

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

In the Matter of the Application of Union)	
Electric Company d/b/a Ameren Missouri for)	<u>Case No. ET-2021-0020</u>
Approval of Efficient Electrification Program)	Tracking No. JE-2024-0131

INITIAL BRIEF OF STAFF

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through the undersigned counsel, and for its *Initial Brief* respectfully states:

Introduction

On March 28, 2024, Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri”) filed the following tariff sheets to extend its Charge-Ahead Business Solutions pilot program (“Pilot Program”) an additional two years, bearing an effective date of April 27, 2024:

P.S.C. MO. No. 6

1st Revised Sheet No. 164.4 Canceling Original Sheet No. 164.4

2nd Revised Sheet No. 164.5 Canceling 1st Revised Sheet No. 164.5

No testimony was filed explaining or identifying the requested tariff revisions, and only a one-page informational letter accompanied the tariff filing. The letter stated that the proposed changes would extend the Pilot Program an additional two years “due to the extended timeframes that customers need to make conversion decisions and secure the budget to implement.”

The Commission issued its *Order Directing Staff to File Tariff Recommendation and Setting Time for Comments* (“Order”) the following day, March 29, 2024. The Order directed Staff to file a recommendation regarding Ameren’s tariff sheets no later than

April 10, 2024. Staff filed its *Recommendation to Reject Tariff Sheets* (“Recommendation”)¹ on April 10, 2024, and the Commission issued its *Order Suspending Tariff* on April 18, 2024, suspending the tariff sheets through July 26, 2024.

Ameren Missouri filed its *Response to Staff’s Recommendation* (“Response”)² on May 13, 2024, disagreeing with Staff’s Recommendation and arguing for approval of the two-year extension of the Pilot Program.

Argument

A *Unanimous Stipulation and Agreement* (“Stipulation”) was filed in this docket on February 24, 2021, and approved by the Commission on April 9, 2021.³ Page 4, paragraph 11 of the Stipulation outlined the reporting requirements for the Pilot Program, which required Ameren Missouri to file reports at the program term midpoint, and a final report at the end of the Initial Period, with operable workpapers (as applicable).⁴ The reporting requirements included:

- Program information, by type of equipment (TRU,⁵ High Capacity Lift Trucks):
 - Physical address, account number, and account billing schedule, as well as (as applicable) locations of the participating customers' affiliated entities also participating in the incentive program;
 - Incentive paid; and
 - Equipment power levels;

¹ In the *Joint Stipulation of Facts* filed on June 21, 2024, Staff and Ameren Missouri agreed Staff’s *Recommendation to Reject Tariff Sheets* to be Exhibit 1 in this case.

² In the *Joint Stipulation of Facts* filed on June 21, 2024, Staff and Ameren Missouri agreed Ameren Missouri’s *Response to Staff’s Recommendation* to be Exhibit 2 in this case.

³ Exhibit 1, *Recommendation to Reject Tariffs*, pg. 2; see also *Unanimous Stipulation and Agreement*, EFIS item 23 in this docket.

⁴ *Id.*

⁵ Truck Refrigeration Unit.

- Direct load/revenues by location for separately metered program measures;
- Estimated direct load/revenues by location for program measures that are not separately metered, with workpapers;
- Total administrative cost breakdown including a detailed description of advertising and education activities to date; and
- To the extent allowed by the available equipment and associated data, an analysis of any correlation of equipment usage with customer billing demands, system coincident peak loads as well as non-coincident peak loads, including equipment impact on customer loads during peak and off-peak periods.⁶

Ameren filed its midpoint report on December 15, 2022,⁷ but the final report has yet to be filed. As of the date of this filing, though Ameren Missouri has provided a draft final report for Staff's review, no final report has been filed, though the Initial Period ended on May 30, 2024.⁸

At this time, an extension of the Program is inconsistent with Ameren Missouri's pending MEEIA application,⁹ and extending the Pilot Program before Staff has begun, let alone completed, a thorough analysis of the efficacy of the Pilot Program is not in the public interest. The inconsistency with Ameren Missouri's pending MEEIA application was outlined by Ameren Missouri witness Steve Wills, whose testimony earlier in this case stated:

⁶ Exhibit 1, pg. 3; see also *Unanimous Stipulation and Agreement*, EFIS item 23 in this docket

⁷ *Id.*, pg. 3; see also *Ameren Missouri's Notice of Filing Midpoint Report on Its Business Solutions Program*, EFIS item 34 in this docket.

⁸ Exhibit 2, *Response to Staff's Recommendation*, pg. 2, para. 4.

⁹ Exhibit 1, pg. 4; see also Case No. EO-2023-0136,

Business customers that adopt such measures as a result of the [Pilot] Program will consume more electricity than they otherwise would, which will result in charges on their bills for that electricity.¹⁰

The continuation of the Pilot Program, under the reasoning discussed by Mr. Wills in this direct testimony, is inconsistent with Ameren Missouri's pending MEEIA application, and the energy and capacity needs asserted by Ameren Missouri across dockets.¹¹ In addition, a final report has not yet been finalized and filed in EFIS. Staff argues that, since the Commission ordered a Pilot Program with requirements to provide analysis of the efficacy of the program upon its end, it would be against the public interest to extend the Pilot Program before any such analysis takes place.¹² Thus, with the Initial Period having ended on May 30, 2024, Staff does not recommend an extension of the Pilot Program at this time.

WHEREFORE, Staff recommends that the Commission reject the following proposed tariff sheets Ameren Missouri filed on March 28, 2024:

P.S.C. MO. No. 6

1st Revised Sheet No. 164.4 Canceling Original Sheet No. 164.4

2nd Revised Sheet No. 164.5 Canceling 1st Revised Sheet No. 164.5

Respectfully submitted,

/s/ Travis J. Pringle

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¹⁰ *Id.*; see also *Direct Testimony of Steve Wills*, pg. 6, ln. 5-7, EFIS item 3 in this docket.

¹¹ *Id.*

¹² *Id.*

CERTIFICATE OF SERVICE

I certify that copies of the foregoing have been electronically mailed to all parties and/or counsel of record on this 28th day of June, 2024.

/s/ Travis J. Pringle