

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

In the Matter of Union Electric Company d/b/a)
Ameren Missouri for a Variance from the) **File No. EE-2020-0351**
Timing Requirements of 4 CSR 240.20.094(7)(K)¹)

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through counsel, and respectfully states as follows:

1. On May 7, 2020, Union Electric company d/b/a Ameren Missouri (“Ameren”) requested that the Commission grant it a variance from the timing requirements of Commission Rule 20 CSR 4240-20.094(7)(K). This rule requires a customer wanting to revoke its opt-out of utility demand-side programs to provide two to four months’ notice prior to the calendar year the customer becomes eligible to participate in the utility’s demand-side programs.

2. In support of its request for a variance from Commission Rule 20 CSR 4240-20.094(7)(K), Ameren stated the demand response program offered in its suite of MEEIA² 2019-2021 programs has garnered additional attention from opted-out customers, including one who has specifically requested to revoke its opt-out status in order to begin participating in these programs beginning with the 2020 program year.³

3. Ameren was granted a similar variance from the opt-in timing requirements, applicable to the 2019 program year, in File No. EE-2019-0272.

¹ Staff would like to note that the rule is now found at 20 CSR 4240-20.094(7)(K).

² Missouri Energy Efficiency Investment Act.

³ The 2020 demand response program year runs from May through September.

One difference, however, between that past filing and this one currently before the Commission is, rather than a variance allowing customers to revoke their opt-outs through only the 2020 program year, Ameren is requesting a variance that continues thru the remainder of its MEEIA 2019-2021 program cycle.

4. Staff supported Ameren's request in EE-2019-0272 based on increased interest from opted-out customers. Ameren's request to extend the variance through the remainder of its MEEIA 2019-2021 program years includes a confirmed opted-out customer who wishes to revoke its opt-out status in order to participate in Ameren's demand response program. It is Ameren's belief that this confirmed opted-out customer will not be the only one.

5. Following a review of Ameren's request, Staff recommends, due to increasing interest from opted-out customers and for regulatory efficiency, that the Commission grant Ameren a variance from Commission Rule 20 CSR 4240-20.094(7)(K) for the remainder of its MEEIA 2019-2021 program cycle. Additionally, this will allow for the potential of increased participation within Ameren's MEEIA 2019-2021 programs, which allows for the MEEIA 2019-2021 program costs to be spread across more megawatt hours, potentially reducing MEEIA 2019-2021 rates.

6. Ameren also requested a variance from the 60-day requirement of Commission Rule 20 CSR 4240-4.017(1), stating good cause exists because it had no substantial communication with the Commission regarding the opt-out timing requirement in the 150 days preceding the filing. Staff recommends that the Commission grant this request as well.

WHEREFORE, it is Staff's recommendation that the Commission approve Ameren's requests for variances from the opt-out timing requirements of Commission Rule 20 CSR 4240-20.094(7)(K) and the 60-day requirement of Commission Rule 20 CSR 4240-4.017(1).

Respectfully submitted,

/s/ Travis J. Pringle

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all parties and/or counsel of record this 21st day of May, 2020.

/s/ Travis J. Pringle