

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 3<sup>rd</sup> day of  
April, 2019.

In the Matter of Union Electric Company d/b/a	)	
Ameren Missouri for a Variance from the	)	
Timing Requirements of 4 CSR 240-20.094(7)(K)	)	<b><u>File No. EE-2019-0272</u></b>

**ORDER GRANTING VARIANCE**

Issue Date: April 3, 2019

Effective Date: April 5, 2019

The Commission approved Ameren Missouri's 2019 Missouri Energy Efficiency Investment Act programs (MEEIA Cycle 3) in December 2018. As the demand response program has become more publicized, several previously opted-out customers have indicated they want to revoke their opt-outs and participate in the program<sup>1</sup>. The Commission's energy efficiency program opt-in provisions, found at 4 CSR 240-20.094(7)(K), requires customers who have previously opted-out of the energy efficiency program and want to reverse their decision to opt back in two to four months in advance of the calendar year they want to resume participation.

On March 20, 2019, Ameren Missouri requested a variance from this rule for its demand response energy efficiency program. Ameren Missouri's demand response program season is May through September. Without a waiver, customers who previously opted-out would have needed to opt back in between September 1 and October 31 of 2018

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<sup>1</sup> Customers who revoke their opt-out status would still be required to participate in the program for 3 years under the requirements of 4 CSR 240-20.094(7)(L).

to participate in the 2019-21 program. Ameren Missouri has requested a decision by April 5, 2019, in order to enroll customers before the start of the program in May 2019.

On March 21, 2019, the Commission ordered that any party wishing to respond to Ameren Missouri's request do so by March 28, 2019. No responses were filed.

Ameren Missouri also requested a variance from the 60-day notice requirement of Commission Rule 4 CSR 240-4.017(1). 4 CSR 240-4.017(1)(D) allows the Commission to grant a variance from the 60-day notice filing upon a finding of good cause, which includes "a verified declaration from the filing party that it has had no communication with the office of the commission within the prior 150 days regarding any substantive issue likely to be in the case". Ameren Missouri states that good cause exists as it had no substantial communication with the Commission regarding the opt-out timing requirement in the 150 days preceding the filing.

On April 1, 2019, Staff filed a recommendation that the Commission approve the requested variance as well as approve the waiver of the 60-day notice provision. The Commission finds that Ameren Missouri has presented good cause for the variance and will grant the requested relief. Further, the Commission will waive the notice requirements of Commission Rule 4 CSR 240-4.017(1).

Section 386.490, RSMo, states "Every order or decision of the commission shall of its own force take effect and become operative thirty days after the service thereof, except as otherwise provided." Since the application is unopposed, and the energy efficiency demand response program begins in May with sign-ups occurring during the next few weeks, the Commission finds good cause exists to allow this order to go into effect in less than thirty days.

**THE COMMISSION ORDERS THAT:**

1. Union Electric Company d/b/a Ameren Missouri's request for variance from 4 CSR 240-20.094(7)(K) is granted.
2. The notice requirement of Commission Rule 4 CSR 240-4.017(1) is waived.
3. This order shall become effective on April 5, 2019.
4. This file shall be closed on April 6, 2019.



**BY THE COMMISSION**

*Morris L. Woodruff*

Morris L. Woodruff  
Secretary

Silvey, Chm., Kenney, Hall, Rupp, and  
Coleman, CC., concur.

Hatcher, Regulatory Law Judge

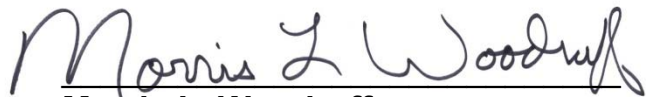
**STATE OF MISSOURI**

**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 3<sup>rd</sup> day of April 2019.**



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

**MISSOURI PUBLIC SERVICE COMMISSION**

**April 3, 2019**

**File/Case No. EE-2019-0272**

**Missouri Public Service  
Commission**

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**Union Electric Company**

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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.