

Exhibit No. 4

Exhibit No:
Issue: Violation of Fair Competition Law
Witness: Dave Sir
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

DAVE SIR

ON BEHALF OF THE

MISSOURI COALITION FOR FAIR COMPETITION

AND COREY MALONE.

Jefferson City, Missouri

July 2024

DIRECT TESTIMONY

OF

DAVE SIR

Case No: EC-2023-0037

1 Q: Please tell the Commissioners your name.

2 A: My name is Dave Sir.

3 Q: Where do you live?

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

5 Q: What is your occupation?

6 A: I am the owner and operator of Absolute Comfort Systems, LLC, a Missouri limited
7 liability company in good standing.

8 Q: What does the company do?

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

11 Q: Could you tell the Commissioners your experience in the industry?

12 A: The company was founded in 1985, and I purchased it in 2000. Prior to the purchase I
13 had worked in the wholesale HVAC industry but purchased the company to enter into
14 residential service and replacement installation. Originally the company was known as
15 Rogers Comfort Systems in St. Charles County was a subcontractor, specializing in new
16 construction HVAC installation. After my purchase, the company expanded, forming
17 Absolute Comfort Systems, LLC, and expanded into service and equipment replacement.

18 Q: Could you tell the Commissioners about your current operations?

1 A: The company currently employs four individuals, all of whom are citizens and
2 residents of the St. Louis metropolitan area. The company owns ten vehicles for use in
3 its operations. The company pays property taxes on its buildings and vehicles, pays and
4 collects sales taxes as required by law, and pays employee and income taxes to the state
5 and federal governments.

6 Q: What involvement do you have with the Missouri Coalition for Fair Competition
7 (MCFFC)?

8 A: I am the treasurer,

9 Q: What is the MCFFC?

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

12 Q: Can you give examples of what the MCFFC has done for its members?

13 A: The MCFFC was instrumental in the passage of the “Fair Competition Law” in 1998,
14 and its 2003 amendments, codified at §§ 386.754-.764 RSMo.

15 Q: What does the Fair Competition Law do?

16 A: The Fair Competition Law states that a utility may not engage in HVAC services,
17 using subsidized dollars to compete with small businesses.

18 Q: Has that happened?

19 A: In 1999 the MCFFC filed a complaint against respondent, then known as Ameren UE,
20 for violating what was then known as the HVAC Act, after it engaged in advertising for
21 an appliance repair plan. Pursuant to the parties’ agreement, the PSC determined that
22 respondent had violated the law and that it would stop and not repeat the offending

1 conduct. MCFFC v Ameren US, 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)). There have also
4 been issues with other utilities.

5 Q: Does your company participate in Ameren Missouri programs?

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

8 Q: Could you tell the Commissioners which ones?

9 A: From approximately 2010-2014 I was involved in a Check Me program that required
10 meeting qualification standards, purchase of special tools and equipment, training, and
11 competency testing. Those programs paid much higher rebates than are currently
12 available. The current programs began shortly thereafter. The application process is
13 much less rigorous, collected online, and requires training in the accurate completion of
14 on-line forms.

15 Q: Did Ameren Missouri ever provide you or your employees with Ameren-branded
16 shirts or ID badges?

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

19 Q: Were you invited to participate in the Pay As You Save program?

20 A: Despite my decades of work in the industry and participation in Ameren Missouri
21 programs, I was completely unaware of the Pay As You Save Program. I only learned of
22 it because of my participation in the MCFFC.

1 Q: Were you or your company invited to participate in last Fall's Pay As You Save
2 meeting in St. Louis?

3 A: Notwithstanding my decades of work in the industry and participation in Ameren
4 Missouri programs, and even with my active participation in the MCFFC, I was
5 completely unaware of the orientation meetings last Fall regarding the Pay As You Save
6 Program.

7 Q: Have you asked anyone from Ameren about participating in the Pay As You Save
8 program?

9 A: My primary contact with Ameren Missouri's various rebate programs, through their
10 third party administrators, told me when I inquired about participation in the Pay As You
11 Save program, that he did not administer it and that he thought the program was
12 administered unfairly.

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.)	

DIRECT TESTIMONY OF DAVE SIR

STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

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

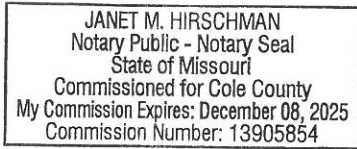


Dave Sir

On this 26 day of May, 2024, before me, the undersigned notary, personally

appeared Dave Sir, proved to me through identification documents, which were driver's 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)(her) knowledge and belief.

(seal)



Notary Public

Janet M. Hirschman