

Exhibit No.:
Issue(s): MEEIA
Witness: Shelly R. Harmon
Type of Exhibit: Rebuttal Testimony
Sponsoring Party: Union Electric Company
File No.: EC-2023-0037
Date Testimony Prepared: June 5, 2024

MISSOURI PUBLIC SERVICE COMMISSION

FILE NO. EC-2023-0037

REBUTTAL TESTIMONY

OF

SHELLY R. HARMON

ON

BEHALF OF

UNION ELECTRIC COMPANY

D/B/A AMEREN MISSOURI

**St. Louis, Missouri
June, 2024**

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REBUTTAL TESTIMONY

OF

SHELLY R. HARMON

FILE NO. EC-2023-0037

I. INTRODUCTION

1

Q. Please state your name and business address.

2

3 A. My name is Shelly R. Harmon. My business address is One Ameren Plaza,
4 1901 Chouteau Ave., St. Louis, Missouri.

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4

Q. By whom are you employed and what is your position?

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6 A. I am employed by Ameren Missouri as Manager for Missouri Energy
7 Efficiency & Renewables.

6

7

**Q. Please describe your educational background and employment
9 experience.**

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9

10 A. In 2002, I graduated from Webster University with a masters in business
11 administration and subsequently earned a certification with the Project Management
12 Institute in project management and program management. I've served in various positions
13 within Ameren Missouri in my 30-year tenure. Most notably a supervisor in the customer
14 contact center leading a team of customer service representatives for 8 years. I transferred
15 to the energy efficiency team in 2008 leading the business programs as a program
16 supervisor then moved to a manager's role leading the residential energy efficiency
17 programs in 2016. In 2022, my responsibilities were expanded to include the income
18 eligible programs.

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1 **Q. What are your responsibilities in your current position?**

2 A. I manage a team of program supervisors and support staff for the portfolio
3 of residential energy efficiency, residential demand response programs, and income
4 eligible programs. This includes negotiating and executing on implementation contracts
5 to administer the programs.

6 **Q. What is the purpose of your testimony?**

7 A. The purpose of my testimony is to respond to the allegations raised in the direct
8 testimony of Mike Keeven, Corey Malone and Dave Sir. I also provide an overview of Ameren
9 Missouri's residential, and income eligible energy efficiency programs approved by the
10 Missouri Public Service Commission under the Missouri Energy Efficiency Investment Act
11 ("MEEIA"). I explain how the MEEIA programs are implemented by third parties and how the
12 Company recovers and accounts for revenues to implement the MEEIA programs.

13 **Q. Are you including any schedules with your testimony?**

14 A. Yes, I am including the following schedules:

- 15 • Schedule SRH-R1 – Ameren Missouri's electric tariff for Missouri
16 Energy Efficiency Investment Act ("MEEIA") programs approved in File
17 No. 2018-0211.
- 18 • Schedule SRH-R2 – Company response to MPSC DR 009.1.
- 19 • Schedule SRH-R3 – Company Response to MPSC 0008 CONF.
- 20 • Schedule SRH-R4 – Company Response to MPSC 0009 CONF.

21 **Q. Please summarize the Complainants' testimony.**

22 A. The Complainants allege Ameren Missouri violated the provisions of the
23 Fair Competition law. Specifically, the allegations appear to claim Ameren Missouri's

1 energy efficiency programs violate the law. My testimony addresses why these allegations
2 are unfounded.

3 II. MEEIA Programs

4 **Q. Does Ameren Missouri implement energy efficiency programs approved**
5 **by Missouri Public Service Commission?**

6 A. Yes, the Missouri Public Service Commission ("Commission") approved
7 Ameren Missouri's energy efficiency programs under MEEIA in File No. 2018-0211. The
8 portfolio of programs is generally referred to as Ameren Missouri's MEEIA programs and
9 offered consistent with Company's MEEIA tariff. *See* Union Electric Company, Electric
10 Service, MOP.S.C. Schedule 6, 1st Revised Sheet No. 242 *et. seq* in Schedule SRH-R1. The
11 Complainants appear to refer to three programs offered by Ameren Missouri under its tariffs:
12 (i) the PAYs program or residential Pay as you Save Program;¹ (ii) the CommunitySavers®
13 Program;² and (iii) the residential HVAC Program.³

14 **Q. How are Ameren Missouri's MEEIA programs funded?**

15 A. Ameren Missouri is allowed to recover costs for its MEEIA programs under
16 Rider Energy Efficiency Investment Charge ("EEIC") in the Company's electric tariff. *See* 2nd
17 Revised Sheet No. 91 in Schedule SRH-R1. Rider EEIC cost recoveries are tracked through
18 FERC account 908 with an internal minor account of EED.

¹ Please see Ameren Missouri Electric Tariff 3rd Revised Sheet No. 245.

² *Id.* at Original Sheet No. 242.1.

³ *Id.* at Original Sheet No. 237.

1 **Q. Mr. Malone provides Exhibits 1 and 2 in his testimony. Was Ameren able**
2 **to obtain a copy of the original correspondence from Resource Innovations?**

3 A. Yes, Mr. Malone's exhibit does not give any dates or times that is normally
4 contained in a copy of the original e-mail. I attached the full correspondence as Schedule SRH-
5 R2 to my testimony, which is the Company response to MPSC data request 0009.1. I included
6 the correspondence because it is important to understand the timing of the communication and
7 which program relates to the correspondence. The correspondence was in December of 2019
8 and relates to the CommunitySavers® program.

9 **Q. Please explain the CommunitySavers® program.**

10 A. The CommunitySavers® program targets low-income customers based on pre-
11 defined criteria and provides direct installation of energy saving measures to save customers
12 energy. The program targets two property types; multifamily and single family. The multifamily
13 program serves properties of three (3) or more connected dwelling units while the single-family
14 program serves single family homes, duplexes, or mobile homes. The multifamily program
15 works with property owners and managers to execute on energy savings projects, while the
16 single-family program uses a neighborhood approach to identify income-eligible areas with the
17 greatest need in order to have the highest impact and deliver the programs in the most cost-
18 effective manner.

19 The Single-Family programs offer no-cost energy-saving products, energy assessments
20 and upgrades available to qualifying single family homeowners. Multifamily property
21 managers receive incentives to offset the cost to make comprehensive energy efficiency
22 upgrades to its property.

1 **Q. When did the Company begin to offer the CommunitySavers® program and**
2 **how was the vendor chosen?**

3 A. The CommunitySavers® program launched in 2013 as part of the MEEIA 2
4 filing and stipulation and agreement. The parties in the MEEIA 2 docket entered into a
5 stipulation and agreement to begin the CommunitySavers® program.⁴ The program at that point
6 served multifamily housing. The program was extended to single-family homes in 2019 as a
7 result of collaboration with stakeholders and included as part of the MEEIA 2019-2021 filing
8 and the stipulation and agreement reached in EO-2018-0211.

9 Ameren Missouri contracts with program implementors to administer the program. For
10 both programs, the administrator for the portfolio of energy efficiency programs was chosen by
11 Ameren Missouri through a request for proposal (" RFP") process. Franklin Energy⁵ was chosen
12 to administer the portfolio of energy efficiency programs in 2019. Franklin Energy hired
13 Resource Innovations as the program administrator for the CommunitySavers® program. The
14 program administrator delivers the programs through implementation contractors.

15 **Q. Does Ameren Missouri perform the analysis or initial program visit and**
16 **assessment under the CommunitySavers® program?**

17 A. No, these duties are performed by the implementation contractor.

⁴ EO-2015-0055, Order Approving Non-Unanimous Stipulation and Agreement, Effective March 1, 2016, Paragraph 9.a., p. 9-10 of attached Non-Unanimous Stipulation and Agreement.

⁵ During the pendency of this case, Ameren Missouri conducted another RFP and the program administrator is now ICF.

1 **Q. Does Resource Innovations, as the implementation contractor, perform the**
2 **analysis or initial program visit and assessment under the CommunitySavers® program?**

3 A. Yes. Resource Innovations hires staff to perform the energy assessment. Once
4 the assessment is complete and the upgrades are determined, contractors are hired to install
5 energy efficiency measures and/or upgraded HVAC systems.

6 **Q. If HVAC upgrades are needed, who performs the upgrades?**

7 A. Speaking specifically about HVAC contractors; the multifamily income eligible
8 program is an open network. A qualified HVAC contractor can perform the work. If a customer
9 chooses to have HVAC work performed under the program, the customer chooses the
10 contractor.

11 The single-family Income-Eligible is a closed-network for contractors. Resource
12 Innovations reached out to a few contractors to complete the scope of work identified by the
13 program and the allocated budget. Resource Innovations employed a closed network approach
14 for the single-family program since the target areas are limited for the projects planned. Refer
15 to email from Nicole Sage from Resource Innovations in response to Corey Malone's inquiry.
16 *See MPSC 0009.1, attached as Schedule SRH-R2.*

17 **Q. How does Ameren Missouri communicate to qualified HVAC companies**
18 **about participating in the multifamily sector of the CommunitySavers® program?**

19 A. For the CommunitySavers® program for multi-family projects, Ameren
20 Missouri communicates with qualified HVAC companies in the current business and residential
21 HVAC network program through our website.

1 **Q. Mr. Malone provides Exhibit 3. Does that exhibit include information**
2 **about a MEEIA program approved by the Commission?**

3 A. Yes, Mr. Malone provides a question and answer from the residential HVAC
4 program.

5 **Q. Please explain the residential HVAC program and who can become a**
6 **participating contractor.**

7 A. The HVAC program offers rebates for customers who install high efficiency
8 HVAC equipment. A HVAC company can become a participating contractor in the program if
9 they complete the program requirements.

10 **Q. How does Ameren Missouri communicate to HVAC companies about**
11 **participating in the HVAC program?**

12 A. Ameren Missouri, or its program implementors, communicates to HVAC
13 companies through different channels. The goal is to reach as many HVAC companies as
14 possible. One channel includes Ameren Missouri's energy efficiency website. Program
15 seminars are also conducted throughout the Ameren Missouri service territory. Ameren
16 Missouri obtains lists of HVAC companies through manufacturers and distributors. From that
17 list, direct mailings are made, and Ameren targets HVAC companies in the area where the
18 program seminar will be conducted.

19 **Q. Is Mr. Malone's company, Air Comfort Services a participating contractor**
20 **for the HVAC program?**

1 A. Yes, additionally, Mr. Mike Keeven and Mr. Dave Sir admit they are
2 participating contractors for the HVAC program.⁶ See also Schedule SRH-R4 – Company
3 Response to MPSC 0009 CONF.

4 **Q. How does an HVAC company such as Mr. Malone's become a**
5 **participating contractor?**

6 A. A HVAC company will go through training and after training is complete, the
7 HVAC company will sign a participation agreement and agree that they will follow program
8 rules.

9 **Q. Mr. Sir states his primary contact with Ameren Missouri is a third-party**
10 **administrator.⁷ Is it typical for a contractor to communicate with the third-party**
11 **administrator under the Residential HVAC program?**

12 A. Yes, as I described above, some programs like the Residential HVAC program
13 use third party administrators. Mr. Sir does not mention who he spoke with or provide any
14 further information about the conversation. Without further details, I cannot speculate as to
15 whether opinions were given regarding how this program administrator commented about
16 another program it did not manage.

17 **Q. Mr. Keeven, Mr. Malone, and Mr. Sir refer to Ameren Missouri's PAYS**
18 **program. Is that a MEEIA program approved by the Commission?**

19 A. Yes, Ameren Missouri offers a PAYS program for both its gas and electric
20 customers. For electric customers, the PAYS program is offered through the approved MEEIA

⁶ File No. EC-2023-0037, Keeven Direct Testimony, p. 4, ll.4-6; File No. EC-2023-0037, Dave Sir Direct Testimony, p. 4, ll.5-7.

⁷ File No. EC-2023-0037, Dave Sir Direct Testimony, p. 5, ll.7-12.

1 program. For natural gas customers, the PAYS program is offered as part of the natural gas rates
2 and not through MEEIA.

3 **Q. Please describe the PAYS program.**

4 A. The PAYS program encourages energy efficient equipment upgrades by reducing
5 or eliminating the up-front cost for Ameren Missouri customers to install energy efficient
6 measures in their homes. The PAYS program allows customer to install these measures and
7 then pay for the measures through a monthly charge on the bill for the metered account. Ameren
8 Missouri customers who enroll in PAYS receive an energy assessment, after which a report that
9 identifies energy savings upgrades to help customers save energy is provided to the customer.
10 The program implementer staff of EEtility performs the assessment, and if the customer elects
11 to have the work done, then the work identified in the report is contracted out to the customer's
12 choice of PAYS participating contractor, as explained further below. The cost of the upgrades
13 is financed through the PAYS program and recovered through a monthly charge on the
14 customer's bill. While the cost to administer the program is recovered under Rider EEIC.

15 **Q. When did the Company start offering the PAYS program?**

16 A. As part of a stipulation and settlement agreement to extend the MEEIA 3
17 programs until 2022, the Company agreed to implement the PAYS program in 2021.⁸

18 **Q. How did Ameren Missouri select the program implementor?**

19 A. Ameren Missouri chose the implementation vendor, EEtility, for the PAYS
20 program through an RFP process. EEtility employees perform the energy assessments and

⁸ EO-2018-0211, Order Approving Unanimous Stipulation and Agreement Regarding the Implementation of Certain MEEIA Programs through Plan Year 2022, issued August 5, 2020, Stipulation and Settlement Agreement at page 5.

1 EEtility contracts with Weatherization and/or HVAC contractors who will agree to the
2 terms and conditions of the PAYS program.

3 **Q. Why is standard pricing for energy services important for the PAYS**
4 **program?**

5 A. It's important for EEtility to know what Ameren PAYS participating
6 contractors standard pricing is so that when Ameren customers select "lowest price" during
7 their enrollment process, EEtility can determine which PAYS participating contractor has
8 the lowest price for the most cost-effective specific upgrade that EEtility is recommending
9 in the report.

10 **Q. How are the installation contractors chosen for the PAYS program?**

11 A. The implementation vendor; EEtility, will occasionally hold group orientations for
12 contractors to learn about the PAYS program and more specifically, participating
13 contractor requirements. If not by way of attending an orientation, interested contractors
14 can contact EEtility directly and ask for more information about the program. After
15 attending the orientation or speaking with EEtility, if contractors are still interested in
16 participating in the program, contractors must then provide or complete the required
17 paperwork EEtility provides them to become a PAYS participating contractor. Contractor
18 provided pricing for each potential upgrade is an important part of the design of the
19 program. The financed costs of the upgrades for the program must be no more than 80%
20 of the estimated bill savings over the term of the PAYS tariff charge, which is capped at
21 12 years. Although customers can pay a co-pay for the amount that exceeds the 80%
22 threshold over the 12-year payback period, we see that higher co-pays are a critical barrier
23 for customers to be able to have upgrades installed through Ameren PAYS. Knowing

1 PAYS participating contractors standard pricing for each upgrade service/equipment spec
2 they wish to provide through the program is obviously a critical component for EEtility to
3 determine who amongst the participating contractors will get the work when the Ameren
4 PAYS enrollee prefers “lowest price.”

5 **Q. Mr. Sir describes a PAYS meeting in St. Louis that happened in the Fall.⁹**
6 **Is this part of the program outreach to let contractors know about the program?**

7 A. Yes, Mr. Sir, Mr. Keeven, and Mr. Malone discuss the meeting that was held in
8 St. Louis regarding the PAYS program. Outreach events or program orientations are conducted
9 to let contractors know about the energy efficiency programs. As I mentioned above, Ameren
10 Missouri uses various communication channels to let the contractors know about program
11 events.

12 **Q. Mr. Malone provided an Exhibit 4 to his testimony. What does the exhibit**
13 **show?**

14 A. The exhibit shows an Ameren Missouri PAYS assessment report and is dated
15 February 16, 2022.

16 **Q. Is this assessment report an "estimate for HVAC services" as Mr. Malone**
17 **claims?¹⁰**

18 A. No, the report is not an estimate for HVAC services. The PAYS report shows
19 the most cost-effective energy upgrades for a home, which includes more than HVAC
20 equipment. As noted above, the assessment provides the energy savings and shows the cost that
21 would be financed over the payback period should the customer agree to install the upgrades

⁹ File No EC-2023-0037, Dave Sir Direct Testimony, p. 5, ll.1-6.

¹⁰ File No. EC-2023-0037, Corey Malone Direct Testimony, p. 5, l. 18-19.

1 that would be financed over the payback period should the customer chose to have the
2 recommended upgrades installed through the program.

3 **Q. Is the assessment report consistent with material provided to customers**
4 **under the PAYS program?**

5 A. Yes. This customized report from the assessment is provided to the customer
6 and shows the most cost-effective energy upgrades for their home. Each upgrade shows the
7 energy savings estimations and includes a rebate if applicable. The report also shows the cost
8 that would be financed, any potential co-pay, and the payback period should the customer elect
9 to install the upgrades.

10 **Q. Does Ameren Missouri perform the assessment or initial program visit and**
11 **assessment under the PAYS program?**

12 A. No, as noted above, these duties are performed by the program implementor,
13 EEtility.

14 **Q. Please explain the steps for a customer to participate in the PAYS**
15 **program?**

16 A. A customer can enroll to participate in the PAYS program on Ameren Missouri's
17 website. During this enrollment process, the customer is asked to choose a contractor from
18 a dropdown list of PAYS participating contractors, if a customer does not select a
19 contractor, the "lowest price" is the default setting. An initial home energy assessment or
20 "walk through" is performed and includes installation of some energy savings measure like
21 LED light bulbs. This assessment is performed by the program administrator, EEtility.
22 EEtility's initial assessment determines if the customers home is a good candidate for an
23 in-depth energy assessment which includes a blower-door test, pressure pan test, duct

1 blaster, etc. The in-depth assessment provides EEtility with the home characteristic data
2 they need to perform their analysis for the energy savings and cost report. This report is
3 then provided to the customer to make the decision as to whether they want to move
4 forward with the upgrades and financing, to include what their required co-pay is if there
5 is one (or not). Mr. Malone provided a similar report as his Exhibit 4.

6 **Q. If a customer's home is a good candidate for Ameren Missouri PAYS, how**
7 **does the customer proceed with installing measures after they receive the home energy**
8 **audit report?**

9 A. EEtility goes over the report with the customer and if the customer decides to
10 continue in the program and have the work done, the customer simply let's EEtility know
11 this and then the requisite paperwork is done. Once EEtility receives back the signed
12 agreement from the PAYS participant, they notify the participating contractor that was
13 already either pre-selected by the participant by name during enrollment, or was
14 determined by EEtility staff to be the lowest price option for the specific upgrades in cases
15 where lowest price was selected during enrollment either directly by the enrollee or by way
16 of default if no contractor was selected from the drop down list.

17 **Q. Why does the PAYS program have a select group of contractors?**

18 A. As I mentioned above, the success of the PAYs program depends in large
19 part on lower upfront costs, which often include co-pays or cost shares that participants
20 must pay themselves. Contractors who attend orientations are explained this in great detail
21 and those who follow up with EEtility directly can choose to participate in Ameren PAYS
22 if they agree to the terms of the Program.

1 **Q. Are customers obligated to install the measures recommended in the**
2 **report?**

3 A. No.

4 **Q. Are all the recommended measures HVAC installations in the home**
5 **energy report?**

6 A. No. The home energy report includes recommendations for attic insulation,
7 duct sealing, air sealing, and LED Lighting.

8 **Q. Mr. Keeven also references Exhibit 4. Mr. Keeven claims a HVAC**
9 **contractor he knows was unhappy because he lost the sale.¹¹ How do you respond?**

10 A. Unfortunately, Mr. Keeven did not provide enough information for me to
11 conclude a sale was lost in this case. Mr. Keeven provides anecdotal information about a
12 third party who did not provide testimony in this case. As noted above, the PAYS report
13 is not an estimate. It is a home energy report. By agreeing to have a home energy report,
14 the Ameren Missouri customer is not obligated to install any of the recommended
15 measures. If a customer had an estimate to install an HVAC system, it would be up to the
16 customer to act either on the home energy report or the installation estimate for the HVAC
17 system from a different provider. Exhibit 4 includes other energy efficiency measures than
18 just a new HVAC system. I cannot speculate based on this information what the customer
19 did with this information.

¹¹ File No., Michael Keeven Direct Testimony, p. 4, ll. 11-15.

1 **Q. Who are trained energy advisers under the Ameren Missouri**
2 **CommunitySavers® and PAYS programs and what work do they perform?**

3 A. As noted above, energy advisors through the CommunitySavers® and PAYS
4 programs go to the customer's home to do an assessment of the property to see what cost-
5 effective energy efficient upgrades qualify and perform an analysis to determine energy savings
6 estimates for the program. Those duties are performed by EEtility staff for the PAYS program
7 and Anton's for the CommunitySavers® program, which includes single family and
8 multifamily. The program implementor, Resource Innovations contracted with Anton's to
9 perform this work.

10 **Q. Does Ameren Missouri provide Ameren shirts for HVAC participating**
11 **contractors?**

12 A. No. Ameren Missouri does not provide Ameren Missouri shirts to participating
13 contractors for its Energy Efficiency programs. For the Heating and Cooling Program,
14 participating contractors generally use their company uniforms. If a participating
15 contractor would like to co-brand, those contractors must follow the co-branding process
16 in Schedule SRH-R3, Attachment MPSC 0008.

17 For other programs such as CommunitySavers® Program and PAYS, ICF,¹²
18 Ameren Missouri's program administrator, has an administrative and marketing program
19 budget and provides program IDs and program shirts to program energy advisors for the
20 home energy assessment. Please see Schedule SRH-R3, Attachment MPSC 0008-2 -
21 CONF.

¹² As noted above, Ameren Missouri switched program administrators for the CommunitySavers® Program.

1 **Q. Mr. Malone claim's Anton's is advertising with Ameren Missouri branded**
2 **shirts as shown in his Exhibit 8, is this correct?**

3 A. It is unclear from the Exhibit 8 if there are any Ameren Missouri branded shirts.
4 If there are any Ameren Missouri branded shirts, they should be co-branded with Anton's logo
5 or the CommunitySavers® program logo. However, after reviewing the testimony, my team
6 followed up with the program implementor. It appears there was some confusion and
7 miscommunication over the co-branding rules. We are now working to address the issue and
8 ensure compliance.

9 **Q. Does Ameren Missouri provide Ameren Missouri branded shirts to**
10 **contractors for the PAYS or CommunitySavers® Program?**

11 A. No. Ameren Missouri does not provide shirts and badges. The program
12 implementor has an administrative and marketing program budget and is allowed to use part of
13 the budget for program shirts. For a program such as the single family income-eligible program
14 and PAYS, where the contractor goes into the home for program energy assessment work, it's
15 important for customers to know that the energy advisors and subcontractors that are doing
16 work on Ameren Missouri's behalf are contractors representing Ameren Missouri for safety
17 reasons.¹³ Shirts are co-branded and identify the program since it's also important for customers
18 to know that these are contractors and not Ameren Missouri employees.

19 **Q. The Complainants reference the Fair Competition Law. Are you**
20 **familiar with that law?**

21 A. While I am not an attorney, I am familiar with the law the Complainants
22 reference and I am familiar with the complaint that Ameren Missouri is violating the law.

¹³ Ameren Missouri provides this safety tip to prevent scammers; "Never let anyone into your home claiming to be from the utility unless they show proper Ameren badge identification."

1 **Q. Are you aware of any exceptions to the law?**

2 A. Yes, Section 8 provides that "provisions of this section shall not be
3 construed to prohibit a utility from providing any service required by law or providing a
4 program pursuant to an existing tariff, rule or order of the public service commission."¹⁴

5 As I noted above, the Company does not provide HVAC services. Ameren Missouri does,
6 however, provide Commission approved MEEIA programs as outlined in the Company's
7 electric tariff. Ameren Missouri will provide its legal arguments as to why the Company
8 is not in violation of the law in its initial brief.

9 **Q. Does this conclude your rebuttal testimony?**

10 A. Yes, it does.

¹⁴ RSMo. Section 386.756.8.

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

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

AFFIDAVIT OF SHELLY R. HARMON

STATE OF MISSOURI)
) **ss**
CITY OF ST. LOUIS)

Shelly R. Harmon, being first duly sworn states:

My name is Shelly R. Harmon, and on my oath declare that I am of sound mind and lawful age; that I have prepared the foregoing *Rebuttal Testimony*; and further, under the penalty of perjury, that the same is true and correct to the best of my knowledge and belief.

/s/ Shelly R. Harmon
Shelly R. Harmon

Sworn to me this 5th day of June, 2024.