

Exhibit No. 2

Exhibit No:
Issue: Violation of Fair Competition Law
Witness: Corey Malone
Type of Exhibit: Reply Testimony
Sponsoring Party: MCFFC and Malone
Case No: EC-2023-0037
Date Testimony Prepared: June 21, 2024

MISSOURI PUBLIC SERVICE COMMISSION

CASE NO: EC-2023-0037

REPLY TESTIMONY

OF

COREY MALONE

ON BEHALF OF THE

MISSOURI COALITION FOR FAIR COMPETITION

AND COREY MALONE.

Jefferson City, Missouri

July 2024

1 **REPLY TESTIMONY**

2 **OF**

3 **COREY MALONE**

4 **Case No: EC-2023-0037**

5 Q: Please remind the Commissioners of your name.

6 A: Corey Malone.

7 Q: And you have previously testified in this matter?

8 A: Yes.

9 Q: Have you read the rebuttal testimony of Shelly R. Harmon in this case?

10 A: I have.

11 Q: Did she appear to be knowledgeable about the programs that caused you and the
12 Missouri Coalition for Fair Competition to file the Complaint in this case?

13 A: Yes. It is very frustrating because she appears to clearly understand the issues that we
14 have been complaining about to Ameren for the last several years. If she had been
15 involved earlier in the process, I am confident that we would have been able to reach
16 resolution of our concerns or, at the very least, substantially narrowed our areas of
17 disagreement. For instance, on page 16, lines 1-8, she clearly repudiates what other
18 Ameren employees have been telling me and MCFFC for years. It appears that we have
19 finally able to get a small but important part of our point across.

20 Q: Are there other examples?

21 A: Yes. On page 6, lines 11-16 of her testimony, Ms. Harmon explains that the single-
22 family Income Eligible program is a closed network for contractors. This is the very type

1 of program that the Fair Competition Law was designed to eliminate, and essentially
2 identical to the program that Ameren abandoned in MCFFC v. Ameren US, described on
3 page 3 of my direct testimony.

4 Q: So, the Complaint you and the MCFFC filed isn't about the program in its broadest
5 sense, but the implementation using only a single (or now a very small group of
6 contractors)?

7 A: Yes, although making it look to consumers like Ameren is handling these projects
8 when it is really a third-party contractor and allowing the Anton's (and perhaps now, the
9 other members of the very small group of select contractors) to impersonate Ameren
10 employees by wearing Ameren shirts and displaying Ameren ID cards is an important
11 part of what I have to call a clear violation of the Fair Competition Law.

12 Q: Ms. Harmon mentions on page 7, lines 13-14 of her testimony, that Ameren's goal is
13 to reach as many HVAC companies as possible. Is that consistent with using a closed
14 network of contractors?

15 A: Absolutely not. Ameren's claim that it is great for the rebate program to have many
16 contractors (including me and the other members of the MCFFC who have testified in
17 this case) makes me question why this is not the policy of all of their funded programs,
18 including their single family-community savors program? Competition drives prices
19 lower. The program targeted to single family, low income homes does not have any
20 competition, therefore prices are not as low as they could be and there is the real
21 possibility of price fixing.

1 Q: Do you and the MCFFC have other concerns about the implementation of the
2 program, as described by Ms. Harmon?

3 A. Clearly Ameren is violating the Fair Competition Law by using funds earned from
4 regulated activities to advertise the program for their select contractor (more recently,
5 contractors) in their billing statements. They conceal who is actually conducting the
6 program. And they exact payment from the customers who choose the program by
7 adding the cost to their bills, again straying into using regulated activities to compete
8 against non-Ameren contractors and financiers.

9 Q: Were you left with any questions about the program after reading Ms. Harmon's
10 testimony?

11 A: "Why Anton's?" is the question whose answer still eludes me and the other members
12 of the MCFFC. Ms. Harmon describes in her testimony, page 13, lines 1-9, what is done,
13 but that is the same work that me and every member of the MCFFC carry on daily. Why
14 is Anton's special? How was Anton's selected? How is Anton's performance audited?
15 Why was Anton's allowed to use Ameren branding for years, despite complaints? And the
16 addition of a few other contractors, even after I have attended the "recruiting" meetings,
17 only deepens the mystery. The big question remains, how does the Commission know
18 that consumers are being treated fairly?

19

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

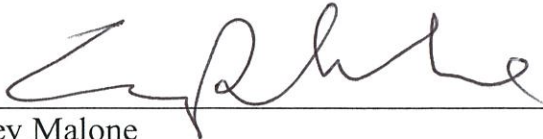
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|--|---|------------------------------|
| Missouri Coalition for Fair Competition |) | |
| |) | |
| and |) | |
| |) | |
| Corey Malone, |) | |
| |) | |
| Complainants, |) | |
| v. |) | File No. EC-2023-0037 |
| |) | |
| Union Electric Company d/b/a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

AFFIDAVIT OF COREY MALONE

STATE OF MISSOURI)
) ss.
COUNTY OF GREENE)

1 COMES NOW Corey Malone, who being of lawful age and first duly sworn upon
2 his oath, states that he participated in the preparation of the foregoing testimony in
3 question and answer form, consisting of 4 pages of testimony to be presented on the
4 above case, that the answers on the attached written testimony were given by him, that he
5 has knowledge of the matters set forth in such answers, and that such matters are true to
6 his best knowledge and belief.

7



Corey Malone

On this 21st day of June, 2024, before me, the undersigned notary, personally appeared Corey Malone, proved to me through identification documents, which were 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 knowledge and belief.



Notary Public

(seal)

