

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

Missouri Coalition for Fair Competition)	
)	
and)	
)	
Corey Malone,)	
)	
Complainants,)	
v.)	File No. EC-2023-0037
)	
Union Electric Company d/b/a)	
Ameren Missouri,)	
)	
Respondent.)	

DIRECT TESTIMONY OF DAVE SIR

STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

COMES NOW Dave Sir, who being of lawful age and first duly sworn upon his oath, states:

1. My name is Dave Sir. I am over 21 years of age, a citizen and resident of St. Louis County, Missouri.

2. I am the owner and operator of Absolute Comfort Systems, LLC, a Missouri limited liability company in good standing. The company sells and services heating, ventilation, and air conditioning (HVAC) equipment in the St. Louis metropolitan area.

3. The company was founded in 1985, and I purchased it in 2000. Prior to the purchase I had worked in the wholesale HVAC industry but purchased the company to enter into residential service and replacement installation. Originally the company was

known as Rogers Comfort Systems in St. Charles County was a subcontractor, specializing in new construction HVAC installation. After my purchase, the company expanded, forming Absolute Comfort Systems, LLC, and expanded into service and equipment replacement.

4. The company currently employs four individuals, all of whom are citizens and residents of the St. Louis metropolitan area. The company owns ten vehicles for use in its operations. The company pays property taxes on its buildings and vehicles, pays and collects sales taxes as required by law, and pays employee and income taxes to the state and federal governments.

5. I am also the treasurer of the Missouri Coalition for Fair Competition (MCFFC), a political action committee that represents the concerns of its members who are individuals and businesses in the heating, ventilation, and air conditioning industry.

6. The MCFFC was instrumental in the passage of the “Fair Competition Law” in 1998, and its 2003 amendments, codified at §§ 386.754-.764 RSMo. The Fair Competition Law states that a utility may not engage in HVAC services, using subsidized dollars to compete with small businesses.

7. This is not the first conflict between the parties. In 1999 the MCFFC filed a complaint against respondent, then known as Ameren UE, for violating what was then known as the HVAC Act, after it engaged in advertising for an appliance repair plan. Pursuant to the parties’ agreement, the PSC determined that respondent had violated the law and that it would stop and not repeat the offending conduct. *MCFFC v Ameren US*, 8 Mo. P.S.C.3d 234 (1999) (available at:

<https://psc.mo.gov/CMSInternetData/ON/Reports/PSC%20Reports%20Vol%2008%20MISC%203d%20Dec%201,%201998%20-%20Jan%2031,%202000.pdf>

8. My company has been involved in rebate and other consumer marketing programs with Ameren Missouri for many years.

9. From approximately 2010-2014 I was involved in a Check Me program that required meeting qualification standards, purchase of special tools and equipment, training, and competency testing. Those programs paid much higher rebates than are currently available.

10. The current programs began shortly thereafter. The application process is much less rigorous, collected online, and requires training in the accurate completion of on-line forms.

11. During all of the years I have worked with Ameren Missouri they have never offered Ameren Shirts or ID badges to me or my employees.

12. Despite my decades of work in the industry and participation in Ameren Missouri programs, I was completely unaware of the Pay As You Save Program. I only learned of it because of my participation in the MCFFC.

13. Notwithstanding my decades of work in the industry and participation in Ameren Missouri programs, and even with my active participation in the MCFFC, I was completely unaware of the orientation meetings last Fall regarding the Pay As You Save Program.

14. My primary contact with Ameren Missouri's various rebate programs, through their third party administrators, told me when I inquired about participation in the Pay As

You Save program, that he did not administer it and that he thought the program was administered unfairly.

15. This affidavit is offered as my direct testimony in this case. It is not intended to communicate every fact that I know about this matter.

FURTHER AFFIANT SAYETH NAUGHT.

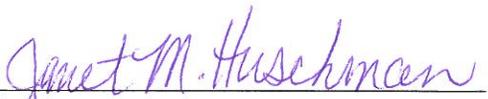


Dave Sir

On this 7th day of May, 2024, before me, the undersigned notary, personally appeared Dave Sir, proved to me through identification documents, which were driver's license, and signed this document in my presence and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of (his)(her) knowledge and belief.

(seal)

JANET M. HIRSCHMAN Notary Public - Notary Seal State of Missouri Commissioned for Cole County My Commission Expires: December 08, 2025 Commission Number: 13905854



Notary Public