

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its Office in Jefferson City, Missouri on the 29th day of March, 2023.

In the Matter of Union Electric Company)
d/b/a Ameren Missouri's 3rd Filing to)
Implement Regulatory Changes in) **File No. EO-2018-0211**
Furtherance of Energy Efficiency as) Tracking No. JE-2023-0172
Allowed by MEEIA)

**ORDER APPROVING AMENDMENT TO THE NON-UNANIMOUS
STIPULATION AND AGREEMENT REGARDING THE
IMPLEMENTATION OF CERTAIN MEEIA PROGRAMS THROUGH PLAN
YEAR 2023 AND APPROVING TARIFF SHEET**

Issue Date: March 29, 2023

Effective Date: April 8, 2023

On December 5, 2018, the Commission approved an agreement setting out Union Electric Company d/b/a Ameren Missouri's (Ameren Missouri) three-year demand side management (DSIM) and demand side management portfolio and plan under the Missouri Energy Efficiency Investment Act (MEEIA) and the Commission's MEEIA rules for Ameren Missouri's proposed MEEIA Cycle 3 plan (MEEIA 2019-21). On August 5, 2020, the Commission approved an agreement extending MEEIA 2019-21 through plan year (PY) 2022, with the addition of a new Pay as You Save® (PAYS®) program during PY 2022. On October 27, 2021, the Commission approved another agreement modifying the MEEIA 2019-21 and extending the plan's effective date through December 31, 2023 (PY 2023 Stipulation).

On March 9, 2023, Ameren Missouri, the Staff of the Commission, and the Office of the Public Counsel (collectively referred to as "Signatories") filed an *Amendment to the*

*Non-Unanimous Stipulation and Agreement Regarding the Implementation of Certain MEEIA Programs Through Plan Year 2023 (Amended PY 2023 Stipulation).*¹ The Amended PY 2023 Stipulation states that the Signatories agree that Ameren Missouri should be allowed to extend the maximum number of demand side events from ten to fifteen. The Signatories agreed that the ability to call fifteen demand side events will allow Ameren Missouri more flexibility to use demand side resources and also create system availability in response to a system emergency called by the Midcontinent Independent Transmission Operator (MISO). The Signatories also agreed to specific amended terms and conditions to Section 8, Portfolio, titled Residential Demand Response, of the PY 2023 Stipulation.

Contemporaneously with the Amended PY 2023 Stipulation, Ameren Missouri filed a revised tariff sheet, Tracking No. JE-2023-0172, designed to implement the requested changes effective April 8, 2023.

Commission Rule 20 CSR 4240-2.115(2) provides that parties that are not signatories to a non-unanimous stipulation and agreement have seven days in which to object to that agreement. If no party files a timely objection to a non-unanimous stipulation and agreement, the Commission may treat it as a unanimous stipulation and agreement. The time for objections to the Amended PY 2023 Stipulation has passed and none were filed. Therefore, the Commission treats this agreement as unanimous.

After reviewing the unopposed Amended PY 2023 Stipulation, the Commission finds that it is a reasonable amendment of Ameren Missouri's MEEIA programs through

¹ Although it did not sign the Agreement, the Signatories stated that Renew Missouri Advocates, d/b/a Renew Missouri, indicated it did not object to the Amended PY 2023 Agreement.

plan year 2023 and should be approved. The Commission will also approve the tariff sheet to become effective on April 8, 2023.

So that Ameren Missouri may proceed with the implementation of the terms of the Amended PY 2023 Stipulation on the proposed tariff sheet effective date, the Commission finds it reasonable to make this order effective in less than thirty days.

THE COMMISSION ORDERS THAT:

1. The Amended PY 2023 Stipulation filed on March 9, 2023, is approved. The Signatories are ordered to comply with the terms of the Amended PY 2023 Stipulation. A copy of the Agreement is attached to this order.

2. Revised tariff sheet, Tracking No. JE-2023-0172, is approved to become effective on April 8, 2023. The tariff sheet approved is:

Mo.P.S.C. Schedule No. 6
1st Revised Sheet No. 249.1, canceling Original Sheet No. 249.1

3. This order shall be effective on April 8, 2023.



BY THE COMMISSION

A handwritten signature in black ink that reads "Nancy Dippell".

Nancy Dippell
Secretary

Rupp, Chm., Coleman, Holsman, and
Kolkmeier CC., concur.

Dippell, Chief Regulatory Law Judge

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

In the Matter of Union Electric Company d/b/a)
Ameren Missouri's 3rd Filing to Implement) File No. EO-2018-0211
Regulatory Changes in Furtherance of Energy)
Efficiency as Allowed by MEEIA.)

**AMENDMENT TO THE NON-UNANIMOUS STIPULATION AND AGREEMENT
REGARDING THE IMPLEMENTATION OF CERTAIN MEEIA PROGRAMS
THROUGH PLAN YEAR 2023**

COME NOW Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri" or the "Company"), Staff of the Missouri Public Service Commission ("Staff"), and the Office of the Public Counsel ("OPC"), (collectively referred to as "Signatories"), and submit this *Amendment to the Non-Unanimous Stipulation and Agreement Regarding the Implementation of Certain MEEIA Programs through Plan Year 2023* ("*Amended Stipulation PY 2023*")¹ for approval by the Missouri Public Service Commission ("Commission").

In support of this *Amended Stipulation PY 2023*, the Signatories respectfully state as follows:

BACKGROUND

1. The Commission issued an Order on October 27, 2021, approving the Stipulation and Agreement Regarding MEEIA Plan Year 2023 ("Stipulation PY 2023"). Since the Commission's approval of the Stipulation PY 23, Ameren Missouri has re-evaluated the benefits of its demand side program and determined it beneficial to extend the maximum number of events from ten to fifteen. The ability to call fifteen demand side events will allow the Company more

¹ Renew Missouri Advocates d/b/a Renew Missouri has indicated that while it is not a Signatory to the *Amended Stipulation PY23*, Renew Missouri does not oppose its approval.

flexibility to use more demand side resources and also create system availability in response to a system emergency called by the Midcontinent Independent Transmission Operator ("MISO"). To accommodate the change, Ameren Missouri is also filing an amended tariff sheet to allow fifteen demand side events contemporaneously with this filing.

2. The Signatories agree that Ameren Missouri should be allowed to extend the maximum number of demand side events from ten to fifteen. In light of the foregoing, the Signatories to this Amended *Stipulation PY 2023* agree to the following amendments to Section 8 of the portfolio section of the *Stipulation PY 2023's* terms and conditions.

AMENDED TERMS AND CONDITIONS

3. The Signatories agree to delete the portion of Section 8, Portfolio, entitled "*Residential Demand Response*," of *Stipulation PY 2023*, and replace with the following:

- *Residential Demand Response:*
- Ameren Missouri will conduct a maximum of 15 residential demand response events.
 - No more than 10 events will qualify for the Earnings Opportunity Performance Bonus.
 - No more than 5 test events will be included for the Earnings Opportunity Performance Bonus, unless additional test events above the first five test events are specifically called for:
 - Locational demand purposes; or
 - Off-peak capability, such as during a winter peaking period
 - The Company may or may not be able to call the remaining non-test events to hit the performance cap, depending on actual system resource conditions and needs.

GENERAL PROVISIONS

4. This *Amended Stipulation PY 2023* is being entered into solely for the purpose of settling the issues specifically set forth above and represents a settlement on a mutually agreeable outcome without resolution of specific issues of law or fact. This *Amended Stipulation PY 2023* is intended to relate *only* to the specific matter referred to herein; no Signatory waives any claim or right which it may otherwise have with respect to any matter not expressly provided for herein. No party will be deemed to have approved, accepted, agreed, consented, or acquiesced to any substantive or procedural principle, treatment, calculation, or other determinative issue underlying the provisions of this *Amended Stipulation PY 2023*. Except as specifically provided herein, no Signatory shall be prejudiced or bound in any manner by the terms of this *Amended Stipulation PY 2023* in any other proceeding, regardless of whether this *Amended Stipulation PY 2023* is approved.

5. This *Amended Stipulation PY 2023* has resulted from negotiation, and the terms hereof are interdependent. If the Commission does not approve this *Amended Stipulation PY 2023*, approves it with modifications or conditions to which a party objects, or issues an order in another Commission case that negates its approval or conditions or modifies the *Amended Stipulation PY 2023* in a manner to which any party objects, then this *Amended Stipulation PY 2023* shall be null and void, and no Signatory shall be bound by any of its provisions.

6. If the Commission does not approve this *Amended Stipulation PY 2023* unconditionally and without modification, and notwithstanding its provision that it shall become void, neither this *Amended Stipulation PY 2023*, nor any matters associated with its consideration by the Commission, shall be considered or argued to be a waiver of the rights that any Signatory has for a decision in accordance with Section 536.080 RSMo 2016 or Article V, Section 18 of the

Missouri Constitution, and the Signatories shall retain all procedural and due process rights as fully as though this *Amended Stipulation PY 2023* had not been presented for approval, any suggestions or memoranda, testimony or exhibits that have been offered or received in support of this *Amended Stipulation PY 2023*, shall become privileged as reflecting the substantive content of settlement discussions and shall be stricken from and not be considered as part of the administrative or evidentiary record before the Commission for any further purpose whatsoever.

7. If the Commission unconditionally accepts the specific terms of this *Amended Stipulation PY 2023* without modification, the Signatories waive, with respect only to the issues resolved herein: their respective rights (1) to call, examine and cross-examine witnesses pursuant to Section 536.070(2), RSMo 2016; (2) their respective rights to present oral argument and/or written briefs pursuant to Section 536.080.1, RSMo 2016; (3) their respective rights to seek rehearing pursuant to Section 386.500, RSMo 2016; and (4) their respective rights to judicial review pursuant to Section 386.510, RSMo 2019 Supp. These waivers apply only to a Commission order respecting this *Amended Stipulation PY 2023* issued in this above-captioned proceeding, and do not apply to any matters raised in any prior or subsequent Commission proceeding, or any matters not explicitly addressed by this *Amended Stipulation PY 2023*.

8. This *Amended Stipulation PY 2023* contains the entire agreement of the Signatories concerning the issues addressed herein.

9. This *Amended Stipulation PY 2023* does not constitute a contract with the Commission and is not intended to impinge upon any Commission claim, right, or argument by virtue of the *Amended Stipulation PY 2023's* approval. Acceptance of this *Amended Stipulation PY 2023* by the Commission shall not be deemed as constituting an agreement on the part of the Commission to forego the use of any discovery, investigative or other power which the

Commission presently has or as an acquiescence of any underlying issue. Thus, nothing in this *Amended Stipulation PY 2023* is intended to impinge or restrict in any manner the exercise by the Commission of any statutory right, including the right to access information, or any statutory obligation.

10. The Signatories agree that this *Amended Stipulation PY 2023*, except as specifically noted herein, resolves all issues related to these topics, and that the agreement should be received into the record without the necessity of any witness taking the stand for examination.

11. The Signatories agree except as expressly amended by the terms of this *Amended Stipulation PY 2023*, the *Stipulation PY 2023* is hereby ratified and confirmed as being in full force and effect.

WHEREFORE, the Signatories respectfully request that the Commission approve Ameren Missouri's *Amended Stipulation PY 2023* as amended herein.

Respectfully submitted,

/s/ Jennifer S. Moore

Jennifer S. Moore

Senior Corporate Counsel

Missouri Bar No. 75056

Ameren Missouri

1901 Chouteau

PO Box 66149, MC 1310

St. Louis, MO 63166-6149

(314) 564-7231 (phone)

(314) 554-4014 (fax)

AmerenMOService@ameren.com

**For UNION ELECTRIC COMPANY
D/B/A AMEREN MISSOURI**

/s/ Nicole Mers

Nicole Mers

Deputy Counsel

Missouri Bar No. 66766

Travis Pringle

Missouri Bar No. 71128

Staff Counsel Division

PO Box 360

Jefferson City, MO 65102

Phone: 573-751-6651

Nicole.Mers@psc.mo.gov

**For STAFF OF THE MISSOURI
PUBLIC SERVICE COMMISSION**

/s/ Marc Poston

Marc Poston

Missouri Bar No. 45722

Office of the Public Counsel

200 Madison St, P.O. Box 2230

Jefferson City, MO 65102

(573)751-4857

Marc.Poston@opc.mo.gov

**For THE OFFICE OF THE PUBLIC
COUNSEL**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served on all parties of record via electronic mail (e-mail) on this 9th day of March, 2023.

/s/ Jennifer S. Moore

Jennifer S. Moore

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 29th day of March, 2023.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

March 29, 2023

File/Case No. EO-2018-0211

Missouri Public Service Commission
Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Office of the Public Counsel
Marc Poston
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opcservice@opc.mo.gov

Consumers Council of Missouri
John B Coffman
871 Tuxedo Blvd.
St. Louis, MO 63119-2044
john@johncoffman.net

Evergy Missouri Metro
Robert Hack
1200 Main, 19th Floor
P.O. Box 418679
Kansas City, MO 64141-9679

Evergy Missouri Metro
Roger W Steiner
1200 Main Street, 16th Floor
P.O. Box 418679
Kansas City, MO 64105-9679
roger.steiner@evergy.com

Evergy Missouri West
Robert Hack
1200 Main, 19th Floor
P.O. Box 418679
Kansas City, MO 64141-9679

Evergy Missouri West
Roger W Steiner
1200 Main Street, 16th Floor
P.O. Box 418679
Kansas City, MO 64105-9679
roger.steiner@evergy.com

Midwest Energy Consumers Group
David Woodsmall
1650 Des Peres Road, Suite 303
Des Peres, MO 63131
dwoodsmall@cswwgroup.com

Missouri Division of Energy
Jacob Westen
1101 Riverside Drive
P.O. Box 176
Jefferson City, MO 65102-0176
Jacob.Westen@dnr.mo.gov

Missouri Public Service Commission
Nicole Mers
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
nicole.mers@psc.mo.gov

National Housing Trust
Andrew J Linhares
3115 South Grand Blvd
Suite 600
St. Louis, MO 63118
Andrew@renewmo.org

Natural Resources Defense Council
Ethan Thompson
319 N. Fourth St. Suite 800
St. Louis, MO 63102
ethompson@greatriverslaw.org

Renew Missouri
Alissa Greenwald
P.O. Box 413071
Kansas City, MO 64141
alissa@renewmo.org

Spire
Legal Department
700 Market Street, 6th Floor
St. Louis, MO 63101
matt.aplington@spireenergy.com

Spire
Michael C Pendergast
423 Main Street
St. Charles, MO 63301
mcp2015law@icloud.com

**Tower Grove Neighborhood
Community Development
Corporation**

Andrew J Linhares
3115 South Grand Blvd
Suite 600

St. Louis, MO 63118
Andrew@renewmo.org

Union Electric Company

Eric K Banks
1824 Chouteau Avenue
St. Louis, MO 63103
ericbanks@banksllc.com

Union Electric Company

James B Lowery
9020 S. Barry Road
Columbia, MO 65203
lowery@jblawllc.com

Union Electric Company

Russ Mitten
1630 Des Peres Road, Suite 140
Des Peres, MO 63131
rmitten@cswrgroup.com

Union Electric Company

Jennifer Moore
1901 Chouteau Avenue, Mail
Code 1310
St. Louis, MO 63103
jmoore499a@ameren.com

Union Electric Company

Wendy Tatro
1901 Chouteau Ave
St. Louis, MO 63103-6149
AmerenMOService@ameren.com

Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



***Nancy Dippell
Secretary***

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