Residential Heating and Cooling 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 Residential Heating and Cooling 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 Residential Heating and Cooling 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 Residential Heating and Cooling Stipulation and amend the PY 2022 Stipulation as soon as practical to allow the continuance of the programs as specifically referenced herein.

(Signature blocks on following page)

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 July, 2022.

/s/ 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 27th day of July, 2022.





Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

July 27, 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,



***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.