

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

In the Matter of the Application of Union)
Electric Company d/b/a Ameren Missouri)
for Approval of its Surge Protection)
Program)

Case No. ET-2021-0082
Tariff No. [YE-2021-0081](#)

THE OFFICE OF THE PUBLIC COUNSEL’S REPLY BRIEF

Respectfully submitted,

/s/ Nathan Williams

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Reply Brief

As Ameren Missouri states this case is simple. The fundamental question is whether this Commission should authorize Ameren Missouri to treat a market offer to install additional electrical surge protection devices that include a warranty for surge-caused damage to motor-driven devices of up to \$5,000 per appliance, \$5,000 per occurrence, and \$50,000 in the aggregate over 15 years¹ as a Commission-regulated activity. For numerous reasons, it should not. Among them are the following seven:

- (1) Ameren Missouri already is using industry best practices to limit electrical surges on its system,² and provides safe, reliable, and adequate electric service.
- (2) Ameren Missouri can offer the surge protectors without Commission authorization.³
- (3) Ameren Missouri's customers already can obtain the same surge protection from others.⁴
- (4) Ameren Missouri's proposal is discriminatory in that Ameren Missouri is proposing that all of its customers be exposed to the economic risk of it offering the surge protectors, but only those customers who have the surge protectors can realize any improvement to the quality of electrical service Ameren Missouri provides.
- (5) While additional surge protection can improve the quality of electrical service, Ameren Missouri did not quantify the service quality improvement of the surge protection devices it proposes to offer.
- (6) Ameren Missouri is proposing to compete in an existing market, but as a state price-

¹ Ex. 3, Ameren Missouri witness Schneider direct, p. 7.

² Ex. 3, Ameren Missouri witness Schneider direct, pp. 2-3.

³ Ex. 1, Ameren Missouri witness Byrne surrebuttal, pp. 8-9.

⁴ Ex. 16, Public Counsel witness Roth rebuttal, p. 12; Ex. 1, Ameren Missouri witness Byrne surrebuttal, pp. 8-9; Ex. 3, Ameren Missouri witness Schneider direct, p. 5; Ex. 8, Staff witness Bax rebuttal, pp. 5-6; Ameren Missouri witness Byrne, Tr. 67-69, 73; Ameren Missouri witness Schneider, Tr. 90-92.

regulated actor with an advantage of reduced exposure to market risk.

(7) Ameren Missouri's customer survey evidence of demand for the surge protection devices it proposes to offer is not based on random sampling and, further, Ameren Missouri has not shown it is based on any accepted survey method designed to limit bias.⁵

Conclusion

For all the reasons stated in its initial brief and above, the Commission should reject Ameren Missouri's tariff sheets designed to offer its customers the option of having Ameren Missouri install an additional surge protector on its service line used to serve them.

Respectfully,

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 25th day of May 2021.

/s/ Nathan Williams

⁵ Ex. 3, Ameren Missouri witness Schneider direct, pp. 4-5.