

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 16<sup>th</sup> day  
of January, 2019.

The Staff of the Missouri Public  
Service Commission,

Complainants,

v.

Union Electric Company  
d/b/a Ameren Missouri,

Respondent.

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**File No. EC-2015-0315**

**ORDER COMPLYING WITH SUPREME COURT MANDATE**

Issue Date: January 16, 2019

Effective Date: February 15, 2019

The Commission's *Order Granting Staff's Motion for Summary Determination and Denying Ameren Missouri's Motion for Summary Determination* became effective in this matter on December 18, 2015. Subsequently, on July 3, 2018, the Supreme Court of Missouri vacated the Commission's decision and remanded this matter "to the Commission for further proceedings consistent with this opinion."<sup>1</sup>

The Commission directed the parties to make suggestions as to how the Commission should proceed with this matter. The Staff of the Missouri Public Service Commission (Staff) and Union Electric Company d/b/a Ameren Missouri (Ameren Missouri) responded that while the appeal was pending, the Commission issued an order on November 2, 2016, approving the stipulation and agreement of the Staff, Ameren

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<sup>1</sup> *Missouri Pub. Serv. Comm'n v. Union Elec. Co.*, 552 S.W.3d 532, 543 (Mo. 2018).

Missouri, and the Office of the Public Counsel (Public Counsel) in File No. EO-2012-0142<sup>2</sup> that provided a method to resolve the avoided cost issue remanded to the Commission through future Missouri Energy Efficiency Investment Act<sup>3</sup> (MEEIA) Rider Energy Efficiency Investment Charge (Rider EEIC) filings.

Under Subsection 393.1075.11, RSMo, the Commission has the authority to “approve corporation-specific settlements and tariff provisions . . . to ensure that electric corporations can achieve the goals of . . . [MEEIA].” File No. EO-2012-0142 concerned Ameren Missouri’s Performance Incentive Award resulting from Cycle 1 of its MEEIA programs. The approved agreement contained a provision resolving the avoided costs issue if the Supreme Court of Missouri ruled in Ameren Missouri’s favor in the current case. Specifically, paragraph 14 of the approved stipulation and agreement authorized Ameren Missouri “to recalculate and correct its Performance Incentive based on the revised avoided cost”<sup>4</sup> in its annual MEEIA Rider Energy Efficiency Investment Charge (Rider EEIC) tariff filing.<sup>5</sup>

Therefore, the Commission determines that Ameren Missouri is authorized to recalculate (subject only to verification of the accuracy of the recalculation) its performance incentive award for the period of October 1, 2014, through December 31, 2015, in accordance with the Court’s opinion and paragraph 14 of the *Revised Non-Unanimous Stipulation and Agreement Addressing Ameren Missouri’s Performance*

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<sup>2</sup> File No. EO-2012-0142, *Order Approving Stipulation and Agreement Regarding Performance Incentive Award*, (issued November 2, 2016). The approved stipulation and agreement was signed only by Staff, Ameren Missouri, and Public Counsel, but no other party objected.

<sup>3</sup> Section 393.1075, RSMo 2016.

<sup>4</sup> File No. EO-2012-0142, *Order Approving Stipulation and Agreement Regarding Performance Incentive Award*, (issued November 2, 2016), Attachment A, *Revised Non-Unanimous Stipulation and Agreement Addressing Ameren Missouri’s Performance Incentive Award*, para. 14.

<sup>5</sup> Union Electric Company, Electric Service, MO.P.S.C. Schedule No. 6, Sheet 91.11.

*Incentive Award* approved in File No. EO-2012-0142. Ameren Missouri is further authorized to include the resulting sum for recovery in its appropriate Rider EEIC adjustment filings.<sup>6</sup>

**THE COMMISSION ORDERS THAT:**

1. According to the mandate of the Supreme Court of Missouri in its opinion issued July 3, 2018, and in accordance with the *Revised Non-Unanimous Stipulation and Agreement Addressing Ameren Missouri's Performance Incentive Award* and the Commission order approving that agreement, Union Electric Company d/b/a Ameren Missouri is authorized to recalculate (subject only to verification of the accuracy of the recalculation) its performance incentive award for the period of October 1, 2014 through December 31, 2015, and further authorized to include the resulting sum for recovery in the appropriate Rider EEIC adjustment filings.

2. This order shall be effective on February 15, 2019.



**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., Kenney, Hall, Rupp, and  
Coleman, CC., concur.

Dippell, Senior Regulatory Law Judge

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<sup>6</sup> A portion of the performance incentive was included in Ameren Missouri's November 2018 Rider EEIC tariff filing in File No. ER-2019-0151. (File No. ER-2019-0151, *Order Approving Rider Energy Efficiency Investment Charge Tariff Sheet*, (issued January 3, 2019).) The remaining portion is expected to be included in the November 2019 Rider EEIC filing.

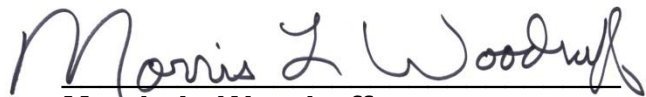
**STATE OF MISSOURI**

**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 16<sup>th</sup> day of January 2019.**



  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**January 16, 2019**

**File/Case No. EC-2015-0315**

**Missouri Public Service  
Commission**

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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**

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