

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

In the Matter of Union Electric Company)
d/b/a Ameren Missouri’s 4th Filing to)
Implement Regulatory Changes in)
Furtherance of Energy Efficiency as)
Allowed by MEEIA)

Case No. EO-2023-0136

**LIST OF ISSUES, LIST AND ORDER OF WITNESSES,
ORDER OF OPENING STATEMENTS AND
ORDER OF CROSS-EXAMINATION**

The Staff of the Missouri Public Service Commission (“Staff”) submits this list of issues, list and order of witnesses, order of opening statements and order of cross-examination.¹ In preparing this list of issues, the parties attempted to list all contested issues, and attempted to obtain consensus on the descriptions of the issues. Not all parties agree that the issues below are issues to be decided in this case. However, to avoid the need to file multiple lists of issues, the parties have agreed to include all issues in this list, whether agreed to or not.

I. List of Issues

In approving, approving with modifications, or rejecting Ameren Missouri’s MEEIA Cycle 4 Amended Application (consisting of (1) the Report, (2) the portfolio and programs summary, (3) the program templates, (4) the avoided costs, (5) the incentive ranges, (6) the sample evaluation plans, (7) the deemed savings tables, (8) the Technical Resource Manual (“TRM”) (Appendices G, H, and I), (9) the exemplar tariff sheets, (10) the customer Demand Side Investment Mechanism (“DSIM”) explanation,

¹ This filing was sent to all parties via email for discussion. At the time of filing, Staff, the Office of the Public Counsel, and Ameren Missouri had reached agreement on this list. Consumers Council of Missouri and Renew Missouri both indicated agreement with past drafts, but Staff has not heard directly from either regarding this filing. Staff has not heard from Midwest Energy Consumers Group or the Natural Resources Defense Council as to whether this filing is acceptable.

(11) the customer bill examples, (12) the MEEIA 2025-2027 accounting, (13) the earnings opportunity calculator, and (14) the Urban Heat Island)² the Commission must address:

1. **Benefits:** Is Ameren Missouri's demand-side plan, as proposed, expected to provide benefits to all customers in the customer class in which the programs are proposed, regardless of whether the programs are utilized by all customers as required by § 393.1075.4 RSMo.?
 - A. Are the avoided cost assumptions in Ameren's MEEIA Cycle 4 Amended Application reasonable estimations of ratepayer benefits of avoided energy and demand?
 - i. If not, how should avoided costs be determined?
 - B. Does Ameren's Fuel Adjustment Clause ("FAC") affect the distribution of potential benefits projected from its MEEIA Cycle 4 Amended Application?
 - C. Does Ameren Missouri's demand side plan value demand-side investments equal to traditional investments in supply and delivery infrastructure?
 - D. Do the programs in the demand-side plan, and associated incremental energy and demand savings, demonstrate progress toward the goal of achieving all cost-effective demand-side savings?

Witnesses

Matt Michels (Ameren Missouri)
Steve Wills (Ameren Missouri)
Antonio Lozano (Ameren Missouri)
Justin Tevie (Staff)
Sarah Lange (Staff)
Brad Forston (Staff)
J Luebbert (Staff)
Lena Mantle (OPC)
Jordan Seaver (OPC)
Geoff Marke (OPC)

2. **Inflation Reduction Act ("IRA")/Market Dynamics:** Does Ameren's MEEIA Cycle 4 Amended Application sufficiently address the interaction of the IRA and other market dynamics with MEEIA?

² These documents are all filed as docket item 32. References to Ameren's MEEIA Cycle 4 Amended Application should be interpreted as references to all these items.

Witnesses

Antonio Lozano (Ameren Missouri)
Tim Via (Ameren Missouri)
Neil Graser (Ameren Missouri)
Mark Kiesling (Staff)
Geoff Marke (OPC)

3. Administrative Overhead: What should be included as administrative costs?

A. Should there be a cap on administrative costs?

Ameren Alternative Issue: Should the Commission modify the proposed programs to place a cap on administrative costs if the portfolio is determined cost effective?

i. If yes, what should the cap be?

Witnesses

Tim Via (Ameren Missouri)
Geoff Marke (OPC)

4. Earnings Opportunity (“EO”): If the Commission determines that Ameren may implement a MEEIA Cycle 4, should the Commission authorize an Earning Opportunity?

A. In valuing demand side investments equal to supply side investment as required by § 393.1075.3 RSMo.:

- i. Who bears the risk of Ameren not achieving its projected energy targets?
- ii. Is Ameren’s proposed EO (reward) commiserate with the risk it bears?

B. Are any of the proposals regarding the Earnings Opportunity ((1) Ameren’s proposal, (2) Dr. Marke’s proposal in Surrebuttal Testimony, or (3) Ms. Lange’s proposal in Surrebuttal Testimony) consistent with § 393.1075.3(3) RSMo.’s requirement that any earnings opportunity be “associated with cost-effective measurable and verifiable efficiency savings”?

i. If so, and if the Commission determines that Ameren may implement a MEEIA Cycle 4, which, if any, proposal should be used to calculate any earnings opportunity?

Witnesses

Steve Wills (Ameren Missouri)
Matt Michels (Ameren Missouri)
Antonio Lozano (Ameren Missouri)

Brad Fortson (Staff)
J Luebbert (Staff)
Sarah Lange (Staff)
Geoff Marke (OPC)

5. Evaluation, Measurement, and Verification (“EM&V”): If the Commission approves Ameren Missouri’s MEEIA Cycle 4 Amended Plan, should the Commission approve Ameren Missouri’s EM&V plans?

- A. In addressing this question, should the results of the EM&V of Ameren Missouri’s MEEIA Cycle 4 be applied on a prospective or retrospective basis?
- B. Should EM&V consider:
 - i. the rebound effect;
 - ii. interactive effects;
 - iii. the principal/agent issue;
 - iv. the IRA;
 - v. operational inefficiencies;
 - vi. free ridership;
 - vii. spillover;
 - viii. time-based rates; and
 - ix. any other issues.
- C. Should the EM&V be completed by a single independent, Commission-approved consultant with no utility oversight?
- D. Should the TRM and deemed savings tables included in Ameren’s MEEIA Cycle 4 Amended Application be approved, approved with modifications, or rejected?
 - i. Prior to approval, should the Commission require Ameren to submit a TRM and deemed savings table with serviceable links and page-specific citations of the assumptions underlying the TRM and deemed savings table themselves?
 - a. If not prior to approval, when must Ameren submit these items?

Witnesses

Neil Graser (Ameren Missouri)
Mark Kiesling (Staff)
Justin Tevie (Staff)
Francisco Del Pozo (Staff)
Hari Poudel (Staff)
Brad Fortson (Staff)

J Luebbert (Staff)
Geoff Marke (OPC)

- 6. Throughput Disincentive Mechanism:** If Ameren's MEEIA Cycle 4 Amended Application is approved, should it include a Net Throughput Disincentive Mechanism as requested by Ameren Missouri, or a Net Variable Revenue Mechanism as proposed by Staff?
- A. If a Net Throughput Disincentive Mechanism is authorized, what, if any, modifications are necessary to address the changes in circumstances associated with the proliferation of time-based rates and the passage of the federal Inflation Reduction Act ("IRA")?
 - B. If a Net Throughput Disincentive Mechanism is authorized, is the proposed Technical Resource Manual and planned Evaluation, Measurement, and Verification reasonable for its administration?
 - C. Does § 386.266.3 RSMo., which authorizes Plant in Service Accounting ("PISA"), prohibit the Commission from authorizing a Net Throughput Disincentive Mechanism under § 393.1075, RSMo?

Witnesses

Steve Wills (Ameren Missouri)
Antonio Lozano (Ameren Missouri)
Neil Graser (Ameren Missouri)
Hari Poudel (Staff)
J Luebbert (Staff)
Sarah Lange (Staff)
Geoff Marke (OPC)

- 7. Programs:** Should the Commission approve, approve with modifications, or reject Ameren's proposed tariff programs?
- A. In regards to programs, specifically:
 - i. Residential:
 - a. HVAC
 - b. PAYS
 - c. New Construction
 - d. Demand Response
 - o Specifically, should Ameren be allowed to incentivize new thermostats?
 - e. Education/Energy Efficiency ("EE") Kits

- ii. Business:
 - a. Business Lighting
 - b. Demand Response
 - c. Midstream
 - d. Custom/Standard
- iii. Income-Eligible:
 - a. Multi-family
 - b. Single Family
- iv. Pilots/Research and Development

B. If the Commission approves the demand-side program plan, should the Commission adopt or modify the form of Ameren Missouri's DSM programs' exemplar tariff sheets which were attached as Appendix J?

C. Do the DSM programs' exemplar tariff sheets comply with the Commission's Promotional Practices requirements found in 20 CSR 4240-3.150 and 20 CSR 4240-14.030? If not, how do they not comply, and should the Commission grant a variance(s) to the extent they are determined not to comply?

Witnesses

Tim Via (Ameren Missouri)
Antonio Lozano (Ameren Missouri)
Steven Wills (Ameren Missouri)
Jeff Brueggeman (Ameren Missouri)
Jeffrey Huber (Ameren Missouri)
Jordan Hull (Staff)
Marina Stever (Staff)
Amy Eicholz (Staff)
Mark Kiesling (Staff)
J Luebbert (Staff)
Geoff Marke (OPC)

II. Order of Opening Statements

Parties reserve the opportunity for issue-specific mini-openings as each issue is taken up.

Ameren Missouri
Staff
Renew Missouri
NRDC
MECG
Consumers Council
OPC

III. List and Order of Issues

<u>Day</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
<i>Issues to be Addressed</i>	Preliminary Matters & Opening Statements Benefits	IRA/Market Dynamics Administrative Overhead EO	EM&V	Throughput Disincentive Mechanism	Programs

IV. Order of Cross-Examination

Company Witnesses	Staff Witnesses	OPC Witness
Renew Missouri NRDC MECG Consumers Council Staff OPC	OPC MECG Consumers Council Renew Missouri NRDC Company	Staff Consumers Council MECG Renew Missouri NRDC Company
Renew Missouri Witness Company Consumers Council NRDC MECG Staff OPC	NRDC Witness Company Consumers Council Renew Missouri MECG Staff OPC	

WHEREFORE, the Staff respectfully requests that the Commission accept this List of Issues, List and Order of Witnesses, Order of Opening Statements and Order of Cross-Examination.

Respectfully Submitted,

/s/ Travis J. Pringle

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**ATTORNEYS FOR THE STAFF OF THE
MISSOURI PUBLIC SERVICE COMMISSION**

CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing have been mailed, emailed, or hand-delivered to all counsel of record this 10th day of July 2024.

/s/ Travis J. Pringle