

Exhibit No. 3

MCFFC – Exhibit 3
Michael Keeven Testimony
Direct
File No. EC-2023-0037

Exhibit No:
Issue: Violation of Fair Competition Law
Witness: Michael (Mike) Keeven
Type of Exhibit: Direct Testimony
Sponsoring Party: MCFFC and Malone
Case No: EC-2023-0037
Date Testimony Prepared: May 26, 2024

MISSOURI PUBLIC SERVICE COMMISSION

CASE NO: EC-2023-0037

DIRECT TESTIMONY

OF

MICHAEL (MIKE) KEEVEN

ON BEHALF OF THE

MISSOURI COALITION FOR FAIR COMPETITION

AND COREY MALONE.

Jefferson City, Missouri

July 2024

DIRECT TESTIMONY
OF
MICHAEL (MIKE) KEEVEN
Case No: EC-2023-0037

1 Q: Please tell the Commissioners your name.

2 A: My name is Michael (Mike) Keeven.

3 Q: Where do you live?

4 A: I am a citizen and resident of Franklin County, Missouri.

5 Q: What is your occupation?

6 A: I am the owner and operator of Keeven Heating & Cooling Company, a Missouri
7 corporation in good standing.

8 Q: What does your company do?

9 A: The company sells and services heating, ventilation, and air conditioning (HVAC)
10 equipment in the St. Louis metropolitan area and adjoining counties to the west and
11 south.

12 Q: How long have you been in the business?

13 A: My family has been in the HVAC business for as long as I can remember. The
14 company was founded by my parents in 1984, and I joined it officially after graduating
15 from high school in 1988.

16 Q: Could you describe the company?

17 A: The company currently employs fifteen individuals, all of whom are citizens and
18 residents of the service area. The company owns fifteen vehicles for use in its operations.

1 The company pays property taxes on its buildings and vehicles, pays and collects sales
2 taxes as required by law, and pays employee and income taxes to the state and federal
3 governments.

4 Q: Are you associated with the Missouri Coalition for Fair Competition (MCFFC)?

5 A: I am the secretary of the MCFFC.

6 Q: What does the MCFFC do?

7 A: It is a political action committee that represents the concerns of its members who are
8 individuals and businesses in the heating, ventilation, and air conditioning industry.

9 Q: How long have you been associated with the MCFFC?

10 A: My father was the president of the MCFFC and actively involved in the passage of the
11 "Fair Competition Law" in 1998, and its 2003 amendments, codified at §§ 386.754-.764
12 RSMo.

13 Q: What is the purpose of the Fair Competition Law?

14 A: The Fair Competition Law prohibits utilities from engaging in HVAC services using
15 rate-subsidized dollars to compete with small businesses.

16 Q: To your knowledge, as an officer of the MCFFC, is this the first time an issue has
17 come up under the Fair Competition Law?

18 A: No. This is not the first conflict between the parties. In 1999 the MCFFC filed a
19 complaint against respondent, then known as Ameren UE, for violating what was then
20 known as the HVAC Act, after it engaged in advertising for an appliance repair plan.
21 Pursuant to the parties' agreement, the PSC determined that respondent had violated the
22 law and that it would stop and not repeat the offending conduct. MCFFC v Ameren US,

1 8 Mo. P.S.C.3d 234 (1999) (available at:

2 <https://psc.mo.gov/CMSInternetData/ON/Reports/PSC%20Reports%20Vol%2008%20M>
3 [PSC%203d%20Dec%201.%201998%20-%20Jan%2031.%202000.pdf](https://psc.mo.gov/CMSInternetData/ON/Reports/PSC%20Reports%20Vol%2008%20M))

4 Q: Does your company participate in any Ameren programs?

5 A: My company has been involved in rebate and other consumer marketing programs
6 with Ameren Missouri for many years.

7 Q: Are you familiar with Ameren Missouri's Pay As You Save program?

8 A: I first heard of Ameren Missouri's Pay As You Save program through the current
9 MCFFC president, Corey Malone. I later had a customer ask about it, but when he found
10 out that I was not a participant that ended the matter and I provided service and
11 equipment to him. Later, Allen Eaker, who owns and operates a company that competes
12 with mine, Lakebrink Heating and Air Conditioning, and who is also a member of the
13 MCFFC, sent me an estimate for HVAC services captioned, "Ameren Missouri Pay As
14 You Save Plan." I forwarded Mr. Eaker's e-mail to Mr. Malone. Mr. Eaker was unhappy
15 because he lost the sale as he was not invited to participate in the program.

16 Q: Is Exhibit 4 a copy of that estimate?

17 A: Yes.

18 Q: Who prepared the estimate?

19 A: The estimate, which is on Ameren Missouri letterhead, states that the quote is
20 provided by Anton's Air Conditioning and Heating, another small business in the St.
21 Louis metropolitan area that provides HVAC services.

22 Q: Are you familiar with Exhibit 5?

1 A: Yes.

2 Q: Has Ameren Missouri ever supplied you or your employees with Ameren shirts or ID
3 badges?

4 A: During all of the years I have worked with Ameren Missouri they have never offered
5 Ameren shirts or ID badges to me or my employees.

6 Q: Are you aware that last Fall Ameren Held a meeting regarding the Pay As You Save
7 program?

8 Q: How did you find out about it?

9 A: From an equipment distributor.

10 Q: Did Ameren tell you about it?

11 A: Despite my involvement in other Ameren Missouri programs, neither Ameren
12 Missouri nor its program administrator told me about the meeting.

13 Q: Does this conclude your direct testimony?

14 A: Yes.

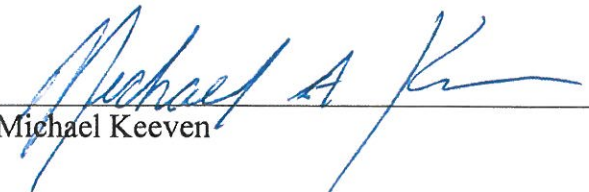
**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

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

AFFIDAVIT OF MICHAEL (MIKE) KEEVEN

STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

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

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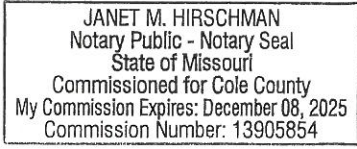
Michael Keeven

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1 On this 28th day of May, 2024, before me, the undersigned notary, personally
2 appeared Michael Keeven, proved to me through identification documents, which were
3 driver's license, and signed this document in my presence and who swore
4 or affirmed to me that the contents of the document are truthful and accurate to the best of
5 (his)(her) knowledge and belief.

6
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8
9

(seal)



Notary Public Janet M. Hirschman