

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

In the Matter of Union Electric Company)	
d/b/a Ameren Missouri's 4 th Filing to)	
Implement Regulatory Changes in Furtherance)	File No. EO-2023-0136
of Energy Efficiency as Allowed by MEEIA.)	
)	

**AMENDED AND SUPPLEMENTED APPLICATION TO APPROVE DSIM AND
DEMAND-SIDE MANAGEMENT PORTFOLIO AND PLAN, AND REQUEST FOR
VARIANCES**

Under authority of and in accordance with Section 393.1075 RSMo., and Commission Rules 20 CSR 4240-2.060, 20 CSR 4240-20.093, and 20 CSR 4240-20.094, Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri” or “the Company”) files this amended and supplemented application seeking: approval of a Demand-Side Investment Mechanism (“DSIM”) and a Demand-Side Management Portfolio and Plan, to be effective during the period January 1, 2025, through December 31, 2027 (the “MEEIA 4 Plan” or “Plan”); and variances from certain Commission rules. Explanatory and supporting information required by 20 CSR 4240-20.093 and 20 CSR 4240-20.094 is being filed simultaneously along with direct testimony.

I. APPLICANT

1. Ameren Missouri, a Missouri corporation, provides electric and gas utility services to customers in its Missouri service areas. It is an “electrical corporation,” a “gas corporation,” and a “public utility,” as each of those terms is defined in Section 386.020, RSMo., and therefore is subject to the Commission’s general regulatory jurisdiction and supervision, as provided by law. The Company’s principal office is at 1901 Chouteau Avenue, St. Louis, Missouri 63103.

2. Correspondence, communications, orders, and other documents and notices related to this application should be sent to the following representatives of the Applicant:

Wendy Tatro
Director – Assistant General Counsel
Jennifer S. Moore
Senior Corporate Counsel
Ameren Missouri
1901 Chouteau Avenue
P.O. Box 149 (MC 1310)
St. Louis, MO 63166
amerservice@ameren.com

Carla Fields-Johnson
Fields & Brown, LLC
300 E. 39th Street
Suite 1P
Kansas City, MO 64111
cfields@fieldsandbrown.com

Steven M. Wills
Director, Regulatory Affairs
Ameren Missouri (MC 1450)
1901 Chouteau Ave.
St. Louis, MO 63166
swills@ameren.com

3. In prior Commission cases, Ameren Missouri filed: (i) a certified copy of the Company's Articles of Incorporation (Case No. EA-87-105); (ii) a copy of its fictitious name registrations (File No. EN-2011-0069); and (iii) a copy of its Certificate of Corporate Good Standing (File No. EM-2022-0292). As authorized by 20 CSR 4240-2.060(1)(G), those documents are incorporated by reference and made a part of this application for all purposes.

4. The Company has no overdue Commission annual reports or assessment fees and has no pending or final unsatisfied judgments or decisions against it from any state or federal agency or court that involve customer service or rates and that have occurred within the three years immediately preceding the filing of this application. By the nature of its business, the Company has, from time-to-time, pending actions in state and federal agencies and courts involving customer service or rates.

5. In accordance with 20 CSR 4240-4.017(1), on October 17, 2022, the Company filed written notice of its intent to file this application. In accordance with its notice, Ameren Missouri filed its original application on March 27, 2023. Commission Staff and Office of Public Counsel

("OPC") requested more time to review the application and requested additional information. In order to allow the continuation of programs, most of the parties reached a settlement to extend the MEEIA 3 programs until December 31, 2024. The Commission approved the Non-Unanimous Stipulation and Agreement in EO-2018-0211 on August 23, 2023. The Commission issued its *Order Setting Procedural Schedule* in the current case on October 4, 2023, and a Joint Motion to Amend the Procedural Schedule was filed on January 11, 2024.

II. THE MEEIA 4 FILING

6. The MEEIA 4 Plan is Ameren Missouri's fourth Missouri Energy Efficiency Investment Act ("MEEIA") related program filing. The Commission approved the Company's current MEEIA plan, MEEIA 3, in its *Order Approving Non-Unanimous Stipulation and Agreement* issued December 5, 2018, in File No. EO-2018-0211. The Commission approved the extension of MEEIA 3 through December 31, 2024.¹

7. The MEEIA 4 Plan is reflected in a report (including appendices) entitled *Ameren Missouri 2025-27 MEEIA Energy Efficiency Plan* ("Revised Report"), which explains all aspects of the Company's amended proposal to operate demand-side programs under MEEIA. The Revised Report is similar in format to reports the Commission Staff routinely files in general rate cases in that it includes the equivalent of testimony and schedules supported by an affidavit from the Company's subject matter expert. And, as with Ameren Missouri's three previous MEEIA

¹ 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* to extend the MEEIA 3 Plan through December 31, 2022, and the Commission issued its *Order Approving Stipulation and Agreements* on August 5, 2020, with an effective date of September 4, 2020.

On July 2, 2021, Ameren Missouri submitted an *Application for Modification of Demand-Side Management Plan, Approval of Associated Variances* to extend the MEEIA 3 Plan through December 31, 2023, and 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. On August 23, 2023, the Commission approved the Non-Unanimous Stipulation and Agreement in EO-2018-0211.

plans, Commission approval of programs and processes proposed in this application is required before implementation can occur. Additionally, the Company is providing direct testimony to provide further detail about the MEEIA 4 Plan and its development.

8. The MEEIA 4 Plan is designed to accomplish two primary objectives. First, it establishes or continues energy efficiency programs that encourage Ameren Missouri's customers to use energy more efficiently by creating, sustaining, or enhancing incentives for them to do so. Second, it provides a process that ensures timely cost recovery for the Company of all reasonable and prudent costs of delivering cost-effective demand-side programs, that the Company's interests are aligned with customer's interests in doing so, and that the Company is afforded a reasonable earnings opportunity, all as required by MEEIA. The four key elements of the MEEIA 4 Plan are as follows:

- Portfolio Overview – Ameren Missouri seeks approval of its portfolio of demand-side programs for a three-year term commencing January 1, 2025, and ending December 31, 2027. The MEEIA 4 Plan is designed to create \$303 million in net benefits to customers and produce a cumulative portfolio net energy savings of 822 GWh. These savings represent a 2.5% cumulative reduction to retail energy sales or an annual average of 0.8%. The cumulative portfolio demand savings of 517 MW represent a 6.7% cumulative reduction to retail demand, or an annual average of 2.2%. As compared to MEEIA 2019-21 annual averages, MEEIA 4 Plan has 1.8 times the annual budget, 1.3 times the annual energy savings, and 1.7 times the annual peak demand savings.
- Expansion of the Demand-Side Portfolio – Ameren Missouri is proposing a MEEIA 4 Plan that includes 25 programs, an increase in spending and market reach for Income-Eligible customers,² specific education initiatives, and a variety of products and channels in which customers can participate. The Plan expansion is reflected

² The meaning of Income-Eligible customers shall mean the same as low-income customers as used in the Missouri Energy Efficiency Investment Act (MEEIA), 393.1075 RSMo., and the Commission rule, 20 CSR 4240-20.094.

in the Company's 2023 IRP triennial filing and the 2023 Market Potential Study analysis and supported by indicative market pricing through a formal Request for Proposal ("RFP") process.

- New Programs – The portfolio will include two new programs and one new educational program: the Residential Whole Home New Construction, the Business Midstream, and Community Based Organization Engagement. The Residential Whole Home New Construction program provides technical training, bonuses and incentives to builders and Home Energy Rating System ("HERS") raters to encourage builders to build new construction homes that meet the ENERGY STAR[®] certified homes. The Business Midstream program provides incentives for customers to purchase higher efficient measures at the wholesale point of sale. The Community Based Organization Engagement educational program provides education and information on energy efficiency, Ameren programs, and energy affordability to Community-based organizations (CBOs) to enable them to become local ambassadors for Ameren Energy Efficiency programs by creating a resource library that CBOs can use to assist the underserved and income-eligible individuals.
- Continuation of DSIM – The MEEIA 4 Plan builds on the successful and collaborative DSIM framework established in MEEIA 3 with few changes. The Company proposes to continue its DSIM under Energy Efficiency Investment Charge Rider ("Rider EEIC"). Rider EEIC will continue to reflect the three components – program costs, the throughput disincentive, and an earnings opportunity – and will operate in a similar fashion to how it operates for the MEEIA 3 plan, with one allowance for the demand response program. Ameren Missouri proposes Rider EEIC become effective on January 1, 2025, through December 31, 2027, but allow an extension for demand response through February 29, 2028, to account for full coverage of the winter season in MISO's capacity Planning Resource Auction ("PRA"). The Ameren Missouri Technical Resource Manual ("TRM") will continue to be the source for demand and energy savings along with updated net-to-gross data. The earnings opportunity performance metrics have been updated to reflect new market conditions and the new portfolio make-up.

9. The MEEIA 4 Filing is supplemented with direct testimony providing further detail about MEEIA 4 and its development. A summary of the witnesses' testimony and exhibits follows:

- Direct Testimony of Mr. Antonio M. Lozano and Schedule AML-D1. Mr. Lozano provides an overview of the MEEIA 4 Plan, how the plan complies with the MEEIA statute, the process of developing the MEEIA 4 Plan, and the reasonableness of the MEEIA 4 Plan. Mr. Lozano also provides a summary of the key modifications to the MEEIA 4 Plan as compared to the March 27, 2023, filing.
- Direct Testimony of Mr. Timothy E. Via. Mr. Via addresses the layout of the application, appendices, and the intent of the structure for the full filing.
- Direct Testimony of Mr. Jeff R. Brueggemann. Mr. Brueggemann discusses the data and detail related to the submittal tool, DSMore, and how the corresponding data feeds the application. In addition, Mr. Brueggemann discusses changes the Company made since the March 27, 2023, filing to better help stakeholders understand and follow the data.
- Direct Testimony of Mr. Jeffrey R. Huber of GDS Associates, Inc. Mr. Huber reviews the most recent DSM Market Potential Study ("2023 DSM MPS") for Ameren Missouri, and the timing of the deliverables as it relates to the March 27, 2023, filing.

10. The MEEIA 4 Filing also includes revised exemplar tariff sheets demonstrating the implementation of the proposed portfolio of demand-side programs, which will be replaced with final compliance tariffs after the MEEIA 4 Plan is approved. Among other features, the tariff sheets are designed to provide Ameren Missouri the flexibility it needs to modify and improve each proposed program to reflect changes in the marketplace. For example, the tariff sheets allow the Company to seek changes in incentives payable to customers if customer participation in one or more programs is less than expected. Allowing such flexibility is critical to providing demand-side programs that are and remain truly cost-effective, and provides the flexibility reflected in Ameren Missouri's currently effective MEEIA 3 program tariff sheets.

11. Although Ameren Missouri expects this case to conclude no later than sometime early in the third quarter of 2024, the Company will require several months after the Commission

issues a final order to ramp-up infrastructure necessary to implement approved programs. The revised procedural schedule filing on January 11, 2024, represents a balance of providing parties enough time to fully respond to the Plan, while also providing enough time after Commission approval to implement the Plan.

III. REQUEST FOR WAIVERS OR VARIANCES

12. In order to implement the DSIM and the portfolio of demand-side programs proposed in its MEEIA 4 Plan, Ameren Missouri will require waivers or variances from certain Commission rules. Therefore, in accordance with 20 CSR 4240-20.094(11), the Company seeks waivers or variances from 20 CSR 4240-20.094(2), and in accordance with 20 CSR 4240-14.010(2) seeks a waiver or variance from 20 CSR 4240-14.030(3).³ The reasons Ameren Missouri requires each of these waivers or variances are as follows:

A. Waiver/Variance Related to Annual Energy and Demand Savings Goals: Rule 20 CSR 4240-20.094(2) prescribes guidelines to review progress toward the expectation an electric utility's demand-side programs can achieve a goal of overall cost-effective demand-side savings. However, the rule expressly states that the prescribed guidelines are not mandatory, and no penalty or other adverse consequence will result if a utility is unable to achieve annual savings goals specified in those guidelines. To eliminate any confusion regarding whether Ameren Missouri's MEEIA 4 Plan programs are required to meet those "soft" goals related to kWh and kW load reductions, the Company seeks a waiver of this rule. Alternatively, the Commission could include

³ Waivers of the requirements of 20 CSR 4240-20.094(4)(I)3. (formerly 4 CSR 240-20.094(3)(A)3, 4 CSR 240-094(2), and 4 CSR 240-14.030(3)), on similar or even the same basis, were previously requested in the *Non-Unanimous Stipulation and Agreement* submitted in Ameren Missouri's MEEIA Cycle 2 Plan (File No. EO-2015-0055) on February 5, 2016, and were approved through the Commission's *Order Approving Non-Unanimous Stipulation and Agreement* issued February 10, 2016, and requested in Ameren Missouri's MEEIA 3 Plan (File No. EO-2018-0211) and approved through the Commission's *Order Approving Stipulation and Agreement and Granting Waivers* issued on December 5, 2018, and effective January 4, 2019.

a statement in its final order approving the MEEIA 4 Plan that Ameren Missouri will not be penalized in any way if it fails to meet goals expressed in the rule's guidelines.

B. Waiver/Variance Related to Promotional Practices: Rule 20 CSR 4240-14.030(3) states, in relevant part, an electric utility is prohibited from implementing any new promotional practice until after a tariff related to that practice has been filed with the Commission. The MEEIA 4 Plan anticipates the Company will be required to change certain elements of its promotional practices – most notably incentive payments – to reflect marketplace changes. Requiring Ameren Missouri to file tariffs before such changes can be implemented would be burdensome and would prevent the Company from quickly addressing conditions the promotional practice changes were designed to address. A waiver of this rule is necessary to give Ameren Missouri the administrative flexibility necessary to timely address marketplace changes so its MEEIA 4 Plan can achieve its objective of reducing energy use and demand as cost-effectively as possible.

13. Ameren Missouri will continue to hold technical conferences as necessary, with Staff, the Office of the Public Counsel, and any other party to the case interested in participating, and to continue those conferences for whatever period prior to the hearing date participants believe they are worthwhile.

WHEREFORE, Ameren Missouri requests the Commission approve the DSIM and the MEEIA 4 Plan, and grant the waivers or variances requested in this application.

(signature on next page)

Respectfully submitted,

/s/ Jennifer S. Moore

Jennifer S. Moore, MO Bar #75056

Senior Corporate Counsel

Wendy Tatro, MO Bar #68963

Director – Assistant General Counsel

Ameren Missouri

1901 Chouteau Avenue

P.O. Box 149 (MC 1310)

St. Louis, MO 63166

amerenservice@ameren.com

Carla Fields-Johnson, MO Bar # 47149

Fields & Brown, LLC

300 E. 39th Street

Suite 1P

Kansas City, MO 64111

cfields@fieldsandbrown.com

**Attorneys for Union Electric Company
d/b/a Ameren Missouri**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served via electronic mail (e-mail) on this 25th day of January, 2024.

/s/ Jennifer S. Moore
Jennifer S. Moore